Needs and Moral Necessity

Soran Reader

Routledge Studies in Ethics and Moral Theory

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Needs and Moral Necessity analyses ethics as a practice, explains why we have three moral theory-types, consequentialism, deontology and vitue ethics, and argues for a fourth needs-based theory.

Soran Reader is Reader in Philosophy at Durham University and is editor of *The Philosophy of Need* (Cambridge University Press, 2006).

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For Jasmin and John

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Preface

This book is about a new way of thinking about ethics, which shows up and avoids some of the problems of more familiar ways. It is intended for professional moral philosophers and advanced students. The way it came to be written may be worth recounting. When I began my career in 1993, I had just finished a six-year PhD project, I had two young children, and I had to commute to a distant city to do my job. I was a feminist, angry and frustrated at the difficulties of having to compete as if on a level playing field with men who had no family responsibilities. I was given applied ethics, including feminism, sexual and reproductive ethics, to teach.

At the beginning, I had plans to write a book of feminist philosophy, on the question of the sense in which philosophy might be 'male'. But after a couple of years on the job, that no longer felt possible. Living the reality of a working woman's life under patriarchy, I lost confidence and interest in feminist theory. I complained about sexism wherever I saw it, which was all over the place. I was hurt, and I am still angry that those years were so unnecessarily hard, that women still suffer this, and feel they must either put up with it or leave, as if these are fair terms for access to a philosophical career. They are not.

In 1995, I came up with the main idea for this book, that things matter presumptively, and that their needs make the demands to which ethics is a response, as a way of taking my research away from feminism which now felt too personally painful. But even at the beginning, this was a 'crypto-feminist' project. I chose to work on needy things and the way moral agents must respond to them, because I knew this is something women are trained to do, know all about, and excel at. And I also knew this is something men ignore, deny and devalue, all the while getting women to meet needs for them.

It gave me a certain satisfaction, under the noses of male aficionados of high theory (preferably metaethical), using the theoretical tools they trust, to argue that something they had not noticed was fundamental, and that without paying proper attention to patients and needs, no philosopher however ingenious would ever be able to define ethics or make sense of moral normativity. My feminism was, as they say, sublimated into work on

the concept of need, including its history, its logic, its metaphysics and its role in political philosophy.

Although I am now once again an 'out' feminist, the habit of crypto-feminism has left this book quite sex-neutral. You don't have to be a woman to appreciate the insights, or follow the arguments. Only my examples are patently feminist, in two ways. First, I mix up my sex. Sometimes 'I' is a man, sometimes it is a woman. Second, I use knowledge of human experience that comes from the standpoint of women, to illustrate ethical points. Male readers may find some such examples provocative. To them I say what men often say to women like me who complain about the misogynistic examples rife in analytic philosophy like 'all women are featherbrained' and 'assume I want to kill my wife': 'They're only examples! Concentrate on the argument!'

Although I believe philosophy still has as much to do for the liberation of women as religion, politics and work, I believe this liberation is possible, and I believe men can contribute to it if anything more than women can. I want to share the work, and I hope readers will want to join me. I particularly hope that some energetic male or female philosophers will want to trace and articulate the fundamental connections between the explicit arguments I offer in this book and the feminist ideas that inspire them.

SR

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I have been at work on this book, more or less, for over ten years. In that time, many people and institutions have helped me, and I would like to thank them here.

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Thanks to the organizers of the APA (IAPh) in August 1998, and to Jean Keller for putting that early version of my view into the published record. Thanks to the organizers of the HDCA launch conference in Pavia, Italy, in August 2004, for the chance to set my ideas in the context of economics and development. Thanks to the Arts and Humanities Research Board for offering me a research leave award to complete the book, which sadly I was unable to take up. Thanks to Anthony O'Hear and the Royal Institute of Philosophy for supporting my conference on the philosophy of need in Durham in 2003, and to the Aristotelian Society, Mind Association and Analysis Trust for extra support. Thanks to Cambridge University Press for publishing the proceedings, and for permission to use material in this book.

Thanks to the publishers, and the editors Roberto Brigati and Roberto Frega, of a special edition of *Discipline Filosofiche* on practice in 2004, for publishing my work on practice. Thanks to the editor, Thomas Magnell, and the publishers of the *Journal of Value Inquiry*, for publishing 'Needs-Centred Ethics' in 2002, and to the editor, Roger Crisp, and the publishers of *Utilitas* for publishing 'Needs, Moral Demands and Moral Theory' in 2004. Both papers, co-written with Gillian Brock, deal with simple moral

cases, the nature of needs, moral theories and potential objections to a needs-based approach to ethics. Thanks to the publishers and to Deen Chatterjee, the editor of a special edition of *The Monist* on moral distance, for publishing 'Distance, Relationship and Moral Obligation', in which I develop the concept of moral relationship I draw on here. Thanks to the editor, Bob Goodin, and the publishers of the *Journal of Political Philosophy*, for publishing 'Does a Basic Needs Approach Need Capabilities?' in Autumn 2006, which deals with the concepts of need and basic need, and addresses objections to needs-centred ideas.

Thanks to Dawn Phillips, Roger Teichmann, Philippa Foot, David Wiggins, Michael Freeden, Myles Burnyeat, Helen Steward, Kathy Morris, Bernard Williams, James Griffin, Beth Hannon, Richard Norman, Stephen Clark, David Braybrooke, Garrett Thomson, Sabina Alkire, John O'Neill, Christopher Rowe, Sarah Clark Miller, Bill Wringe, Jonathan Lowe, Michael Slote, Simon Blackburn, Roger Crisp, Garrett Cullity, Susan James, Frances Stewart, Tori Yamamori, Mozaffar Qizilbash, Edward Harcourt, Jenny Saul, Theo van Willigenburg, Thom Brooks, Susan Brison, Catriona Mackenzie, Jonathan Dancy, Paul Patton, Geraldine Coggins, Michael Turp, Elizabeth Frazer, Simon Caney, Sabina Lovibond, Barbara Schmitz, Jane Heal, Chris Megone, Ann MacLean, Declan Quigley, John O'Neill, Des Gasper, Rae Langton, Michael Brady, Elizabeth Frazer, Jo Wolff, Bob Goodin, Rowland Stout and Maria Baghramian for conversations which have helped me clarify my ideas.

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Friends and family have also helped. Thanks to Jasmin McDermott for the inkling that there are things to think about needs, to Timothy McDermott for correspondence about Aristotle and to John Reader for provoking me to think about the cow, the oryx and 'walls of determination'. Thanks to David Bleiman, Oliver Hyams, Gillian Evans and Deborah Henning for terrific inspiration and support over the last two years, which sustained me when finishing this book felt impossible. Thanks to Dick and Angela Pollard, Carol and Ian Callum, Parantap Basu, Sarah Miller, Sam Hodge, Anna Dickson, Jo Birch, Nicole Hall, Pat Stocker and Dick Barbor-Might, who have all been true friends in need. Thanks to my daughters, Chloe and Mahalia, for humouring my conceit that preoccupation with work might not be a complete dereliction of maternal duty. Special thanks to my husband, Bill Pollard, for reading, commenting on, paginating and printing

the manuscript, for our philosophical conversation, and especially for his wholehearted complicity in the adventures life keeps throwing our way.

As everyone who has helped me over the years will confirm, I am determined and often perverse in my thinking. Any errors in this book are certainly mine.

Soran Reader
Durham
20 July 2006

1 Introduction

Things matter. They make moral demands. They have needs, they can lack what they need, and they can need help to avoid lack and to be restored from it. I think that ethics is our response to this aptness of things to lack what they need, and to require help.

Ethics, then, is something we do. But it is not everything we do. It is one kind, but an important kind, of human activity. Its importance is shown in the way we think of moral demands as especially strong. We think we 'must' help someone in need in a far stronger sense than we 'must', say, get to work on time. Moral philosophers have puzzled for centuries over how to understand the strength of this 'must'. I think this 'must' of ethics is a special kind of necessity, moral necessity. I also think that up to now moral philosophers have looked for the source of this necessity in the wrong places.

We morally must help someone in need, not because we feel something about them, not because they possess some value-earning property, and not because of any fact about our rational will or about what human excellence involves. We morally must help someone in need, because they really need us to. The source of moral necessity lies in facts about the patient of an ethical action, the being that is acted on, not in facts about the agent, or the act, or the agent's values and goals.

My view of ethics is controversial. The idea that things matter turns the conventional wisdom, according to which things are negligible unless they possess some value-earning property, on its head. The idea that the source of moral necessity lies in facts about patients, namely their need, also departs from the more familiar view, that moral necessity can be grounded in facts about agents, like their well-being or the structure of their will. The idea that moral philosophical attention should be directed primarily towards patients, again, goes against the grain. Moral philosophers tend to focus on the rights and wrongs of what agents do, or the general appraisal of agents' lives or, even more abstractly, the logical form of ethical statements.

In contemporary analytic philosophy, ethics tends not to be defined, contributions are divided into 'metaethical', 'normative' and 'applied', and the possibilities for 'normative' theories are taken to be exhausted by the theoretical

frameworks already on the table, consequentialism, deontology and virtue ethics. 'Metaethics' is supposed to describe and analyse, but not contribute to, first-order moral thought and action. 'Normative ethics' is supposed to deliver first-order moral judgments. 'Applied ethics' is supposed to help with difficult moral problems. Thus as a 'normative' theorist, a 'consequentialist' might say 'agents should maximize the amount of well-being produced by their actions', a metaethicist might analyse the consequentialist's concepts of value, well-being, measurement, maximization and right action, without making moral judgments, and an applied ethicist might apply the consequentialist's theory to a particular case, say, identifying the right action, or appraising what has been done.

The moral philosophy I do in this book does not fall neatly into these three divisions. When I make claims about what ethics is, as I do here and in Chapters 2 and 3, I seem to be doing 'metaethics'. But when I claim that we should do ethics, and moral philosophy, differently – as I do throughout, but especially in Chapters 4 to 9, where I argue a new normative theory captures our moral commitments better and suggests ways in which those commitments should be revised – I seem to be doing 'normative' ethics. The right way to see my contribution, I suggest, is as giving a well-rounded account of a practice. If someone were to offer an account of navigation, say, we would not imagine they were obliged to choose between a 'normative' theory of how navigation should be done and a 'metaethical' theory describing how navigation works. Their account of the best practice of navigation will obviously be 'normative', and apt to be 'applied'. But it will as obviously be 'metanavigational' as well.

My view of ethics is controversial, and my philosophical approach unusual. There is a danger readers will not know what to make of it. They may be tempted to dismiss it from the off as too alien to their interests and methods, or they may struggle to make any connections between it and what they and others are doing. I do want readers to be able to see why I am doing things this way, and I do want others to take up the issues I raise, since they raise far more questions than I can address satisfactorily here. Although I reject much contemporary analytic moral philosophy, I know the only way to improve it is to work collaboratively on what we have already done, learning from our mistakes, going slowly, asking questions, making things a bit clearer. So although my starting point is a radical view, I approach that radical view via familiar questions about the nature of ethics, the source of normativity, and the purpose and quality of 'normative' theories. In Chapter 2, I begin with examples, some from other moral philosophers, others invented by me. I refer to these examples frequently throughout this book, to illustrate questions, but more importantly to build common ground with readers, and ensure the discussion stays down-to-earth.

Most analytic moral philosophers avoid the question of what ethics is, or deal with it cursorily with a single hand-waving example or an appeal to intuition. Those who do discuss the question in more detail rapidly find

themselves in difficulty. In the rest of Chapter 2, I describe the difficulties that face accounts of ethics which make sentiment, normativity or some special content definitive of ethics. I also consider the merits of the proposal, often made in the face of the difficulty of saying anything sensible about what ethics is, that ethics cannot be defined. I conclude that a better alternative is available, which will allow us to see the unity in ethics without being overwhelmed by its sheer diversity. In the course of discussing accounts of ethics, I highlight those difficulties which are of particular interest to me, given the view of ethics I want to develop and defend.

For example, I comment critically on what I call the 'bystander bias' which pervades moral philosophy. According to this bias, moral theory is done from the perspective of a bystander, someone who is not actually involved in the moral context but who observes it from outside, either to guide the agent or to apprehend or judge the action or the agent more generally. I point out that this bias is optional, and questionable. At least as important, but rather more neglected, is the perspective of the patient, the being that characteristically needs help and is acted upon in moral contexts.

From the perspective of the needing patient, another distortion of our moral thinking also looms large. What I call a 'presumption of moral negligibility' is at least as pervasive as the bystander bias. According to the presumption of negligibility, nothing in the world matters, makes any moral demands, unless it earns moral considerability by the possession of some special property (most commonly rational personhood, sentience, life or significance to some person, or sentient or living being). The presumption of negligibility arguably follows from the bystander bias, since the idea that patients are negligible until proven otherwise would hardly grip any thinker approaching ethics from the standpoint of the patient.

I do not think any rationale for this presumption has ever been offered. But it is so entrenched and pervasive that it has managed to pass under the radar of even the most radically suspicious philosophical hermeneutics. I hold this presumption up to the light and argue that, if we are serious about doing moral philosophy, we should dispense with it. Why should we think of moral worth as something to be earned by the possession of rare, special properties? Why don't we instead adopt a better presumption, which I call the 'presumption of moral worth'? The presumption of moral worth makes moral considerability a permissive rather than restrictive concept. Shifting the burden of proof from those who want to establish to those who want to deny the moral considerability of any thing seems to me philosophically right, and also morally satisfying. Why should the cultivated sensibility prove itself to the barbarian?

If available accounts of ethics fail, and if moral philosophy is distorted by a pervasive bystander bias and a presumption of negligibility, how can we begin to get a better philosophical handle on it? In Chapter 3, I argue that the best way to do this is to think of ethics as a distinctive practice. A practice is a kind of action. Aristotle's theory of action suggests we should

expect to be able to identify within a kind of action not just distinctive kinds of agents, acts and goals, but also patients, which are acted on. Alasdair MacIntyre's rich account of practices further elaborates just what kind of action they are. Practices characteristically have cultural and historical support, internal and external goods, supporting institutions, and the virtues play a distinctive enabling role in them. I argue that ethics satisfies all these criteria, and conclude we should think of it as a practice, at least until someone has a better idea.

The resulting 'practice conception of ethics' has several philosophical implications which enable me to develop my view of ethics in various ways. The practice conception reveals what might be wrong with available accounts of ethics, and it has some useful 'metaethical' spin-offs, for example explaining how moral normativity works, and showing how the 'ethics/science debate' is ill-formed. It also implies that a 'normative' moral theory may take any one of at least those four possible starting points that Aristotle's philosophy of action allows us to identify. A moral theory may start with the agent, as virtue ethical theories do, or it may start with the action, as deontological theories do, or it may start with the valuable goals the agent seeks, as consequentialist theories do.

The irreducible but limited and structured plurality of possible perspectives on ethics thus revealed by the practice conception shows that the type and number of moral theories we have are not accidental, as is often thought, but are determined by the range of possible perspectives on the phenomenon they describe, ethical practice. It also implies that the theories we have are necessarily complementary perspectives, mutually constraining each other, and cannot be competing global accounts or 'rivals' as is usually supposed. Most importantly for the development of my own view of ethics, the practice conception also implies that we need a fourth theory, which approaches ethics from the standpoint of the patient.

In Chapter 4, I begin to develop the patient-need-centred theory. I first emphasize the different demands that the patient-standpoint places on moral theory, then discuss some features of the kinds of example which best illustrate the moral demandingness of patients' needs, which I call 'simple cases'. As well as being distorted by a bias in favour of bystanders and 'intrinsically valuable' person-related things, moral philosophy is distorted by a preoccupation with complex, contested and horrific cases. I argue that the possibilities of dispute and error, and the sheer difficulty of such cases, depend on a prior, sure grasp of simple cases, and I try to show that the moral knowledge involved in simple cases is at least as sophisticated and philosophically interesting as that involved in complex ones. I then go on to look at the feature of patients which is the source of moral necessity in simple and complex ethical cases: need.

I then describe how needs are particularly apt to function as moral demands because they are objective (unlike, say, desires) and two-directional, pointing both to a gap in the world and to the action that will fill it.

Above all, though, needs are apt to function as moral demands for moral agents, because this is precisely the job that the concept of need has been evolved to fill. The need concept fulfils an ecological necessity, if you like, marking a crucial threshold between morally demanding need and non-demanding mere ability to benefit. The presence of a need functions as a signal to the responsive moral agent that they must drop what they are doing and meet the need. In contrast, the presence of a morally neutral mere ability to benefit, if it is noticed at all, indicates to the moral agent that they can relax. They can get on with pursuing their own ends, or they can benefit the patient if they like. But they are not morally required to do so. Without need, there is no moral necessity.

I go on to discuss Aristotle's general account of necessities to give a clearer sense of which needs are morally demanding, and why they are so. I argue that needs relating to existence, rather than to flourishing or agency or any other contingent end a needing being might have, are paradigmatically morally demanding. But I argue that 'existence' needs to be understood in a more subtle way than it normally tends to be. Aided by David Wiggins' work, I explore the idea of substantial sortal identity, and especially what I call 'second-natural phased-sortal identity'. I use this to clarify the sense in which moral agents are aiming to respond to needs relating to substantial existence, even when responding to idiosyncratic or high-level needs, like my need for quiet, or your need as a pianist for a piano, which a less careful analysis might fail to connect with existence at all.

In Chapter 5, I look in more detail at the way judgments about the moral demandingness of essential needs are made. Although the connection with existence ensures that morally demanding needs must be 'entrenched' in some fairly robust way, I argue that the associated ideas, that the only morally demanding needs are very 'basic' needs which are entrenched by biology, and widely shared, are mistaken. The connection with existence is what moral agents are characteristically interested in, not whether the connection is biologically fixed or widely shared.

In Chapter 5 and throughout, I emphasize the inalienability of need. To be needy is not an exceptional or shameful state, it is the normal condition of every contingent being in the universe. Neediness *per se* is no more 'passive' or less 'active' than any other state a being might be in. But in addition to having the need in its inalienable, dispositional form, for their need to present a moral demand, a patient must also be in occurrent need. A need is occurrent when the patient lacks, or is about to lack, something they need. And even that, strictly, is not sufficient for a need to place an actual moral demand on an agent.

What is also required is for the patient to be in moral relationship with an agent. Only when their need is presented in relationship can it present an actual moral demand, just as only when someone asks a question can it present a demand for an answer. I offer an original analysis of what a moral relationship is, to show how moral relationships pervade our lives and place

demands on us, and how even rather cursory interactions are counted in ethical practice as morally demanding relationships.

I also emphasize, here and throughout, the way that morally demanding needs are not tradable. Moral culpability for failing to meet a need cannot be reduced by meeting a different need, or by supplying a non-needed benefit. In the case of basic needs, this is obvious. If I give you food when you need emergency surgery, it will not be possible to set off the benefit of the food against the harm of the lack of surgery when assessing my action. But I argue it is just as true, if more seldom recognized, in the case of other second-natural phased-sortal needs, for example political ones.

In Chapter 6, I respond to objections that are often made to claims about the part I think the concept of need can play in moral philosophy. Needs theories are said to be especially vulnerable to paternalism, manipulation and problems of specification. I argue that this isn't so. To the extent that a needs theory does face such problems, so must any possible normative theory. The problems lie in normative codes as such, not in needs-based codes. I argue that the concept of need is as important for getting complex cases right, and as adequate for doing so, as any other thin normative concept could be. I show how I think the objection that the needs-centred theory permits evasion of moral demands is mistaken.

Against the objection that not all things' needs present moral demands, I argue that the need concept still structures our judgments about what it is permissible and morally necessary to do in response to 'negligible' beings, bad agents and transient and becoming beings. Against the claim that not all moral demands are needs, I consider examples of promise-keeping and truth-telling, to show how a needs-centred theory can plausibly capture the morally significant aspects of such cases.

I motivated the needs-centred theory of ethics by showing the unsatisfactoriness of available accounts and picking up on one implication of my preferred practice conception, the need for a fourth theory which studies ethics from the patient-standpoint. It remains to set the needs-centred theory in the context of other more familiar 'normative' ethical theories. This is the task of Chapters 7 to 9. In each of these chapters, I describe the theory under discussion, and consider what the arguments of this book imply about how we should now think of it.

I trace the effects of bystander bias and presumption of negligibility on all the theories, and consider where mistakes have arisen and how they persist. I suggest that one effect of the fact that these theories have generally been formulated without the light, as it were, of a viable account of the nature of ethics is that they have tended to focus too broadly, on human practical rationality generally. The practice conception of ethics, again, enables us to see what is wrong with this, and how to avoid it. But perhaps most seriously, I criticize our available 'normative' theories for their 'competing global account' way of thinking about ethics. Rather than seeing their work as perspectival and complementary, as the practice conception

implies they must be, defenders of these theories typically see themselves as 'rivals' contending for the position of the single, dominant global theory of ethics. Theorists typically make excessive claims for their own theories, and offer unfair or under-motivated criticisms of others' theories as a result.

I also consider the effects of the neglect of patients and needs on each of the theories. In relation to consequentialism, I argue that inattention to need distorts the consequentialist conception of moral response, misrepresenting it as unstructured and excessive, more closely resembling the action of cancer cells than of immune cells, which I suggest provide a better analogy for the activity of moral agents. In relation to deontology, I argue that neglect of patients and needs leads to an irresponsible elevation of rational agents as the only morally important beings, and that the resulting idea of 'rights' which must be respected lacks an essential practical context, and overcorrects the consequentialists' conception of moral response as promotion. In relation to virtue ethics, I argue, again, that the focus of the theory inward, on facts about agents, rather than outward, on facts about the patient and their need, fails to capture what is essential about ethical virtue in particular, as opposed to human virtue in general, which virtue ethical theories may be better suited to describe.

2 What ethics is

We need at least a rough idea of what ethics is before we start work in moral philosophy.[1] This is the only way to ensure we don't make absurd assumptions, or miss objections that stem from the construction of the concept itself, or talk at cross-purposes, or draw trivial or useless conclusions. But most philosophers do not proceed this way. Only a few philosophers even attempt to say what ethics is, and their attempts are typically rudimentary and seem to fail in the face of obvious objections. Perhaps aware of this trap that lies in wait for the philosopher who dares to make a claim about what ethics is, most moral philosophers pretend there is no problem, and go ahead and write their metaethical, or normative, or applied ethical theories as if we all already know what ethics is, or as if we don't need to know, or as if some other philosopher will come along later and do the difficult work our author postpones for the sake of more pressing commitments. Such moral philosophers must think either that no account of ethics is necessary, or that none is possible.

In this chapter, I consider the progress analytic philosophy has made towards answering the question of what ethics is. I begin with examples. Analytic moral philosophy is usually done at a very high level of abstraction. Examples are few and far between, and those that are given often increase uncertainty about what we are talking about, rather than resolve it.[2] To avoid this particular source of confusion, I begin with a couple of long lists, one of examples which I think show what ethics is, another of examples which show what it isn't. Some examples come from other philosophers, some are my own.

First, examples which show what ethics is. A baby in a pram is rolling down a hill towards a busy road. Someone sees the pram, and stops it.[3] Some children are pouring petrol on a cat, planning to light it. An adult stops them.[4] A boy at his dog's first fight is crying. His father silences him, and explains 'boys don't cry'. A baby is hungry. Its mother notices, and feeds it. Another baby is hungry, soiled and cold. Its parents don't respond, and it dies. A colleague is bullied at work. Someone notices, and stands up for her. A toddler is drowning in a pond. Someone wades in to save it.[5] A beggar holds out her hand. Chloe gives her £5.

A collector for famine-relief asks for money. I donate. Someone drops their wallet on the pavement. I return it.[6] My child wants to take flowers from our neighbours' garden. I explain they belong to somebody else.[7] An action would involve harsh treatment. I decide not to do it.[8] A friend is in hospital. Several people visit her.[9] Our child is retarded. We find a good group home for her to live in.[10] I have a choice of schools. I send my child to the best one.[11] A boy does not wish to join the army. His mother encourages him to run away. Or he wants to serve the dramatic political cause, and she pleads with him to stay with her instead.[12] I receive important news that will distress my sister. I tell her.[13] My wife is arriving at the station in a dark, insalubrious part of town. I break the speed limit to fetch her.[14] I am against the criminalization of drug-use. I induce heroin addiction in my children.[15] A property developer is given rights over ancient forest land. He cuts down the trees, profits from the timber, and builds a car-park. The play equipment at a primary school is broken. Children, teachers and parents come to the school for a weekend of repair and maintenance.

Second, some examples with similar content, but which instead show what ethics isn't. A baby is in a pram. I move the pram to look more attractive in my photograph. Children are playing with a cat. Someone stops them, explaining 'It's time for her treat'. My daughter is crying because our two dogs are fighting. I tell her, 'No need to cry, it's just fun.' A greedy baby cries for more milk. Its mother refuses, or gives it a bit, spoiling it. A philosopher struggles to manage a department. His colleagues rib him. A toddler pretends to drown in a pond. Those watching smile and do nothing. My daughter asks to borrow my necklace. I say no. A rich friend asks Chloe for money. She gives him £5.

A friend is on holiday nearby. I don't visit her. Our daughter, who must 'live out' at university this year, is disorganized. We encourage her to pick tidy housemates. A boy does not wish to join the Morris dancers. His mother begs him to join. I receive news that will make my sister laugh. I fail to tell her. My husband is arriving at the station in broad daylight at the safe local station. I speed to fetch him. I am against the rude treatment of summer-bedding in the sophisticated horticultural press. I plant my garden with bright begonias, to resemble a traffic island. One neighbour runs right-handed round trees, while another looks at hedgehogs by moonlight. I reassure them, they are not doing anything morally questionable.[16] I am travelling through an unspoiled valley. I pitch my tent on a ledge with a view. Our philosophy department is decorated entirely in luminous purple. We ask the contractors to repaint it.

What makes my first list of examples 'ethical' and my second 'non-ethical'? To make a start on answering this question, I review some of the few accounts of what ethics is that have been given by analytic moral philosophers in the last few decades. As well as being rare in the history of philosophy in tackling this issue explicitly, Geoffrey Warnock also briefly discusses four accounts of what ethics is. First, what is distinctive about

ethics may be something to do with sentiment, the 'psychological penumbra of guilt and self-reproach' felt when moral wrong is done (Warnock 1967: 53). Second, what is distinctive may have to do with moral normativity – either the way that moral norms dominate the agent's conduct or, third, the way moral norms are the ones the agent prescribes for others (Warnock 1967: 54). Fourth, what is distinctive may be the subject-matter or content of ethics. Warnock suggests ethics may be essentially concerned with 'human happiness or interests, needs, wants or desires' (Warnock 1967: 55). I build on Warnock's discussion here. In the sections below, I discuss the sentiment, normativity and content accounts in more detail, and I discuss a further possibility Warnock did not consider, that no satisfactory account may be possible.

With many of my colleagues, I conclude that none of these accounts is satisfactory. But instead of giving up on the search, in Chapter 3 I suggest we should try a new approach and think of ethics as a distinctive practice. This practice conception of ethics will turn out to have significant philosophical implications, which I explore in the rest of this book. It explains why the accounts of ethics I consider in this chapter are unsatisfactory, and displays some profound and pervasive erroneous philosophical assumptions which underlie those accounts, distorting our thinking about ethics more generally. It explains why we have the three styles of normative moral theory we do – consequentialist, deontological and virtue-ethical theories. It explains why those theories cannot be competing global accounts of ethics, but are necessarily perspectival and complementary. And it implies we need a new, fourth theory which will be developed in Chapters 4 to 6 and set in the context of the other theories in Chapters 7 to 9.

Sentiment

Sentiment might explain what ethics is at least three ways. First, it might explain the special practicality of ethics. Second, the presence of specific feelings, like praise and blame, clear conscience and guilt, might be distinctive of ethics. Third, ethical action might have its source in a particular sentiment – benevolence, sympathy or care have been suggested.

Does the first claim, about sentiment being required to explain the 'practicality' of ethics, help distinguish my first set of examples from my second? It is widely assumed that ethics is 'essentially practical', i.e. that it involves not just description of facts but also evaluation, prescription and action, so that if someone believes an ethical proposition they are 'bound' to act on it. If this is right, and if, as is also widely assumed, facts alone cannot furnish practicality, sentiment may be the missing link which is necessary to explain moral action. This issue, grandly titled 'the moral problem', is given book-length discussion in Smith 1993.[17]

The problem is supposed to be that there is a deep difference between facts and attitudes, emotions, values, prescriptions and reasons. 'Hume's law'

adds that no process of pure reasoning from facts, however long or complex, can be sufficient to get us to the other side, since 'you can't derive an ought from an is'.[18] The problem with this account of ethics is that there seems to be no reason to think that this problem distinguishes ethics in particular, rather than human activity in general. When we look at my second, ethically neutral, set of examples, we can see that all of them appear to involve movement from is to ought. The pram *is* in the wrong place for the photograph. So I *ought* to move it. The grassy ledge *is* sheltered from the wind. So I *ought* to pitch my tent there, etc. So even if these sentimentalists have identified a genuine problem, it isn't an ethical problem.

If anything, it is 'the activity problem'. But is it even a problem? I think most modern moral philosophers are wrong to accept it could be.[19] The mistake may be to suppose human concepts can be divided into different kinds in the first place. In ordinary life, we experience not just the brute physical reality or 'primary qualities' of things. We also experience the affordances of things, and the role they play in our life, as much, and inseparably.[20] When I see a chair, I may see something I like, something beautiful or ugly, my departing ex-husband's cruelty in leaving me only one chair, something costly or cheap, a demand for polishing, or an invitation to sit down, every bit as much as I may see shape and size, woodenness, four-leggedness, artefactuality or combustibility. *Contra* Mackie and others, far from being 'relative' in any reality-undermining way, or 'queer', values and norms are part of the absolutely mundane furniture of the universe. The burden of philosophical argument should be seen to rest not on those who think facts can motivate, but on those who want to deny it (Mackie 1977: 36–42).[21]

What of the second sentimentalist account, which claims that ethics is distinguished by praise and blame? The idea that ethics is especially connected with such things is intuitive and common. It was elevated to the status of a philosophical theory by John Stuart Mill, when he claimed we define a moral wrong as something for which an agent may be punished, moral duty as something that can be 'exacted' from an agent, and moral good as something that attracts approval or reward (Mill 1998: ch. 5). More recently, David Gauthier, Alan Gibbard and Simon Blackburn have developed similar views (Gauthier 1986; Gibbard 1990: chs 1, 7; Blackburn 1998: 200–5).

This account faces the obvious objection that a society can praise or blame, and conscience can commend or condemn, conduct that is objectively morally inapt to deserve the attitude in question. So Elizabeth Anscombe dismisses this story in a line, 'a man's conscience may tell him to do the vilest things' (Anscombe 1981: 27). Geoffrey Warnock makes the same point (Warnock 1967: 53).[22] In my examples, we see this possibility realized, where the children who torture the cat, the man who silences his son, the colleagues who join in the mistreatment, the son who joins the army, the property developer who lays waste the valley, all may quite credibly have been guided by their consciences, or by an accurate appreciation of

what their society would praise, whether macho violence, not crying, obedience to your employer, fighting for your country, or maximizing profit.

A further disquiet about the praise/blame account emerges in the light of some of my examples. In many, praise and blame seem not so much to be inapplicable as to miss what is important. This highlights something of great importance for moral philosophy. Action involves not just one but three possible human positions. There are two internal positions, the position of the agent doing the act and that of the patient suffering or benefiting from the act. And there is one external perspective, that of the bystander who considers the scene from the outside.

With this distinction in mind, it is striking that moral philosophy is unselfconsciously always written from the bystander stance, and thus assumes its task is the 'apprehension and assessment' of agents. Once you start to look, this assumption is everywhere. But the fact that it is a positive claim seems never to be noticed, and no arguments are offered in support of it. A good example of this 'bystander bias' can be seen where Cora Diamond praises the view that the task of ethics is the specification of the good life for man, for being broader than the view of many moral philosophers, that the moral must be tied in some way to action, but criticizes it for being narrower than Iris Murdoch's view which includes the agent's 'total vision of life' (Diamond 1983: 156; 160; Murdoch 1956: 35–40; 1970: 17–40). Despite the claimed 'broadening' of the focus of ethics, Diamond and those she criticizes all continue to make the assumption characteristic of the 'bystander perspective' I am criticizing, that the task of moral philosophy is to 'apprehend and assess other people' (Diamond 1983: 161–2).

In this book I take it, against the grain, that we should not view the moral scene just from the point of view of a judging bystander, focusing on the agent and assessing them. Rather, we should consider the moral scene from every point of view, the internal as much as the external. And we should pay much more philosophical attention to the patients of moral action, to make up for the fact that we have given them so little hitherto.[23] Praise and blame are bystander attitudes. They are the attitudes (one might say even the luxury) of people merely looking at the action, rather than directly involved in it as agents/perpetrators or patients/victims. The inappropriateness of taking a bystander attitude is striking in the sad, difficult situations sketched in some of my ethical examples. Here agents are struggling and ill-equipped to deal with the ethical challenges they face. In the cases of the father inducting his son into the 'tough' practices of masculinity, or the parents neglecting their baby to death, or the boy becoming a soldier, we are sure the contexts are ethical, but not so sure praise and blame are appropriate. What is much more likely to strike us is that the participants need help.

Another objection to the idea that praise and blame define ethics is that fully fledged moral agents are characteristically not guided by such things. An agent who is motivated by the attitudes of themselves or others thereby

shows they have not (yet?) grasped what the goods internal to moral practice are. Because they can't identify the good as such, they need to cast around for signs external to ethics, to tell them what to do. But if they act in order to clear their conscience, or to attract praise, rather than for the sake of the patient, they are not acting morally. Far from being apt to be the mark of the moral, then, attitudes must be secondary phenomena, which either presuppose a prior grasp of ethics, or have a time-limited use in helping beginners and backsliders learn or re-learn how to be ethical.

What about the third sentimentalist account, which says that ethics involves a particular kind of affective response, for example sympathy or care? This idea is also 'Humean' in origin. Bernard Williams argues that sympathy is the essential ingredient that is required to get morality off the ground (Williams 1972: 10–12). Williams actually tells a mainly content-based story about what ethics is, which I discuss below (he sees ethics as other to self-interest). What makes Williams also a sentimentalist, in my terms, is that to explain how a self-interested person can come to be moral – that is, altruistic – Williams invokes the idea of sympathy. Any 'flesh and blood' amoralist, Williams insists, must already have the basic moral idea, of 'doing something *for* somebody, because that person needs something', rather than because you like them and they need something. The amoralist's failure, then, consists not in *never* meeting needs, but in only meeting needs intermittently. The remedy, Williams suggests, is to expand the amoralist's sympathies – to lead them to 'like' more people, so that they will be more reliably disposed to help more people when they need help.

Other sentimentalists present a similar view in different idiom.[24] Michael Stocker argues that certain emotions are absolutely central to human ethical conduct, to the extent that emotion-free conduct is pathological, even 'schizophrenic' (see Stocker 1996, 1976). According to Nel Noddings, 'the very well-spring of ethical behavior [is] human affective response' (1984: 3), and 'the ethical sentiment itself requires a prior natural sentiment of caring and a willingness to sustain tenderness' (1984: 98). Building on Noddings' work, care ethicists take the affective attitude of care to be the essence of an appropriate moral response to a needing being. Care, sympathy, empathy – what are these 'feelings', exactly? 'Sympathy' is literally feeling with, 'empathy' points to a perhaps richer entry into the perspective of the recipient.[25] 'Care', for Noddings, adds to sympathy and empathy an 'apprehending of the other's reality, feeling what he feels as nearly as possible' (Noddings 1984: 16).

Sentimentalists believe any candidate moral agent – any flesh and blood selfish person – just will already have what they take to be the natural 'given' basis for ethics, sympathy or care grounded in love.[26] But we might doubt this. There are too many examples of human beings who are utterly unresponsive to moral concerns, who seem not to sympathize with, empathize with or care about anyone, even themselves. If we are faced with someone who lacks sympathy, who does not care, how can we bring such a

person to be responsive to ethics? How can we get them to stop torturing cats or neglecting babies? The sentimentalist solution, 'expand the sympathy, empathy or care they already feel', seems wishful, unlikely to assist in the ethical work of, say, probation officers, counsellors or priests. What is perhaps even more troubling is that in many cases it seems the perpetrator of cruelty or carelessness does 'care' for their victim, and expresses all the appropriate attitudes towards them whilst mistreating them. Many abusive men, for example, care for their wives and children deeply and feel great sympathy for them, but they also attack and otherwise abuse them.[27] Sentiment is not sufficient for ethics.

It may not be necessary either. How plausible is it that ethics essentially involves acting out of sympathy or care? In my ethical examples, feelings are not mentioned. I might stop the pram, stop the children torturing the cat, return the wallet, join the army, break the speed limit, addict my children, lay the valley waste – all without feeling anything at all. Williams connects responsiveness to need with sympathy, and Noddings connects it to caring. But how close is this connection, really? It seems more plausible to think of ethics as a matter of doing what you think is right and proper than to think of it as grounded in feelings. A moral agent may (for their sins) actively enjoy ganging up on a vulnerable person. But they may nevertheless stand up for the bullied colleague, say, because they know ethics is not about feelings but about doing what is morally required. If sentimentalists respond that affectless behaviour falls short of the ethical, this just begs the question. Why should we think behaviour suffused with emotion is more ethical, rather than (say) thinking of it as more 'sentimental', 'soppy' or over-involved?

Normativity

According to this kind of account, moral norms are distinctive in being in some way stronger than non-moral norms. In relation to my examples, this seems plausible. It seems particularly important that the babies are saved, the cat isn't tortured, the valley is protected, the equipment is repaired, etc. This might mean ethical norms are the same kind as non-ethical norms, but just more binding. Or it might mean that they are binding in a different way. This account is most famously associated with Immanuel Kant, who introduced the distinction philosophers have used ever since, between 'hypothetical' and 'categorical' norms. Hypothetical norms are contingent – 'You should do this *if* such-and-such contingency holds.' Categorical norms are non-contingent – 'You should do this, *simpliciter*.' (see e.g. Kant 1972: 78)

In the light of this distinction, some moral philosophers have taken ethical norms to be hypothetical, i.e. of the same kind as other norms, just more important to most of us. In the 1960s, Philippa Foot argued that moral norms are hypothetical (see Foot 1967a: 9, 1967b and 1978: xi–xiv, 130–1, 161–7).[28] But at the time Foot was working with a narrower notion

of the 'hypothetical' than I think Kant intended. For Foot, a hypothetical imperative was one with the structure: 'You should do this *if* you *want* or *desire* such-and-such which you might not want or desire, and which might not be.'[29] Kant's conception of the hypothetical was broader, covered any contingencies, not just contingent desires or preferences.[30]

The stronger view is that ethical norms are different in kind, truly categorical in being independent of anything whatever that is contingent (Kant 1972: 55). To assess this claim, we need to know how such a 'categorical' imperative is supposed to work. Kant thought that if in considering a moral agent you strip away everything contingent (history, values, desires, preferences, purposes, circumstances, customs or habits, animal natures, social forms and practices), you will still be left with a non-contingent core, the will of the agent.

The will for Kant is essentially free, rational and good. What sort of imperative could be intrinsic to the will thus understood? Here Kant could have offered any imperative consistent with rational will: that is, any norm that respects freedom, rationality and goodness. But instead he focused on the aspect of the will under which it 'gives itself laws' or 'maxims', and argued that the test for whether an imperative, law, maxim or norm is categorical should be whether the agent can at the same time will that the norm should 'become a universal law of nature' (Kant 1972: 84).

Others have taken up this idea. Geoffrey Warnock considers whether moral norms might be those that are 'in fact dominant' in an agent's conduct, or those the agent 'prescribes for everyone alike' (Warnock 1967: 54), as they are held to be by Richard Hare (see e.g. Hare 1963: 30 ff), who argued moral norms are 'universalizable'. The same idea is suggested in the particularist claim that moral norms 'silence' non-ethical ones (McDowell 1979). In Jonathan Dancy's version of the view, 'moral reasons represent actions either as required in themselves or as required for a required aim ... in original moral reasons there is an underived ought' (Dancy 1993: 47).

Could categorical normativity be the hallmark of ethics? Is the way I should save the babies, protect the cat, tell my sister the bad news, etc., 'categorical'? And must the way I should take a good photograph, let the cat have its treat, camp in the place nearest the water-supply, etc., fail to be categorical? Philippa Foot's intuitive objections still work (Foot 1967b). Some moral obligations seem to be contingent, and some non-moral obligations seem to be categorical. Moral obligations, like the obligation to stand up for the mistreated colleague, may not be categorical but may be defeated by other obligations, for example the obligation to obey one's employer or to protect one's career or family. The defeating obligation may or may not itself be a moral one.

Conversely, non-moral obligations like the norms of etiquette may be categorical. The way I 'must' compose my photograph of the baby in the pram might be like this. Rules of etiquette and rules of practices bind participants independent of their desires or interests, so they are categorical in

at least Foot's earlier narrow sense of being independent of self-interest or desire (see Foot 1967b; Rawls 1955). Might such norms also be 'categorical' in the stronger Kantian sense? If the practice itself is not contingent, arguably they may be. If as a species we have to eat in a certain way to live, for example, then the norms that govern the practice of eating – 'chew your food', say, or 'swallow, don't spit' – might be strongly categorical, without being moral.

But an even more profound problem may face this account of ethics. The idea of a categorical or underived obligation may not be coherent. Elizabeth Anscombe (1958) argued that this was so, on the grounds that a categorical imperative presupposes an all-powerful law-giver, and the idea of such a law-giver had been given up with the demise of Christianity. I think this is not the best way to make the objection. It is doubtful that a law-giver – even an omnipotent God – could make obligations categorical. To have any hope of that, you need something intrinsic to the structure of willing itself, as Kant noticed.

But a better argument is available. In being guided by a norm, an agent seeks a contingent result. This must be so, even if the only result the agent seeks is to ensure her will is good. The result must be contingent for it to be possible for an agent to will it. But if the result is contingent, then the norm that guides it cannot be categorical. A norm cannot be any more categorical than the result it seeks. The obligation to enact a good will cannot be any more categorical than the obligation to seek any other contingent end. The structure of rationality cannot bootstrap ethical normativity into the categorical in the way Kant hoped, because anything the good will can will must itself be contingent. Since ethical norms are practical, relating to contingent actions, they cannot but be contingent themselves. Ethical norms have to be derived from contingencies, then, and have to depend on things that can be otherwise. The idea of an underived or categorical ought is not just 'mysterious' and 'mesmeric' as Anscombe and Foot charged. It is chimerical. There could not be such a thing.

Content

Content-based accounts of ethics are perhaps the most common kind. Within this general category, there are at least three options: that ethics is concerned with certain agents, that ethics is concerned with certain patients, and that ethics tries to realize or avoid certain sorts of end.[31] Geoffrey Warnock thinks a content-based account of ethics has the best prospects (Warnock 1967: 57).

The contents Warnock thinks might define ethics are human happiness, misery, wants, needs or interests (Warnock 1967: 60). But although he briefly discusses these options, Warnock is more concerned with the general task of defending the metaethical claim that ethics can be defined by its subject-matter, that is 'naturalistically' (Warnock 1967: 61–72). Philippa

Foot is often mentioned as someone who thinks moral considerations are 'necessarily related in some way to human good and harm' (Foot 2002a: xiv; 92; 108–9; 2001: 116).

Bernard Williams agrees with Warnock that attempts to define ethics in terms of sentiment or normativity must fail, while an attempt to define it in terms of subject-matter is more likely to succeed. As he puts this, 'a reference to human well-being [may be] a mark of a moral position' (Williams 1972: 73–4). Michael Smith recruits Ronald Dworkin, Will Kymlicka and James Dreier to the ranks of those who similarly believe 'platitudes about content' must be satisfied to establish that 'we are in the ballpark of moral reasons, as opposed to the ballpark of non-moral reasons' (Smith 1993: 184–5; Dworkin 1977: 179–83; Kymlicka 1989: 13, 21–9; 1990: 4–5; Dreier 1990). The platitudes Smith mentions are Foot's claim about a connection with human good and harm, and Dworkin and Kymlicka's claims about a connection with equal concern and respect (Smith 1993: 40).

Agents

According to the first content-based account, ethics is essentially about how we, moral agents, should live. For Williams, this 'is the best place for moral philosophy to start. It is better than "what is our duty?" or "how may we be good?" or even "how can we be happy?". Each of these questions takes too much for granted.' (Williams 1985: 4). The idea that ethics is about 'the best life for man' is famously associated with Aristotle, who argued that this human good consists in 'human activity of soul in conformity with excellence, and if there is more than one excellence, in conformity with the best and most complete' (*Nichomachean Ethics* 1098a16–18). Martha Nussbaum echoes this with approval when she says 'ethics is the search for a specification of the good life for man' (Diamond 1983: 156).

John McDowell says 'the point of engaging in ethical reflection . . . lies in the interest of the question "how should one live?"' (McDowell 1979: 331). Shelly Kagan picks out 'what I make of myself, how I live, what I do, what kind of person I become' as the vital concerns distinctive of ethics, defining normative ethical theory thereby as involving 'substantive proposals concerning how to act, how to live, or what kind of person to be' (Kagan 1998: 1–2). Simon Blackburn says 'ethics is about how we live in the world . . . knowing how to act, when to withdraw, whom to admire' (Blackburn 1998: 1). James Wallace says that ethics is 'the practical knowledge that pertains to the activity of living' (Wallace 1996: 14).

Is it plausible that ethics is essentially concerned with how we should live? Do ideas about how to live help us to understand, or act well in, or assess others as they act in, situations where we must save babies, protect cats or unspoiled valleys, choose homes or schools for our children, or repair artefacts? Do they help us to understand situations in which we suffer rather

than perform actions, or ourselves need help? The natural reply seems to be 'at best indirectly'. My examples suggest that, when we think about ethical contexts, we do not typically think of ourselves as concerned with how agents are doing at living an excellent human life. This echoes the objection I made above, to the bystander bias which pervades analytic moral philosophy. In thinking about ethics, we more typically think about particular situations considered in all their complexity, from every point of view, that of the agent, that of the patient, and that of everything else involved. We also typically attend most closely to those features of the situation which demand helping action.

If we do ever think the human life well-lived, involving excellence or virtue, plays a role in saving babies, supporting colleagues, protecting landscapes, etc., this is because of our prior and fundamental ethical concern that babies should be protected. To put this thought another way, if it is true, as Philippa Foot quoting Peter Geach likes to say, that 'human beings need the virtues like bees need stings' (Foot 2001: 35; Geach 1977: 17), this is because moral features of situations demand help, as threats to the hive demand stinging. To paraphrase Geach, it is not because we are concerned with stings, but because we are concerned with what demands stinging. Ethics is about threats to the hive, not about stings.

A related objection is that the claim that ethics is about how to live is too broad. There are many things we do in order to live well, that have nothing to do with ethics. I am a philosopher. The philosophical considerations I respond to – that a neglected question is interesting and important, that a philosopher is worth reading despite being obscure – may be as binding or 'categorical' for me as moral considerations. But becoming an excellent philosopher, and being guided by philosophical norms, although it may be part of my excellent human life, has nothing to do with ethics and may even be opposed to it. This point applies to all of the practical forms that human life is apt to take.

Patients

According to the second content-based account, ethics is concerned with the well-being of a particular category of objects. Ethics might be concerned with human beings, as is most commonly assumed. Or it might be concerned with sentient beings. Jeremy Bentham's famous challenge sets the tone for this broader content-based account about what ethics is, 'the question is ... "Can they suffer?" ... Why should the law refuse its protection to any sensitive being?' (Bentham 1960). Peter Singer leads the field among contemporary utilitarians in defending the view that sentient beings are the proper objects of concern to ethics. Others hold that ethics is concerned with persons more narrowly understood, not defined by species membership as in the common folk-ethical view, but by higher capacities such as self-conscious rational thought, the capacity to form and perform the kind of

moral contracts that might constitute a social morality, or the capacity to conceive their own future and plan.[32]

Do these claims help us to understand what ethics is? The claim that 'moral considerations [are] necessarily related in some way to human good and harm' may be a stipulation, rather than a necessity intrinsic to our concept of ethics (Foot 2002a: xiv). My examples follow actual moral practice and intuitions in challenging the idea that ethics can be limited to the human, the sentient or the rational. My ethical examples include non-human objects of moral concern – the cat, the ancient forest, the play equipment. And in ordinary moral life, and in popular discussion, over and over again concern is expressed about animals, plants, natural and artefactual things and human beings which are less than fully rational or sentient.

Species-membership, sentience or rational-personhood is not necessary for us to recognize a situation as an ethical one. Some of the things we respond to ethically are not members of our species – cats and landscapes, for example. Some are not sentient either – landscapes, again, or artefacts. Many are not rational – babies, young children, mentally handicapped people. Furthermore, many objects of ethical concern, even when they are members of our species, sentient, or person-like, do not engage us on that level. It isn't because the baby is a human being, or sentient, or a person that I take myself to be obliged to protect her – it's because she is a baby, and babies need to be protected. Similarly, it isn't because my friend is human, sentient or rational that I visit her, it's because she is my friend. When I rush to fetch my wife from the station, again, my concern isn't for her humanity or sentience or rationality, it's for *her* – the particular being she is, with the particular, concrete, demanding connections that she has with me.

Just as ethics is not just concerned with sentient etc. beings, so too non-ethical contexts may concern human well-being. I may consider the well-being of human beings when I try to take the best-looking picture of the baby in the pram, or when I donate to the needlepoint society. I may be concerned about sentient good-feeling when I spoil my baby with extra milk, or reassure my worried neighbour that her nocturnal hedgehog viewing is all right, or insist the contractors cover up the luminous purple with which they have daubed my department. Or we may be concerned with rationality, when we appeal to our university not to put academics who loathe administration in charge of departments, or when we choose green and white for the departmental decor because we hear it increases research output.

Perhaps the deepest problem with the content-based story that singles out a particular class of beings as moral patients, is what I will call 'the presumption of moral negligibility'. Like the bystander bias I criticized above, this presumption pervades moral philosophy and is never remarked or questioned, but it is in profound tension with our actual ethical practice, and the ideas implicit in it. The presumption of negligibility starts with the idea that the paradigm moral patients, the proper objects of moral

concern *par excellence*, are human beings. This apparently uncontentious idea somehow makes it seem natural to attribute degrees of moral considerability to other things according to how much they resemble, or matter to, human beings.

Although the presumption of negligibility is so common, it is without foundation, and it has pernicious effects, as I will argue in more detail below. A better approach is available, which I follow in this book. Rather than presuming that things are negligible unless proven otherwise, I suggest we adopt a 'presumption of moral importance'. This presumption reverses the burden of argument: everything is morally important, everything constrains what we may do, and calls on us for help, unless reason can be given to defeat the presumption. The modest requirement that the presumption of importance imposes – that *some* reason must be given for destroying or harming any thing – if adopted, would have tremendous implications for the way humans treat the world.

The presumption of moral importance is implicit in ordinary moral practice, and is shown every time an agent takes themselves to be obliged not to damage or destroy anything without reason. On the presumption of negligibility, in contrast, trashing landscapes and artefacts is permissible unless some human value is interfered with. This ethic for philistines and barbarians has been encouraging human beings to believe that they have a moral right to lay the world waste for millennia. I will argue in more detail in relation to consequentialism in particular (in Chapter 7) that the efforts of reformists who seek to 'widen the circle' to include animals fail to tackle this problem at its root, which is the pernicious presumption of negligibility.

As well as being too narrow in excluding concern with non-human things, taking ethics to be concerned with human well-being may also be too broad. In my examples of ethical activity, agents did not seem to be engaged in promoting or protecting human happiness, desires, preferences or interests. Their ethical responsibilities were intuitively more limited. Moral agents seem to be morally obliged to act against harm – to prevent it (as when I stop the pram, feed the baby, support the colleague, discourage my son from joining the army) or to remedy it when it has already occurred (as when I repair the painting, restore the lost property), to support those affected by it (as when I visit my sick friend). But they do not seem to be morally obliged to go beyond the amelioration of harm, to concern themselves with well-being. An agent might, of course, want to make someone happy. But this is not what ethical practice intuitively seems to require. If it is morally good at all, seeking well-being is supererogatory. But it may not even be that. My act is not supererogatory when I spoil my greedy baby with too much food, or when I demand that the department be redecorated a second time to get it just one fractional shade more perfect, or when I make a tedious and self-important philosopher happy by listening with a show of interest.

Intuitively, ethical practice seems to involve reference to a threshold. Below the threshold, a patient is harmed, in need, and its need presents a moral demand to a moral agent, obliging them to help. Above the threshold, by contrast, the patient is perfectly OK. Such a patient may, of course, be able to benefit some more from some beneficent act by an agent (or be pleased, or have its wider interests fulfilled). But if patients above the threshold call for action from moral agents at all, they do not do so in a moral way. Whether or not I 'should' move the pram to look good in the photo, or give my greedy baby the extra milk, or let my son join the Morris dancers, or donate to the local needlepoint society, these are not moral matters. They are not part of a plausible account of what distinctive content ethics has.

Altruism

According to the third content-based account, ethics is essentially altruistic, and in tension with prudence (or egoism or self-interest). On this view, prudence comes naturally, and is essentially in conflict with ethics, which does not come naturally, and is about looking after everyone else. This account goes back to Plato, where the challenge 'why should I be moral?' received an early philosophical treatment in *The Republic*. Plato there made the first of many attempts in our tradition to justify morality in terms of self-interest: that is, to explain how it is ultimately in an agent's prudential interests to act altruistically.

Many contemporary moral philosophers also subscribe to this account. David Gauthier and Kurt Baier take the view that morality is somehow essentially concerned with human well-being, and contrast it with prudence or self-interest (Gauthier 1963; Baier 1958, 1996). James Mackie defines morality 'in the narrow sense' as 'a particular sort of constraint on conduct ... whose central task is to protect the interests of persons other than the agent' (Mackie 1977: 106), and although in doing so takes himself to be doing no more than articulating what Warnock meant by the content criterion in (Warnock 1967: 54 ff), of course the particular emphasis on 'persons other than the agent' makes quite a difference. Thomas Scanlon also takes morality to be especially concerned with social order, with what we can expect others to do, and what we may be obliged to do in relation to others (Scanlon 1998: 73–74). In everyday discussion, in the media and non-philosophical literature, the assumption that morality is opposed to self-interest is pervasive.

Kurt Baier holds this view about what ethics, or, as he puts it, 'the moral point of view', consists in. Baier argues relational goods are prior to non-relational ones, i.e. something must be good *for* someone if it is to be even potentially good *simpliciter*, which is the sense of 'good' or 'intrinsically good' ethics is concerned with (Baier 1996: 227–9). Baier suggests we should give up the idea of non-relational goods, which we were only led to

because we erroneously believed moral reasons had to be universal. Instead, we should think of moral reasons as making claims on many or most good agents under certain circumstances (Baier 1996: 231). The moral point of view then has a role to play, in providing reasons for all or most agents (Baier 1996: 233). Ethics is about what is good *for* everyone, as opposed to good *for* the agent.

This view also informs sociobiological and evolutionary accounts of ethics, which start out from an allegedly scientific assumption, that human beings and their genes are 'naturally selfish', and thus that the normal form of interaction between them is competitive rather than co-operative. From this starting point, co-operation then appears as problematic and something that must be explained (away), preferably by showing some advantage is conferred on co-operating agents, which is taken to be what they are 'really' after. Thinkers who take this approach include E.O. Wilson, Daniel Dennett and Richard Dawkins (Wilson 1998; Dennett 1995; Dawkins 1976).[33]

How plausible is the claim that ethics is essentially altruistic, and other to self-interest? In relation to my examples, does it help us to distinguish the ethical from the non-ethical ones? This seems doubtful. When we stop the pram, protect the cat, try to persuade the macho dog-fighting dad to let his son be a 'sissy', feed and protect the baby, restore the wallet, etc., are we being 'altruistic'? In all these cases, we act for the sake of some being or other (be it human, animal, natural or artefactual). But it is not clear that the being must be other than the agent, or that there need be any intrinsic tension between acting for the sake of the self and for the sake of another.

Why should we take acting to save my own life to be a non-moral matter, while acting to save someone else's life is moral? The practical concern seems to be identical – a concern that human life should be saved. The acts seem identical – acts of saving a person from harm. When we say to each other, 'look after yourself', we can mean this quite literally, and the exhortation is an ethical exhortation. It means, not 'enjoy yourself' or 'be productive' or 'maximize your holdings/preference-satisfactions', and still less 'increase your competitive advantage'. It means what it says – treat yourself as a proper object of ethical concern. Take your actions to be constrained by your needs.

The idea behind this account of ethics, that all practical reasons 'boil down' to two fundamental kinds, self-interested and altruistic, is questionable. What about reasons internal to practices, like chess or etiquette? Such reasons seem to be neither self-interested nor altruistic. I don't move my king one square at a time to please myself, but nor do I do it to please you. I do it because that is how chess is played. Sometimes an attempt is made, as it was by John Rawls, to save self-interest and altruism as an exhaustive dichotomy of practical reason by stipulating that practice-reasons, like 'altruistic' reasons, must ultimately be grounded in self-interested reasons (Rawls 1955). But is that stipulation reasonable? Once it is allowed that human agents can act for reasons independent of their own or other's well-

being, why not allow that moral reasons might be independent in that way? This objection might be developed by considering whether, far from being fundamental, 'self-interest' may fail to mark out a well-formed category of practical reason at all. Our current concept of self-interest may conflate two separate kinds of practical concern, running together '(selfish) reasons connected to my desires/preferences' with '(ethical) reasons connected with looking after myself'.

Indefinable

None of these accounts of ethics is satisfactory. It seems implausible that ethics is characterized by any unique sentiment or special role played by sentiment, or any special form of normativity, or concern with any particular content (whether agents, some type of patient, or others than the agent). In the face of all these unsatisfactory accounts, we may feel pressed to conclude that a satisfactory story about what ethics is, even a rough one, cannot be told. We may think, as Cora Diamond put it, that 'any attempt to take as a starting point a widely agreed and inclusive notion of the aim of moral philosophy is pretty much doomed', and that 'no-one knows what the subject is' (Diamond 1983: 167–8).

To judge by how little contemporary analytic moral philosophers say on the subject, this pessimistic belief must be very widely held. Even Geoffrey Warnock, who does consider a range of accounts, and favours a naturalistic account in terms of distinctive subject matter, shies away from claiming that he has actually given a satisfactory account. He concludes 'this is a subject in which there is still almost everything to be done' (Warnock 1967: 77). Sadly, though, it seems Warnock never did find the time to do more.

Most contemporary analytic moral philosophers tend to avoid defining ethics, and limit themselves to appeals to intuition, like this one from Jonathan Dancy:

> I offer no account of the distinction between the moral and the non-moral. ... I simply rely on the reader's intuitive grasp of this distinction; in fact, I think that there is no known theoretical way of characterizing it, and we had better not put too much stress on it.
>
> (Dancy 2004: 3)[34]

Or else, like Michael Smith they follow Warnock in insisting that ethics remains to be defined, but leaving this job for another time or (more likely) another philosopher:

> What needs to be addressed is ... how precisely we are to demarcate the province of the moral, as opposed to non-moral reasons. And the answer is plain enough. For what the analysis of normative reasons ... leaves out ... is the distinctive *substance* or *content* ... there is clearly

> further work to be done in filling out the idea of 'appropriate substantive kind' in detail.
>
> (Smith 1993: 183–4)

Other philosophers take the view that ethics is too complex and plural to be defined – and perhaps assume that this fact is what explains the difficulty of coming up with a satisfying philosophical account of it. Thus for example Frank Jackson:

> Folk morality [is] the network of moral opinions, intuitions, principles and concepts whose mastery is part and parcel of having a sense of what is right and wrong, and of being able to . . . debate about what ought to be done.
>
> (Jackson 1998: 130)

James Wallace also understands ethics in a broad, pluralist way, as that which 'somehow governs all our activities':

> [Morality] is not something separate from the knowledge of specific activities. . . . It is not focused upon one particular sort of interest or purpose as navigation or agriculture is. [It is] a hodge-podge of ways of acting . . . that arise from our struggle with a many different sorts of problems we encounter in the course of engaging in a variety of different activities in a social context. . . . We . . . denote these ways of resolving problems of living together by the term 'morality'.
>
> (Wallace 1996: 14–15)

Other philosophers simply stipulate certain limits to the ethical. Philippa Foot insists morality is necessarily concerned with human good and harm. When she considers in a postscript the possibility that her story of ethics as 'a form of goodness common to all living things must carry implications about the way we should treat animals or even plants', she insists this 'is a complete misapprehension', because 'moral philosophy has to do with the conceptual form of certain judgments about human beings, which cover a large area of human activities' (Foot 2001: 116). We have two limiting stipulations here: the presumption of negligibility (animals and plants don't matter), and the bystander bias (ethics is about judging moral agents). But as I have argued above, my examples suggest there is much more to ethics than that, on both counts.

Like many others, in the debate about the definability of 'the moral point of view' discussed above, Baier in the end gives up and says the real work remains to be done. He hopes others will take up the challenge:

> The distinction between the moral and the nonmoral domains would seem to be morally important. [It] would seem to call for a general

> scheme by which an underlying coherent relationship between these domains could be brought to light or constructed . . . I hope that this topic will attract the attention of others.
>
> (Baier 1996: 243)

After rejecting Baier's account of ethics as altruism, Joseph Raz goes on to consider whether, if we give up the idea of a distinctive moral point of view such as Baier's, we may lose the resources we need to explain the special stringency we associate with ethics. He argues our intuitions about ethics being especially normative are flawed (Raz 1996: 76–9). He also rejects the idea 'that concepts of guilt and of wrong-doing are . . . special to morality', or that they might be uniquely or especially subject to 'outside censure' (Raz 1996: 77, 79). Raz concludes pessimistically:

> There could be other interpretations of the nature of moral considerations which will indeed show them to be more stringent than nonmoral considerations. . . . I know of none, and in their absence my tendency to believe that moral considerations do not form a special subclass of nonrelational goods and values is strengthened.
>
> (Raz 1996: 80)

The motive that Raz and many others have for thinking that what is distinctive about ethics cannot be captured is not just that the task seems 'doomed', as Diamond put it. It is because they think that to allow that ethics can be delimited – that there is a 'moral point of view', with an inside and an outside – would be to admit the possibility of amoralism, the possibility of a point of view replete with values and reasons, and so, rational, which is not yet moral.[35] In my view, philosophers motivated by this worry throw the baby of the distinctiveness of ethics out with the bathwater of the oxymoronic idea of a fully rational, socially integrated human being who deliberately and freely opts out of ethics.

Whether it is motivated by the difficulty, or the sense of some risk to delimiting the moral, how does the idea that ethics is indefinable fare in relation to my examples? Is it plausible that there is no general account we can give of what distinguishes the first set of examples from the second? We have seen that sentiment and normativity cannot capture the difference we are interested in. Content, when articulated in any of the three ways I identified – as concern with being an excellent agent, with human well-being, or with others – seems no better. Must we conclude with pessimists like Diamond, quietists like Dancy, pluralists like Wallace and sceptics like Raz, that the job can't be done? Or should we decide, with Warnock, Baier and Smith, to postpone the job to another day or, better, another philosopher?

Unlike these writers, I think a satisfying account of ethics can be given. But the first step we need to take is a step backwards. Instead of looking for something special about the sentiment, normativity or content of ethics, we

should step back and consider the form of ethical activity. We should begin by thinking of ethics as a practice. In Chapter 3 I discuss the concept of practice, and argue that ethics satisfies the criteria for practicehood. If we accept the resulting practice conception of ethics, I argue, we will see more clearly which aspects of ethics enable us to distinguish it from the rest of life, and we also see why some aspects of it – sentiment and normativity – cannot do so. The problems with sentiment and normativity-based accounts, and the problems with accounts about content which are bystander- or agent-biased, or which depend on a presumption of moral negligibility, or which make a sharp distinction between self-interest and ethics, are illuminated by the practice conception. The practice conception also makes clearer how different accounts of ethics may be related – for example, it shows that normative ethical theories like consequentialism, deontology and virtue ethics cannot be competing global theories, but must be complementary and perspectival. The practice conception also shows why a fourth theory is possible, which makes the standpoint of the patient central.

The patient, the being whose need calls for help from the moral agent, is at the heart of ethical practice. We recognize and respond to patients' needs without thinking, many times every day. The patient and their need is as important and central for moral philosophy as it is for moral practice. This has not yet been recognized in moral philosophy, although patients and their needs are mentioned in passing by many writers, and the status of a patient in need as a moral paradigm is widely, if unreflectively, relied upon. In my ethical examples, the need of some being called for help from a moral agent. The baby in the runaway pram needs to be saved, the cat needs the torture to stop, the child (and the dog, and the father) at the dog-fight need various kinds of help, the colleague needs solidarity, the toddler needs to be rescued from the pond, my handicapped child needs a supportive communal home to live in, my son needs not to become a soldier, my wife needs not to be left alone on the station at night, my children need not to be addicted to heroin, the unspoiled forest needs to be left alone, the play equipment needs to be repaired.

In my non-ethical examples, by contrast, needs were absent. No-one needs me to take a more attractive photograph, the cat doesn't need its treat, and I don't need to play with it. The baby doesn't need more milk. We don't need to rib the incompetent departmental manager. My sister doesn't need the laugh my story might give her, summer bedding doesn't need the cruel parody it gets in the press – but nor do I need the parody to stop. It is harmless, it doesn't matter. The landscape doesn't need me to pitch my tent in any particular place, so long as I don't damage anything. We don't need a department painted in any particular colours. We don't need the most challenging philosophical question, or the most economically efficient management strategy.

In the rest of this book, I fill out this way of thinking about ethics. In Chapter 3 I outline and defend the practice conception of ethics, to show

what is wrong with available accounts, to identify constraints on better accounts, and to say how different accounts might be related. In Chapters 4 to 6 I develop the account of ethics as the practice of meeting needs. I explicate the concept of a morally important need, and describe the elements of contexts which together make up the fabric of our moral practice. The core ethical skill that moral agents have, I argue, is the ability to distinguish needs, which obligate moral agents, from other states which do not obligate morally, like the mere ability to benefit or be pleased. In Chapters 7 to 9, I discuss the more familiar moral theories, consequentialism, deontology and virtue ethics, in the light of the implications of the practice conception and the needs-centred theory.

3 Ethics as a practice

Will thinking of ethics as a practice help us to understand what it is,? As we saw in Chapter 2, contemporary analytic moral philosophers do not think of ethics this way. To see whether a practice conception of ethics will help, we need first to explore the concept of practice, and then consider how well ethics fits the framework it provides.

Practice

'Practice' is a member of a family of concepts of kinds of human action. Other members of the family are habit, custom, form of life, institution, way, technique, following a rule, use, experiment, ritual, routine, activity, game. Kinds of action may be rudimentary, like some habits or games, or highly elaborate and complex, like some practices and rituals. Although, as Wittgenstein famously argued for 'game' in the *Philosophical Investigations*, there need be no essence shared by each set of activities, it is still useful to bring the genus of which they are species into sharper focus (Wittgenstein 1953).

A useful way in to understanding the kind of action that a practice is, draws on Aristotle's account of agency, patiency and change in action at *Physics* 202a12–b28 and *Metaphysics* 1046a20 ff. In Aristotle's account of action we can discern four elements: an agent or 'mover' – that which does the action; a patient or 'moved' – that which suffers the action; an act – what the agent does; and an end – what the act aims at. For any action, then, we should be able at least roughly to pick out and describe these elements: *who* did *what* to *whom/what* with what *effect*?

Insofar as kinds of action consist of actions, these same features should be discernible in them. Of any kind of action, we should be able to say something about *whose* action-kind it characteristically is, which *objects* it characteristically affects, *what* is done, what *purposes* it characteristically has. Take musical practice, for example. The kind of agent might be 'musician', the kind of patient might be 'violin' or 'audience', the kind of act might be given as 'practising' or 'performing' or 'Bach's Partita No. 2 in D minor', and the end might be given as 'excellent performance' or 'fulfillment of the composer's idea' or 'the pleasure of the audience. Lowlier kinds of action are

analysable in just the same way. The habit of gum-chewing, for example, is done by some human beings (agents), who chomp (act) chewing gum (patient) to relieve tension or enjoy a pleasant taste (end).

In addition to having distinctive kinds of agent, act, patient and goal, as rich and complex kinds of action, practices have other distinctive features, which Alasdair MacIntyre helpfully describes in *After Virtue* (MacIntyre 1981: 169–89, esp. 175). According to MacIntyre, practices are coherent structures of human activity, which are 'socially established'. Because of the complexity and the high level of skill involved in practices, their social establishment requires both horizontal and vertical support. The horizontal support is seen in the contemporary culture, where experts and supporters in every practice act as the custodians of the standards of excellence, and the gatekeepers who enable the induction of novices into the practice, and guide their acquisition of the skills. The vertical support consists of the history of the practice. Practices are established over a long time, and the standards of excellence internal to them have evolved and been tested and modified over the years, generations, centuries or longer during which the practice has continued to exist.

In addition to contemporary and historic social support, practices also have 'internal goods'. An internal good is one which cannot exist, or be understood, apart from the practice. Internal goods depend on a particular practice, and cannot be measured, owned or traded, although some – skills, for example – can be had in degrees, or taught and learned. Having 'more' of an internal good does not mean less for others – there is no limit to the 'accumulation' of internal goods. Take the practice of cookery, for example. The goods patients experience, of a well-cooked meal, including good nourishment, the conviviality of a shared mealtime, the good look and smell and texture of the food, are all examples. The goods the agent experiences, of cooking well, including the practical pleasures of the movements, the co-ordination of different activities and objects, and the goods of the new forms of human excellence, such as learning to be, or performing as, or helping someone else to be a chef or a connoisseur of food, are all examples of internal goods in MacIntyre's sense.

Some internal goods are internal 'goals' or purposes of the practice, like the excellent meal; others are goods internal to the processes of the practice, like the activity and experience of cooking well, or the rituals of participation at the feast. What is distinctive about internal goods is that they cannot exist without the practice. This is one reason why practices are so important in human life. They generate new goods, which cannot be achieved any other way. Internal goods are also characteristically not a limited commodity. My enjoyment of the meal is not in competition with yours, and the skills of being a good cook, or being a good connoisseur, are not in limited supply. Such goods also enrich the community, in the sense of opening up more opportunities for benefit and more opportunities for living an excellent human life.

External goods, in contrast, are independent of any practice. They may be achieved in a variety of ways. They come in measurable quantities, and are such that if one person has more, another must have less. They may be possessed and traded, and are characteristically objects of competition, in which there will normally be winners and losers (MacIntyre 1981: 178). Paradigm examples of external goods are material goods like money, and positional goods like celebrity. Money is not internal to any particular practice, it is in limited supply, and people compete for it and use holdings of it to claim higher status over others.

Although external goods are external to practices, they are nevertheless necessary for practices to exist. Cookery, for example, must have equipment, and its practitioners must have a living and the resources they require to do what they do. Practices depend on external goods. This is what MacIntyre uses to distinguish practices from institutions. Practices depend on external goods, whereas institutions have it as their sole purpose to furnish the external goods that practices require. Institutions for MacIntyre include things like 'chess clubs, laboratories, universities and hospitals'.

Institutions acquire money and material goods, are structured in terms of power and status, and distribute money, power and status as rewards. The ideals of the practice, which refer only to internal and not to external goods, are therefore always vulnerable to 'acquisitiveness' and 'competitiveness' of the institution. In this context, MacIntyre introduces the core virtues, as playing the essential role of stopping practices from being taken over by the corrupting power of the institutions in their inexorable drive to claim a bigger share of the external goods (MacIntyre 1981: 181).

For MacIntyre, practices also involve standards of excellence and obedience to its rules. This feature is easy to see in practices with explicit rules, like chess or football, or medicine, where the way things must be done in order to count as part of the practice is actually spelled out in writing. But it may be as true of practices where no explicit rules can be found, like cookery or ballet. To enter into a practice, MacIntyre reminds us, just is to accept the authority of those standards, the sovereignty of those rules, and the measurement of our own performance against them. To enter into a practice is to subject one's own ideas about the practice, and one's own efforts and preferences, to the standards which define the practice (MacIntyre 1981: 177). This echoes a point made by John Rawls. According to Rawls, to question the rules that define a practice, even if the question is 'is this the best thing to do?', is to undermine the practice (Rawls 1955: 161).

Of course, standards and rules change. We need only compare Victorian with contemporary cookbooks to see that in relation to the practice of cookery. But what does not change is that a novice cannot be inducted into the practice unless they accept the authority of the best standards realized so far. If a novice refuses those standards, they will never learn to appreciate good practice, let alone to practise well themselves. In practices, then, 'the authority of both goods and standards operates in such a way

as to rule out all subjectivist and emotivist analyses of judgment' (MacIntyre 1981: 177).

The final feature MacIntyre uses to distinguish practices is that of facilitating the systematic development of human excellence and virtue. This goes in two directions. First, as I mentioned above, practices provide new internal goods. They provide new forms of excellent human life both individual (for the practitioner) and social (for members of community), as when the practitioner in their pursuit of excellent practice discovers the good of a kind of life (MacIntyre 1981: 177), or when a new human possibility is discovered, as when Turner transformed the seascape in painting or W.G. Grace transformed batting in cricket, and their achievements 'enriched the whole relevant community' (MacIntyre 1981: 178).

Second, practices provide a context for the core virtues, 'justice, courage and honesty' (MacIntyre 1981: 178). These virtues are taken to be necessary components of any practice, since failure to accept them bars us from achieving the standards of excellence or the goods internal to a practice, and would 'render the practice pointless except as a device for achieving external goods' (MacIntyre 1981: 178).

I hope that the analysis of practice I have offered, explicating it as a kind of action and drawing on the conception MacIntyre develops in *After Virtue*, gives us enough material to avoid the pitfalls that have given pragmatism a bad name as a woolly approach in contemporary analytic philosophy.[1] Now, I want to argue that if we find that ethics has distinctive kinds of agent, patient, act and goal, and if we find it has social support, internal goods and standards of excellence and rules, and we find it is supported by external goods, institutions and some 'core virtues', it will be reasonable to think of ethics as a practice, and to draw out the implications of that claim.

Ethics

Just as in an action we can distinguish four elements agent, patient, act and end, so in a kind of action we should be able to identify a kind of each of those elements. Does ethics satisfy this requirement? Let us consider the agent element first. Can we discern a distinctive kind of agent, characteristic of ethical contexts? I think we can. The paradigm moral agent is the mature human being. The moral agent has distinctive skills and virtues, to do with noticing when a situation is morally demanding. Moral agents recognize when babies need saving, cats need protecting, colleagues need supporting, landscapes need careful treatment. Moral agents characteristically notice what help is needed, and are strikingly able and disposed to help.

If a moral agent is experienced and the context is straightforward, they will exercise their skill by responding fluently and automatically, initiating helping action without a thought. If they are less skilled or experienced, or the situation is novel or complex, they will need to consider what help is needed from them. In doing this, they may examine the patient more closely,

they may consider what will bring about the best result, they may refer to principles, and they may seek to follow the example of virtuous people. In such cases, they will only act to help once they have worked out what to do. In difficult cases, moral agents may act effortfully, and they may get it wrong.

Children, newcomers, mentally handicapped people, causal mechanisms, animals and damaged or badly socialized human beings may all fall short in various ways of being full moral agents. Even ordinary human beings, under stressful or distracting or tempting circumstances, may lack the moral agent's virtuous ability to identify moral demands correctly and respond appropriately to them. But mature moral agents can also lose this ability, when they are subjected to stresses which undermine their ability to recognize moral reasons and respond ethically to them.[2]

Moral agents have skills, capacities and tendencies which are distinctive of ethics and different from those skills which characterize agents in other practices. In scientific practice, for example, the agent is characterized by intellectual curiosity. Their skills have to do with getting parts of the world to reveal their workings, and identifying experimental and observational ways to facilitate this. To do this well, the scientist also needs to be quite insensitive to the ebb and flow of moral reasons, and reasons from other practices, when he is working. Applying Rawls' point about practice rules, just as asking 'is this *really best*' of every practice-indicated action undermines the practice, so asking 'is this *morally* best?' or '*religiously* best?' when engaged in science or some other practice must have the same effect. The scientific agent's project of inquiring into the nature of objects contrasts profoundly with the moral agent's project of seeing to it that the objects are all right.

Can we distinguish moral patients from the patients of other practices? I think we can. But I also think that the way we usually do this is not the best way. The usual way involves 'the presumption of moral negligibility' I criticized in Chapter 2, which implies that the only moral patients are human beings, or sentient or rational beings, or things that are important to human, sentient or rational beings. I have argued that we should abandon this presumption, in favour of a presumption of moral importance.

Even if we retain the presumption of negligibility, the vigour of debates about which kinds of objects 'should count' as moral patients supports my claim that the practice of ethics has a distinctive class of patients. These debates consider what moral constraints things like human foetuses, animals and incapable human beings impose on moral agents. Proponents of the presumption of negligibility must think of ethics as a distinctive practice, with a distinctive category of patients which demand moral concern, for their participation in such debates to have any rationale. The insistence of all parties that it is important to act ethically in relation to some things but not in relation to others would make no sense otherwise. If ethics were indefinable, or were a hodge-podge of life-skills, the question of which things should be its patients could not make sense, let alone be pressing.

If instead we adopt my favoured presumption of moral importance, will we still be able to identify a kind of patient characteristic of ethics? The danger seems to be that on this presumption, anything and everything might count as a moral patient, from a speck of grit to a grandfather. I think we can still make out a distinctive kind of patient if we include within the idea of the patient the condition it is in. This enables us to say that, just as cookery is interested in objects insofar as they may be edible and tasty, and apt to be prepared in practice-specific ways, so moral practice is concerned with things insofar as they may need help. Any existing thing that can have needs is a potential patient of ethics – just as any edible thing is a potential patient of cookery.[3]

Can we identify a kind of act, an intentional thing done, that distinguishes ethical practice from other practices? Again, I think we can. What moral agents characteristically do is to act to meet the needs of moral patients. They save – babies, cats. They support – colleagues, friends, those in need that they encounter. They restore – feed hungry people, give back property, repair broken things. They protect – landscapes from developers, cats from torturers. They care – for children, spouses, siblings, colleagues, strangers, flowers, gardens, communities.

Many different types of action, then, count as ethical. Protecting, nurturing, defending, supporting, enabling, preventing, repairing, caring, encouraging, feeding, preserving, helping, sharing, promoting, tackling, welcoming, tolerating, accepting, obeying, all are plausibly modes of ethical response to a patient. Is there any unity in the diversity of ethical modes of engagement with patients? It may be that no single verb can capture all ethical acts. Even if no positive specification can be given, some types of action may be excluded from the ethical *a priori*. 'To use' is not to act in an ethical way towards the thing used. Nor is 'to worship', 'to cook' or 'to study'. But I think we can go further and offer a positive account. 'Helping' or 'needs-meeting' come close to capturing what is distinctive about ethical acts.

We can easily see how this type of action is different from the actions characteristic of other practices. In science, agents characteristically inquire into the object. They investigate how the object works, and how it is related to other things. To this end, they observe it. But they may also dissect it. They may penetrate and probe it. They may measure it. They may expose it to stimuli to see how it behaves under different conditions. They may experiment on it. If scientists help, or meet the needs of the object at all in the course of their practice, this will be an instrumental matter. The lab technicians at Huntingdon Life Sciences (the English centre for animal experimentation) meet the needs of animals only because that is how to ensure the animals will be in the best condition for the inquiry into them to proceed. Because they are instrumental to a scientific end, such acts are not ethical acts. To put this in MacIntyrean terms, because the interest is driven by external goods, it is not strictly speaking an exercise of the practice skill *per se* at all.

Can we distinguish ethical ends, goals or values from those of other practices? Is there something – or some set of things – ethical practice aims at? The usual answer is that ethics aims somehow at human good. But if we reject the presumption of negligibility, as I suggested in Chapter 2 we should, we may need to conceive the aims or goals of ethics more widely also. When we rescue babies, save cats from torture, return property, comfort friends, support colleagues, is there some kind of thing that we are trying to achieve?

I think there is. We are trying to see to it that things are all right. Our aim, when we meet needs, is something like the wholeness or un-harmedness of the things with which we share our life. The concept in Jewish ethics of *tikkun olam*, usually translated as 'repairing' or 'healing' the world, captures this claimed basic end of ethical practice well, I think.[4] Ethics aims not at maximizing any value, nor even at promoting happiness or flourishing. It aims, more modestly but more importantly, at wholeness, at making sure things are all right or as they should be.

I have argued that ethics satisfies the requirements for being a kind of action, of having kinds of agents, patients, acts and goals. I will now argue that ethics also has the rich properties that Alasdair MacIntyre identified as being distinctive of practices. First, does ethics have internal goods? To count as 'internal', a good must be such that it could not exist without the practice. Things having been restored or protected from harm are obvious examples of internal goods of ethics. Saved babies, protected cats, supported colleagues, unspoiled forests, all could not be without the practice of moral agents exercising their distinctive skill, that of meeting needs.

For moral agents, the goods of conscience are also internal goods. The particular experience of value that one has, when one has done a good or right thing, is unique to ethics. I may really have helped to make things all right, as when I stood up for the pariah rather than joining in the bullying. Or I really have helped to prevent some terrible harm, as when I save the cat from burning, or talk the father out of inducting his son into enjoyment of macho, violent dog-fighting. The appreciation of wholeness, of people, communities, artefacts, natural things, which comes of knowing from experience just how much ethical work of watchfulness, care and help it takes to heal the world even a little, is also an experience of conscience, of perception of the world in moral terms. All these goods make no sense without presupposing a practice called ethics, so they are internal goods.

Does ethics also have internal standards of excellence? I think it does. We learn what it is to be good and do right from the experts, mature moral agents. We learn about the values our culture holds dear. We learn about the norms for good action, about which needs of which things demand help from which moral agents, under what conditions. We learn about the virtues, about which habits to cultivate and which to overcome. We may learn some explicit rules, perhaps the Golden Rule ('do as you would be done by'), or the rule most often taught and learned by women, 'look after those

near to you', or a 'master rule' like the categorical imperative (which tests any rule to see if it is ethical), or something like the Jewish principle of *tikkun olam*.

We may learn sets of rules as grand as the ten commandments or as modest as the 'code of ethics' or 'statement of values' of a group we belong to. Any example of ethical practice we can find will have internal standards of excellence of this sort, supported by history and contemporary culture. And it is as true of ethics as it is of chess or baseball, that I have to accept those rules and standards and set aside my own ideas to have any chance of learning what a morally good action is, let alone of doing one well (MacIntyre 1981: 177).

Is ethics suitably related to external goods? Again, I think it is. Ethics depends on resources such as food, safety and education to be possible. Moral agency is impossible in situations where moral agents themselves are incapacitated or lack resources, knowledge or means to help. When you think about it, it is striking just how many institutions there are which exist to channel support into ethics, and to develop and refine the internal standards of excellence, and promote awareness of the distinctive internal goods.

Charities are a good example. They are by definition concerned with ethics (which is why they do not pay taxes). They increase awareness of needs for help, seek better ways of helping, and gather and channel resources into helping. Some charities focus on specific forms of harm. Examples include international aid agencies, which focus on the 'distant needy', or hospices, which focus on the needs of the dying and their families. Some charities focus instead on skills which can apply to a range of needs (like Voluntary Service Overseas, which supplies skilled workers to deprived areas). Educational institutions also exist to inculcate the culture's ethical values and norms. Religious institutions also support and extend ethical practice, as do various parts of modern states, like national health services, social security systems and foreign aid programmes. The criminal justice system, and even the armed forces, arguably exist to provide institutional support on which the practice of ethics depends.

All these institutions exist to facilitate ethical practice. All of them are essentially concerned with maintaining and improving the objective standards of excellence internal to some area of ethical practice (feeding the hungry, helping the dying, inculcating the right values). All of them are essentially concerned with obtaining the external goods necessary to sustain ethical practice. All of them hand out money, power and status as rewards. All of them are vulnerable to the corruption dealing with external goods makes into a standing temptation; in all of them, the ethical practitioners have to resist this temptation by justly, courageously and honestly seeking to make the standards of the ethical practice sovereign.

The number of institutions, and the scale of resources invested in them, is a good indication of how important and central a practice is in the life of a

culture. By this criterion, most cultures take ethics to be one of the most important practices they engage in. It is regrettable, from the point of view of all the patients in the world that need help, that ethics is not yet everywhere and incontestably the most important practice, and does not yet have enough institutional support to ensure it is universally taught, learned and practised.

What of MacIntyre's final criterion, that to be a practice an activity has to facilitate the exercise of virtues and the development of new human excellences? Does ethics do this? Does ethics provide opportunities for the exercise of the core virtues? The question seems almost absurd. If ethical practice doesn't essentially involve exercise of the virtues, what practice could? It is obvious that, in being or doing moral good, I have to be just, courageous and truthful for my actions to be recognizably parts of ethical practice. I can no more unjustly, hesitatingly or deceptively achieve a morally good end than I can win at chess by cheating.

Ethical practice also clearly makes new kinds of human excellence possible. The life of the mendicant guru is one example; the life of the selfless advocate of the rights of the poor is another. The lives of unselfish carers, paradigmatically mothers, but also care-workers and informal carers in the family and the wider community, although they are less visible in the public world and receive far less notice and appreciation and far less philosophical attention than they should, also manifest a unique form of moral excellence.[5]

Great moral excellence is rare, and original but recognizable forms of it are even rarer. But we know these things when we find them, and we recognize them as exemplary in a way that makes it possible for the whole life of the community, extending through history, to be enhanced. The life of Jesus is an obvious example from our own tradition of a way of living that transformed the understanding of what it was to be good that existed before. Loving thy neighbour as thyself, turning the other cheek, standing up to political authority and rejecting religious grandiosity and hypocrisy, refusing to judge the morally compromised, refusing the practices of sexism and male dominance, were all new ways of being an ethically excellent human being that we have been pondering ever since.

When a culture faces moral puzzles and challenges, when the material is there for some creative innovation in our ethical practice, it is natural for the community to look to the artists of goodness to do something new. In our own modern culture, the challenge of combining the private ethical responsibilities of care for home and family with the public ethical responsibilities of being productive and participating in the community yields a practical contradiction that was never felt when women accepted the terms of patriarchal oppression and looked after the household, leaving men 'free' to work and play in the public domain. This problem cries out for ethical innovation, for some new way of being an ethically good person, which will probably have to be as miraculous and striking as the way of Jesus.

Other accounts reconsidered

I have argued that ethics falls under the concept of practice very naturally and fully. Why, then, is ethics not more commonly thought of this way? The main problem, I think, is that the assumptions and ideas about the definition of ethics which I discussed in Chapter 2 get in the way. People assume ethics has to do with some special feeling, or some special form of normativity, or how agents should live, or altruism, or human well-being. Or else they assume – particularly if their efforts to define ethics in other ways have come to nothing – that ethics cannot be defined, or need not be, or is an irreducibly plural 'hodge-podge'. The practice conception helps us see what is unsatisfactory with these ideas about ethics.

The practice conception reveals a possible error in defining ethics in terms of sentiment, which might explain why we find that account unsatisfactory. We can see much more clearly in relation to other practices, and practices in general, than we seem to be able to in relation to ethics, that sentiment can play only a contingent and secondary role. Praise and blame, sympathy, empathy and care are not, in MacIntyre's terms, practice-specific internal goods. Nor does sentiment set internal standards of excellence. When we are engaged in a practice, feelings may come and go, and are not a condition for judging whether or not we are properly engaged. It may be that MacIntyre's chess-playing child, and the mature moral agent, when they have fully cottoned on to the practice, do experience certain feelings when things are going normally.

In such cases, a recognition of the normativity of needs as moral reasons may normally be accompanied by a lively compassion for the needy being, say. Some specific forms of those feelings may even be among the internal goods created by the practice. But it is also a mark of full engagement with a practice that the agent will still take the practice-reasons to be normative for them even when their feelings are not co-operating. But we should notice that any practice involves feelings such as sympathy and blame in this way. Ethics is not an especially emotional practice. The play of emotion in it is contingent, and has no special normative role.

The practice conception also shows some of the mistakes there might be in the second account of ethics, which defines it in terms of some special kind of normativity. If we think of ethics as a practice, we will expect the normativity of moral reasons to work in the same as the normativity of reasons in other practices.[6] It follows that if we can without philosophical embarrassment be 'realists' or naturalists about the reasons that feature in practices like rugby or science, say – as most of us are – we can be naturalists about reasons in ethics, too. The things that work as reasons in moral practice are the needs of patients. These are parts of the ordinary observable furniture of the world, they are not in any way mysterious. If philosophers accept the concept of an action-guiding affordance in other practices, which they all do, if they are consistent then they should not

baulk at moral normativity or pretend there is some special 'problem' in the case of ethical practice (Gibson 1979; Smith 1993).

Relatedly, the practice conception also reveals why we cannot see ethics as 'essentially normative' or 'essentially evaluative'. With an explicated concept of practice in hand, it is easy to see that all practices as such must involve descriptive discourse (to give facts about agents, patients, acts and goals). They must also involve evaluative discourse (to offer practice-relative assessment of aspects of agents, patients, methods and goals). And they must involve normative discourse (to guide agents). These are irreducible features of practice as such.

If this is right, any claim that ethics is somehow 'more' normative or evaluative than other practices must be confused. This confusion is painfully evident in the persistent and muddled debate about whether ethics is as truth-apt, realistic or objective as science, in which some otherwise sensible philosophers identify themselves as 'moral realists' and earnestly attempt to shoe-horn all moral judgments into the category of 'statements of fact' which are cognitive, and others who identify as 'anti-realists' try to shoe-horn all moral judgments into the category of non-factual and non-cognitive 'evaluations' or 'prescriptions'.

The mistake is the failure to compare like with like. Parties in the 'ethics/science debate' demand the same truth-aptness for an evaluative or normative ethical judgment ('hurting the cat is bad' or 'you must not hurt the cat') as for a descriptive scientific judgment ('the diode emitted blue light'). But of course these will never match, because evaluating, prescribing and describing are importantly different aspects of engaging in a practice. The only kind of comparison which could possibly reveal any 'deep' difference between ethics and science would have to compare like with like: an evaluative ethical judgment with an evaluative scientific judgment ('hurting the cat is bad' with 'that is a good diode'); a descriptive ethical judgment with a descriptive scientific one ('the cat is hurt' with 'the diode emitted blue light'). But once we compare like with like, the thrill of wondering whether ethics is as real as science collapses into something quite silly, like wondering whether cookery is as rigorous as philosophy.[7]

But the 'ethics/science debate' does reflect, however ineptly, a genuine concern that ethics should not be mere or optional or 'invented'. The practice conception gives us the resources we need, to understand and resolve this worry. It capture the senses in which ethical normativity is more solidly grounded or important than the norms of other practices. MacIntyre's account suggests how a practice might become more concrete, more 'genuinely' normative, through the weaving of social and historical fabric around it. The more historically entrenched a practice is, the more true it will be that I 'must' subordinate myself to the historical standards if I am to engage in it (think of being a Catholic). The more expertise is institutionalized in the present, the more true it is that I must accept the instruction and criticism of socially constituted experts (think of being a doctor). We saw above just

how much historic, contemporary and institutional support ethics has, Other practices share this entrenchedness and centrality with ethics – science, for example, parenting, religion, politics and work. Far from being 'mere' or 'optional', it is hard to imagine any viable form of human social life at all which does not have at least these practices as essential parts.

As well as being socially and historically entrenched and central, there is a further sense in which ethical normativity is not 'mere' or 'contingent'. The normativity of needs in moral practice is an example of 'natural' normativity, in that moral agents use the needs of patients, which are parts of nature in the sense of being mind-independent, to guide their actions. Science also involves natural normativity, as features of the object of study guide what the scientist should do. So does navigation, where the stars guide navigators as they steer their ships. This can be contrasted with 'conventional' normativity, where we use artefacts to guide action – rules and states of play in chess, red lights, promises, rulers, etc. Some of the special weightiness of moral normativity, then, might reflect this sense that it is world-guided. We might put it like this: in ethics, as in science, we do not make up the rules.

The normativity of ethics is also different in kind from some other natural practices, which are what we might call 'interested' practices. In navigation, and arguably science, for example, the internal ends of the practices are shaped by something the agents want or need. In navigation, we want to find our way. In science, we want to understand the object. But in ethics, moral agents use needs to guide their actions in seeking an end that is determined not by what agents want or need, but by what the patient needs. No other practice is grammatically concerned with its patient in this way. The being-all-right of the patient is an internal good, which constitutes the very meaning of the action as an ethical action. So moral normativity is special, in the world-guidedness of both the reasons to which it responds and the ends which it seeks. But notice how the practice conception of ethics shows moral normativity to be special in all these ways, without making the claim which was shown to be problematic in Chapter 2, that moral normativity is especially 'categorical'.

The account of moral patients given in the practice conception also gives a useful clue as to why moral reasons have some of the features that other accounts of ethics I discussed in Chapter 2 have emphasized, like connections with deep good and bad feelings, and strong normativity (categoricalness or trumpingness). The moral requirement presented by a need just is, brutely, troubling, and stringent and demanding. The patient in need really must have help if they are to be all right, and there is nothing else for it but to help, once you recognize the need. This explains why moral demands feel so exacting, and why they are often (but not always) felt to trump the demands arising from the patients of other practices.

The importance of the existence of things is expressed in the connection we make between responsiveness to needs and character. A person who does

not respond to clear needs presented to them shows themselves to be seriously morally defective. This is quite commonly recognized, but what is not commonly recognized is that grasp of needs as moral demands is what is doing the work in shaping the moral agency of the competent agent, and that absence of appreciation of the demands needs place on us is what puts moral practice out of an agent's reach.

The practice conception of ethics also shows what might be wrong with the third account of ethics, as especially concerned with the content of a good human life. The practice conception enables us to see how the question of how we as moral agents should live is both larger than ethics, including our non-ethical practical concerns, and smaller than ethics, referring only to the kind human being. Once we think of ethics as a practice, we can also see more easily why we need not think of ethics as concerned with human or sentient or rational well-being. The practice of meeting patients' needs may or may not involve concern with well-being, and the objects of moral concern may or may not be capable of well-being. The practice conception also helps show what might be wrong with thinking of ethics as particularly concerned with others rather than the self. If ethics is a practice of helping things that need help, and if moral agents themselves can need help, it seems clear the moral agent can help themselves, and that this kind of action should count as ethical. There is no deep tension or difference between morality and self-interest in the practice conception of ethics.

Finally, the practice conception helps us to see why philosophers might have been led to conclude that ethics 'can't be defined', and why they might be wrong about this. Practices include very diverse different contexts and actions. Without the overarching concept of the practice of science, we might be forgiven for concluding that the activities of the ornithologist, the vulcanologist, the quantum-physicist and the neurobiologist have absolutely nothing in common, and that the efforts to tell a good story about science are as 'doomed' as Cora Diamond takes efforts to tell a story about ethics to be (Diamond 1983). But with idea of practice in hand, we can see how we might begin to build a picture of the unity of science within the diversity of activities. We can begin to discern the kinds of agents, the kinds of patient, the kinds of act, the kinds of end, the internal and external goods, the institutions, the social support, that together comprise the practice and make it real and durable. The practice conception enables us to see a unity in ethics which we may otherwise miss.

Objections

The idea that ethics is too diverse has been given as a ground for denying that we could think of it as a practice. According to James Wallace, for example, practices are areas of practical knowledge that serve people's specific needs and interests, but ethics 'governs all our activities, [being] knowledge of how to live' (Wallace 1996: 9, 12, 13). It is interesting that

Wallace contrasts ethics with rationality on this point, which, he thinks, can be seen as a practice, since 'norms of rationality guide us specifically in inquiry; there is no one activity to which the norms of morality are specific' (Wallace 1996: 39).

I think Wallace is wrong about rationality, which is if anything even more diverse than ethics or science. Norms of rationality apply in many practical contexts which have nothing to do with inquiry. Means-end prudential reasoning is one example, correctly identifying and responding to reasons in other practices is another. If there is a case for denying that one central kind of action in our lives is a practice, it may be stronger against rationality than against ethics.

The practice conception also suggests why we would be wrong to think of ethics as a 'way of engaging' in other practices, as Wallace and others have suggested. Any concern with ethical reasons that shows up in other activities is not a 'way' of engaging in those activities – it is a threat to them, as John Rawls has suggested (Rawls 1955). If I am playing chess, and someone watching me needs my help, and I go to help them, I am not thereby playing chess in an ethical way. Rather, I am disengaging from chess to practise ethics instead. I am 'switching off' chess reasons and 'switching on' ethical ones.

Another source of doubt about the practice conception is that it seems to threaten to deprive us of external constraints on what can count as ethically good. Since the norms of ethical practice are dependent on social and historical support, and so must evolve and change, the practice conception makes ethics contingent, and makes amoralism and immoralism real options. It is true that practices are culturally and historically situated. But this objection fails to recognize just how world-guided and durable ethics is and has to be. The point of ethics as such is to meet the needs of things. An ethical practice which failed to meet needs would not be an ethical practice.

That said, however, the practice conception does also have the benefit of encouraging us to face up to the unpalatable truth that there is a sense in which ethics must be contingent, and amoralism and immoralism must remain standing possibilities which no amount of philosophical ingenuity can exorcise. Consider amoralism. It is a fact that there are agents who are outside ethical practice. They include the untrained, like children and those who have grown up under stress or without moral education. They include those who are naturally defective, for example people with physiological or chemical faults, who lack the ability to see needs as constraining them, or who lack the control needed to set their own desires and interests aside. They include people who are defective as a result of trauma or injury, such as victims of violence or mental or physical torture. They include wicked people, who set other practices above ethics, such as the practice of scientific inquiry, or the seeking of harms and destruction for their own sake. And they include merely stressed, distracted or tempted people.

Such people may, indeed, not be able to see the point of ethical practice. They may ask, blankly, 'Why should I resist the urge to torture the cat, or

stand by while the colleague is bullied, or trash the valley?' For such people, as neo-Aristotelians have long argued, the solution is not to deny the reality of contingency and the difficulty of getting someone to engage in a practice. We cannot present such people with a knock-down rational argument showing them how consistency demands they treat the cat, colleague, landscape and you as they expect others to treat them and the things they care about.

This is partly because there could be no such argument, as Wittgenstein showed (1953; see also McDowell 1979), and partly because even if there were such an argument, the outsiders would not be moved by it. Our first move might be to present outsiders with external goods, rewards or penalties to encourage them to 'come in' to act in accordance with ethics' internal standards of excellence. But so long as their motivation is external, the agent is not yet fully engaged. It is only when the agent 'cottons on', and sees the point as practitioners see it, grasps the internal good of protecting cats, colleagues, landscapes and faces for their own sake, that we can say they are practising ethics.

Does the possibility of immoralism, of evil practices, make the practice conception of ethics less plausible? There are two points to make in response to this suggestion. The first is to point out that an 'evil practice', that is, a practice that involves doing harm for harm's sake, could not be an ethical practice, because ethics is essentially concerned with the prevention and amelioration of harm. The second is to argue more generally that evil practices are less possible than is often assumed. Along these lines, MacIntyre first suggests that evil practices might fail to be practices at all, but gives no argument (MacIntyre 1981: 186). He then argues that what flows from a virtue need not be good, and evil practices deploy the virtues of justice, courage and truthfulness for bad ends (MacIntyre 1981: 186–7).

Even if a practice which misuses the virtues in this way were possible, there are also resources outside practices for criticizing bad ones, like the virtues themselves. For this reason, MacIntyre might have done better to develop his initial intuition that an evil practice couldn't be a practice at all. James Wallace suggests that, to criticize evil practices, we can draw on the requirements imposed by other practices that play an important role in the life of the community. In this way we will find that slavery, an example Wallace explores in detail, violates this requirement from the 'holism of practices' (Wallace 1996: 79).

Implications

Seeing ethics as a practice has several important implications for normative moral philosophy, which I will explore in the rest of this book. First, it explains why we have the three types of normative ethical theory that we do. As a practice, ethics has a distinctive kind of agent, kind of patient, kind of act and kinds of value or goals. When you pick up an introduction to ethics, you will always find consequentialist theories, deontological theories and virtue theories discussed. The practice conception suggests why this is so. It is not because of historical accident or the movements of philosophical taste.

It is simply not true that 'there are several kinds of ethical theory, and there are several ways of classifying them ... no classification is uniquely illuminating', as Bernard Williams put it (Williams 1985: 74–5). Far from being a relatively arbitrary collection of approaches to ethics, the practice conception of ethics suggests that the types of normative moral theory that have been produced are determined by the structure of the phenomenon they have been created to explain, the practice of ethics. The practice has four elements, agent, patient, act and goal, and each theory arises out of the sense that the story told from one particular element has the capacity to reveal the reality and patterns of moral salience of ethical practice.

The second implication of the practice conception for normative ethical theories is going to be my main concern in Chapters 4 to 6. As well as explaining why we have the moral theories that we already do, the practice conception also implies that we need a fourth, new, kind of theory. I have indicated throughout this chapter that practices have characteristic patients, the proper objects of engagement for that practice, in addition to having characteristic agents, acts and goals. I have pointed out that we can approach a practice, and learn about it or offer a theory of it, via any of one of these four elements. Existing moral theories have approached ethics via the goals in consequentialist theories, via the act in deontological theories, and via the agent in virtue ethical theories.

What the practice conception shows we lack, and what I believe we need to complete our moral philosophy, is a normative theory which makes the patient central. All the available theories, of course, make some claims about patients in passing. In the background to all of them, for example, is the 'presumption of moral negligibility', which stipulates that things are negligible, i.e. are not moral patients, unless proven otherwise. This encourages our tendency to underestimate the theoretical importance of the patient for understanding ethics, and encourages our uncritical acceptance of a 'bystander' bias in moral philosophy, which leads moral philosophy to focus disproportionately on appraising what moral agents do.

The theories also make some positive claims about patients. Consequentialists think patients must be human, sentient or rational, and think we must respond to such patients by 'promoting' their well-being. Deontologists think patients must be rational (even if only 'transcendentally') or matter to rational beings, and think we must respond to them by respecting their rationality. Virtue ethicists do not say much about patients at all, as a rule, but define moral considerability formally, as whatever is the target of the virtuous person's concern. In metaethics, the presumption of negligibility is pervasive, and explicit discussion of moral patients and the demands they make is hard to find. In analytic moral philosophy generally, there seems thus far to have been no attempt to tell the story of ethical practice from the point of view of the patient.

But if the practice conception is right, a patient-centred theory must be possible. There are moral patients, and they play an important role in ethical

contexts. A theory that begins with the moral patient, and uses that to illuminate the rest of moral practice will contribute its own distinctive set of features to our complete understanding of ethical practice. It will not displace the patterns of significance recorded by the other theories. But it will provide a new and indispensable reference point for assessing some of the claims theorists make about other features. A patient-centred theory, rigorously developed, will not threaten or confuse the other theories. Rather, it will complement them, informing here, supporting or undermining there, and always constraining each of the others.

In the next three chapters I develop this missing, fourth perspective in normative moral theory. The theory I develop fills in the bare schematic idea that facts about the patient are an indispensable element of ethical practice, in the same way that consequentialist theories, for example, fill in the bare idea that facts about consequences are important. The content I give to the patient-centred theory is to claim that it is the needs of patients that moral agents are concerned with. I argue that the needs of patients constitute the moral demands which virtuous moral agents characteristically take themselves to be obligated by, and that meeting those needs is the goal of ethical practice.

Third, the practice conception also has some surprising and important news about how the normative ethical theories must be related to each other. Each of our three present moral theories focuses on one of the elements of the practice. Consequentialism focuses on goals. Deontology focuses on acts. Virtue ethics focuses on agents. But if all practices essentially involve all four components, not just one, then a theory which makes one component central cannot tell the complete story of ethics. Rather, each theory has to complement the others. For a consequentialist theory to be satisfactory, any claim it makes about ethics has to be consistent with all truths about the other components, which may be better revealed from the perspectives of the other theories. Far from competing for the status of being the single true theory of ethics, then, the practice conception reveals that these normative ethical theories are necessarily complementary.

This contrasts with the more common view that virtue ethics, deontology and consequentialism are competing theories of the whole of ethics. On this view, a philosopher writing a normative moral theory must be either a virtue ethicist, or a deontologist, or a consequentialist. On this view, one might 'be forced to give up' one's theory in the face of arguments showing that one's theory did a less good job than another in accounting for some aspect of ethics. Or one might argue that one of the major theories actually illicitly depends on one of the others, or really is that other theory 'underneath', as for example Julia Driver has argued that virtue ethics is really a form of consequentialism, and Nelson Potter has suggested that Kant's deontological theory is a form of virtue ethics (Driver 2001; Potter 1994).

Defenders of the theories typically see themselves as rivals, competing to offer the best complete ethical theory. The contemporary re-emergence of virtue ethics

was actually motivated this way, when in a very influential paper Elizabeth Anscombe found fault with both deontology and consequentialism, and concluded that virtue ethics was the only satisfactory alternative (Anscombe 1958). The dominance of the competing global theories view is evident in the way philosophers identify themselves as belonging to one or other theoretical camp, and by the ceaseless debate in the journals about which theory is best, or most fundamental. Philosophers who do not want to join up to one of the available normative camps remain agnostic about the correct normative account of ethics, and may talk vaguely about 'different kinds of theory' which have different uses, as Bernard Williams does, or about 'three ways of thinking', as the authors do in their introduction to *Three Methods of Ethics* (Baron *et al*. 1997). But there is never any suggestion that there has to be any particular number of normative theories, or that they constrain each other and have to be complementary.

The practice conception shows what is wrong with the competing global theories view. A 'virtue-ethical' theory of a practice, which sought to explain the whole practice solely in terms of the skills of the agent, would evidently struggle to account for facts about the patients, acts and ends involved in the practice. Think of chess. How could a theory which sought to explain everything about chess solely in terms of the skills of the chess player ever seem like a sensible idea? But this is exactly what virtue theories of ethics must try to do, according to the competing global theories view.

The practice conception suggests that versions of our normative ethical theories are possible, which are not rivals but perspectival and complementary. One perspectival theory will inform and constrain all the others. A perspectival virtue theory, for example, will constrain consequentialism and deontology, in the sense that those other theories will have to accept that there are facts about agents, their lives and their virtues, which are necessary elements of a complete description of any ethical context, and which virtue theory is especially apt to reveal. Any consequentialist or deontological theory which hubristically claims that 'virtues do not matter', or that '*only* consequences matter morally' breaches the constraint imposed by the necessary complementarity thesis.

One theory need not, and cannot, be a rival or alternative to the others. Each theory simply tells the story from a particular point of view, and has the deepest insights into one particular element of the practice. The virtue ethicist need not claim that what the other theories say about acts or consequences is false, but they need not give up on the idea of objective truth for their theory either. Truths from each theory must be recognized by all the others if we are ever to produce a complete and intuitively satisfying moral philosophy. This approach to the moral theories will inform the needs-centred theory developed in Chapters 4 to 6. In Chapters 7 to 9 I critically discuss consequentialism, deontological and virtue ethical theories in the light of the practice conception of ethics and the needs-centred theory.

4 Meeting patients' needs

The patient standpoint

The practice conception of ethics suggests that a new kind of normative moral theory is possible, which approaches ethics from the standpoint of the patient. The conventionally accepted activities of moral philosophy of assessing and seeking to justify or explain ethics, look unimportant or perverse from the standpoint of the patient, the one who is in need, who suffers and is helped. The patients' perspective reveals what is wrong with the bystander bias I have criticized. From the patients' perspective, the main philosophical task cannot be to 'apprehend and assess' agents (Diamond 1983: 161) – because the patient is not to be judged, and because the patient may demand something – such as extraordinary help – to which assessment is irrelevant. And even if the agent can be assessed, from the patient standpoint, so what? The pressing ethical questions from here are: what does the patient need, and what is being done to help them?

Attention to the patient-standpoint also highlights problems with the accounts of ethics I considered in Chapter 2. From the patients' perspective, the sentiment of the agent matters little, the point is that they should be helped. From the patients' point of view, the issue of the degree of normativity is also peripheral. As far as the content of ethical practice is concern, from the patients' perspective it seems the moral philosopher's main task cannot be to find out how agents should live, because what the patient demands may have little to do with the kind of life the agent is living, or has set their heart on. Socrates' question, 'How shall I live?', far from appearing to lie at the heart of moral inquiry, as it may from the agent and bystander perspectives, appears irrelevant to the point of self-indulgence, if it is raised by an agent faced with a patient in urgent need. The philosopher's task seems similarly unlikely to be to identify ways of promoting well-being, whether their own or other people's, because, again, what the patient demands may have nothing to do with the agent's well-being, or even their own.

In place of a moral philosophy that directs, judges, explains and justifies the activities of moral agents, then, the patient-standpoint demands a moral

philosophy that gives priority to patients, considering what they need, and how to meet their needs. In place of trying to justify ethical practice, or explain it in terms of other things, the patients' standpoint demands a moral theory that helps patients get what they need, by articulating the concept of need, showing how its moral demandingness works, and displaying the rationality of ethics as the practice in which moral agents meet needs well.

What, then, does emerge as salient in ethical practice, when we approach it from the patients' standpoint? What is it that is of moral significance that the patient brings to the situation, in my examples? What do the baby in the runaway pram, the little boy upset by the dog-fight, the hungry baby, the bullied colleague, bring to the examples in which they feature? The central claim I make in this book is that the morally salient feature the patient brings to ethical contexts is need.[1]

Patients in ethical contexts present needs. But not just any old needs. As I shall argue below, a special category of needs constitutes the category of what moral agents take to be moral demands in ethical practice. Patients in ethical practice are characteristically 'in need'. This fact is what makes a context one in which ethical practice is called for, this is what obligates the moral agent, and it is to this that moral agents respond. Moral agents respond to the patient's morally demanding needs by meeting them. But as I shall argue below, neither the morally demanding needs themselves, nor what is involved in meeting them, can easily be specified or codified *a priori*. A great deal of skill and fine judgment is required for moral agency, which is normally taught and learned in the course of induction into moral practice over an upbringing and education.

But although ethical practice is highly skilled, it is also pervasively and deeply taught in every human culture. One good result is that most of us have a very high level of skill, but another less good result is that we take this skill for granted, and do not even notice it, let alone analyse it philosophically. In our everyday lives, more or less dramatic or ordinary needs are all around us, and we meet them all the time, without difficulty and without thinking. If you look at the patients in my examples, you will see they all present needs. The baby needs food. The bullied colleague needs support. My husband needs me to fetch him. The unspoiled valley needs to be left alone. The playground equipment needs repair.

Moral agents – that is, all of us – are taught to recognize and respond to needs from an early age. We are taught to distinguish needs from other states, such as preferences or capacities to benefit, and we are taught to identify needs as the states that place moral obligations on us. We are taught which needs matter morally, how to weigh up different types and degrees of need, and how to weigh the moral demandingness of needs against the normative demands of the other practices which comprise our life. We are taught different ways of negotiating the sometimes conflicting demands of our own needs and those of others. We are taught how to meet needs – which

responses work best. We learn by trial and error, correction and encouragement, how and when to meet needs well. We are taught what the lacking state of a thing is, so that we are able to tell when it needs help, and also what the needs-met state is like, so that we can tell when the patient does not need our help any more. We are taught to appreciate the goods of needs smoothly anticipated and met before they become occurrent, and to appreciate the goods of the needs-met states of things.

Most of us, by adulthood, are so good at moral practice that we meet needs automatically, without thinking. We intuitively know, because we have learned from the example of those experts in moral practice, our parents and teachers, that needs are moral reasons, we know we must respond to them, we know how to do so, and we also know when a moral agent has done this well or badly. I have emphasized the elements of practice here which shape our skill: the history and social support, the roles of experts and novices, the internal standards of excellence and the internal goods.

Simple cases

Most of my examples in Chapter 2 were what I call 'simple cases' - that is, cases in which there is an single, unconflicted moral demand. For a context to be one in which moral practice can take place, two of the elements of moral practice must already be present – an agent, and a patient. For a context to be a simple one in my sense, there must be just one agent and one patient (the agent can also be the patient – moral agents often enough act on themselves in moral ways, meeting their own needs, for example). A moral agent encountering a being in need is an especially clear and central example of a moral simple case. When I encounter the baby in the runaway pram, or the cat being tortured, or the hungry child, or the beleaguered colleague, the need demands that I help. Provided I am a competent moral agent, and provided there are no other demands on me (whether moral or arising from some other aspect of life), there is simply nothing else to say than that I should meet the need, nothing else to do than meet the need, and nothing else to think than that it is right, good and morally praiseworthy to meet the need, and wrong, bad and morally blameworthy to fail to meet it.[2]

Such simple cases are moral paradigms. They show what we mean when we talk about 'moral demands'. We use such cases to show learners what moral demandingness is and how to respond to it. Simple cases are a measuring rod against which the moral demandingness of other things can be measured. If a moral agent does not see that the need constitutes a moral demand for helping action in such cases, what we will most likely say is not that we need a better argument to prove the moral importance of such needs, but rather that the agent has not yet mastered normal moral practice.

The demandingness of needs in simple cases may be especially easy to see in dramatic cases, like the baby in the runaway pram or the cat about to be

tortured.[3] But it is just as much present in banal, unremarkable cases, like the hungry baby, the bullied colleague, and the sister needing to hear some painful truth. Needs-meeting is the daily bread, as it were, of moral practice. It contrasts sharply with the *haute cuisine* puzzles that dominate philosophical discussion. Philosophical discussions which focus on difficult and dramatic choices mislead us here. They trick us into thinking moral practice and moral knowledge are much more difficult, obscure and stressful than attention to ordinary needs-meeting practice reveals they actually are.

Ordinary moral practice does not normally involve deciding what to do while driving a train set up for multiple homicide (Foot 2002b; Thomson 1985), or when a very fat person is blocking your exit from a cave and you have some dynamite handy (Foot 2002b), or when you are in a lifeboat and have to toss someone out (O'Neill 1975: 276), or when you are confronted with a sadistic homicidal chief who offers to spare twenty people provided only that you murder one (Williams 1972: 97–9).[4] Ordinary moral practice does not involve making decisions that will save or destroy the world, or deciding what kind of person to be. It does not normally involve deciding between the demands of self-interest and altruism, or the demands of science and ethics.

Ordinary moral practice is just that: *ordinary*.[5] It is normal, unremarkable, everyday. In simple cases, we know what to do, we routinely do it, and there is nothing else to say, do or think. The baby is hungry, we feed it. The cat is in danger, we save it. The colleague is bullied, we stand up for her. These are the cases where there is moral knowledge, where moral argument can be demonstrative, where worries about relativism, subjectivism, amoralism and the rest fall away. But as Geoffrey Warnock noted, 'when *all* the relevant considerations point *indisputably* one way, it is unlikely to occur to anyone that the argument is worth stating; the question, in fact, is scarcely likely ever to be raised' (1967: 70).

This may be why needs and simple cases have received so little attention in moral philosophy up to now. Their simplicity, and the way they so unambiguously display the nature of morality and moral demandingness, mean that philosophers have felt no puzzlement, no need to pause and consider just what a need is, and just what is going on in a simple case where an agent encounters a need and is morally obliged to meet it.

Before I explore the concept of need and the practices of needs-meeting that occur in simple cases in ordinary moral practice, I should note some other interesting features of simple cases that deserve more study than I can give them here. I have already said that simple cases are paradigms which display the nature of morality and moral demands very clearly. It follows from this that they must have priority over complex cases in some important ways.

Simple cases are prior in learning. We may need to be guided through simple cases, before we can grasp complex ones. Just as in teaching a child to play chess, we may use simplified positions to display the normative

properties of certain combinations of pieces, so in teaching someone ethical practice, we may need to use simple cases to give them a clear idea of a certain type of need and how best to meet it.

They may also be prior in terms of psychological directness. In such cases the moral demand 'flows in upon you with a force like that of sensation' (to borrow a phrase from Hume's *Dialogues*) – it is directly felt, and may have a considerable affective component, especially when the need is grave and urgent and the efforts and risks involved in meeting it are considerable and vivid.

Simple cases may also have explanatory priority. In explaining what the moral agent did, we will typically say that they fed the baby, saved the cat, stood up for the colleague *because* of the patient's need. These need-explanations for moral actions are conceptually and morally complete. We do not need to look for further motives, like the maximization of well-being (whether the agent's, or that of some group, or that of the whole of humanity), or the will to conform the action to a principle, or the expression of virtue. We do not need to refer to any other practice, to make sense of what the agent is doing. Again, we are so used to trading need-based explanations for moral actions that we do not notice just how elementary and fundamental to our thinking they are.

Simple cases are also conceptually prior to complex ones. This is perhaps the point with the most important, and most damagingly neglected, implications for moral philosophy. It is commonly thought that the difficulty or even impossibility of settling certain familiar, intractable moral dilemmas (such as whether to save one life or another) and moral disagreements (such as over whether it is morally acceptable to eat animals, or whether we must meet the needs of distant strangers) calls into question the existence of moral facts and moral knowledge (see e.g. Mason 1996; Gowans 1987). If there is no fact about what is the morally right thing to do, in a context where I must choose which life to save, the thinking goes, then there may be no moral facts at all. Analogously, if I cannot know whether it is or is not morally permissible to kill and eat animals, then there may be no moral knowledge at all.

Attention to simple cases may show why this thinking is confused. For it to be possible for us to identify a complex situation as a complex *moral* case, it must be possible for us to identify recognizably moral simple elements in the complex case. For a situation to be a moral one, it must include at least an agent and a patient in need. But once we recognize this, we also thereby recognize that any complex case is actually a series of simple cases, each of which contains a clear, unambiguous moral demand which it would be morally good and right, *ceteris paribus*, for the agent to meet. The dilemma is actually a compound of two simple cases, one life needing to be saved and another needing to be saved, one moral demand pulling us in one way, the other pulling us in another.

Moral disagreements depend on prior moral knowledge of simple cases in a similar way. To disagree about the nature and extent of the moral claims

that animals and distant strangers make on us, we must already *agree* that there is such a thing as a moral claim, and that some things unproblematically make such claims. Here again, we find paradigm simple cases doing their quiet but powerful work in the background. It is because meat-eaters and partialists believe so clearly that certain things, for example their own children, do present moral demands, for example to be fed because they need food, that they feel the pressure to argue that animals and distant strangers do not and cannot make moral demands. It is because their grasp of moral demandingness in central cases is so clear and strong that they feel entitled and indeed obliged to argue that it is absent in the cases they regard as marginal.

On this view, moral dilemmas and disagreements can only arise against a background of a core of agreement about simple cases. We must meet needs when we can, and things' needs are more or less morally demanding when considered in the light of the moral demandingness of paradigmatic simple cases. Moral conflicts can only arise for agents who have already grasped simple cases. To experience a moral conflict, I have to experience the moral demandingness of each of the needs that confront me. Grasp of complex or contestable cases presupposes grasp of simple, uncontested ones.

Although simple cases of moral agents encountering patients in need, and meeting the need, are well understood in moral practice, and very common, moral philosophers have tended to ignore them. In particular, moral philosophy has had very little to say about the patient, the being that is acted on in a moral encounter, and very little to say about the needs that oblige helping action by moral agents. If we look closely at any simple case, we will see that all the elements of moral practice, as described in the previous chapter, are present: moral agents, patients in need, needs-meeting actions, and needs-met results.

Morally demanding needs

To fill in the content of this patient-centred theory of ethics as the practice of meeting needs, we need to look more closely at the concept of need. In this section I analyse the concept of need, and describe the category of morally demanding needs which obligate moral agents. The first thing to notice about the concept of need, is that it has several features which make it uniquely fit to play the role of moral demands. The concept of need specifies the helping action that will meet it. The concept of need is of something objective. And the concept of need can be used by moral agents to distinguish between help-requiring and help-neutral states of patients.

Statements of need specify helping action by pointing in two directions. They say what is wrong, describing the lack (or imminent risk of lack) in the needing being. And they thereby also say what a moral agent should do about it, describing the act of help that will restore the lack. The concept of need is important for ethics because it indicates both what is morally

demanding and what is to be done to satisfy the demand. If I look at the hungry baby and say, 'She needs food,' but then look at you with an expression of uncertainty and ask, 'What shall I do?' you will be forgiven for impatience when you answer, 'Well, give her some food, then!' The cat needs to be saved? Save it! The playground needs repair? Repair it!

Statements of need specify what is to be done. They describe gaps in the world which are like gaps in a jigsaw puzzle. Needs have a determinate shape that can be described prior to fitting the missing piece. Needs statements tell us what the missing piece is like, and they tell us what we should do with that piece when we find it – put it into the place where it fits. As well as looking back, describing what the patient lacks, statements of need also look forward, describing what the agent is to do.

Needs are also objective, in the sense that, unlike desires or wants, they are non-intentional (Wiggins 1987: 6). If I want *x*, I want it under a description, and I may consistently say, when *x* is redescribed, that I don't want or desire *that*. For example, if I want 'the dress that makes me look beautiful', and a kindly friend informs me that actually the dress makes me look hideous, I can then say without inconsistency, 'I never wanted *that* dress.' In contrast, if I need *x*, it follows that I need it *per se*, under any description whatever. If I need *x* because it has a certain property, it must really have that property. What I need depends not on what I think or how I feel, but on the way the world actually is.

This objectivity of need is important because it shows how we can have empirical moral knowledge of what we are required to do. This objectivity supports the certainties about simple cases which make possible the moral dilemmas and disagreements that have been allowed to call moral knowledge into question. This objectivity also entails that someone other than the needing being may be as well – or even better – placed to judge what is needed and how the need should be met. There is a fact of the matter about what is needed, which is empirically observable, or even 'scientifically testable', if we really want that kind of thing. This objectivity is an important source of the universal moral appeal of the need concept, but it has also been the cause of much disquiet, since it appears to make needs-meeting practice vulnerable to paternalism. I address this objection, and the related problem of manipulation, in Chapter 6.

The third important feature of need is revealed if we ask the question, 'Why do we have the concept of need at all?' One perspicuous way of describing moral practice is to say that in it, moral agents distinguish between the help-requiring and the help-neutral states of the things with which they share their lives, and act to help when help is required. If this is right, it suggests the moral importance of the concept of need may lie in the fact that it, and it alone, enables moral agents to make just this essential moral distinction. We distinguish needs on the one hand from desires, wants and unimportant concerns on the other, because as moral agents of limited powers living in a world in which more could always be done to

make things better, we need to know which states demand that we act, and which instead merely afford us opportunities to do so. Needs demand that we help; desires, wants and unimportant concerns merely offer us opportunities to act in ways that may be beneficial and/or appreciated.

This way of understanding the concept of need and its ethical function derives support from a naturalistic, genealogical approach in epistemology, which has been more recently explored in political philosophy. In this approach, a concept is explicated by asking, 'Why would a concept like this have evolved amongst creatures like us in a world like this?'[6] If we ask this question about need, contrasted with mere ability to benefit, we are led to explore an answer in terms of the limitations on moral agency. It is a fact of moral life that we cannot do everything which it would be good to do. Because of this, we need a way of distinguishing help-requiring from help-neutral states of things – a way of distinguishing morally obligating facts about the world, from facts which merely provide options and possibilities for action. It is plausible that the concept of need has evolved to mark this important difference for us.

In addition to being uniquely apt to 'mark out the space' for morally required action, to being objective, and to distinguishing between help-requiring and help-neutral states, the concept of need is also used in everyday talk in an extraordinary variety of ways, which are not at all obviously always related to moral demandingness. The sheer diversity of needs-talk, in fact, encourages philosophers and others to doubt whether there is anything especially morally demanding about the concept of need at all. A moral theory based on the normativity of need, then, must give some account of where, in the diversity of needs talk, the morally demanding needs are to be found, and in virtue of what they are taken to be morally demanding.

Talk of needs is everywhere. We find talk of needs of people engaged in mundane activities, as when I need a high card to win the game of rummy, or a carrot to fill out this stew, or a new suit to boost my confidence at work. We talk of the needs of people engaged in bad activities, as when you need a crowbar to break into that house, or a man needs a pretext to attack his wife, and of addicts, as, when I was a junkie, I needed my next fix. We talk of the needs of animals, as when a horse needs shoeing, and the needs of artefacts, as when my picture needs a frame. We talk of the needs of communities and places, as when our housing estate needs a community centre, or an eroded mountainside needs shoring up. And we talk loftily about the needs of humanity as such, as when we say the people need food, or education, or work, or freedom.

This diverse talk of needs in everyday normative language jostles with talk of desires and interests. It also comes in degrees, as when I say that I really need this but he doesn't really need that. This diversity has led many to doubt that needs can be especially morally significant *per se*, and has probably contributed to the failure of analytic philosophers to appreciate the fundamental importance of the concept of need, which contrasts sharply

with the great deal of appreciation and analytic attention that is given to the related concept of necessity in logic and metaphysics.

Matters are not helped by the fact that people making non-need claims understandably tend sometimes to try and take advantage of the intrinsic moral demandingness of need by presenting their claims as need-claims. When my daughter says, 'But I *need* a pink tent!' (as she really does), this is probably what she is doing. This practical rather than conceptual problem is probably what underlies statements like the economist's wilful inversion of our normative priorities, 'What do you mean by a need? Is a need just something you want, but aren't prepared to pay for?'.[7] What, if anything, do all these diverse needs-statements have in common? What role, if any, could such diverse needs really be playing in ethical practice?

What all diverse talk of needs points to is a feature Aristotle was among the first philosophers to notice. Aristotle's analysis is helpful for getting clearer about the concept of need and the range of things that fall under it. His discussion of the generic concept of necessity, of which human needs and morally demanding needs are specific kinds, can be found at *Metaphysics* 1015a20–b15. What all necessities have in common, Aristotle says, is that *something cannot be unless* the need is met. When someone needs *y* for *x*, if there is to be *x*, there must be *y*. If a statement describes a genuine need, then this could not be otherwise. This is what shows that all our diverse everyday talk of needs is talk of necessities, in Aristotle's core generic sense of 'that which cannot be otherwise'. For the needs-statements above to be true, it must be the case that the victory at cards *cannot be* without a high card; the stew *cannot be* filled out without the carrot; the break-in *cannot be* without the crowbar, etc.

Once he has identified the core generic sense of necessity, Aristotle then distinguishes four further senses which are 'somehow derivable' from the core sense:

1 that which must be if life or existence is to be;
2 that which must be if some good is to be achieved or evil avoided;
3 that which must be because coerced against will or nature;
4 that which must be because logically compelled, like the conclusion of a demonstration.

All of these derived senses of necessity are in some way 'hypothetical', Aristotle says, meaning that they are necessary *if* something else (which is contingent) is to be, rather than being necessary *simpliciter*.[8] This accords with the broader sense of 'hypothetical' discussed in Chapter 2.

Many moral philosophers have emphasized the importance for ethics of Aristotle's second sense of necessity, of being required so that some good may be achieved or evil avoided. In fact, it is not uncommon to find this sense labelled 'the' Aristotelian categorical.[9] I think this limited focus on Aristotle's second sense of necessity is unfortunate and has blinded us to

some interesting possible wider implications of Aristotle's analysis for our understanding of ethical practice. The intriguing possibility Aristotle's comprehensive account of necessity suggests is not just that one sense of 'necessity' is important for ethics, but that the ideas of need and necessity may be connected as species to genus, and together may provide the key to understanding ethical practice. Aristotle's analysis contains the invaluable idea that necessity may be the form of moral obligation, while need may be its content. The account of ethics that I give in this book is guided by this idea, which I am sure will reward further study.

Aristotle's analysis fits well with our ordinary talk and practice, in which the concept of need is the concept of a requirement. It is part of the grammar of the word 'need', that it always makes sense to ask 'what for?' about any need. The answer gives that for which the meeting of the need is a necessary condition. For example, 'I need bread.' 'What for?' 'I won't be able to have sandwiches without it.' Or 'The baby needs food.' 'What for?' 'To live.' The answer to the 'what for' question enables us to distinguish between Aristotle's different kinds of derivative necessity. For Aristotle's first sense, the answer is 'for life or existence'; for his second sense, 'for achieving some good or avoiding some evil'; for his third sense, 'to conform to some coercive force'; and, for his fourth sense, 'to conform to some logical requirement'.

Within the variety of answers available to the 'what for?' question, armed with Aristotle's analysis, we begin find the resources we need to distinguish morally demanding needs and say what is special about them. In our everyday life, moving in and out of ethical practice, we distinguish between needs which are non-moral (like the need of the stew for a carrot, or the need of an addict for a fix) or immoral (like the need of an abusive husband for a pretext to attack his wife), and needs which are morally demanding (like those of the baby, the colleague, the cat and the valley in my examples).

I think that the way we make this distinction itself again involves judgments about contingency and necessity. If the answer to the 'what for?' question is itself contingent, is something the needing being could do without, then this suggests that the need is contingent, and so is not *prima facie* morally demanding. 'I need a carrot.' 'What for?' 'To fill out my stew.' The stew doesn't have to be filled out, so my need for a carrot is contingent and not morally demanding. Similarly with the addict: 'I need a fix.' What for? 'To satisfy my addiction.' The addict does not need to be addicted. Similarly with the abusive husband: 'I need a pretext.' 'What for?' 'So that I can attack my wife.' The man does not need to attack his wife. The way we intuitively make such distinctions within the concept of need suggests that the needs we take to be morally demanding are those which are least contingent. In my view, these must be the needs related to the very existence of the needing being. In other words, I think that we should take Aristotle's first, rather than his second, derivative sense of necessity to be the most important one for ethics. What for? For existence or life. In order to live, or to be.

Aristotle's first sense of necessity refers to the most fundamental necessities of all. The very existence of the needing being is at stake. Our trained sense, as moral agents, that existence is what matters, and that the needing being will cease to be unless we help it, is what structures our grasp of the normativity of such essential needs, which are paradigms of moral demandingness. The necessities of goods and evils, or of compulsion against our will, or of rational demonstration, by contrast, are all experienced as less serious, less urgent, less normative and more contingent than existence needs. But although Aristotle's analysis is powerful and suggestive, it is also brief and schematic, and doesn't go far enough to give a complete needs-centred picture of ethical practice.[10] To fill out the story, we need to explore the species of derivative necessity that is morally demanding need, in more detail than Aristotle did.

Some philosophers have taken the grammatical possibility of the 'what for?' question to show that all needs are hypothetical or 'elliptical' (Flew 1981: 120; Barry 1990: lxiv, 48). Others have held that there is a special category of 'absolute' or 'categorical' or 'vital' or 'intrinsic' needs (Wiggins 1987: 6–9; Anscombe 1981: 31; Feinberg 1973; Miller 1976: 127–36). Aristotle's analysis is again helpful here, revealing that the apparent disagreement all depends on what one takes 'end' to mean. If we regard 'life or existence' as contingent ends, which we reasonably might or might not seek, then the distinction between Aristotle's first two senses of necessity collapses, all human needs are hypothetical, and the baby needs food for the end of living in somehow the same sense as I need bread to make my sandwiches.

But if we deny that life or existence can be thought of as ends, then we have isolated a category of needs for which the question 'what for?' seems to lack well-formed application. Grasping the first horn of the dilemma, David Miller denies that life or existence are distinct ends, arguing that 'intrinsic' needs are related to the identity of the needing being, which cannot be understood as a separate end, since 'what is needed is not a *means* to an end but a part of the end itself' (Miller 1976: 128). David Wiggins grasps the second horn and takes life or existence to be ends, but unforsakeable ones, in the sense that we cannot get on or will be harmed without them, so we have no alternative but to seek them.

Are there really two senses of need here? Aristotle's analysis, which lists derivative senses of necessity in an order which might just be an order of increasing contingency, raises the possibility that the difference may be one of degree rather than kind. Needs related to existence or life are less contingent than needs related to the achievement of ends. The pursuit of ends is a contingent matter. I may choose not to have sandwiches for lunch, or even not to eat for a week, or not to join the Morris dancers. But life and existence are obviously much less contingent, if they are contingent at all. It is not obvious that I can choose to be harmed, or to cease to exist. And it is very far from obvious that I can reasonably choose to harm another person, or cause or allow them to cease to exist. I might, in one of those extreme

and rare situations beloved of analytic moral philosophers, judge that my life, or the life of another person for whom I was responsible, should end (if the life's work was completed, say, or the future was objectively intolerable, or the life was owed as atonement for some terrible crime).

But such exceptional situations notwithstanding, it remains the case that for any existing thing, even if its existence is a contingent matter, its achievement of ends will necessarily be less necessary for it than its existence. The necessities that arise from existence or life, therefore, are closer to being 'absolute' or 'non-contingent' than any necessities that depend on the pursuit of (other) ends. Because existence is what matters most to existing things (in the normative sense, for beings that experience their own existence, and in the metaphysical sense for all beings), the necessities of existence are the most normative for moral agents, the ones that call to us most strongly for helping action when they are not met. These are the moral demands that patients present. This is why they are felt to be so demanding. What is at stake literally could not be more important to the needing being.

Whether we distinguish two senses of need, or say rather that there is simply a continuum from more to less contingent needs, it is generally accepted that the most morally demanding needs, which we are taught to recognize and respond to in moral practice, are the needs most closely connected to the very being of the patient. This close connection with being or life has been explicated in more than one way. Suggestions include the idea that non-contingent needs are necessities for the possibility of flourishing (Anscombe 1981: 31), or necessities for agency (Brock 1998a), or for capability (Sen and Nussbaum 1993), or for a life plan (Miller 1976), or for projects the needing being is 'set upon' (Raz 1986).

I think defining morally demanding needs as relative to such things as flourishing, agency, capability, life-plans or projects, rather than as relative to being or life *simpliciter*, as in Aristotle's first derivative sense of necessity, is unduly restrictive and misleading, and reflects the bias in favour of agents that I have objected to. It is restrictive, because it suggests only things that can flourish, act, be capable or can form life plans or projects, can have morally demanding needs. In contrast, the broader formulation which defines morally demanding needs as relative to existence simpliciter, enables us to speak meaningfully of the needs of any thing. This is important, because as a matter of fact in practice moral agents take themselves to be obligated by the existence-needs of many non-living things, like the landscapes and artefacts I mentioned in my examples. The presumption of moral importance which I proposed in Chapter 2 is not just a theory-driven revision, it also reflects the reality of our ethical practice more accurately than the commonly preferred presumption of moral negligibility.

Moral agents adopt a presumption of moral worth, which is defeasible, but only when the agent has a reason (which need not be a moral reason) for withdrawing the protection that the presumption provides. Understanding morally demanding needs as existence-needs, rather than as flourishing or

life-plan needs, allows us to see this aspect of our moral practice more clearly. All contingent things that exist have existence needs, and moral agents are responsive to the constraints those needs impose. Standards are set in different communities by more or less rational and public deliberation, for what is to count as such a need, a good response to such a need, and a reason good enough to defeat the presumption of moral importance. Agents need not be particularly articulate or even self-conscious about the way they make use of these aspects of ethical practical knowledge.

In my view, the most morally demanding needs refer to the being or life of the needing being.[11] These needs are necessary or essential properties of the needing being, so I will refer to them as 'essential needs'. Necessary properties are said to be those properties which a being could not but have. Only a few properties have been offered by metaphysicians and logicians as candidate necessary or essential properties, for example identity, origin and constitution.[12] To this list I suggest we should add the necessary conditions for the existence of the thing, or the thing's essential needs. Any thing needs necessarily the things it must have in order to be the thing it is.

Here I want to say more about essential needs, understood as necessary properties of the needing being. This will involve a deeper excursion into metaphysics than one usually finds in a book on ethics, but I think this is necessary if we are to understand the source of our sense of the importance and deeply groundedness of moral demands fully. The claim I am making here is that the necessity of essential needs is the source of moral normativity. It is the missing keystone of moral philosophy, which resolves 'the moral problem'. I begin by introducing the category of beings which may be moral patients, then identify the sense in which their 'being or life' is at stake when they are in occurrent morally demanding need. To do this, I draw on the idea that 'sortal concepts' tell us what the needing being is and thus what it needs, and that second-natural phased-sortal concepts give us a close enough specification of what a needing being is, and a full enough list of essential needs, to capture what we actually do, and should, take to be morally demanding in ethical practice.

I said in Chapter 3 that the patients of moral practice are 'contingent beings'. The existence of any contingent being *x* depends necessarily on certain contingent things being the case. These are *x*'s necessities in Aristotle's first sense, of requirements for *x*'s life or being. In this sense, babies need parents, train-drivers need trains, philosophers need philosophy, omelettes need eggs, and the earth needs the sun. Unless these necessities are satisfied, the *x*s would not just fall short of flourishing, or be harmed, or be less active or capable or be less fully engaged in a life plan they had set upon. They would not exist at all. Contingent beings might not cease to exist instantly when their essential needs are unmet, in the way a triangle ceases to be instantly when one of its sides is kinked, but they do cease to be as completely if those needs remain unmet for long enough to push them past the point of no return.

Since such essential needs refer to the 'being or life' of the needing being, an account of that 'being or life' should tell us what its essential needs are, i.e. what that thing needs in order to be (the thing that it is). David Wiggins, drawing *inter alia* on Aristotle's metaphysics of substance, argues that the 'being' of a thing is given by a sortal term. A sortal term, intuitively enough, tells us what sort, or kind, of thing we are dealing with. Sortal terms provide the right kind of answers to the question 'what is it?'

Refining this account, a 'restricted' sortal is one which restricts the range of a 'higher' sortal, as 'woman' restricts 'human being'. The 'ultimate' or 'highest' sortal under which a being falls is one which is individuative and sufficiently specific to fix the identity and persistence conditions that are presupposed to individuation, but which may restrict no other sortal (Wiggins 2001: 129). The important point about the highest sortal concept of any thing is that it must provide a way of identifying the thing throughout its existence. But a highest sortal must also be specific enough to tell us the manner in which this thing comes into being, how it persists, what it needs, what it does, and how it will pass away. This means that some generic sortals often will not be specific enough to be the highest sortal of any individual. For example, it might be argued that 'human being' is not specific enough, because it leaves too much of the natural history of individuals in obscurity to enable us to individuate and describe what they do. In nature there may be no human beings, only men, women and intersex people.[13]

The things we are concerned with in ethics are particular contingent substances, that is more or less independently subsisting individual things. It is surely uncontentious that in ethics we are not concerned with abstract entities like numbers, geometrical figures, universals, or relations, or with necessary beings like God or (arguably) the world. We are not ethically concerned with such beings because, being abstract or necessary, they can neither need help nor be helped. It is similarly uncontentious to draw on Aristotle once again, and point out that in ethics we are not concerned with other categories than substance. We are not concerned with quantities (like amounts of goods), qualities (like colour or mood) or relations (like being to the left of), except insofar as these things help us to grasp what is at stake for the substantial natural beings that are the proper objects of our ethical concern.

Falling under a mere sortal concept, however, isn't yet enough to describe the category of the objects of moral concern. The objects of moral concern must fall under not just any (restricted or higher) sortal concept, but under some substance sortal. Substance sortals pick out the particular contingent existing substances which can need our help. Substance sortals refer to the nature of the thing, which can be understood in an Aristotelian way as the intrinsic principle of change or continuity of a thing (192b9–23; 1015a14).[14] The necessary conditions for the existence of a substantial natural being like, for example, a baby, are the things that must be for the

baby to be the substantial sort of thing that it is. A baby needs its parents, body, food, social support. It needs to feed, cry, sleep, eat, excrete, move, learn, and to grow and change into an adult.

These essential necessities must be satisfied for us to count anything as a baby. They are thus *de dicto* necessities, the tools we use to distinguish babies from other things, keep track of them, describe them, and tell what they need. But the kind of necessity we are characteristically concerned with in ethics is stronger than the *de dicto* or epistemic necessities we use to bring things under concepts. A thing cannot be the thing that it is unless these necessities are satisfied. A baby cannot exist without parents, without matter, without activities or without a future. The essential necessities are *de re*. It is the *de re* aspect of essential needs that ethical practice is responsive to. The necessity of existence needs is essentially connected to the normativity agents experience in ethical practice. It is because existence needs must be met if the thing is to exist that moral agents must meet them. The moral must is the must of what is required for the patient to be.

Some restricted substance sortal concepts do not apply throughout the existence of their bearers. Wiggins calls such sortals 'phased' sortals. 'Baby' and 'apprentice' fall into this category. Although these sortals seem to refer to 'time slices' of the substance, I think David Wiggins is right to insist that they rather 'denote the changeable changing continuants themselves, the things themselves that are in these phases' (2001: 32). The same being is now a baby, then a child, then an adult, now an apprentice, then a skilled worker, then a pensioner. Some phased sortals are 'linear' in the sense that all members of the higher sortal kind must go through them, (as all human beings must be babies), but others are 'optional', in the sense that, like 'apprentice', only some members of the kind go through them.[15]

One-off actions are not usually taken to constitute phased-sortal substantial identities of things or people. That I moved the pram to look good in the photograph, or resigned from the Morris dancers, does not tell us what I am, as opposed to what I happened to do. But participation in a practice, richly understood as I described it in Chapter 3, seems apt to yield a phased-sortal substantial identity that may be a source of morally demanding needs. MacIntyre's examples include 'painter', 'cricketer', 'architect' and 'chess-player'. We might add things like 'mother' or 'philosopher'. Such sortals appear to satisfy the requirements for being natural kind substance sortals. They make a constitutive link between the empirically ascertainable intrinsic principles of change or rest of members of a kind, and the question of the identity of things of that kind. A 'mother' comes to be, acts, suffers and ends in characteristic, predictable ways, as do doctors, swimmers, councillors, citizens, soldiers, etc.

These facts about mothers, etc., enable us to answer the question, of any particular individual, 'what is it?' These things have natures in Aristotle's sense of 'nature', albeit what we might, following John McDowell 1995, call 'second' nature, since they are acquired through the entrenched and

predictable processes of teaching and learning, and are mutable through changing circumstances, whereas 'first' natures are acquired through the entrenched and predictable workings of nature independent of culture, and are generally assumed to be less mutable. The social and historical support of practices, the way a practice is grooved into the practitioner so that the activities are unthinking, authentic and automatic – all these features make it reasonable to think that the second-natural phased-sortal identity yielded by participation in practices can provide a good substance sortal answer to the 'what is it?' question. If this is right, it explains our sense that such substantial identities are not really contingent or alienable without harm.

We should notice that not only practices confer substantial identities in this way. Forms of life do it as well, as do some rituals, like marriage or bankruptcy. It is also intriguing that sometimes we take one-off actions to confer morally significant second-natural phased-sortal identity. If I kill someone, for example, I am thereby a murderer. That is my substantial phased-sortal identity. This does not depend on any volition (I may be 'set against' being a murderer, and insist that 'it isn't really me', but that makes no difference), it is not alienable, and it makes a moral difference to the moral demands my needs will be taken to make. This way of conferring identity may be a mistake. Perhaps we ought to treat shocking or merely bad actions as relatively independent of identity, as we do for morally neutral acts – one killing should no more make one a murderer than one baking makes one a baker. But it may equally reflect our moral conviction that some acts are so grave that, by doing them, you alter your substantial nature, and thus moral status. Or it may reflect the intuition that such grave acts cannot but be expressions of an intrinsic or pre-existing morally significant identity.

When we ask of a particular plant, 'what is it?' and give an answer in terms of the substance sortal under which that plant falls, for example, '*papaver somniferum*', we thereby identify the plant and orient ourselves in relation to it, amongst other things putting ourselves in a position to treat it properly. When we ask what a particular human individual is, however, the answer under the highest sortal 'it's a human being' does not give us enough to single out the individual, keep track of her, chronicle what she does – or, most relevantly, meet her needs. We need more, but the more we need still seems to be in the category of substance. We want to know what this human being *is*, rather than what her quantities or qualities or relations are. But it seems a human being may *be* many substantial second-natural things: a mother, a doctor, a swimmer, a local councillor, a citizen, a soldier, a vicar, a fisherwoman. Each of these sortals satisfies the requirement Wiggins suggests we impose on linear phased sortals, namely it denotes the thing itself (rather than just denoting 'phase-thick timeslices'). It is the same human being that is a mother, doctor, swimmer, etc.

But all these second-natural-kind phased sortals have a puzzling feature which sets them apart from linear and optional phased sortals: they appear

to be concurrent. Where a human being at any time in its history must be either a 'baby' or an 'adult' (or in the transitional state between – the boundaries between linear phases need not be sharp), but never both, 'mother' and 'philosopher' are not thought to be mutually exclusive in the same way. On the contrary, it seems characteristic of adult human beings as such that they fall under several second-natural-kind substance-sortals at once. This seems to press us in the direction of treating such second-natural identifications as falling outside the category of substance, into ethically unimportant categories like those of quantity, quality or relation. If 'mother' is just an inessential, insubstantial property of the being who is a mother, this will make it easier to argue that the needs related to motherhood are not particularly morally demanding.

Is there any way to resist the implication that multiple second-natural phased-sortal identities must be 'less essential' than identities which can only be instantiated one at a time? I think there is. There is a sense in which, given the Aristotelian concept of nature, I can only be essentially one thing at a time. This is because only one inner principle of unity and change can be active at any one time. So I cannot after all – actively – be both a mother and a philosopher at the same time. If this is right, it suggests that the phased-sortal identities that ground morally demanding human needs are after all linear, like 'child' and 'adult', but the linearity is more complex, in that my being a mother and being a philosopher is 'gappy' in the way that my being a baby or an adult is not.

We move from being one thing, to being another, as we live our lives. The inner principles of each identity persist, in a stronger sense than my baby-self persists when I am an adult. On my view, then, in the course of a day I move from actually being a parent to being a householder, then a philosopher, then (say) a cricketer.[16] Each of these phased-sortal second-natural substantial identities has necessary conditions – things that must be the case for me as-that-thing to be maintained in being. These are among the essential needs with which it is the job of moral agents to be concerned.

A phased-sortal identity may be optional, not just for the kind it applies to (like 'fisherman'), as all optional phased-sortal identities are, but also for the individual being themselves. We might judge this was so in a case where the individual became a fisherman accidentally rather than through need or intention, or did so half-heartedly, or if their activities only weakly or doubtfully manifested the nature of the phased-sortal kind 'fisherman', or if they could cease the activity altogether and sustain no apparent harm. The more optional we judge the phased-sortal identity to be, the fewer and weaker we will take the moral demands arising from it to be.

We should notice that even second-natural phased sortals may not be specific enough to single individual human beings out, keep track of them, chronicle what they do or help them well. In addition to being kinds of thing, human beings are also unique individuals, with particular histories, characteristics and capacities. As well as being a human being, a mother, a

philosopher, etc., I am also 'Soran Reader', a particular individual. My individual identity, too, is arguably not contingent, and is the source of some of my most morally demanding needs. We can see the moral importance of such needs especially clearly in the routine simple cases that make up ordinary private moral life. Just as your need for a piano, in order to be the second-natural phased-sortal 'pianist' you are, is normative, so also my need for quiet, which may be entirely idiosyncratic and unique to me, may place stringent moral demands on you, if I fall apart and cannot go on as the person I am when surrounded and overwhelmed by noise.

Some writers have noticed the moral demandingness of second-natural phased-sortal and individual essential needs such as I have described. Joseph Raz, for example, calls them 'personal needs' and explains their moral appeal by reference to the extent to which the needing being has 'set upon' the life for which they are necessary. His examples are a pianist's special need for unbroken fingers, and a parent's need for the conditions enabling parenting (Raz 1986: 152–3). David Miller counts such needs among the morally demanding needs he calls 'intrinsic needs', and he explains their moral appeal in terms of their connection with the person's 'life plan', the 'definite and stable idea of the kind of life that he wants to lead' (Miller 1976: 128–35).

I think these ideas, reminiscent of existentialist ethics, of 'setting upon' or 'choosing' or 'inventing' or 'committing to' identities, are too voluntaristic to capture accurately the nature of the moral demandingness of the needs arising from them. I don't 'set upon' being a parent. And probably, if I am a child inducted early into the practice of piano-playing, I don't 'choose' or 'commit to' being a pianist either. Arguably, I don't choose to be hypersensitive to noise, either. And even if I do in some sense choose or commit myself to an identity, this fact surely has no more moral importance than the fact that I 'like' it or 'prefer' being a certain thing. What is important, from the point of view of ethics, is not that I have 'set upon' being an *x*, but that I *am* an *x*. It is because I am a parent that people around me are obliged to meet my parenting needs. It is not because I want to be a parent, or am really determined to be, or really feel good and at home with the fact that I am. It is not because it 'means a lot to me', it is because it is a lot to me. Being a parent is a big part of what I am.

That said, volition can make a difference to the correct assessment of the moral demandingness of needs. In Chapter 5 I discuss the difference volition makes, in the course of a more general discussion of the epistemology of morally demanding needs. I identify some other features of essential needs, in addition to being necessities for life or existence, which shape their moral demandingness, and help to display the essential connection we make between needs and moral necessity in ethical practice.

5 The moral demandingness of needs

Entrenchedness

The essential needs moral agents take to be morally demanding are entrenched, in the sense that they are fixed in various ways. On a practical political and epistemological level, for example, the moral demandingness we take needs to have is constrained by limits on what futures for the needing being we can realistically envisage, or judge to be politically or morally feasible (Wiggins 1987: 14–15). If, for example, we can't envisage someone surviving without decent clothing, or if we think a future in which those needing clothes remain naked is politically or morally unacceptable, then we will take the need for clothing to be entrenched in this sense.

On an ontological level, as discussed in Chapter 4, needs can also be more or less 'entrenched' in the sense that they are more or less fixed as essential features of the needing being. The needs I identified as falling under Aristotle's first derivative sense of necessity, those relating to the 'being or life' of the patient, are the most entrenched in this sense. The best-known category of ontologically entrenched needs are those called 'basic needs'. An entrenched need is 'basic' if the constraints that fix it are 'laws of nature, unalterable and invariable environmental facts, or facts about human constitution' (Wiggins 1987: 15). Thus the baby's need for food, as well as being epistemologically and politically entrenched in the sense that we don't take a future in which the baby struggles on or dies from lack of food to be politically or morally feasible, is also a 'basic need' in the sense that it is entrenched or fixed by the baby's human constitution, which is unalterable by any environment or political arrangement or human act of will.

'Basic needs' have had much more philosophical and political attention than other needs, to the extent of providing the basis for an influential normative approach to international development, the 'Basic Needs Approach' (BNA).[1] The idea that basic needs have fundamental political importance is now very widely accepted.[2] There may be a pragmatic explanation for why basic needs have had so much attention. In political practice, agents making or implementing policy cannot be responsive to the moral demands, if any, presented by the kind of personal or idiosyncratic needs of particular people

that I described at the end of Chapter 4, like your need for a piano, or my need for silence.

The moral responsiveness of politicians and political thinkers must be limited, and a fair limit for it is offered by the idea of entrenched basic needs, since such needs are shared with the whole relevant constituency. These basic needs refer to higher sortal identities. Some of them are first-natural and not phased, like 'human being' or 'family member'. Others are first-natural but phased, like 'baby' or 'father'. Others still are second-natural and not phased, like 'citizen'. Yet others are second-natural and phased, like 'worker' or 'human being'. The objects of such needs include things like food, water, shelter, safety, education, employment and access to resources.

It is often assumed that such widely shared 'basic needs' are the only genuinely essential needs, and the only genuinely normative needs. This popular assumption, which most versions of the BNA share, may be supported by two intuitions that are not often made explicit. The first is that one form of entrenchment, biology, grounds the moral demandingness of a need. The second is that universality does so. The fact that the need for water, for example, is fixed by 'biology' or 'the laws of nature', and is thus 'immutable', is thought to give us a better licence to claim that the need for water is morally demanding. We feel we are on solid ground with basic needs; these needs are not going to go away.

In contrast, because the need for a piano seems to be entrenched or fixed merely by 'second nature', by induction into a way of life, and by participation in a particular community, and because it is mutable – you can give up your career as a pianist, you can retrain and become a philosopher – we are inclined to think such needs are not really properly entrenched or essential, and thus not morally demanding, at all. Again, with universality, the fact that all human beings always need water is thought to ground our certainty that the need for water is morally demanding. Because in contrast only a few human beings need philosophy books, and those only some of the time, we are tempted to conclude that the need for philosophy books cannot be entrenched, essential or morally demanding – or at least cannot be morally demanding to the same degree.

What can we say about the first intuition, which privileges biology as the only or main form of entrenchment that can ground moral demandingness? I argued in Chapter 4 that high-sortal first-natural things like 'human being' are not the only, or the most real, or the most morally important things that human beings are. Restricted, second-natural phased-sortal identities are forms of human being that are as essential. I am as much and as 'basically' a philosopher as I am a human being. Entrenched by practice, history and social support, second-natural forms of human being ground needs that are every bit as essential and morally demanding as the need for water. It may be the fact that first nature 'underlies' everything a human being is, rather than that it has any greater 'reality', which gives high-sortal

identities their apparent power to override other forms of human being in many moral contexts. Although philosophers do not need water as such, human beings do need water in order to be in any form at all, including being a philosopher. My being a 'human being' is the matter, in Aristotle's sense of being itself a necessity, of my being a 'philosopher', 'mother', etc. Because of this, moral agents, *in extremis*, may give my human needs priority over my philosophical or maternal ones.

But in simple, unconflicted everyday moral contexts like the examples in Chapter 2, where the structure of moral demandingness is especially clear, we can see that the good moral agent will not typically be concerned with how, exactly, the patient's need is entrenched. The baby's need to have their pram stopped is, indeed, biologically entrenched and thus 'basic', and it is, indeed, morally demanding. But compare the boy's need to be spared the dog-fight, the beleaguered colleague's need for support, and the stranger's need to have their wallet returned. These are not biologically entrenched, and so not basic, yet the moral demands they present are just as clear. Second-natural essential needs are just as morally demanding for moral agents, as biologically entrenched basic needs for food, water and safety. Indeed, in ethical practice agents are characteristically not interested in what form the entrenchment takes; rather, they are concerned with the fact that the need is entrenched at all.

What of the second idea, that universality is required for moral demandingness, or the weaker related claim that the more widely shared a need is, the more morally demanding it is? Attention to paradigm simple moral cases again shows that the fact that an identity is widely shared does not make it more real or more worthy of moral concern. It just makes the normativity easier to see. It is centrality to the needing being's life, and entrenchedness, that make needs arising from a particular identity morally demanding. In simple cases, where we are not dealing with widely shared needs, but just with the needs of *this* needing being in front of us, the irrelevance of universality or generality is easy to see. In all of my examples in Chapter 2, concern with how widely shared the need may be is obviously not just irrelevant but inappropriate and immoral. It does not matter how many cats need not to be tortured, handicapped children need sheltered housing, siblings need to hear bad news. What matters is whether or not the patient, in the actual moral situation we face, has this need. What others would need in the same situation is irrelevant.

These misconceptions about a certain form of entrenchment, and sharedness, being required for needs to be morally demanding, may have arisen because needs are more often discussed in political policy and theory, which is concerned with groups, than in moral philosophy, which is concerned with individuals and private morality. Public ethics, of which the BNA is an example, has to focus on general, universal, basic needs, and to try to specify which are important in advance of actual cases. Such needs are then typically combined into lists, which are held to be intrinsically demanding

(rather than as simply being what these agents are taking to be morally demanding, in this specific kind of practical context, for the distinctive purposes of this specific kind of help).[3] But even in public ethics, we should notice that in the actual implementation of needs-meeting policy, it will always be the connection with existence, the being required for 'being, or life', that gives any actual basic need its undeniable moral appeal. The fact that the needs are fixed by biology, or widely shared, or widely recognized, is important for public ethics only because it makes possible an *a priori* sorting and prioritizing of needs, for the purposes of formulating the right public policy to help a certain set of people. Once we are *a posteriori*, in the field as it were, it will be essentialness, after all, that does the work of constituting moral demandingness.

The threshold

Another very common misconception about needs, which has damaged the BNA, is related to the privileging of biological entrenchment. This is the idea that if moral agents take only needs to be morally demanding, then moral agents' help will be no more than a matter of ensuring 'bare survival', giving the patients the minimum that they require just in order to go on eking out an existence as biological human beings. According to this misconception, for example, a human being's morally demanding needs might all be met, while they remained confined to a single room for their entire life. This thought has led writers like Amartya Sen, for example, to criticize the BNA for 'concentration on just the minimum requirements' (Sen 1984: 515) which can only be 'useful for poor countries' (Alkire 2002: 166).

I have already emphasized that in ethical practice in meeting needs moral agents are concerned with a threshold. In ethical practice agents characteristically take themselves to be morally obliged to meet needs, not to go beyond that by seeking, for example, to maximize the well-being of the patient, or to exercise some special skill or fulfil some life goal. Moral agents take themselves to be required to meet essential needs, but not to be required to do more. The misconception here is to think that the threshold separating morally demanding needs from morally neutral other states falls in the same place as the threshold between 'bare biological survival' and 'non-existence'. It is true that, if some patient were somehow a 'mere biological human being', their essential need for food might be meetable by feeding them in any old way, however careless or coercive. In that case, tossing them scraps to eat off the ground, or force-feeding them, could still count as meeting their needs.

But of course any actual human being must be more than a 'mere biological human being'. In the language of Chapter 4, we might put it thus: a first-natural human being must always be manifest in some second-natural form. 'Biological human beings' are always also beings of certain specific second-natural phased-sortal kinds. They are always embedded in particular

communities and cultures, and shaped by particular practices. The important consequence is that their essential 'biological' needs cannot be separated from the essential 'second-natural' form they must take.

For example, any actual human being's need for food is *per se* and necessarily a need to be treated with respect in relation to food, as in relation to anything else. To force-feed a human being, or to toss them scraps, to ignore the culturally specific forms that food and eating take in their life, is to fail to meet their need for food as surely as if you starve them. The morally significant threshold which a needs-based ethics is concerned with, then, lies not between bare biological life and death, but rather between the patient's being unharmed and its being harmed, as the thing that it is. The bullied colleague is harmed, as a professional person, if she is hounded out of her job. I am harmed, as a human being, if I am 'barely surviving', able to do no more than eat, breathe, sleep and even breed.[4]

In the everyday real world of ethical practice, of course, as moral agents we all intuitively know that patients in need are not 'bare' beings, somehow defined by minimal persistence conditions. We know patients are ordinary beings, with full and complex natures, histories and circumstances. They present themselves in all their fullness in every moral context. It is not as if, in a moral encounter, I could ever meet a 'bare human being' and take myself to be obliged to do for them only what will keep them breathing, nourished and perhaps fit to breed. Rather, I meet the whole person, in the whole context, and I take myself to be obliged to see those needs which arise from what they actually are. If I meet a philosopher, their needs *qua* philosopher place moral demands on me. If I meet someone who has been insulted, their needs *qua* fellow citizen of the human world place moral demands on me.

This point applies as much to the object of the need, the thing needed or satisfier, as to the subject of the need, the patient. Things needed in ethical practice are never 'bare' or 'mere'. Strictly speaking, in fact, there is no such thing as 'food' to be needed in the first place. The generic 'need for food', for example, can only be manifest as a specific need. If the circumstances are such that meat and bread are the only available food, the basic need for food will be manifest as a need for meat and bread. In my examples in Chapter 2, the baby's generic need to be protected from lethal harm was manifest in a highly specific need for someone to grab hold of her pram and stop it before it rolled into the traffic. Generic entrenched essential needs arise, and must be met, in forms that are shaped as much by the affordances of the circumstances as by the second nature of the patient whose needs they are.

Other features of morally demanding needs

In ethical practice we recognize that morally demanding needs are typically not very substitutable (Wiggins 1987: 16). Usually, only one quite specific thing will meet the need, and that thing will have to be given in a quite

specific way, which cannot be much altered by changing (say) social and political circumstances. The bullied colleague's need for support, for example, cannot be met by lowering the standards for professional inclusion. A related point is that morally demanding needs are not tradable or compensatable in other ways. The law of tort notwithstanding, we intuitively recognize that when, say, our baby needs food, giving her stones instead, even if the stones are beneficial in other ways, in no way reduces culpability for failing to give the baby the food she needs. Such a failure to meet a moral demand will still be present even in cases where the patient can be persuaded to accept a substitute or offers to make a trade. Even if, say, we offer our bullied colleague benefits in return for accepting mistreatment, we remain morally culpable for our failure to meet the original specific need not to be bullied. This is so even if it is the patient who offers a trade. If a woman offers me the use of her body to ejaculate into in return for money, and I pay her, I am still culpable for failing to meet her need for bodily integrity and respect when I use her in that way.

Another dimension of the moral demandingness of needs which concerns moral agents is the extent to which the needs are volitional or non-volitional. I touched on this issue at the end of Chapter 4, where I suggested that present volition in relation to a need may have less effect on its moral demandingness than writers like Joseph Raz have suggested. It is not the fact that I have 'set upon' or 'committed to' a certain second-natural form of life that makes the needs arising from it morally demanding. It is rather the fact that that form of life really is what I am. But present volition may be significant in at least the following limited sense. Where an identity is a central part of what the patient is, the needs arising from that identity will usually be morally demanding for moral agents, except, perhaps, in cases where the patient's volition is to divest themselves of that particular second-natural phased-sortal form which their life, for whatever reason, has taken.

Consider for example a case where someone evidently really is a philosopher. She is thoroughly inducted into the practice, and lives in an environment bristling with affordances for the actualization of this identity. Even in this situation, it may be that she really does not want to be a philosopher any more. In such a case, her philosophical needs do not so straightforwardly present moral demands. If as a moral agent I know her, and I know she wants to change, to cease to be a philosopher, I may morally reasonably decide not to help her be a philosopher, but instead to help her become and be the other things that she is. I may even, indeed, morally rightly try to help her free herself of the habits of being a philosopher that she so readily succumbs to, and to extricate herself from her habitat, which calls so strongly for philosophical responses from her.

A similar point might seem to apply in a case like that of a drug-addict. It is certainly true that we do not normally take 'junkie needs' to be morally demanding (although they may be medically or socially demanding). But this may be less because of the patient's volition, as in the aspiring ex-philosopher

above, than because of the way the 'junkie' identity and resulting needs arose. Needs can be volitional not just in the sense of being endorsed by the needing being at the time when the needs-claim is made. They can also be volitional in the sense that they may arise from past, present or future choices made by the needing being (see Brock 1998a). Where a needing being has got themselves into a state of need as a result of responsible choices, we may take the resulting needs to be less, or differently, morally demanding. This explains why we think the 'need' of the junkie for heroin is not morally demanding. We either think it is not a need at all (because the volitions that gave rise to it are too contingent), or we think it is a volitional need which is thereby not morally demanding. In contrast, we think of the need of the terminal cancer patient for heroin to relieve their pain as morally demanding, because it is both a genuine need and a non-volitional one.

Moral agents are also typically sensitive to how grave and urgent the patient's need is. The more grave a need is, the more morally demanding moral agents take it to be (see Wiggins 1987: 14). A grave need is one in which the harm of damaged life is very bad. The concept of the threshold is again useful here. A grave need is one where the patient will fall an especially great distance below the threshold if their need is not met. In my examples, the baby's need to be saved, the cat's need for the torture to be prevented and the colleague's need for professional support were all cases of grave need in this sense. In each case the patient was being, or was about to be, severely harmed. The very life of the baby and the cat, the professional survival of the colleague, are at stake in these cases.

In slightly less grave cases, like the child's need for a good school or the friend's need to be visited in hospital, the patient will not be destroyed if their need is not met, but they may still drop significantly below the threshold for what we count being an 'all right' member of their kind in our ethical practice if an agent does not meet their need. With grave needs, the danger is not that the patient will fall slightly below par, but that they will fall massively below, or even fall off the bottom of the scale altogether, if the risk is of total destruction. This is one reason why moral agents feel the normative bite of essential needs: severe harms ensue if such needs are not met.

As well as being grave, the essential needs that are most morally demanding are often urgent, in the sense that the harm that will ensue if the need is not met will ensue rapidly. In my examples, the baby suffering from parental neglect definitely had a grave essential need for food, but for all I said in the example, that need may not have been urgent, since it takes a human being quite a long time to die from lack of food. In contrast, the cat's need to have the immolation prevented was urgent as well as grave – if our moral agent hadn't managed swiftly to get those boys to stop trying to light the petrol they had poured on it, the cat would have died very shortly. It is in situations of grave, urgent need that good moral agents typically feel most obliged, and respond most actively to meet the need.

Another distinction, related to urgency, which informs our understanding of the moral demandingness of needs, is that between dispositional and occurrent needs. From the point of view of my project of filling out a needs-based theory of our ethical practice which can be used normatively, to guide action, this distinction is important because while dispositional needs usually present only potential moral demands, only occurrent needs can present actual moral demands.[5] Occurrent needs are more urgent than dispositional ones by definition, because only in cases of occurrent need does the needing being actually lack what it needs. It is this lack which actually obliges the moral agent to act. Moral agents characteristically take themselves to be obliged to prevent, or restore, lack of what is essentially needed. In relation to dispositional needs, the moral obligation is manifest as an obligation to prevent needs from becoming occurrent, looking ahead and seeing to it that the situation does not arise, in which someone lacks what they essentially need. In relation to occurrent needs, the moral obligation is manifest as an obligation to restore lacks that have already arisen.

A dispositional need is one that a needing being has, simply in virtue of being what it is. The human need for water is dispositional in this sense, as is the fisherwoman's need for fish. A dispositional need can only be met, it cannot be eliminated. When you give a human being water, or help a fisherwoman get access to fish, you don't thereby stop them from needing those things. In the dispositional sense, it is the normal state of things to need what one already has. I have a dispositional need for food, even when I am very fat and have just eaten the most enormous lunch. I have a dispositional need for protection from harm, even when I am as safe as I could possibly be.

An occurrent need, in contrast, is one the needing being has only when it is in a state of lack. The dispositional human needs for water and safety are thus occurrent needs only when the patient is actually deprived of water or safety – dehydrated or in danger. Occurrent needs actualize the potential moral demandingness of dispositional needs. When life is going normally, moral agents typically have a background awareness of dispositional needs, but experience no moral obligation until the needs are occurrent, or are about to be. The cat's occurrent need to be protected obliges me, in a way that my own dispositional need for safety does not if I am safe. A dispositional need that is about to 'go occurrent' can also be morally demanding. When the baby is hungry, it may not yet strictly lack the food it needs – it will be all right for a while. But if I do not feed it, it will soon enough be in occurrent need. I am morally obligated by its needs to prevent that from happening. So dispositional needs also present moral demands, but only in circumstances where their occurrence is at issue. A stably satisfied dispositional need places no actual moral demands on anyone.

One of the core skills good needs-meeters have, which is not often noticed, is the ability to look ahead and enable needs to be met before anyone is even aware of the possibility that they might become occurrent, or

even of the fact that genuine needs are at issue, presenting moral demands which agents are unobtrusively working to meet. An extreme example of this is the stereotypical 'independent' man, whose meals are cooked and served to him, whose house is kept habitable, whose clothes are laundered for him and laid out each morning, whose children are prevented from disturbing him, all by the unobtrusive needs-meeting activities of a woman.

It is part of the skill of a good housewife to anticipate and meet needs, so that no-one in your home ever feels a need. To let any of your kin or your guests get to the point where they lacked something they needed, or had to state their need and ask for help, would be to humiliate them (and thus to fail to meet their dispositional human needs for dignity). Contrast, with this exemplary moral responsiveness, the inadequate 'needs-meeting' of some who provide facilities for disabled people. A common practice in England is for special 'disabled' toilets to be installed in public places, as the law requires, but for the door to them to be kept locked. This forces disabled people, not just to make more effort, but also to identify themselves as exceptional and needy, as they have to go to a counter and ask for a key. Good needs-meeters will intuitively know what is wrong with this. You are not doing your job properly if your patient feels their need, or has to beg or otherwise humiliate themselves to get what they need.[6]

Relationship

Even when a need is, or is threatening to become, occurrent, it is still only a potential moral demand, unless a further condition is met. The further condition is that a need only constitutes an actual moral demand in the context of a moral relationship.[7] Analytic moral philosophy's love affair with the abstract, the strange and the distant notwithstanding, I will argue below that moral demands cannot exist in a vacuum, any more than philosophical questions can. Your need can no more demand help from me if I have no relationship with you, than your philosophical question can demand an answer from me if you do not ask it of me.

A moral relationship is a kind of relation between a moral agent and something else. What distinguishes the relationships of which moral relationships are a species from mere relations is that relationships involve an actual connection, a real 'something between' agent and patient which links them together. This 'something between' is a kind of a contact or presence of the relata to each other. Where there is nothing between, there is no relationship in this sense, although there may be all sorts of mere relations, such as being 'equal to', 'heavier than', 'to the left of'. In addition, the connection has to be epistemically transparent. For a moral agent to be part of a relationship which places moral obligations on her, it must be possible for her to know about the being to which she is related.

Such real connections can take many forms. Physical presence is one form. It is a dimension of every relationship, in the sense that a connection just is

some way that the relata are present to each other. But it also constitutes one whole kind of relationship, the encounter. Shared environment or habitat provides another real connection, as we share homes and communities with our neighbours, friends, colleagues and kin, along with the activities that go with living a human social life in that particular place and time. Sharing a particular space with its pattern of resources connects us and obligates us to each other. Biology also provides some real connections – although we have to be careful of making the blanket claim that shared biology *is* a relationship, because, as I shall argue, shared properties or resemblances are not themselves relationships. Conceiving, gestating, birthing, feeding with one's own body, nurturing and socializing are all real connections which go beyond physical contact into biology, and constitute some of the richest and most durable moral relationships of our lives, the mother–child and father–child relationships. The interpenetration of selves and bodies in desired sex is also a biological moral relationship.

History provides another kind of real connection, as when lives are intertwined over time with others, for example the persons with whom we have shared domestic and social life, and also the homes, the cherished objects, the environments and the landscapes that have shaped us as we shape each other. Practices provide another form of moral relationship, as shared activities like creating art or working at a sport connect us to each other and place moral obligations on us. Shared projects also connect people and generate new obligations for them. Institutions do the same. Other, less structured interactions, like play, trade and conversation, also provide real connections between people, which generate moral obligations for them.

With paradigmatic and central relationships, like parent–child and friendship relations, the real connections between the relata are plain to see. Presence, biology, history, practice, environment, projects, institutions, play, trade and conversation all play a part in holding the relata together. The mark of obligation-constituting features of real relationships is that they are not merely properties that the relata happen to share. Rather, they are properties which literally connect, constituting the relationship. Such features both connect and obligate agents in relation to patients.

Thus in parent–child relationships biological connection shapes moral obligations. Parents must meet their children's needs, in perhaps the strongest of all moral 'musts'. Equally, children must see to it that their parents' needs are met in old age, partly because of the biological relationship, but also because of the relationship-building historical 'intertwining of lives' of their parents' caring for them, which generates its own distinctive moral obligations. Familiar cultural conventions about parental and filial responsibilities mark our recognition that biological connections obligate us morally. Similarly, history constitutes moral obligations, in the sense that the more I have 'had to do' with somebody, the more our histories are intertwined, the more I am morally obligated to be responsive to their needs. And presence constitutes moral obligation, as when we recognize that

when someone collapses in front of me, I am obligated to help them by the real connection between us that is our presence to each other.

Some philosophers, picking up on everyday usage, have wanted to limit the concept of relationship to 'socially salient connections among people' (Scheffler 1997) or 'long-term interpersonal involvement' (Friedman 1991: 826). The criterion of real connection I use here is broader than the everyday conception of relationship in at least four ways: it includes connections with non-people, it includes connections which are short-lived, it includes connections which may not be socially salient or valued, and it includes connections with bad people.

A real connection between a moral agent and a patient requires only one moral agent. It follows that a relationship can exist between a moral agent and any object. This is broader than the everyday conception of relationship, which is limited to relationships between persons and other persons or person-like things. Why extend the concept this way? Because the criterion of real connection suggests it, but also because it fits the facts of our moral practice better. As I argued in Chapter 2, when we look at ethical practice, we should notice that moral agents actually do make a presumption of moral importance, and do not make the analytic moral philosophers' preferred presumption of moral negligibility. That is to say, moral agents intuitively assume, and act as if, all existing things should be respected and maintained in being, unless they have some good reason which overrides the presumption.

As I argued in Chapter 2, a person who destroys things, animate or inanimate, is doing something bad, and our sense of what is bad about this is best explained not in terms of feelings or rules or human welfare, but in terms of a presumption, implicit in our moral practice, that existing things matter and make moral demands of us. We will understand these claims better if we see them as arising from the real connections which link us with those things. Examples include relationships with valued objects that feature in our lives, like possessions, homes or neighbourhoods; sacred artefacts like religious buildings; and natural entities like environments, plants or animals.

Very brief, one-off encounters are another important kind of moral relationship not recognized in the more limited everyday concept. Such encounters, where a moral agent comes across a needing being, were the stuff of many of my examples in Chapter 2. Anyone who encounters the runaway pram, or the children about to burn the cat, or the pro-dog-fighting dad, or the person who dropped their wallet, has a real connection with the patient, and is morally obligated to them by that connection. Ordinary, everyday encounters with strangers are yet another aspect of the unremarked bread and butter of ethical practice, which I argue deserves much more philosophical attention than it usually gets. The real connection criterion shows why an encounter ought to be counted as a genuine, obligation-constituting relationship. Something real – presence, activation of the senses, epistemic

and other capacities, the intertwinement of a bit of life – is going on between the relata, connecting them and potentially generating moral obligations. Being good at meeting the needs of the new or strange in encounters is being good at one kind of relationship, just as being good at bringing up children is being good at another kind of relationship, parenthood.

Other philosophers believe that to be morally obligating, a relationship needs to be 'socially recognized' or 'valued' by the parties (Scheffler 1997; Kelly 2000; Friedman 1991). Attention to the concept of relationship shows why this need not be so. A relationship is a real connection between an agent and something else. It seems obvious that we can be in a relationship thus defined which society does not recognize. Slaves and slave-owners are a case in point. There is a real relationship, with genuine intertwinement of lives. But this is typically not socially recognized or valued. Rather, the connection is defined as a relation between the slave-owner and a morally negligible human piece of equipment. As far as social recognition was concerned, the connection imposed about as many moral obligations on the owner as his relationship with his plough. Similarly, the relationship was not normally valued by the agents who were party to it. But neither of these facts should make any difference to our judgment about whether or not there was a moral relationship which made moral demands on the agent. The judgment should be made by looking to see what is actually between the relata, not by looking at how the relation was regarded by society, or valued by the relata.

Most of us take relationships to be limited to positive solidarities with positive obligations, such as caring relationships between friends, neighbours and co-nationals. But the criterion of real connection means my concept of relationship includes relationships with bad people – people who threaten to transgress, or who have transgressed. The moral demands needs in such relationships generate include demands to prevent harm (e.g. in self-defence) and demands to punish when a transgression has happened. These negative moral obligations will be complex in full relationships, but simple in rudimentary relationships like a brief encounter with someone destroying a precious artefact, where the moral obligation may be limited to calling the police. Not all relationship-obligations are positive.

Although my concept of relationship is broad, several kinds of relation fall outside it. First, sharing a property falls short of a relationship. Samuel Scheffler (1997: 198) also thinks relations consisting of shared superficial properties are not relationships, for example having a surname with the same number of letters. But I think that having shared properties is not a relationship, whether the properties are superficial, non-superficial or even essential. For example, having had a heart transplant is a non-superficial contingent property two people might share. But it is not a moral relationship, because it involves no actual connection.

Shared essential properties fall short of moral relationship also. I discussed the presumption of moral negligibility above, according to which things

have moral importance only if they have some 'moral-worth-conferring' property which alone can defeat the presumption. Being human, sentient or rational is the most popular candidate for this role. Humanity, sentience and rationality are, indeed, essential properties which human beings and others can share. But sharing such properties is not yet being in a moral relationship, for exactly the same reason that having the same surname, or having had the same operation, is not a relationship. There is no connection, nothing between the relata which links them together.

In a slogan, resemblance is not relationship. Note it does not follow that shared properties may not be the basis of relationships. Shared properties support solidarities, which structure relationships. After my heart transplant, I may get to know people who have had transplants and find my relationships with them particularly important in my life and their needs strongly obligating for me. The point is that, in a relationship, there has to be something in addition to the relata and their intrinsic properties. My relationship with my fellow transplant patient or sentient person consists not in the property we share, but in what goes on between us, whether because of that shared property, or other things.

Second, the relation of having beliefs about something falls short of having a relationship with it. Scheffler, again, invites us to imagine cases of asymmetric involvement, such as between fans and film stars, and concludes these are not relationships because 'the fact that one person has a belief ... toward another does not constitute a social tie' (Scheffler 1997: 198). This seems right (with the qualifier that what is missing is not social recognition, but real connection). The fan has knowledge about the star. When the fan treats facts about the star as normative – say, by feeling obliged to copy the star's hairstyle – we understand what they are doing and why. But we do not think their actions morally obligated or justified, because we intuitively judge that knowledge falls short of relationship, and take relationship to be the only thing that can constitute genuine moral obligation.

Third, the relation of having feelings about an object falls short of having a relationship with it. As I noted in Chapter 2, many philosophers have sought to ground ethics in feeling. For Humeans, the starting point of ethics is sympathy. For care theorists, it is the emotional and instinctive impulse to care for others. Nel Noddings says that what we cannot respond to, and what has no capacity to respond to us, thus 'completing' our care, we have no moral obligations towards (Noddings 1984). But feelings fall short of relationship. Feelings may explain some of my actions, as when I do something because I love you, but they are not the right kind of thing to place a moral obligation on an agent to do something to or for a patient.

Fourth, the relation of sharing a context may fall short of relationship. We have to distinguish groups that we join from groups to which we merely happen to belong. It seems right to say that when I join a group, I am using a shared property (say, residence in the flight path to an airport) as a basis for starting a relationship (say, lobbying for quieter planes). But some groups,

like nations and other communities, are not ones I actively join. Nationality and co-residence in an area again fall short of relationship, for the same reason any shared property does, namely there is not yet anything between the relata which links them. In some group memberships a shared environment throws the relata together, making it likely that relationships will form. But until the relationships actually do form, there can be no moral obligations.

Fifth, the relation of having complementary needs, skills or goods falls short of having a relationship. It is often thought that proximity is being allowed by our 'silly' intuitions to do the work of 'having the means to help' (Kamm 1997, 2000). But while need and possession of means to meet the need are obviously necessary for moral demandingness, they are not obviously sufficient. Say I possess a good or a skill that you need. Here again it seems right to say that we have a good rational basis for starting a relationship, but not that we already have one. Only when there is something actually going on between us – when we have directly or indirectly encountered each other, and I know about and experience the connection – can we say that I have an obligation to meet your need.

To say moral relationships place moral obligations on us is, on one level, merely to describe one aspect of what a relationship is. To take yourself to be in relationship just is to take yourself to be obliged (and entitled) in the particular ways that characterize that specific kind of relationship. Our understanding of relationship and our understanding of moral value and obligation are inextricably bound together. The way relationships involve obligations is easiest to see in the most familiar types of relationship: socially salient connections. Fundamental in human life, literally, are the relationships we are born into – relationships with parents, siblings, relatives, neighbours and friends. This picture of how moral relationship provides a necessary framework within which essential needs function as moral demands is meant to be intuitive and simple. Even the most rudimentary or brief relationship involves moral obligations to recognize the other, not to harm without reason, and to help if necessary.

The fullness of a relationship affects the moral demandingness of needs that are presented in it. A relationship is fuller the more it engages of the agent and/or the patient, the more extensive and profound the connections are between the relata. A historical relationship is 'fuller' the more history the relata share. An encounter is fuller the more of each other the relata get to be acquainted with. A very full relationship, such as parent/child, involves many more, and stronger, moral demands than a more limited one, such as shared involvement in an institution. The obligations also range more widely. Rudimentary or brief relationships, such as encounters, are not usually taken to involve obligations to offer the more elaborate forms of help and support which are distinctive of fuller relationships. The moral agent's responsibility is also more profound. My failure to meet my children's needs may have deeper implications for the assessment of my moral character than my failure to meet obligations imposed by more rudimentary relationships.

Moral knowledge

Moral relationships are part of an unanalysed background of moral life which philosophers presuppose whenever they help themselves to the idea of moral demandingness. Our intuitive grasp of what moral relationships are, and what they require of us, is part of an unacknowledged reservoir of ordinary moral knowledge on which moral theorists draw, but often fail to appreciate, or analyse, or even recognize. It is a fact of human life that moral relationships are part of it. It is a plain fact that we just do take the things with which we share our lives to constrain what we may do. In all my ethical examples, we know the agent should help the patient. In more mundane everyday life, too, we know we must avoid harming things without reason. We know to avoid damaging plants while we're out walking. We know to avoid an animal that strays into the path of our car. We can know we must do these things as clearly even as we can know that famous Moorean certainty, 'This is a hand.'

The moral agent's knowledge depends on several things in addition to the facts about the need and the moral relationship. It depends also on the agent's understanding of what the patient is, what things of that kind need under which circumstances, and what are the best ways to meet those needs. The moral agent's judgment here is relative, in several important senses. It is relative to her understanding of the needing being. But it is also relative to the cultural context, relative to the needing being's own state of understanding, and relative to what is practically feasible in that community and from that agent at that time. It is also unavoidably relative to the moral agent's understanding of what her relationship with the needing being is. If she regards the needing being as negligible, as 'nothing to her', she will not judge that she is constrained by its needs, and she will take herself to be morally entitled to treat it badly with impunity.

A moral agent will not be able to judge that there is a morally demanding need here, if the need is one that her culture, or she, does not recognize. The history of some medical needs illustrates this well. We now know that babies need to sleep on their backs. If they don't, some will die. But before this was known, a moral agent encountering a baby snoozing on its stomach would not have been able to judge that the baby presented an occurrent essential need to be turned over. The need was not recognized, and so could not function as a moral demand in our culture at that time. The same is true of the agent's own state of understanding. If the agent does not know – what the needing being is, what it needs, what help it must have now – the need, however objective, however essential, in however rich a relationship, cannot function as a moral demand.

It is sometimes suggested that the ineradicable relativities of need undermine the claim that needs are morally demanding. This is a mistake, first because relativity does not undermine truth – relative statements can be robustly and usefully true.[8] Indeed, spelling out the relativities – what

sort of being this statement is about, their way of life and habitat, and what is available to help them here and now – is what makes useful normative truth about needs possible. Second, because what the agent takes themselves to be trying to do, is constant. The agent in moral practice takes themselves to be required to identify real essential needs, and to meet them. The possibility of error that accompanies the need for judgment in fact displays the essence of moral practice very well. The fact that moral agents can get it wrong shows there is something that would count as getting it right – which is what our ethical practice aspires to do.

In the simple cases I described in my examples, what the patient needs, and thus what the moral agent is obliged to do, is obvious and easy to understand. Save the cat, feed the baby, support the colleague, repair the play equipment, leave the valley alone. The moral agent can see what the patient is, what they need and how they should help. But my examples also highlight some things that are often not noticed about needs but are important for understanding their pervasiveness and moral demandingness. One common stereotypical assumption about needs-meeting is that it is essentially a matter of a resource-rich person giving some resource-poor person some resources. Chloe giving the beggar £5 and a wealthy westerner sending money to help drought-stricken aid-dependent African farmers are paradigmatic examples of needs-meeting according to this stereotype.[9]

The stereotype is flawed. In my examples, it is clear that, even in the simplest paradigmatic cases of needs-meeting, there is not always a resource asymmetry and resources are not always transferred. The cat and the baby in the pram do not need any resource. Just as the satisfier need not be a 'thing or stuff', so the right relation between the patient and the satisfier need not be 'having'. A human being may need to [verb] [any kind of thing]. In my examples, my sister needed to be told some distressing news, the macho pro-dog-fighting dad perhaps needed to be confronted. Someone may need to carry out their punishment, to be relieved of responsibility, to keep their teeth, to have an idea, to speak their mind. Meeting needs need not be a matter of 'giving', either. Stopping the pram, saving the cat, supporting the colleague, fixing the play equipment – these acts are not best conceptualized as givings of goods.

Statements about any element of a needs claim – the needing patient or subject of the need, their state of lack, the object of the need or satisfier, the needs-meeting act, or the needs-met end state – can be general or specific, universal or particular. These two dimensions of variation are distinct, and determine the truth-value of needs statements.[10] The general/specific axis describes the size of the kind, 'Animals' is general, 'Californian condors' is more specific. The universal/particular axis describes the range of application within the kind: 'all animals' is universal, 'animals in drought conditions' is more particular, 'this animal' is a unique particular. As I noted above, one reason that the 'basic needs approach' has been so popular is that the needs it focuses on are *general*, in the sense that a higher sortal identity

has the need, and *universal*, in the sense that the need pervades the kind and is widely recognized. But as I also noted above, these features, while they make sense of our interest in some common needs, do not explain their normativity as such. Morally demanding needs can be general, specific, universal or particular.

If we say, 'Murial needs her landlord to give her access to her land to dig', we speak of all three elements of the statement with perfect specificity: this needing being, Murial; this moral agent, the landlord; this object of need, access to Murial's land. But we can make more general statements that can be true and useful for different purposes: 'Tilling women need landowners to give them access to suitable land'; or 'Farmers need a system of entitlement relations that give them land'; or 'People need to be able to enact their working identities.' The levels can also be mixed, as when we say, 'Murial needs some landowner to make land available' or 'The people need this land for digging.' True statements about the same need can be general or specific.

Every statement above was universal, applying to all members of the kind. A particular statement does not hold for all members of the kind. Some human beings – babies – need milk. 'Some humans need milk' is true normative statement, but it is not universal. A policy supplying milk to all human beings would show the meaning of this need had not been fully understood. Each of the elements of a needs-statement can be given at any level of particularity or universality. The particularity at the point of action (where it must always be *this* being needing *this* from *this* moral agent) is where the dimensions of generality-specificity and universality-particularity intersect – the perfectly specific is the particular.

'Overspecificity in a needs sentence [might] makes it false', as David Wiggins points out, when he says our 'need' for transport is overspecified, since what we really need is access to facilities that are frequently needed (Wiggins 1987: 22–3). But strictly speaking it is not just overspecificity that can do this. Overgenerality, universality and particularity in any part of a statement about need can have the same effect. We can see this in a claim like 'Human beings need milk', which is overgeneral, or a claim like 'All mothers need to stay home to care for their children', which is falsely universal, or a claim like 'This mother needs to breastfeed her baby', which may be false in a particular case even while the general truth 'Mothers need to breastfeed their babies' holds for the most part.

Specification of needs is difficult. If an epistemic task is difficult, people are more likely to get it wrong. One result is that any specific claim is empirically more likely to be false than it would be if the task was as easy as, say, getting 'this is a hand' judgments right. But however vulnerable to error specification of need is, we cannot meet needs without it, and ethical practice obliges us to meet needs. This difficulty is a practical difficulty, which in fact faces any policy to guide action, not just the present needs-based theory. Although simple moral cases are simple (so we are most likely to get needs right in such cases), even here the epistemic challenges can be

considerable. In public ethical action, it is likely to be even harder to get things right. NGOs or governmental agencies must judge which members of which communities need what, how they should be helped to get what they need, and who should help them. The idea that such difficulties could be eliminated by finding some policy which is self-interpreting and self-implementing is wishful thinking.[11]

In the context of lived moral relationships, moral agents are sensitive to all kinds of variations of need over time and between persons. One response to this complex variability is to worry that it implies that there are no moral facts about such idiosyncratic personal needs, and to be tempted to return to the solid ground of 'basic' needs. But as I have argued, this would be a mistake. The fact that there are no generalizations we can make about what complex people in private contexts need, does not imply that there are no truths. And the fact that we cannot say in advance what they will need in what situation similarly does not imply that there is no fact of the matter.

The facts about need that matter in private moral practice are particular facts, facts about the particularities of individual identity and unique situation. Particularist ethics, as partly articulated by John McDowell and Jonathan Dancy and others, helps us to see how we can hang on to the idea of objectivity and fact about need, in the absence of generality, formulability and stability.[12] While this looks like a considerable problem from within ethical theory, in ethical practice there is no problem, and as moral agents we know this, although we rarely pause to reflect on the distinctively particularist implications this has.

As moral agents, we get to know particular beings, as kinds and as unique individuals, very well. We acquire this knowledge through observing them, engaging with them, sharing our life with them and being morally responsive to them. As a result, we come to know what they need. We become as confident and clear in our judgments about needs and what they demand of us as we are in our most basic epistemic judgments, including that old chestnut, 'this is a hand'. If I know the patient well, I can be absolutely certain that she, in this situation, now, needs a break. I don't need to consult any principle or formula. I just need to be thoroughly acquainted with that patient, and thoroughly inducted into ethical practice.

The complexity of needs, and the difficulty of getting their moral demandingness right, emphasizes just how much skill and knowledge ordinary moral agents have. From this perspective, moral agency is shown to be far from a simple matter of noticing a begging hand and tossing £5 into it. To anticipate and meet needs well, the moral agent has to know a great deal about the subject of the need, her patient. She has to know how capable it is of doing what kinds of thing for itself and others. She has to know how much it knows or doesn't know. She also has to know a great deal about satisfiers – what kind of thing is needed? Is it a resource, or is it some kind of action or experience or knowledge or repair or protection or release? And she has to know what relation the patient needs to be in to the

satisfier for her need to be met. Does she need to 'have' it, or does she need to be related to it in some other way, like being free to use or participate in or enjoy or contemplate or be close to or protected by it? And she has to know how to meet the need – how she herself can relate morally appropriately both to the satisfier and to the needing being. All this rich knowledge and nuanced responsiveness is implicit in everyday moral thought and action. It is incredible, and regrettable, that this sophisticated and careful evolved responsiveness to the needs of things in the world has received so little attention from philosophers, while much cruder and often bizarre pictures of moral agency are much more widely discussed.

6 Objections

Although needs are not much discussed in moral philosophy, they loom large in everyday life, and in political philosophy, so there are quite a few familiar objections to the central ideas of the needs-centred theory. In this chapter, I address some of these objections, and argue that the needs-centred theory has the resources to meet them.[1]

Manipulation and paternalism

The needs-centred theory says that moral agents should meet needs, and are culpable if they fail to do so. This might seem to invite the objection that needs-responsive moral agents will be vulnerable to manipulation. If it is known that good moral practice is responsive to needs, this will encourage people to present their claims as claims of need, manipulating moral agents and perverting moral practice to their advantage. The right answer can be found by paying closer attention to exactly what it is that the moral agent characteristically knows and does. The moral agent has to judge in particular cases what the patient is, what its needs are, which needs if any are morally important, what will satisfy such needs and how to satisfy them.

The moral agent's skill includes the ability to judge in some cases that the right response to a claim of need is to challenge the claim – to question whether the satisfier is really needed at all. When my daughter claims to need that pink tent, as a competent moral agent I must decide whether she really needs it or whether she is simply passing off her latest fad as a need, piggybacking on the moral demandingness of needs instrumentally to get what she wants. Moral agents will also be less vulnerable to manipulation to the extent that they themselves have a need not to be taken advantage of.

A related worry, in a way the converse of the worry about manipulation, is that the needs-centred theory is vulnerable to paternalism. It is a small step from noting, as I did above, that morally important needs are objective, and thus not first-person authoritative, to concluding that they are so third-person authoritative that moral agents can justifiably leave what the needy first-person thinks or wants or feels out of their deliberations altogether. A moral agent who decides without consultation what the patient needs, and imposes that

on them without regard for their preferences, is certainly being paternalistic, and that is certainly a bad thing. There is no doubt that on the needs-centred picture paternalism is a danger. But is the danger intrinsic to the theory?

There is nothing in the core concept of morally important essential need to imply that agents rather than patients should define which needs are to count, or how they should be met. But because needs are objective and may be third-person authoritative, there may seem to be nothing in the theory to ensure patients must be given a central role. This may be a misinterpretation. If we understand the concept of need correctly, we will surely agree that for human needing beings, the need to be recognized as pretty authoritative about many of your needs is fundamental. The same kinds of complex constraints that were discussed in relation to morally good ways of needs-meeting above come into play here, to imply that a moral agent will not have identified a human need correctly if he has failed to take account of the patient's own view of their need (see e.g. Chambers 1997).

But even if I insist that the good moral agent will avoid paternalism by taking autonomy and first-person authority to be intrinsic to every need a human being presents, I have to admit that there will be times when the patient's preferences have cut loose from their needs, where a moral agent really may know better about what the patient needs, and may take themselves to be morally obliged to impose the solution on the patient regardless of their wishes. It seems to me that there is a balance of risks here. The objectivity of need is a fact, and it is also a fact that being in need, or being subjected to other pressures and privations, makes it harder for a person in occurrent need to identify their needs correctly and to form appropriate preferences and values. Any defensible normative moral theory is going to have to be sensitive to this problem of 'adaptive preferences' (see e.g. Nussbaum 2001).

The danger of paternalism that arises from the objective aspect of a normative theory has to be balanced against the equally real danger of what we might call 'choice-fetishism' or 'freedom-fetishism' that arises from more subjective theories. The moral agent must, as it were, steer a fine course between the Scylla of manipulation, and the Charybdis of paternalism. To the extent that a moral agent does for patients whatever they say they want, he risks choice-fetishistic failure to meet those patients' real needs. But to the extent that he refuses to consider patients' actual preferences, and to involve them in the decision about what is needed and how help should be given, the moral agent runs the risk of paternalism. The general point is that moral agency is difficult and risky, and that one has to take care to be neither paternalistic nor choice-fetishistic.

Passivity

A related objection is that the needs-centred theory, as well as fostering paternalism in moral agents, may foster passivity in moral patients (Sen 1984: 514). Approaching moral practice in the needs-centred way, the

objection goes, presents patients inappropriately, as passively demanding help and helplessly awaiting it. To think the needs-centred theory takes patients to be passive, or makes them so, the objector must think that having needs is a state which patients could somehow avoid by being more active, and also that being in need is a state in which the patient is incapable and dependent on others. Both ideas are mistaken.

As I argued in Chapter 4, having dispositional needs is not a passive state, and nor is it an avoidable state. Depending absolutely on other things in order to exist is the normal and inalienable condition of every contingent being in the universe. For a need-state to be passive, the need must, in addition to being dispositional, also be occurrent – that is, the object of the need must be lacking. And further, it must also be a need the needing being cannot meet for themselves. Every human being, necessarily and as such, has dispositional needs. But only some are occurrent at any time. Thus, speaking philosophically strictly, the deprived have no more needs than the wealthy, children no more needs than adults, and sick people no more needs than healthy.

The differences lie, not in the number of needs, but in how many of the needs are occurrent, and how far those with such needs can meet them without the help of others. If my needs are not occurrent, I am not passive: on the contrary, I am fit and living my life. And even if a need of mine is occurrent, provided I can meet the need myself, again, I am not passive. Indeed, it is hard to think of a more active condition than the condition in which I have an occurrent vital need which I can meet for myself. If I break my leg on a solitary hike but I am able to splint it well enough to hobble for help, I am about as active as I can ever be (and probably a lot more active than I would like to be).

If neediness is not a passive state, it follows the needs-centred theory need not foster passivity but can take full advantage of the fact that needy human beings need as far as possible to have a say in defining their own needs, determining how they should be met and meeting them for themselves. It is an interesting further question, given the ineradicable fact of dispositional need, and the universal human vulnerability to occurrent need we cannot meet that this entails, why those who make this objection seem to think we should conceal the reality of human vulnerability to helplessness and dependency behind brave talk of active patients of moral concern (see O'Neill 2006 for some initial diagnosis of the issues here).

Inadequate for complex cases

It might be objected that the needs-centred theory is inadequate to guide moral agents in complex moral contexts. What is more, it might be argued that the 'simple cases' I described in my examples are not really simple at all. They involve all sorts of morally significant features in addition to needs, which moral agents must recognize and give appropriate weight to in

their deliberations. In doing so, moral agents may have to make use of much more sophisticated theoretical apparatus than the needs-centred theory can offer. The objector will allege that I have illicitly stipulated away the complexities of all moral contexts, which are captured more accurately and usefully by more familiar moral theories like virtue-ethics, deontology and consequentialism, which are agent-centred, act-centred or goal-centred.

There are several different ways to respond. The first is to clarify what is meant by a 'simple case'. The paradigmatic simple cases which I have argued are fundamental and essential to our grasp of moral demandingness, are not cases where no features other than needs are present. Rather, a simple case is one in which the moral salience of needs is displayed. We recognize these cases as such very easily. It is, of course, true that we could describe these cases differently, from the perspectives of the different elements of moral practice. We could describe them in a 'virtue-ethical' way, from the perspective of the agent, for example, as opportunities for the expression of virtue. We could describe them in a 'deontological' way, from the perspective of the act, as cases where forbidden acts are to be avoided, or permissible acts may be done, or required acts must be done. Or, again, we could describe them in a 'consequentialist' way, as cases where a certain end is to be sought or value promoted.

But once we have the patient-centred perspective of the needs theory in hand, it seems straightforwardly evident that such descriptions of moral demandingness from the other perspectives in the moral scene would in an important sense be perverse, and why this is so perverse. It is the patient, with their need, that makes the context one in which ethical practice is called for in the first place. We can have agents, acts and goals without ethics, but we cannot have a patient in need in a context without that context thereby being distinguished as one in which ethical practice is called for. The presence of a patient in need is what marks the context out as ethical.

We intuitively know that ethics is all about patients and what they need, even if our moral theories make this much harder to see, directing our attention to everything but the patient and their need. It is the cat, with its need to be saved, that instantly grabs our attention when we hear about that example. The metaphor of 'silencing', used by particularists to describe how moral reasons are related to other potentially normative features of situations, captures quite well what I want to say about essential needs in simple cases. In a simple case, the need silences or outshines everything else that is going on. It is central: its moral importance and the way it demands helping action are obvious.

A second response to this objection, if another is needed, is to point out that, even in patently complex cases, the concept of need is essential to enable the moral agent to get his bearings and decide what to help and how. I pointed out in Chapter 4 that complex cases presuppose simple ones, in various ways. Part of the experience of a complex moral situation as moral is

the experience of each of the simple needs at issue as morally demanding, as asking for help. The objection then can only be, not that the concept of need is not necessary for handling complex cases, but that it is not sufficient. It seems to me we can argue that it is sufficient as well.

The concept of need can guide us in complex cases because of the distinctions of moral importance that we make within the concept. Which need is most essential? Which of the essential needs is most entrenched, grave, most urgent or most imminently occurrent? Which need is clearest, most objective, simplest and most feasible to meet? For which needs does the patient themselves bear some responsibility, either for getting themselves into that state of need, or for getting themselves out of it? Which needs arise in which moral relationships? Although of course we can introduce other concepts to help us clarify what is going on in a complex moral situation, and decide what to do, it is far from obvious that we will have to do so. The concept of need, with the given background of the skills and knowledge that comprise ethical practice, and of moral relationships, seems to contain all the conceptual resources we need, to get ethical practice right.

Avoidance of moral demands

One objection suggested by the proposal that the moral demandingness of needs presupposes the presence of moral relationship, is that this might provide moral agents with an incentive to avoid relationships, and that the needs-centred theory could not capture what is morally wrong with doing this. The simplest way to meet this objection, I think, is first to consider more closely how the avoidance of relationship could ever arise. If a person is already embedded in moral relationships then it would seem straightforward enough for the needs-centred theory to say what is wrong with withdrawing from those relationships. Moral agents need to honour the relationships they are in, or they harm the relata, including themselves. Others need the moral agents they are related to to help them, or they will be harmed. And of course the antecedent is satisfied. All moral agents are born into biological, kinship and community relationships, by which they are consequently morally bound.

There is an interesting further possibility. It may be that, for certain relationships, it is not just morally wrong but actually impossible for the agent to withdraw from them, no matter how much they want to do so, and no matter how much they arrange their lives so as to avoid the person they are related to. I may want to have no relationship with my son, and I may arrange my life so as to have as little to do with him as possible. But can I thereby make it the case that he is not my son, and that I do not have any moral obligations towards him? It seems to me it is not in my power to destroy a relationship in this way. It may be that the moral bonds of relationship can be neutralized in another way, though. If someone behaves badly, they may weaken the moral obligations of others towards them in

relation to their needs. If I harm someone related to me, arguably I erode the relationship between us.

A related objection, familiar from discussions of partialist ethics, is that a theory of moral importance like the needs-centred theory, in making moral relationship a necessary condition for the moral demandingness of needs, leaves people who through no fault of their own have few and threadbare relationships with unjustly little moral purchase on moral agents. Surely, it will be urged, there must be some moral obligation, not just to meet the needs of those you are already in moral relationship with, but also to make sure that no-one is left out in the cold, their needs unmet? The trouble here is that it seems the most we can get is a potential rather than an actual moral demand. If I were in contact with those needy people, their needs would place moral demands on me. If, then, I go looking for needy people to help, and I find them, I will certainly incur moral obligations to help them.

But if I don't have any real connection with them, even the most modest indirect encounter, how can we say they place moral demands on me? As I said in Chapter 5, this would be like saying that questions no-one has ever asked me place obligations on me to provide answers. We might want to say that it is part of being a good moral agent, to always be vigilant and take every opportunity to expand one's circle of morally demanding relationships, just as it is part of being a good epistemic agent, to be vigilant and take every opportunity to question one's own views. But that falls short of saying there is an actual obligation, moral or epistemic, to treat unpresented moral demands and unasked questions as though they are actual. I discuss the issue of how 'demanding' a normative moral theory should be in more detail when considering consequentialism in Chapter 7.

Not all essential needs are moral demands

'Negligible' beings' needs

In arguing that some need is not morally demanding – whether because, as discussed above, it is a falsely claimed or ascribed need, or a passive need, or a need buried in complexity – the objector's goal is to show some needs don't make moral demands, and so falsify my claim that needs are morally demanding as such. Another form of this objection to the needs-centred theory which is often pressed is that the theory widens the ethical unacceptably. I am sure many readers of this book have since the beginning been itching to argue with me that I am wrong to reject the presumption of moral negligibility, and that things like valleys, plants and playground equipment 'of course' cannot possibly be proper objects of moral concern, cannot possibly fall within 'the moral domain'.

I argued in Chapter 2 that we should reject the presumption of negligibility, partly on the empirical ground that attention to ordinary moral life reveals that moral agents just are in fact concerned with the essential needs

of a far wider range of beings than moral theory has been willing to recognize hitherto, and have much less regard for consistent response to shared anthropocentric features like humanity, sentience or personhood than is commonly argued by moral philosophers. All of us, all the time, take it for granted that we should not destroy or harm anything unless we have good reason to do so.

My argument for the presumption of moral importance was also partly conceptual. The presumption of moral negligibility presents moral philosophers with the absurd and unnecessary task of showing that, for any object we wish to include in the 'moral domain', it possesses certain properties, or matters to things that already have those properties. It also presupposes, contrary to what I argued in Chapter 5, that shared properties are sufficient for morally obligating relationship. Both of these theoretical difficulties are artefactual consequences of the presumption of negligibility, which are avoided by the presumption of moral importance.

But once we acknowledge the practical presumption of moral importance, and take it up into philosophical moral theory, we face the question of how in practice the demands on moral agents can be limited. The concept of moral relationship I introduced in Chapter 5 is partly intended to solve this puzzle. The moral demands essential needs impose on agents are limited by the moral relationship between the moral agent and the patient. If the relationship is full, the moral demandingness of needs will be complex and powerful. If the relationship is rudimentary or transient, the moral demandingness of needs will be simpler and may be less powerful. The realities of moral relationship explain how it is that moral agents can avoid both being overwhelmed by needs, and being neglectful of them.

Another way in which the moral demandingness of need is limited is that what moral agents are required to do is often very modest. Moral agents take themselves to be constrained by the essential needs of the things with which they share their lives. In many cases, all this demands of them is that they avoid harming those things. Although the existence needs of every human being in Durham are demanding for me, what it takes for me to meet all those demands is really very little at all. Simply, I must not do anything that would harm or threaten them. The situations in which essential needs of those with whom I am in moral relationship actually require me to do something, to think and respond actively, are comparatively rare. They arise only when the need is grave, urgent, occurrent and I am well placed to help.

The presumption of moral importance urges that, contrary to our usual philosophical understanding, the essential needs of all things whatever do impose moral obligations on us. But these obligations are defeasible. According to the needs-based theory, we can have a moral obligation to meet the essential needs of any thing whatever – from smallpox virus to dandelion to cat to neighbour; from bit of wood to pile of sand to cup to pancake to St Paul's Cathedral. But these obligations can be overridden. If we have a

good reason not to meet the needs of the thing in question, the moral obligation is weakened, and may be silenced.

What will count as a 'good reason' is determined by the best lights of public reason. Different ethical practices of different cultures count different things as reasons adequate to defeat the moral demand of an existence need. An example often used to challenge the presumption of moral importance is an entity that is harmful to humans. Consider the smallpox virus. According to the presumption of moral importance, I have a *prima facie* obligation to meet its needs. But because the virus is harmful to persons, I also have a consistent, needs-based moral obligation to contain the smallpox virus, and even to destroy it. The defeating obligation here also arises from needs. Human beings have an essential need to be free of smallpox.

But it is not only needs-reasons that can defeat needs-reasons. Take some innocent plant, like the dandelion. I have an obligation to meet its needs *ceteris paribus*. But say it is in the middle of my beautiful lawn. Now I have aesthetic reasons or horticultural reasons (reasons internal to the practice of gardening) to get rid of the dandelion. Take a piece of wood. I have a *prima facie* obligation not to damage it without reason. But I have no other means to make a fire, which I want for warmth. Here a well-being reason defeats a needs-reason – the warmth of the fire is pleasant to me, and this means that the needs of the bit of wood count for very little.

But now consider an entity like a pancake or a cherry – an artefactual or natural food item. The presumption of moral importance seems to imply that the moral agent has a *prima facie* obligation to meet the needs of even food items. To understand how the needs-centred theory can avoid the absurd conclusion that we are morally obliged to maintain pancakes and cherries in being, we need to look more closely at the sortal identities of such objects. It may be part of what it is to be a food item that it should be destroyed by being eaten.

If this is right, far from neglecting its needs when I consume the pancake, I am meeting them. The existence of the food is fully actualized in the moment of its consumption. Examples of natural kinds like cherries make this more plausible. Fruit has evolved to be attractive to animals – fragrant, tasty and nourishing – and is meant to be eaten, as part of the reproductive way of the plant. So we are not neglecting the needs of the cherry when we eat it and carelessly spit the stone on the ground. We are meeting them.

In some cases need-reasons are defeated by need-reasons; in others by preference reasons, well-being reasons, aesthetic reasons or reasons internal to some practice or other. The important point is that for us to ignore the needs of any thing, we have to have some reason, some consideration that can be cited in a justifying explanation of what we have done. Which reasons can work in this way is of course contestable, and the awareness that there need to be such reasons is variably present in different cultures, communities and individuals. Some people who neglect babies, burn cats, encourage dog-fighting, bully colleagues, damage artefacts or strip-mine unspoiled valleys

seem to have no sense that they need a reason for what they do. They must rely on the presumption of negligibility, and typically imagine that the hapless patient of their actions is negligible. And some whole cultures work like this. In our culture, a sense that the needs of animals constrain how we may treat them, to the modest extent at least of ensuring we may not kill them for food, simply has not (yet?) fully taken hold.

It may be objected that the presumption of moral importance is actually deeply at odds with the reality of our ethical practice. We simply don't think of a person who is careful to meet the needs of their stamp collection, or pauses to deliberate before they destroy a batch of virus, as doing anything ethical. We may think such acts 'admirable', but we may insist that ethical practice properly so-called is essentially concerned not with helping things to 'be or to live', but rather with dealing with other human beings, living an excellent human life, or doing everything you do with a vigilance for certain kinds of consideration, like justice or well-being.

We may have a plain clash of intuitions here. But I think the presumption of moral importance is morally and rationally as well as practically preferable. A person whose ethic is to take care not to harm anything at all is a person with an ethic that is more generous, and more consistent, than the ethic of someone who cares for human beings but trashes landscapes, and sees no inconsistency. Sensitivity to the needs of all things is at the heart of ethical practice, contrary to our incompletely formed intuitions about the ethical. The ethical agent is someone who is sensitive to what the world demands from them. They are someone who is aware of the needs of things, and responsive to them. They take themselves to be obliged not to harm or destroy without reason.

Only when they have reason do they interfere in the lives of microbes, plants, animals, landscapes, persons and artefacts. The moral agent's stance of responsiveness to needs is not an aesthetic one. They do not just delight in the diversity of existing things. They take themselves to be obligated to act by certain features of those things – namely, their essential needs. A person who is thoughtless about the needs of things strikes us as an irresponsible, barbaric person. Wanton destructiveness – the most blatant expression of what we might call needs-blindness – is universally seen by everyone as a moral failing. It presents a threat to morality of the sort that Bernard Williams described (Williams 1972: 10–11). Needs-centred ethics reveals what is wrong with the wantonly destructive agent. It reveals the continuities between that moral failing and other cases of moral wrongdoing. The agent who harms or neglects another and the agent who crunches a rare plant underfoot have this in common: they do not take the needs of some morally significant thing to impose any moral constraint on what they may do.

Needs-centred ethics also indicates what we need to do to teach ethical practice: we need to teach agents to notice and to respond appropriately to needs. We need to do this not just for one or two things (like persons and

'higher' animals), lest we end up with the kind of moral agent who respects persons but thinks nothing of trashing an entire ecosystem in pursuit of profit. We need to teach agents to be sensitive to the existence needs of all things just as such. A perfectly general ethic of respect for all things is required, which makes exceptions from moral considerability only for reasons. This inverts the presumption of moral negligibility.

Bad agents' needs

Another category of beings, apart from allegedly negligible ones, also present a challenge to the claim that essential needs are morally demanding as such. What about the essential needs of evil agents? Brian Barry uses the example of Hitler to develop this objection, inviting us to imagine the following line of reasoning: 'Hitler needs an injection – he'll die without it – so he mustn't have one' (Barry 1990: lxvii). To understand the moral demands in this situation, and to see how they are related to essential needs, we need to bear in mind that Hitler's needs are not the only ones at issue. There are also the needs of the community, the needs of Hitler's victims, and the needs of the moral agent themselves, to consider.

It would be a novel, though not incomprehensible, argument to claim that Hitler himself needs to die: that is, that what he really needs is not, as most things do, to be preserved in his present state of being, but – in this respect, if in no other, like the cherry – to cease to be altogether. One might argue this in two different ways: either, that like all human beings, wicked agents are good beings underneath, and good beings need to cease doing and atone for bad things they have done, and in the case of very great evils the only way to do this will be to cease to be altogether; or, that wicked agents have a need to be destroyed. Just as the cherry has an essential need to be eaten, so, we might argue, the wicked being has an essential need to cease to be.

But some who are sympathetic to the ethics of need might argue that no agent, however wickedly they have acted, could need to die – whether that need is grounded in an underlying identity as a good human being or in an identity as a wicked being. They would argue that Barry is wrong, and that Hitler's need for life support is as strongly morally demanding as anyone's essential need could be. This difference in intuitions about the difference to the moral demandingness of needs that wickedness makes, shapes ongoing debates about punishment.

I am inclined to agree with Barry that the wicked agent's needs do not oblige us in the same way as the needs of innocent things do. One way to understand this might be to say that the power to obligate of the wicked being's essential needs has been extinguished, or at least greatly weakened, by the way he has acted. If this is right, it suggests that wicked actions, uniquely in the world, have the power to reduce the moral demandingness of essential needs. This echoes their possibly unique power to neutralize moral relationships, which I mentioned above.

Transient and becoming beings' needs

In addition to those of wicked agents, the needs of transient and becoming beings may also present a problem. The worry about the needs-centred theory here is that its focus on essential needs makes it unduly conservative. If we are morally concerned only with what things most deeply and least alterably *are*, we may be too little concerned with what those things more ephemerally are, and with what they may become. As well as being certain second-natural phased-sortal kinds of thing, I am also capable of coming to be different kinds of thing, and of ceasing to be the kinds of thing that I am. An example I mentioned in Chapter 5 might be my ceasing to be a philosopher and becoming a lawyer. How can a theory which sees only essential needs as morally demanding capture our intuitions about the moral importance of these aspects of human life?

One needs-centred solution is to think of needs to cease to be, or to become something else, as grounded in an underlying continuing identity, as for example the child's need to become an adult is grounded in their underlying continued human being. But while this works for some cases, it leaves the moral demandingness of coming to be many second-natural phased-sortal kinds of thing unsupported. It does not seem plausible that I will have, for every kind of thing I become, some more basic first- or second-natural identity for which that becoming can be seen as a necessity. As a human being, it is not necessary for me to become a philosopher, or for me to dabble in politics. Yet these things do seem morally important in certain situations – contingency does not seem to reduce the moral demandingness, as the needs-centred theory implies it should.

An apparent bias in favour of socially approved identities, like being a professional compared to being (say) a dissident activist, echoes the bias in favour of unchanging identities. By emphasizing necessity, the needs-centred theory threatens to leave too little room for the value of freedom. It threatens to value only those second-natural phased-sortal identities which fit well with first-natural needs, and with the needs of the community around the being in question. An anti-social second-natural identity, like being a dissident activist, or even arguably being a contented addict of some kind, seems to get no support or protection from the needs-centred theory, which will simply dictate that you don't really need to be an activist or an addict, and the community certainly does not need you to be, and so will ignore the essential needs that are generated by those identities.

The way to meet this objection, I think, is to acknowledge that these are potential problems for moral practice but to insist, first, that as a matter of empirical fact, when we are deciding what moral weight to give which needs, we use the degree of contingency or essentialness of the need to shape the decision and, second, to note that, as there was with the manipulation/paternalism objection considered above, there is a balance of risks here. If we stick too rigidly to the idea that only entrenched, unchanging, socially

acceptable identities make moral demands on us, we risk neglecting the many important things that human beings are free to become, and we risk failing to take sufficient care of persons who have disruptive or perverse natures. But if we give up on the idea that the more necessary an identity, the more demanding it is, we run the risk of what I called 'choice fetishism' – of treating the most whimsical and transient activities as as morally demanding as the most essential, the most disruptive and perverse identities as as demanding as the most harmonious and happy.

Not all moral demands are essential needs

It might be objected that there is more to moral practice than meeting essential needs. According to this objection, we have other moral obligations, like telling the truth and keeping promises, making each other happy and helping each other achieve non-necessary ends, which the needs-centred theory cannot account for.

There are two ways one might argue that moral demands which appear to have nothing to do with essential need can be captured by the theory. The first is to argue that, in any allegedly 'need-free' example, essential needs are doing the important work of constituting the moral demandingness after all, but doing so 'underneath', in a way that is easy to miss. The second is to argue that the examples are not moral demands after all – either because they are not really demanding at all, or because the demands they make are not moral ones.

In my example in Chapter 2 of giving my sister some distressing news, we can see how both kinds of argument might work. Applying the first argument, we can see how it might be plausible that I judged my sister needed to hear the news. She might need it as a person with dignity, my equal who has the power to act from the same information that I have. My keeping the news from her creates an inequality which disables her compared to me, and gives me a power over her which she needs me not to have. Or she might need it because of its content – the news might be of some fact which bears on her life in a way which means she has to act to protect herself, or to adjust to cope with it in some way.

Applying the second argument, it is also plausible to suppose that in the case of some news, there is actually no moral obligation on me to tell the distressing news. This might be because she does not need the news. Or it might be because the obligation to tell is a professional or a familial one, rather than a moral one. If my boss, or my mother, has charged me with telling the news, and I have agreed to their request or instruction, I do thereby have an obligation – but the obligation to tell my sister this particular truth is not a moral one. According to this argument, the ethical dimension of the obligation, if there is one, relates not to the truth-telling but to the commitment I made to pass on the distressing news. This is a case of promise-keeping. With promise-keeping, again, we can apply the same arguments to

show how needs and moral demandingness are essentially connected in the judgments we make about what we are required to do.

In cases where we judge we are morally bound to keep a promise, essential needs which generate the moral obligation to keep the promise may be found in any one of four places. The person I made the promise to may need me to keep my promise. If I promise to hold the rope while you descend the cliff, you need me to keep my promise in this sense. The beneficiary of the promise may need me to keep my promise. If I promise you that I will look after your baby after your death, the baby needs me to keep my promise. And I myself may need to keep my promise. My identity, my ability to go on as a genuine person, community-member, role-holder, may depend on my integrity, a central element of which is the reliability of my word. If I fail to keep my promises, I harm myself.

Finally, the human community may need me to keep my promise. Promising, as Hannah Arendt eloquently argued in *The Human Condition*, is one of two human actions required to make human political life possible (the other is forgiving) (Arendt 1958). Given the uncertain future that is a necessary concomitant of human freedom, we need a way of making the future reliable for ourselves and others. Promising has this function (and forgiving has the function of undoing the effects of harms that have been done). So if I fail to keep my promise, I damage the human world, by making it a more uncertain place for moral agents than it is given a durable practice of promising. In cases of promises made to people who are now dead, we should notice that three of the things that might have an essential need for us to keep our promise are still present: the beneficiary, the agent and the community.[2]

As with truth-telling above, we might instead argue in a particular case of promise-keeping that there is no moral obligation – either no obligation at all, or not a moral one. If you have promised me that you will waste four hours this Monday afternoon, we might wonder why you made the promise at all (and why I accepted it), and we might think less of you for making it. But most of us would probably agree that there is no obligation at all to carry this promise out. If we mused on this situation for a while longer, we might consider that your making the promise showed a poor grasp of what promising is all about, and perhaps even that your sense of yourself – what you are, and what are your purposes in life – is shown to be in some difficulty by your choosing to make this promise. But our judgment that this promise does not oblige you in any way would be unlikely to be affected. With a different sort of promise, we might again think that the normativity is genuine, but is not moral normativity. If I promise to return my library book by a certain date, I have an obligation to do so. But if no-one needs the book, and no-one is acting in reliance on my promise, it seems most plausible to say that the promise is not a moral promise, and the obligation not a moral obligation.

What about the objection that things beyond need, like happiness and contingent ends, also impose moral obligations on us? According to this

objection, the needs-centred theory may only be useful in contexts of extreme deprivation, whereas an adequate moral theory should be able to tell us what is morally important and what we should do, even in contexts where needs are not at issue. The first thing to stress is that this objection may result from forgetting the important distinction between dispositional and occurrent needs which I described in Chapter 5. Recall that all contingent beings have dispositional essential needs, which can only be met, not eliminated.

Human beings depend on their environment and on each other to exist. This means that any theory which suggests our moral practice could 'advance' to a stage where essential needs no longer made moral demands on us would have lost its grip on reality. Even the most narrowly defined first-natural basic human needs – for health care, food, shelter, freedom from violence, for example – remain as important in comfortable communities and contexts, as they patently are in situations of occurrent need. Ensuring such needs remain met is essential, even if in some lucky situations most of those needs remain non-occurrent for many, much of the time. While it is true that needs become morally demanding only when they are occurrent, it is also a fact of life that these needs can become occurrent at any time, and at the heart of the skill of the moral agent is a readiness, not just to meet occurrent needs as they arise, but to prevent them from arising.

An alternative response to the objection that the needs-centred theory is too minimal is to remind the objector that the threshold between morally demanding essential need and morally neutral non-need is contestable. As I noted in Chapter 5, rational public deliberation determines the threshold, just as it determines what is to count as a reason good enough to defeat the moral demandingness of a need. Some needs theorists have held that needs must be held to be more morally demanding the more 'entrenched' they are (i.e. fixed by unchangeable facts of nature). But as I pointed out in Chapters 4 and 5, there is nothing in the concept of essential need as such to prevent well-off moral communities from taking a broader view of entrenchment, through rational deliberation.

Needs related to second-natural phased-sortal identities like 'philosopher', 'mother', or 'Geordie' can rationally be counted as essential. The philosophical test for essential need will still work with a broader view: can this being live unharmed without this? Provided musical instruments are required for musicians to live unharmed, a robust justification is available for counting musical needs as essential needs. With this broader conception, the suggestion that the usefulness of the needs-centred theory might be limited to deprived contexts is much less compelling.

Objections to the threshold

A related objection is that the very idea of a morally significant threshold between need and non-needed benefit is indefensible. Richard Arneson uses the difficulty of drawing a sharp *a priori* line to distinguish need from non-need

to argue that we should give up the idea that any particular point on the 'scale' of well-being can have more moral significance than any other (Arneson 2005). Arneson argues we should prefer an incremental approach, in which the worse off someone is over their whole life, the more moral value any benefit to them will have. Arneson is not alone in wondering 'where you can draw the line', and inferring from the difficulty of drawing a line that there must be something suspect about the distinction itself.[3]

But any argument from the difficulty of drawing a sharp line to the absence of a distinction is a poor argument, apt to be about as convincing as an argument from the fact of twilight to the conclusion that there can be no important difference between night and day. The impossibility of drawing an *a priori* line must be conceded, of course, but it does not undermine the claim that there is a significant difference. Clear cases on either side are enough to put that beyond doubt. The desire for a bite of chocolate of a well-fed person is a clear case on the non-demanding side of the threshold, while the need for some sugar of a hypoglycaemic diabetic is a clear case on the morally demanding side.

All the impossibility of drawing a sharp line shows is that when we need the distinction to be sharp (say, when we need to decide a marginal case), we will have to do some rational contesting and deciding of the matter. This is just what the needs-centred theory claims. We need to make the distinction for a specific purpose, namely to decide whether the situation is such that we are morally obliged to act to help, or whether it is morally neutral. When we draw the line in a particular case, we will do this by using the concepts of essentialness, gravity, urgency, entrenchedness and our fitness to help. The threshold between morally important essential needs and morally neutral states will be drawn in different places, using procedures of rational public deliberation, in different contexts. But it will be drawn, because moral practice requires that we draw it. Essential needs demand that we drop what we are doing and help. Non-needed benefits make no moral demands on us at all.

As well as being poorly motivated and conflicting with our intuitions about what matters, giving up on the idea of a moral threshold could also lead us to find morally shocking claims plausible. Arneson proposes, for example, that 'bites of chocolate, if sufficiently numerous, can morally have more weight than a single premature death' (Arneson 2005). On this view, any increment on the scale of well-being has the same worth, regardless of where on the scale it occurs, and it is just some sort of prejudice to think otherwise. The view also implies that, for example, acting to make a person one fraction better-off will have the same moral worth when it makes the difference between life and death for the patient as it does when it makes a perfectly well-off patient a bit better. But intuitively, the idea that the well-being gained from lots of bites of chocolate could ever be compared to, let alone outweigh, the moral worth of someone's being kept alive is simply shocking. We have this intuition, because we are intuitively deeply

committed to the idea that there is such a thing as a moral threshold, which refers to existing, being whole, unharmed or all right, as I argued in Chapter 3.

As well as moral compromise, there is a risk of conceptual confusion. The claim about chocolate and early death is confused in the same way that saying 'midnight is just a very dark sort of day' would be confused. If we deny a significant difference between night and day, we lose our grasp of what midnight is. Just so, if we dispense with the idea of a moral threshold, we lose our grasp of what moral demandingness is. If this is right, it implies that, far from limiting the usefulness of needs theory, the threshold anchors the needs-centred theory in the reality of our moral priorities. And it also implies that to the extent that other theories dispense with a threshold, they lack a vital resource. To frame helping action, we need conceptual tools to sort situations which require us to act from those which do not. The needs-centred theory provides the tools; threshold-free theories may not. This is one of my main objections to consequentialist moral theories which suggest promotion is the sole morally right response to value. I develop this objection further in Chapter 7.

We should also remind ourselves of what the needs-centred theory does not claim. It does not claim that moral agents do not feel moved to act for purposes apart from meeting needs. It is unarguably as much part of life as needs-meeting to seek happiness and pleasure and to fulfil contingent purposes, whether our own or those of others. The needs-centred theory simply points out that we are not morally obliged to do these things. Seeking happiness and pleasure, pursuing contingent ends, is not what moral practice is for, or about.

Moral practice is a much more serious and pressing business than that. It is about seeing to it that things are all right, that they are not harmed. And it is because moral practice is concerned with the more serious, fundamental, necessary business of seeing to it that things are all right that we recognize it to be so much more normative than the other things that we unarguably do. Moral demands are more demanding than the demands of other activities, because their content is more vital. It doesn't matter too much, from an ethical point of view, if I fail to achieve happiness or pleasure, or if my contingent projects don't find support. It does matter if I am harmed or my very existence is threatened.

7 Consequentialism

In Chapter 2 I argued that a good account – even a rough one – of what ethics is has not yet been given in analytic moral philosophy. We cannot think of ethical practice as defined by feeling, or by normativity, or as essentially concerned with human well-being. We will do better, I suggested in Chapter 3, to think of ethics as a distinctive practice. But once we do that, significant consequences follow. First, the practice conception reveals why we have the three best-known normative theories of ethics we do. Each theory tells the story of ethical practice from the standpoint of one element – the consequences, with their values, in consequentialism; the action, with its maxim, in deontology; and the agent, with their virtues, in virtue ethics.

Second, the practice conception shows why we must reject the 'competing global accounts' picture of how moral theories are related, and accept the necessary complementarity thesis instead. Third, the practice conception reveals we lack a theory which tells the story of ethics from the standpoint of the fourth element of ethical practice, the patient. In Chapters 4 to 6 I outlined a needs-based normative theory which puts the patient first, correcting the bystander- and agent-biases of the better-known theories. In this and the next two chapters, I consider the three best-known types of normative ethical theory in the light of the arguments I have presented so far, consequentialism, deontology and virtue ethics.

As I mentioned in Chapter 1, my concern is with the metaethical and applied as well as the normative aspects of ethical theories. It is often assumed that normative theories have two roles, as theories of evaluation and as theories of deliberation. According to this way of thinking, if a normative theory fails as a theory of deliberation (because it is too complicated for an agent to use, say), it may be defended as a theory of evaluation, which explains the moral facts.

It is also often assumed that every moral theory consists of a combination of a theory of right action (moral norms) and a theory of the good (moral values). Different types of normative theory are then distinguished by the different accounts they give of the right, the good, and the relationship between them (see e.g. Cullity and Gaut 1997: 1–6). For example, consequentialists

are said to make the good basic, and to define right action in terms of it, while deontologists are said to make the right basic, and to define the good in terms of that.

The practice conception of ethics and the needs-centred theory imply we need more from a moral theory than these distinctions capture. In addition to enabling us to evaluate or decide, and to identify what is good and what acts are right, we need a satisfactory moral theory also to give us some account of moral agents and their moral skills, and of moral patients and what they need. And perhaps above all, we need a satisfactory normative ethical theory to give some account of how all these things are related, which we can use to understand particular cases.

The commitment to the patient-standpoint that is fundamental to the needs-centred theory means we cannot make a sharp distinction between a theory of deliberation and a theory of evaluation, since what precisely we philosophers should say in relation to a particular moral context will depend wholly on what the patients in that context need. It also suggests that any version of a moral theory which can only function as a theory of evaluation – that is, can never be used by moral agents in practice to meet the needs of patients – can be rejected *a priori* on that ground. The primary need of patients is not for the evaluation of moral agents, but for help.

The practice conception of ethics also suggests we cannot face a real theoretical choice between prioritizing the good or the right (or, indeed, the agent or the patient). The different perspectives complement and constrain each other, one perspective cannot refute or be refuted by another. Any apparent choice, then, is either a superficial matter of different forms of description of the same phenomenon, or evidence that some error has been made which implies the theorist needs to go back and look again more closely at the phenomenon she is trying to describe.

Because I accept this necessary complementarity thesis, I see the consequentialist, deontological and virtue-ethical theories I discuss in these chapters, not as rivals to my preferred theory, but as equally valid perspectives on moral practice. Although each theoretical perspective is valid, problems can nevertheless arise within them. Some of these problems can be traced to a failure to appreciate the implications of the practice conception, and a resulting attempt to make the theory a competing global account of ethics. Others arise from a failure to appreciate the central importance of the patient and their needs. My aim in these chapters is to make the problems explicit, to show the effects of neglecting the patient, and to suggest how each theory might be modified to take account of the arguments I have presented.

I begin each chapter with a description of the theory, and continue with a discussion of the problems my arguments present for it. My descriptions are not comprehensive, authoritative or especially analytically deep. They simply pick out some ideas which I take to be distinctive of theories of that type. I am well aware that the tiresome ingenuity of exponents of sophisti-

cated versions of these theories is practically without limit. Determined consequentialists, deontologists and virtue-ethicists will undoubtedly be able to concoct elaborate rebuttals or sophisticated elaborations of favoured versions of their theory, to allow them to continue untroubled by my arguments. My claims are as modest as I can make them, to give the best chance of making headway on this absurdly contested ground, in this absurdly difficult philosophical weather. I claim that to the extent that any version of a target theory, however novel or sophisticated, is committed to the claims I describe, it faces the problems I identify.

A description of consequentialism

'Consequentialism' is the name that was given by Elizabeth Anscombe to the family of moral theories, descended from the 'classical utilitarianism' of Jeremy Bentham, John Stuart Mill and Henry Sidgwick, according to which the moral status of an action is determined by the amount of value in its consequences (Anscombe 1981: 36). Two features distinguish consequentialist theories from moral theories of other kinds: first the idea that ethical practice is concerned with something called 'moral value', second the idea that what moral agents are morally obliged to do is to 'promote' that value. At the level of deliberation and action, the consequentialists' distinctive idea is that attention to the amount of value in the consequences will enable the moral agent to identify the right thing to do. At the level of justification and explanation, it should enable bystanders to say whether an action was right or wrong.

It is a feature of consequentialism as a 'competing global theory' of ethical practice that analytic moral philosophers most eagerly debate, the claim that *only* the amount of moral value in the consequences has any moral importance. The provocative implication is that nothing else can affect the moral worth of the agent's act at all – not character, not state of will, not what need the patient presents. Only valuable consequences matter.

What then is this 'value' that consequentialists take moral agents to be obliged to promote? The modern consequentialist concept of value builds on Mill's concept of the desirable, as that which is desired (Mill 1998: 234). But Mill's simple, empirical theory faced intractable problems arising from the fact that people sometimes value things for selfish ends, and sometimes value obviously bad things. To avoid these difficulties, modern consequentialists revise the concept of value, defining it as that which 'ought to be agent-neutrally valued', which means that 'the basis on which it is valued can be articulated without reference back to the valuer' (Pettit 1993: xv, xiv). This objective concept of value is now no longer identified with what the agent likes or prefers or feels good about, but with what is preferable independently of the agent's personal view. A further subjective revision complements this, when value is defined as what 'a rational, well-informed, widely-experienced' agent would prefer (Railton 1984: 149, fn. 21).[1]

The front runner in consequentialist theories for that which satisfies these formal requirements is human well-being. But this has been conceived in many different ways. The earliest contender was pleasure, associated with Eudoxus, and more recently Bentham. The more complex value of happiness is associated with Aristotle. He was not a consequentialist, but his concept of human happiness as 'objective human flourishing' or *eudaimonia* is adopted by many consequentialists, arguably in Mill's utilitarianism. Later came the modern idea, associated with welfare liberals like John Rawls, that holdings of primary goods are the value to be maximized (Rawls 1971).

The idea that satisfaction of preferences is the value is defended by John Harsanyi (Harsanyi 1977). It has been suggested by David Braybrooke that needs-meeting is the underlying moral value from which all forms of public consequentialist moral policy gain such credibility as they have had (Braybrooke 1987).[2] More recently still, it has been suggested by Amartya Sen, Martha Nussbaum and others that human capability, or 'actual ability to achieve various valuable functionings', is the moral value we should promote (Nussbaum and Sen 1993: 30). This list of values looks diverse, but in fact all are interpretations of a single value, human well-being.

In addition to the consequentialist theory of value, there is a consequentialist theory of what the morally right response to value is. Just two candidates for the right moral response to moral value are commonly discussed in analytic moral philosophy. Moral agents may honour or respect the value, or they may instead promote it (Pettit 1993). To honour or respect a value is never to act in such a way as to undermine it. To honour or respect the value of health, for example, we may refuse to make one person ill in order to alleviate the illness of others. If we promote value, this means we always act so as to ensure that there is as much of it that results from our actions as possible. To promote the value of health, for example, we may make one person ill to cure the illness of several others.

We should notice there is nothing in the idea of a value-based moral theory as such which entails that it must recommend promotion rather than honouring or some other response (see Swanton 2001b, discussed below). Consequentialists believe promotion is the morally right response, and that merely honouring a value when you could promote it is morally wrong. Consequentialists typically use horrific examples to make this vivid, like the example of refusing to torture one person when you could save a million others by doing so.

Although this feature of consequentialism is a rich source of objections, it also points to one of the most compelling aspects of the theory. Consequentialism reflects our intuition that we should always prefer to produce more good than less. As Foot, again, puts it, one of our fundamental moral intuitions is that 'it can never be right to prefer a worse state of affairs to a better' (Foot 1985:198). This intuition drives the most common response to one of Kant's examples, that of the axe-murderer at your door who asks the whereabouts of your friend, whom you know to be hiding in your kitchen.

Kant intends the example to bring home the absoluteness of the moral imperative: do not lie. But the effect it more usually has in undergraduate classes is to draw out the consequentialist intuition that it would be a far worse state of affairs if your friend were killed, than it would be if an axe-murderer were lied to.

Our intuition that better states of affairs are preferable to worse ones supports consequentialism, then. But our intuition that some goods should not be sacrificed for the sake of other goods threatens to undermine it. Innocent human life is the commonly used example of such a good. Consequentialists resist this intuition, arguing that it lacks rational foundation (Scheffler 1982: 80–114), or pointing out that the problem only arises *in extremis*, and we should not reject a theory because of what it implies we should do in dreadful situations (Pettit 1993: 234).

Consequentialists take the job of the moral agent to be that of increasing the quantity of agent-neutral value, understood as some form of well-being. This value is the same wherever it arises, whether in the agent's life or the life of a distant stranger. Pure consequentialism thus seems to leave no room for giving special weight to the agent's own concerns because they are her own, for favouring her nearest and dearest over those distant from and unloved by her. Consequentialists go in two directions on this issue. Some, like Peter Singer and Peter Unger, favour a revisionist response (Singer 1999; Unger 1996). They argue that consequentialism reveals an important but unpalatable underlying moral truth, that we really are morally obliged to promote human well-being and to be indifferent about where that well-being occurs, seeking only to produce as much of it as possible. Others consequentialists, like Samuel Scheffler and Peter Railton, seek to integrate special concern for the self and its near and dear within a consequentialist moral outlook (Scheffler 1982; Railton 1984).[3]

Ironically, Anscombe's purpose in naming consequentialism was to reject it. She regarded consequentialism as 'a shallow philosophy' and said those who used consequentialist arguments 'show a corrupt mind' (Anscombe 1981: 40). But, the hostility of Anscombe and others notwithstanding, consequentialist thinking dominates analytic moral philosophy and popular moral thinking. Many philosophers, and a great many more non-philosophers, embrace consequentialism for its simplicity and its fairness.

Many, too, are particularly enamoured with the way it 'expands the circle' of moral concern to include animals. As Martha Nussbaum puts this, 'utilitarianism has contributed more than any other ethical theory to the recognition of animal entitlements . . . courageously freeing ethical thought from the shackles of a narrow species-centered conception of worth and entitlement' (Nussbaum 2002: 486). Arguably, the consequentialists' focus on value in the consequences concentrates the mind on what really matters in life. Their focus on promoting value also has several apparently beneficial effects. It encourages us to look forward, not back. It encourages us to 'make the most of things', and it encourages us not to be selfish. Its good points

notwithstanding, some of the arguments developed in this book present profound challenges to consequentialism, especially in 'competing' versions. In the following sections, I discuss these challenges.

Problems for consequentialism

The practice conception

From the point of the view of the practice conception of ethics, consequentialist thinking looks suspect, because it seems to define moral value as an external good. In defining moral action as action which produces value, consequentialists appear to reduce ethical practice to a contingent, instrumental method of production of value. It is as if ethics, in consequentialism, is conceived as an institution which furnishes the multipurpose external good of well-being (however defined), which is needed for people to participate in any practice whatever.

There are two motives consequentialists may have for thinking of ethical practice in this way. One is explanatory. The common idea that, for moral facts and moral knowledge to be possible, ethics must be 'grounded' in non-ethical reality encourages consequentialists and other moral philosophers to look for some physically or biologically 'real' thing that ethical practice produces (see McDowell 1995). The other motive is practical. If we think of ethical practice as an instrument for the production of human well-being, we simplify it, and hopefully make it easier to learn and do. We may also open our minds to new possibilities, new and more efficient ways of producing well-being, rather than being bound by established culturally specific ideas about ethical virtues, internal goods and standards of excellence.

But while these motives make some sense of conceiving of ethics this way, there are risks. If we think of ethics as a mere contingent means for the production of human well-being, we may lose sight of the human importance of the practice itself. An analogous mistake is sometimes made about education. If we think of study at university as a mere means to a good exam result and a good job, we lose sight of the important internal goods intrinsic to the activity of university education. And once we have lost sight of the important internal aspects of the process, we are vulnerable to thinking that if we can find some shortcut, this would be an 'improvement' that we would be rationally obliged to make. In ethics, this might be some way of getting the human well-being without bothering, for example, with the practice of meeting one another's needs. This line of thought leads to an 'ideal' for human life in which ends are given but no-one is doing anything. It should be obvious that, far from being an ideal, this is no human life at all.[4]

If we approach moral practice from the point of view of the goal agents are trying to achieve, it is easy to slip into the mistaken way of thinking that the more of that goal we produce, the better practitioners we must be, and the more closely we are realizing the nature of the practice. In simple

practices like games, we may be able to see the mistake more easily. Footballers aim to score goals. But it would obviously be a mistake about football to think the number of goals scored was all that mattered, or to imagine that we would be playing football better, or realizing the possibilities of football better, if we modified the game to ensure that more and more goals were scored.

Consequentialist thinking may reflect just this kind of mistake about moral practice. If we look at the results when moral acts have been done, we will see beings who are 'all right', whose needs have been met. In consequentialist mood, we may be excited to notice that these patients could do even better, be much more than just 'all right'. The consequentialist mistake may be to think that ethics aims at making everyone affected by one's actions as well as possible, when, as I have argued, once their needs are met people cease to present moral demands at all, so moral agents are no longer obliged in relation to them, or even interested in them in a moral way (of course, they can then take other, different kinds of interest in them).

The important concept which consequentialist moral theory seems to lack here is the concept of a threshold. I argued in Chapter 6 that the concept of a threshold is essentially connected with our idea of moral demandingness as such. Not all increments on a 'scale of well-being' are equally morally demanding. Occurrent essential need is different in moral kind from mere lack of benefit, and our intuitive commitment to the idea that meeting a need is different in moral kind from conferring a mere benefit reflects this. We are morally obliged to help things, not to flourish or pursue their own ends, but to exist, to be all right, to be free of occurrent essential need. (We may be obliged in other, non-moral, ways, of course, to help things flourish or achieve contingent ends.)

One response that a consequentialist might make to this criticism is to modify the promotion thesis and recommend what has been called 'satisficing consequentialism' (Slote 1984). The moral imperative in satisficing consequentialism is not to promote value *simpliciter* whenever you act, but rather to ensure that your actions produce enough value. Surely, the satisficing consequentialist might say, there is common ground with the needs-centred theory here? Where the satisficing consequentialist leaves it to particular circumstances to determine what is to count as producing 'enough' value to be doing the morally right thing, the needs theorist fills in some useful detail, specifying that doing 'enough' means ensuring that all the occurrent essential needs of those in moral relationship with you are met.

There are two problems with this. The first is that the concept of value is different in the two approaches. According to a consequentialist theory, 'value' is an increase in human well-being, whereas to the needs-centred theory moral good is the meeting of need. The needs-centred theory does not tell us when it is all right to stop promoting value, it tells us value in ethics cannot be defined in the way that consequentialists wish to define it (I return to this issue below).

The second problem is that the moral agent's purpose in moral practice is understood differently in the two approaches. In satisficing consequentialism, the agent still aims at promoting value, although just 'enough' of it. This implies that as soon as the moral agent is free of other commitments, moral obligations to promote value will reappear. In a needs-centred ethics, in contrast, the agent aims at meeting needs. No moral demands arise beyond need, because moral demandingness is defined and limited by need. Even if the agent has plenty of spare time and no commitments, from a needs-centred perspective there is no more moral obligation to promote value than there is a chess-obligation to keep moving your pieces once the game is over. The content of moral obligation is different in the two theories.

Necessary complementarity

The necessary complementarity thesis shows why certain debates between and within each of the moral theories are misconceived. The whole premise of a book like Marcia Baron, Philip Pettit and Michael Slote's *Three Methods of Ethics*, for example, which was published in a 'Great Debates in Philosophy' series, is that the moral theories are alternative global theories, the relative merits of which can be rationally debated. Marcia Baron, defending deontology, describes the theories as 'competing'. Philip Pettit, speaking up for consequentialism, says they are 'rivals'; and Michael Slote, for virtue-ethics, says they are 'alternatives' (Baron *et al.* 1997: 4, 115, 176).

Well, if the necessary complementarity thesis is right, normative ethical theories can't be any of these things. These three theories, along with the missing fourth patient-need-centred theory, can only be mutually irreducible and constraining, equally indispensable perspectives on ethical practice. The whole popular practice in philosophy of motivating your favoured theory by finding faults in the others is likewise shown to be misconceived. Flaws in deontology and consequentialism do not push us in any particular moral theoretic direction, let alone in the direction of virtue ethics.

A corollary of the general point, that discussions of the theories as rivals are misconceived, is the specific point that the claims of any particular theory to have identified a sole value, or criterion of rightness, must be overstated. In the case of consequentialism, the claim that only the amount of value in the consequences determines the moral worth of the act must be overstated. At most, the amount of value in the consequences can be one factor among several that the good moral thinker will take into account. The complete list of morally relevant factors will always include, in addition to valuable consequences, at the least, facts about agents (their character, history and context, for example), facts about patients (what they are, what they need, how they can be helped) and facts about actions (how they are decided on, what guides them).

In consequentialist moral theory the 'competing' theories' strong claim that only consequences matter leads to implausible results. In particular, it

makes the moral status of any action contingent on what merely happens as a result. This was Kant's complaint about 'heteronomous ethics', of which all consequentialist theories are examples (see O'Neill 1985). Kant objected that making moral status contingent on what happened next made the moral evaluation of the action subject to moral luck. If my act is intended to produce a good effect, but something terrible happens as a result of it, according to consequentialist thinking my action is thereby morally bad. To spell this out with an example, if my grabbing the runaway pram with the intention of saving the baby somehow causes some terrible harm, then the consequentialist moral verdict will be that my act was bad. But to modify our concept of moral responsibility in this way would be to lose our grip on the fundamental difference between actions, which are subject to moral evaluation, and events, which are not.

Consequentialists try to meet this difficulty by recommending 'intended consequence' rather than 'actual consequence' versions of their theory. According to this, it is not what actually happens that determines the moral worth of my action, but what I intended to bring about. But on close inspection, intended consequence consequentialism turns out to be a form of deontology. Any real difference between a deontological ethics which says 'act only on such-and-such a maxim' and a 'consequentialist' ethics which says 'act only on an intention to produce such-and-such consequences' is hard to discern.

For 'competing' consequentialists, this is a major embarrassment, apparently forcing consequentialists to choose between defending counterintuitive actual consequence consequentialism, or rejecting consequentialism altogether. The necessary complementarity thesis provides the resources we need to defuse this debate. It implies both perspectives may be valid, both providing a useful perspective on the complex moral realities of particular moral situations. Facts about actual consequences, even if they are relatively contingent, independent of the agent's will, do display the rationality of certain of our moral judgments. But equally, the fact that the only thing an agent can ultimately be responsible for is the state of their will explains why we reject facts about outcomes as determinants of moral status in other cases.

Filling out the example of Chloe and the beggar from Chapter 2 may help to show why no one set of criteria can be sufficient on its own to capture the moral reality of a particular case. Assume Chloe is a person of good character who is socially quite well supported, who is clear-thinking, and who generally hopes to make the world a better place for her presence in it. Chloe passes the beggar on the way home from work. When the beggar holds out her hand, Chloe gives her £5. It looks as though Chloe is doing good. But inwardly, things look rather different. Chloe actually finds the beggar's presence offensive and irritating, is intimidated by the angry way she looks at her, and is worried that this experience will spoil her happy mood.

Chloe's actual reasons for giving the £5 are to prevent the beggar from looking at her angrily, and from ruining her mood for the evening. What,

then, is the moral status of Chloe's action? Is it good or bad? As I will discuss further in Chapter 8, from a deontological perspective her action looks bad. Her intentions, and the maxim on which she acted ('give money to prevent people looking at you angrily'), were not morally good. But from a consequentialist perspective, Chloe's act looks good. The beggar got some money, enabling her to buy food, drink or drugs for the evening. From a needs-centred perspective, we need to know more before we can assess Chloe, since begging is not always a sign of need for money, but may indicate need for other things, to which Chloe should have been responsive. Which perspective is right? The insight of the complementarity thesis is that this is a bad question. Criteria from each perspective have something to contribute to good moral judgment, and none is sufficient to capture the complete, complex moral reality on its own.

The presumption of moral importance

When consequentialism got its big boost in the nineteenth century from Jeremy Bentham and John Stuart Mill, one of its strengths was supposed to be that it 'widened the circle' of moral concern, replacing 'ability to reason' as the criterion of moral value with a wider criterion, 'ability to suffer'. Modern consequentialists are also proud of this feature of their theory. Peter Singer, for example, claims his theory extends the boundaries of moral concern beyond members of the species *homo sapiens* to all sentient beings. He also accuses those who take human beings to have a special moral status, whether or not they are sentient, of 'speciesism', an unjustified and irrational prejudice which he says should be eradicated (Singer 1979, 1999). The consequentialists' moral domain may indeed be bigger than the moral domain recognized by many non-consequentialist moral philosophers, who typically argue that only persons, beings capable of thinking and contracting, have intrinsic moral value.

But whether or not this is a real improvement depends on the soundness of the underlying presumption of moral negligibility. From the perspective of the presumption of moral worth I introduced in Chapter 2, the way the moral domain is 'expanded' in consequentialist theories looks no good at all. It affords no direct moral protection to the most vulnerable things in the world, objects and natural environments. And even concerning human beings, a consequentialist approach may get us into worse difficulties than the rationalist theories it saves us from.

While other theories that start from the presumption of negligibility may be 'speciesist' in the way they privilege human beings, Singer's theory may suffer from a bias just as severe, but harder to spot, which we might call 'personism', following Jenny Teichman (Teichman 1985, 1992). A 'personist' theory is one which presumes that the value-conferring feature which defeats the presumption of negligibility is one that persons have. In the case of consequentialist theories like Singer's, the feature in question is sentience.

But a personist theory like this, which establishes that animals matter morally only at the cost of calling the moral worth of non-sentient humans into question, can hardly claim to have progressed our moral thinking.

Consequentialists may object that their theories confer *indirect* moral protection on such 'intrinsically negligible' things as matter to sentient things. But since such protection depends on there being some benefit to sentient things, this is inadequate. It leaves beings which are not needed or wanted by sentient beings vulnerable to exploitation and harm. When we think about the moral importance of persons, we readily grasp how wrong it would be to take A to have moral worth only because B benefits when A is well treated. It is high time moral philosophers began to afford the rest of the universe the same consideration.

Far from 'expanding the circle' adequately, then, the consequentialist account of moral value may be as speciesist as the theories it seeks to replace. The traditional 'speciesist' moral philosophers took a feature of human nature – rationality, autonomy, self-consciousness, the ability to plan or contract, or capacity for higher pleasures – and argued it and it alone conferred moral worth. Consequentialist moral philosophers do virtually the same thing. The only difference is that they cite different features of human nature, which happen to be shared with a wider range of animals. The most widely accepted worth-earning feature is sentience.[5]

The error here lies not in choosing the wrong value-earning property. The error lies in taking moral considerability to be something that has to be earned by the possession of some property in the first place. The error, which the consequentialist shares with most theorists of moral worth, consists in starting from a presumption of moral negligibility, then looking for properties which can defeat the presumption. The search for such properties is biased in favour of human beings, especially thinkers and agents, from the outset. It is always assumed that there must be at least one exception to the presumption of negligibility – the inquirers themselves are always taken to have 'moral value'. Properties which justify this exception are then sought, and it is then assumed that those properties must, on pain of inconsistency, confer the same moral status on all their bearers.

The facts of moral practice conflict with this picture. They suggest we value things for what they are, not for the possession of any special properties. I value my daughter because of all of what she is, in herself and to me, not because she is 'human', 'rational', 'sentient' or 'a person'. Just as we value ourselves and each other for other reasons than the presence of any 'intrinsically valuable essential feature', so also we value other things for other reasons. In moral practice, everything is valued as it is, not as another thing, to paraphrase Bishop Butler (Butler 1969: Preface s. 39).

In the light of this, I have argued that we should reject the presumption of moral negligibility and adopt the simpler presumption of moral importance. We should take moral importance to be a permissive concept. This will relieve us of a task which is actually quite unnecessary, but which has

tied philosophers in knots for over a century – the task of finding and agreeing on some value-guaranteeing property which tracks the moral distinctions we want to make. The presumption of moral importance also confers protection on all things, giving theoretical support to the intuitive moral requirement we all recognize in everyday ethical practice, not to harm or destroy anything without reason.

It is important to notice that the presumption of moral worth does not 'expand the circle of moral worth'. Rather, it gets rid of the idea of a circle altogether. In its place, it describes a world structured by moral relationships, in which moral agents meet the needs of the things they share their lives with. Rather than assuming that we, moral agents, are morally valuable, and then 'generously' extending our concern to things that we feel comfortable with because they are like us, for example, rational or sentient beings, moral agents characteristically pay attention to the things in the world that may need their help. The needing patient, whatever its essential or non-essential properties, is the focus of their moral concern.

Patients and needs

Consequentialist moral theories look forward, making central the result that agents in moral practice characteristically seek to produce. They do not look back, at the patient and their need which elicits and makes sense of ethical practice in the first place. They also typically aspire to be competing, complete theories of ethical practice. To what extent does the relative neglect of patients and needs weaken or distort consequentialist theories? Elsewhere I have used the metaphor of a map to show what is at issue here (Brock and Reader 2002; Reader and Brock 2004). If each type of moral theory highlights one type of feature, and if we liken our complete account of ethics to a comprehensive, all-purpose map of the moral landscape, then the question is, how is a theory which tries to tell the story of ethics solely in terms of consequences weakened by its failure to describe the role played by need?

Of course, the rationale for any 'debate' about which theory provides the best map has already been removed by the practice conception of ethics and the necessary complementarity thesis, which reveal that the best map of our moral life cannot be one that describes it from the perspective of just one element, but must be one which incorporates every perspective fully. However, since competing exponents of the theories typically insist, when presented with the needs-centred theory, that their favoured theory 'does a better job', the issue is worth engaging with in detail here.

Competing consequentialist theories are disposed to miss some important facts about patients, needs and moral relationship, which I have argued structure moral practice. They may, indeed, be like maps which try to describe a landscape fully in terms of just one kind of feature. If a consequentialist argues that the amount of value in the consequences of an action is all that matters, and that anything important in everyday ethical

talk of needs can be captured by talk of consequences, how can I respond? I would first distinguish the eliminative claim that needs are unimportant (i.e. everyday ethics and the needs-centred theory are in error), from the reductive claim that needs may be morally salient (perhaps even in the ways I have described), but their moral importance is better captured within the conceptual framework of a consequentialist theory.

In response to the consequentialist who says needs don't matter, I can argue this is a revision too far. In moral practice, agents can be seen recognizing and responding to needs all the time. Any adequate theory has to take account of these facts if it aspires to be a theory of our actual moral practice, rather than of some other possible practice. A theoretical approach which ignores the central concept of the practice it claims to describe is perverse. A theory which described the example of the parent choosing a home for her adult handicapped child, say, in terms which made no reference to that child's need but referred only to valuable consequences, would completely fail to capture the moral realities of that situation. It would fail to display why the parents rightly took themselves to be morally obliged to act, and why what they did was right or good.

In response to the consequentialist who allows that needs matter, but insists the way needs matter is better captured by consequentialist theory, I can ask: what motivates the reduction? What is the source of the pressure to re-describe a recognition and response to a need as a recognition of a certain possible future better state of affairs, and an attempt to realize it? What gains in accuracy and economy are there here? The necessary complementarity thesis, of course, supplies an argument for avoiding this wrong-headed type of reduction. But for the competing consequentialist these questions are real and pressing. Unless he can supply answers, the pressure to accept that the needs-centred theory makes a necessary and useful contribution to our understanding of ethics increases.

I can also question how exactly the proposed reduction is supposed to work. The consequentialist proposes we can replace everyday ethical talk of an agent meeting a need for food, say, with theoretical-moral talk of an agent promoting well-being. How are these equivalent in meaning? Surely in the conversion from everyday morality to theory something is lost. My intention to meet your need is not an intention to promote a value, it is a response to facts about you. It looks backward, as it were, at the patient and their state of need, in a way that no purely forward-looking theory can capture without distortion.

I can also challenge the consequentialist to account for simple moral cases as efficiently as the needs-centred theory does. In such cases, the most natural thing for a moral theorist to say is exactly what an ordinary moral agent would say. There is a need, it presents a moral demand, the agent should meet the demand. In simple cases, the burden of argument seems to fall not on the needs theorist to show why we must give an account of patients and their needs in our theory, but on defenders of other theories, to

show why in such cases we need to – or even sensibly can – talk about anything else.

The consequentialist might concede that his theory is less apt to capture the moral realities of simple cases, but insist that it is more apt to capture the normative truths of complex cases, and to add that this is more valuable, since complex cases are obviously those in which moral agents will be in greatest need of theoretical guidance. I gave a response to this claim in Chapter 6, which I will briefly recap here. First, the concept of need is always necessary to enable us to identify the moral demands in complex cases as much as simple ones. Second, even in the most complex cases, the concept of need that moral agents use has within it many of the conceptual resources we need to find out what it is morally right to do.

I can also question the 'competing' claim that talk of need is properly reducible to talk of consequences, with specific reference to the theory's claims to be adequate for deliberation, or for explanation, respectively. Considered as a theory of deliberation, the consequentialist proposal that our moral theory need not make essential reference to need seems highly implausible. Whenever an agent decides what to do, it seems obvious that in their deliberations they will need to be able to use their theory to identify needs and how to respond to needs. Translating this straightforward concern into talk of consequences and value will be an inefficient way of going about the business of moral deliberation.

It might also be a morally wrong way of going about deliberation. It might show 'concern for the wrong objects' (see Cullity 2004). If, when she stops the runaway pram, the moral agent is thinking about promoting value, then arguably she is thinking about the wrong thing. If she is thinking at all (which arguably she should not be), she should be thinking about the baby, and what it needs from her. Thinking about the values she might be able to produce, instead of the baby and what it needs from her, might also show a poor grasp of the moral agent's role in relation to the patient, 'taking on too much'. When you save the baby, you are responding to a moral demand to do that. You are not answering a call to go as far as possible to promote its well-being.

The consequentialist might try to meet the first objection by conceding that consequentialism is a sub-optimal theory of deliberation in many cases (especially simple ones), but insisting that it is nevertheless the optimal theory of explanation or evaluation. The moral agent in deliberation need not think about values and their promotion, which might indeed be 'the wrong object'. But even if they focused solely on the patient and its need, it could nevertheless be the case, from an explanatory or evaluative theoretical perspective, that what made their helping action right was the fact that it optimally promoted value.

How plausible is the idea that moral explanation or evaluation need not refer to need? The map metaphor, again, helps make the point. In discussing how best to map a landscape, we do not need to claim that water fea-

tures *cannot* be described using terminology that is usually used to described rock formations, to make the point that water features usually are not, need not be, and become less clear to us when they are so described. We need not deny, for example, that the feeding of the hungry baby cannot be described in terms of values produced, to deny that it is rather inefficient and peculiar to describe it in this way. In a nutshell, moral theory, however 'high', cannot dispense with such a central component of everyday moral thinking as the concept of need, without raising the question of whether it is still our ethical practice that is being described.

Moral worth

As the needs-centred theory tells the story, the nature of moral action is shown most clearly in paradigm cases like those in my examples in Chapter 2, where a needing being makes a moral demand on an agent. Such cases display, more clearly than other theoretical approaches can, how ethics is 'about them', the patients, rather than 'about us', the agents. It is striking that in simple cases, typically, the agent does not need to take the patient or their need to have 'value', as consequentialism defines value. Whether and what the patient or the meeting of their need contributes to someone's well-being seems irrelevant to the ethical questions of what they are, what they need and how they should be helped. Seen in this light, far from enabling or constituting an appropriate moral response, judgments about value seem inapt to contribute anything but confusion to moral practice. The agent's 'values' are neither here nor there. Elizabeth Anscombe was wrong to say with Hume that 'it all depends on whether you *want* it to flourish' (Anscombe 1981: 31). Human wants, and the values they culminate in, may have much less to do with practical motivation and normativity, including moral normativity, than we have been encouraged to think.

If this is right, however did the concept of value come to play the central role in philosophical moral thinking that it plays so fully in consequentialist theories? A kind of egoism, a kind of agent-centredness, reminiscent of the anthropocentrism of the presumption of moral negligibility, may explain this. There is yet more evidence here, of the bias in favour of agents that I have argued pervades and distorts moral philosophy. Consequentialist 'value' refers essentially to human interests. What 'has value' is what is in 'our' human or rational interests, or the interests of some ideally rational individual or group. It is always some fact about 'us', the agents, or the community of valuers, that determines what has value. It is not a fact about 'them', the patient of our action.

What the patient-standpoint in ethical practice encourages us to see is that what it is ethically good or right for a moral agent to do cannot be defined in terms of what that agent (or any other agent, or anything else) is, or prefers, or would prefer under certain conditions, however ideal. What the moral agent must do, the patient-standpoint reveals, is what is demanded

by the patient's need. The patient's nature and need, and indeed the agent's ability to help, are all radically independent of the agent's preferences, or anyone else's preferences, however well-informed, disinterested, rational or widely shared.

This suggests that a theory of what is ethically good and a theory of 'value' in the consequentialist sense cannot be the same thing. The concepts of 'goodness' in its ethical sense and 'value' must be quite independent of each other. Peter Geach and Philippa Foot helpfully disambiguated the concept of 'goodness', but they did not go far enough to reveal the possible independence of the concepts of moral goodness and value that I am describing here (Geach 1956; Foot 2001). The 'good' with which ethical practice is concerned may, I suggest, be the 'good' of patients, understood not as their flourishing but as the needs-met state of being all right of the object of moral concern, whether human being, animal, natural entity or artefact.

This distinguishes the moral good from two other senses of good found in moral philosophy – the goodness of moral agents, or virtue, and the good of (human) well-being, or flourishing. Although ethical practice does essentially involve goodness in the first sense, in that it involves mature moral agents meeting needs excellently, and as such being virtuous, my analysis here suggests ethical practice need not involve 'good' in the second sense. The 'good' in that sense, of good ends, well-being or flourishing, rather than being the end that the moral agent characteristically seeks, is something living patients characteristically seek for themselves.

Moral response

In addition to defining value and making it the fundamental ethical idea, consequentialist theories also say that the purpose of ethical practice is to promote value thus defined. The practice conception and the necessary complementarity thesis suggest this will be unduly restrictive. There will be other kinds of act, which qualify as proper parts of ethical practice, which do not involve promoting at all, let alone promoting only the consequentialist 'value' I have criticized. That other options are available apart from promoting and honouring has been noticed, for example by Christine Swanton, who argues that 'the hegemony of promotion' thesis in consequentialism is not required by the theory (Swanton 2001b).[6] Other plausibly moral responses include 'helping', 'preserving', 'creating', 'maintaining', 'restoring', 'nurturing', 'supporting', 'enabling', 'caring for', 'conserving', 'playing with'.

In Chapter 3 I suggested certain kinds of act might be excluded from the ethical *a priori*, for example 'using' or 'harming'. But the needs-centred theory is not monistic. As I argued in Chapter 4, to 'meet' a need is not to do any one kind of thing. To say the core of moral agency is recognition of the essential requirements of the things around you, and an acceptance of the constraints those requirements place on your actions, is not to simplify

or reduce the plurality of the needs we encounter, the range of demands those needs place on us, and the range of responses agents may be morally obliged to make.

Promotion of neutral value may also neglect actual moral demands. Considered from a needs-centred perspective, what the right moral response will be is determined by contextual factors in addition to need, including moral relationship, knowledge and capability of agents, number and degrees of need, and other, non-moral factors. The facts of moral relationship mean needs cannot have the same 'moral weight', i.e. place the same moral demand on an agent wherever they arise. Unlike consequentialist value, moral demands cannot be 'neutral'. It makes a moral difference whether I meet the need in front of me, or instead attend to another need some physical or epistemic distance away.

Far from having to argue for the existence of 'agent-centred prerogatives' to privilege what is near and dear, then, the patient-centred approach suggests we may need precisely the opposite. We may need an argument to show, not how I may be justified in privileging what is near and dear to me, but how I may ever be justified in turning away from what is concrete and immediate, and thus directly normative, to attend to what is distant and so only indirectly or theoretically normative. Because the moral normativity of needs is grounded in their concreteness and immediacy, this baby's need for food here and now is normative for this agent here and now. The puzzle is not how the agent can attend to this need and ignore graver and more urgent distant needs, but how she can ever escape the concrete and immediate moral demands of need that bind her. Present needs demand help in the same way that present questions demand answers.

From the needs-centred point of view, what makes an individual moral agent good is how well they do at meeting the concrete and immediate needs they encounter in life. Seen in this light, consequentialist promotion seems to lack structure, and arguably to go beyond what is ethically required or even good. The patient-centred approach makes central the needs of what is there in the world with you. But if this really is where ethical practice begins, it is mysterious how a question of promotion can ever arise. In the paradigm simple examples I have discussed, agents respond to specific, structured needs, filling the gap for helping action which the need creates.

As I suggested earlier, a need is rather like a gap in a jigsaw puzzle, which the agent recognizes as requiring a response from her, knows how to fill – 'has the right piece', as it were – and must act to fill. From this perspective, if an 'impartial' consequentialist philanthropist fails to fill in the 'missing pieces' of the needs of those in closest and fullest moral relationships with him, no amount of philanthropy can change the moral badness this shows. To the extent that members of a government formulating consequentialist policy fail to meet the needs they encounter in their own lives, they too are morally culpable. No amount of 'value' they produce can reduce

their moral culpability in any way, just as no amount of money you pay to a charity fighting child abuse can reduce in any way your moral culpability if you mistreat your own children.

If a moral agent does more than the patient needs, he risks intruding too deeply into the patient's life, taking over his problems and their solution, and compromising his own life in the process. Arguably, such action shades from being good into something different and even possibly bad. A bodily metaphor might help to make this more plausible. The story of ethics I have told in this book invites us to see moral actions as being like the actions of immune cells in the body. Moral actions restore the world, preventing, ameliorating and restoring harm. Value-promoting actions, as consequentialist moral theories describe them, by contrast, seem more closely to resemble the actions of cancer cells, which proliferate without structure or limit, resulting in harm to the organism. The general aim of promoting value shows no sense of the environment which calls for moral action, and which dictates what is required, what is enough and what is too much. Far from being morally good action, value-promoting action from this perspective is dangerous action which may disrupt and threaten ethical practice more the more widely it is pursued.

Consequentialist thinking may reflect the fact that we pay too much attention to 'grand' goodness, to the kind of goodness that neglects near and dear, that crusades around the world like a cancer of benevolence, interfering in every life and community it encounters. If that is true, it is no coincidence that we also pay too little attention to the humble goodness which meets the needs that ordinary, unremarkable, simple everyday life presents. Grand goodness may be a grand, good thing. But the needs-centred theory reminds us that it is not, and cannot be, fundamental – it cannot be the source of our understanding of moral practice, and it cannot be the culmination and fulfilment of moral practice. It does not precede, and it cannot displace, the goodness that is measured in how well we meet the simple needs that come our way.

Consequentialism assessed

The necessary complementarity thesis entails we do not face the task of choosing between normative ethical theories. Rather, with every philosophical ethical problem, we should look to see what insights each of the theories has to offer, and try to tell the most accurate and complete story. In this chapter, I have argued that consequentialist moral theories are profoundly hampered, as useful descriptive and normative accounts of ethical practice, by the 'competing theories' assumption, by the presumption of moral negligibility, and by the concomitant agent-centred and impartial but nevertheless 'personist' conception of value.

I have argued that eliminating or translating talk of needs into talk of consequences weakens consequentialist theory. Building on the account of

moral action as response to patients' need, I have argued that the concept of value in consequentialism itself may be radically different in conceptual kind from ethical goodness. Finally, I have argued that the consequentialist claim that the right response to moral demands is to promote value is unduly restrictive, but also implausible in neglecting the here and now, and going beyond what is morally required, possibly into the supererogatory, but equally possibly into the morally bad. In the next chapter, I consider the type of normative moral theory which is typically presented as a deep alternative to consequentialist theories, deontology.

8 Deontology

Like consequentialism, virtue ethics and the needs-centred theory, deontological theories of ethics focus on just one of the four elements of moral practice I distinguished in Chapter 3. In deontological theories, it is the action which takes centre-stage, which is regarded by 'competing' deontologists as the most fundamental element, with the greatest capacity to reveal what is characteristic and important about our moral life.

Again like other moral theorists, deontologists do not tend to see ethics as a distinctive practice, and take their task rather to be that of explaining the whole of our practical rational life. I argued in earlier chapters that the practice conception of ethics and the needs-centred theory provide resources for a more complete account of ethics, and a better understanding of why moral philosophy has had the problems it has and how they might be solved. In this chapter, I consider the significance of these ideas for deontological ways of thinking about ethics.

A description of deontology

The term 'deontology' was first used by Jeremy Bentham in the *Westminster Review* 1826 as a 'more expressive name' for ethics in general. It is defined in the *Oxford English Dictionary* as 'the science of duty; the branch of knowledge that deals with moral obligations; ethics'. But it is now normally used more narrowly, to indicate a particular kind of theory which centres on right action (right, or rule, or duty) rather than on the good consequences of action. 'Competing' deontologists characteristically hold that the moral status of actions is *sui generis* and depends on nothing external to the rational will of the agent.

The fundamental idea in deontological thinking is the idea of action. From this, a concept of a moral agent follows, as a being capable of free action, whose choices are causally efficacious. A moral agent is a cause of things in the world, but not merely an instrumental cause. The moral agent initiates changes, not because she is determined by nature or environment to do so, but in the light of reasons. This is what is distinctive and precious about humanity. Human beings, like God, are uncaused causers of things.

Because they are free agents, they can make differences that nothing else determines them to make.

Such beings can choose for better or worse. The ability to choose just is the ability to represent one idea or action or end to oneself as better or worse than another. Freedom just is the ability to choose what one thinks best, and that freedom rationally exercised is choice guided by what really is best. The free rational agent is one who lets their subjective thoughts about what is best be determined by the facts.

Rational will sets human beings apart from the rest of nature. Deontological thinkers take this to set us not just apart from nature, but above it. We have a power that the rest of nature lacks. With that power comes a value that the rest of nature does not have, and a responsibility. Kant thought that the value of rational will is the only unconditional value there is, that 'nothing can possibly be conceived ... which can be called good without qualification, except a Good Will' (Kant 1972: 59)

Why do deontologists think rational will has such value? Prior to and independently of my actions – any effects my willing may have in the world – my will has value, in that I can mean well or badly; my will is subject to moral evaluation. But as I act, contingent factors affect what results, and make a difference to the 'value' of what I have done. Causation interferes, random events interfere, the actions of others interfere. All these factors are determined by things other than rational will, and so should not be subject to moral assessment. Such factors 'contaminate' my action, and mean it cannot be good or bad 'without qualification'. But my will can be.

It follows that moral assessment cannot be applied to objects not determined by rational will, and that there can only be moral assessment of rational will. The example of Chloe and the beggar, discussed in Chapter 7, illustrates this. The deontological intuition is that the empirical result, that the beggar got £5, could have been caused by something morally neutral, like an error, or morally bad, like Chloe's motives, which were in fact dubious. The only thing truly determined by Chloe, and thus a proper object of moral assessment, is the state of Chloe's will. To look at the results is to look in the wrong place, and to be misled about the moral realities of the situation.

Other thoughts also lend support to the deontological idea that the good will is 'good without qualification'. One is that the value of the will is not affected by the uses to which it is put, whereas dispositions of character, means and goals of actions, states of affairs, states of desire or knowledge, all alter in value as circumstances change. The value of 'courage' is reversed in the service of harming. For example, if I use my courage to drop a bomb on a place where I know people live, my courage makes my act worse, not better. Similarly, the moral worth of 'pleasure', when it is experienced in the context of harming, is reversed. If the children enjoy setting fire to the cat, this makes their action worse, not better. And the value of pain, when it arises in the context of punishment, may make the situation better, not

worse. The deontological intuition is that the good will is not subject to such value-reversal.

A transcendental argument for the unconditional value of the will is also available. We are rational wills. Possession of such a will, as well as determining an obligation to choose well, also determines the attribution of unconditional value to it. As a user of rational will, a moral agent necessarily values it, since to use something is thereby to attribute value to it, *qua* necessary condition of your action and *a fortiori* of any good you seek. This holds for any contingent instrument of our agency. To use a spade to dig my garden is to value that spade as a necessary condition of my digging and *a fortiori* of the good of my garden. It must hold with even deeper necessity, for the necessary instrument of our agency as such, prior to any of our actions or ends whatever. It must hold with absolute necessity, then, for our rational will. We cannot but attribute unconditional value to rational will.

How do deontologists suppose that moral norms are implicit in the idea of rational will? Rational freedom consists in choice, and that freedom fully exercised consists in choice well made, and choice well made just is choice of better over worse, right over wrong, good over bad. The question 'How does the idea of freedom generate moral norms?', then, is a bit like questions we might ask about more specific practical skills, like 'How does the idea of cricket generate cricketing norms?' The practical skill implicitly includes its norms, just as the idea of any activity, life-form, practice or institution implicitly includes its own norms (see MacIntyre 1981; Rawls 1955). So there is no mystery about how the concept of the will brings norms with it.

The mystery, if there is one, arises at the point where we try to give some content to the given norm of the will, 'choose well'. What is it to choose well? How are we to tell the difference between good choices and bad ones? Rather than seeking a solution by specifying more closely what the structure of moral practice is, and what specific content it has, deontological moral theories stick with the generic idea of rational normativity, and answer that to choose well is to choose in accordance with a good maxim. To understand what this amounts to, we need to explore the idea of a maxim. A maxim is 'a subjective principle of action' (Kant 1972: 84).

There is debate between deontologists about how this is to be understood. Is my maxim just my immediate intention in doing this? Or are maxims, as Onora O'Neill argues, 'underlying principles or intentions by which we guide and control our more specific intentions', sometimes referred to as *Lebensregeln* (life-rules) (O'Neill 1985: 508)? Or is the maxim a composite, as Christine Korsgaard proposes, which 'has two parts, the act and the end' (1996a: 108)? Or is it an even richer composite, as Barbara Herman argues, including 'all aspects of both action and end that the agent would offer as justification for her acting as she intends to act' (Herman 1993: 221)? Or is it an even more complex composite, as it is for Nelson Potter, which 'incorporates' 'our basic moral character, our basic ends of action, and our

actions themselves' (Potter 1994: 59)? Each account has advantages and problems, some of which I discuss below.

Setting aside the unclarity about what a maxim is, and what it is for an act to be 'done on' one, let us consider what a maxim has to be like, to make an action done on it morally right. The standard deontological answer is that a right-making maxim is one that is universalizable. If an action is done on a maxim that cannot be universalized, it is morally wrong.[1] The radical idea in deontological ethics, is that 'agents need only to impose a certain sort of consistency on their actions if they are to avoid doing what is morally unacceptable' (O'Neill 1985: 505). What does it mean for a maxim to be 'universalizable'? It means it must be possible for the agent to 'will that it should become a universal law of nature' (Kant 1972: 84). It must be possible for the maxim to be consistently adopted by every agent, not just the agent who is considering whether to act on it. Only if everyone could follow this maxim is this maxim morally acceptable. The deontological universalizability test excludes maxims that make an exception of the agent, singling her out for special treatment (O'Neill 1985: 518).

There are two sorts of inconsistency. Inconsistency in conception can be seen in cases like a maxim of 'break your promise when convenient'. If we tried to universalize that maxim, the concepts of 'promise' and 'breach of promise' are destroyed, the only remaining concept being a mere expression of contingent intention. But this concept does not permit the willing of either a 'promise' or a 'breach of a promise'. Inconsistency in willing can be seen in cases like a maxim of non-beneficence, where although there is no inconsistency in the idea of a world of non-beneficent people, I cannot consistently will that such a world should come about, because I would thereby be willing something that would undercut my capacity to will. I cannot consistently will (anything) and at the same time will that my capacity to will be removed. Yet willing universal non-beneficence amounts to doing just that (O'Neill 1985: 520–6).

What does deontological moral theory say about how moral agents should respond to the moral worth of rational will? The distinctive deontological claim is that moral agents are morally obliged to respect or honour rational will. They must never to harm or use it, but treat it as an end in itself (Kant 1972: 90–3). That is, they must treat it as having 'rights', imposing absolute constraints and limits on what they may do that might affect it. We can reconstruct an argument for this. As a condition of action as such, we are required to value our will absolutely, to maintain it in being and in function, all the time. We would be inconsistent if we valued it differently according to where we found it. This means we are committed to valuing not just our own freedom, on which we rely, but also that same freedom in other agents. It is freedom as such that is the condition of any action or good, and it is because of this that we are obliged to honour it. To honour a value, in the more popular terminology, is to treat that value as having 'rights': that is, as placing absolute constraints on what you may do to it. A

valuable thing has rights, is honoured, when moral agents recognize that it is 'not for them', not an instrument for their purposes or something they may use. Where a consequentialist allows 'rights' to be sacrificed to produce more value overall, the deontologist says this may never be done.

Deontologists claim their theories offer a standard by which to tell of any action whether it is morally acceptable. The standard is supposed to be a rational standard for the possibility of genuine willing (that is, both rational and good willing). The claim is that we can only freely, rationally and morally will actions which any or every agent will could will. This sounds – like the rest of deontology as I have described it – trivial, like saying we can only will what we can will. But, through two characteristic steps of deontological thinking, substantive content emerges. First, the moral agent must think of themselves as a free, rational chooser. Second, the moral agent must see themselves as one among other choosers. We do not see ourselves aright if we see ourselves as un-free, or see our choosings as a special case, as exceptions to norms which apply to choosers as such.

A maxim has moral worth if it passes the universalizability test. But an act governed by a maxim has moral worth only if a further condition is met: the action is actually done *on* that maxim, 'from duty'. That is, only if the agent's motive is to do what is morally right does her action have moral worth. An action might have the outward form of a good action whose maxim passes the universalizability test; the agent might even avow the maxim. Consider again the example of Chloe, who gave £5 to the beggar. A simple, obvious maxim we might imply here might be 'help the needy'. Chloe knows this maxim is good. Perhaps Chloe even had that maxim in mind as she handed the coins over. But as we saw, Chloe's determining motive was actually to stop the homeless person looking at her in a hostile way and ruining her mood. In that situation, a deontologist will say that Chloe's action was morally wrong, because she did not act from the rightness of the universalizable maxim. Instead, she acted from an unworthy, un-universalizable motive (we cannot will that everyone should give money to people who look at them angrily).

Deontology is not the most popular moral theory. Its best-known feature, the emphasis it places on respect rather than promotion of value, and thus on absolute rights not to be harmed or used whatever benefit might result, is widely misused in popular discourse, where it limps along without its other leg, as it were, of the deontological notion of duty or obligation.[2] But deontology is nevertheless a very interesting style of theory, which captures much that is important about our moral capacities and the conditions required for their realization. The idea that the core of human nature is freedom, and that freedom is inalienable, a necessary fact of action, is a heady one, worth much more reflection than I can give it here.

It may be that deontology is better suited to the task of understanding our nature as practical reasoners as such, than of understanding specifically ethical practice. So many of the features deontology singles out – will,

freedom, choice, maxims, duty – pervade every human activity, not just the activities involved in seeing to it that everything is 'all right' that are the hallmark of ethical forms of practical reason. Its interest notwithstanding, some of the ideas developed in this book present challenges for deontological moral theory, especially in 'competing' versions. In the following sections, I explore these challenges.

Problems for deontology

The practice conception

The practice conception of ethics offers a different account of moral normativity to that offered by deontologists. According to the practice conception, what makes a moral reason normative for a moral agent, recall, is the fact that moral reasons are the things moral agents use to guide their actions, according to the taught and learned standards of excellence intrinsic to the practice of ethics. The high degree of normativity of moral reasons that we experience, compared to the reasons of other practices, is then explained not in terms of some supernatural or brutely causal inalienability of moral reasons, but in terms of how central to and irreducible in actual human life ethical practice is, and how world-guided it is, in that both its reasons and its ends are parts of the world independent of human interests. In these terms, ethical practice is even more world-guided than science. In science the end of inquiry is determined by a human interest in knowledge. In ethics, the end of things being unharmed is determined by the nature and needs of those things, not by any human interest at all.

One possibility I did not dwell on in Chapter 3 is that those practices which are most strongly determinative of identity are most normative for their agents. If this is right, lowly kinds of action like habits or games may be less normative than others, like practices (ethics, arts, crafts, professions, social roles), rituals (marriage, absolution) or forms of life (being a marmot or human being). Deontological writers also connect normativity and practical identity. Moral obligations, on a deontological view, get their normativity from the inalienable binding obligation on us as free rational agents to choose well. There is a sense, then, in which this obligation is grounded in our identity as agents. But how morally important is this identity, and the needs arising from it?

It is commonly suggested by deontological thinkers that this generic human identity we all share as free rational beings, who can choose and act for reasons, is the only morally important identity we have, and is literally 'the source' of normativity as such. Christine Korsgaard develops this view (Korsgaard 1996a). I argued in Chapter 4 that many second-natural phased-sortal human identities are the source of essential needs which are morally demanding. I think it is probably right that there is a widely shared second-natural phased-sortal identity which arises from our practice of choosing and

acting in the light of reasons. But I think it is wrong to suggest that this identity alone is the source of normativity as such, which is what Korsgaard, interpreting Kant, does maintain.

The fact that an identity is shared does not itself make it more normative, as I argued when discussing the entrenchedness of needs in Chapter 5. It just makes the normativity easier to see. It is rather the facts of centrality to the person, and inalienability, that make needs arising from a particular identity important. And our identity as free rational beings may be very central, but it need not be our most fundamental identity, and my other identities might not depend on it. It might itself be alienable, as when we choose to be irrational, or find ourselves utterly constrained and un-free (as, for example, by the needs of a dependent relative). And other identities might themselves turn out to be inalienable, even though in theory they look most contingent.

I think Korsgaard and other deontologists may be right (in fact, and in their interpretation of Kant) about the importance of our generic practical identity as rational choosers. But the practice conception suggests this will be insufficient to yield an account of the normativity of any actual reason in practice. To understand why a free, choosing rational agent rightly takes some particular thing, such as a child's need for food, to be a reason to act in a certain way, such as to feed it, we need to know what they are doing. If they are engaged in ethical practice, we will easily be able to display the rationality of their action. If they are engaged in a scientific study of child hunger, their action will be revealed as irrational after all. To know what is normative and how normative it is, we need to know what kind of action the agent is engaged in.

Because they make rational action central, deontological writers tend to be intellectualist – to take actions based on deliberation, on the weighing up of reasons, to be the paradigms of moral actions. Their theories tend to be written as if ethical actions are individual, one-off actions which take place *ex nihilo*. The practice conception suggests why this approach might be misleading. It may sometimes clarify matters to imagine the moral agent standing back, unconstrained by the kinds of action typical of her culture, freely choosing.

But it is much more likely to bewilder us by concealing the practical context which gives that action its meaning. Disoriented, we are then led to cast about for a 'mesmeric' or 'categorical' moral ought strong enough to protect this 'free' agent from the vertigo of her choosing, or clutch at the swervings of her preference or desire as the only other sources of motivation and reason that this picture of ethical action as one-off action makes available. The idea of practice helps us to see that the deontological approach is misleading. Free, one-off actions may be much rarer than deontological theories make them seem to be – if they are possible at all. The practice conception helps relieve the pressure to find a 'source of normativity' that could bind us in such strange and abstracted circumstances.

Necessary complementarity

Deontological moral theories are most commonly presented as 'rivals' (Baron 1997: 4) or alternatives to other types of theory like consequentialism and virtue ethics. When common ground is found between one theory and another, rather than exploring this further and discovering the considerable overlap between all moral theories that is entailed by the fact that each approaches the same phenomenon, ethical practice, from the standpoint of a different element, writers are quick to conclude that the theory they are discussing is 'actually' a version of one of the other types of theory, 'underneath'.

A good example of this might be Nelson Potter, who ends up arguing that Kantian ethics is in fact a form of virtue ethics, 'which differs from what today are usually called "virtue ethics" in that for Kant there is only one virtue: moral goodness' (Potter 1994: 82–3). This concession would be innocuous, of course, if the complementary thesis had been accepted. But so long as the theories are seen as competing global accounts of ethics, then when one theory gets something right, this is perceived as reason to reject the other theories. To become something of a virtue theorist, as Potter argues Kant does, is thereby to become less of a deontologist.

In similar spirit, Barbara Herman argues that Kant's theory is not deontological but value-based, on the grounds that 'without a theory of value, the rationale for moral constraint is a mystery' (Herman 1993: ch. 12). A less Kantian or competing-deontological thought than this is hard to imagine. Herman and other interpreters of Kant also argue that Kantian ethics is not a form of deontology, strictly speaking, because Kant does not focus exclusively on action rather than agent or character (see Baron 1997). On Baron's view, this narrows the distance between Kantian ethics and virtue ethics, and widens the gap between Kantian ethics and 'deontology proper'. Onora O'Neill and Christine Korsgaard also emphasize that the object of Kantian moral assessment is not the action, but the maxim of the action (see O'Neill 1985, 1989; Korsgaard 1996b).

In these examples, 'competing theories' assumptions are driving the arguments. It is assumed that there can only be one correct normative theoretical perspective on ethical practice. It is assumed that the task of moral philosophy is to identify the one correct theory, and to show why the other theories must be rejected. The practice conception and the complementarity thesis suggest these assumptions are wrong. There are at least four complementary, mutually constraining standpoints from the perspective of which an informative and usefully action-guiding theory of ethical practice can be constructed. The task of moral philosophy is to take account of all of those standpoints (especially the neglected standpoint of the patient and their needs), and to ensure that each theory respects the constraints of the distinctive insights of the others.

The example of Chloe's gift to the beggar again reinforces the point that perhaps we do not need to choose between normative ethical theories. In

that example, two sets of criteria for the evaluation of actions and motives suggested two different moral evaluations. External criteria, such as the effects on welfare, or the kind of action it is, or how well the action emulates the acts of virtuous people, suggested her action of giving money was good. But internal criteria, like the quality of the actual motive she acted on, suggested her action was bad.

The 'competing' deontological claim, that the action here completely lacks moral worth, sounds excessive. What possible philosophical objection can there be to saying that Chloe's action is good in some ways (it had good effects; Chloe knew that this was the kind of act she should be doing) but bad in others (Chloe allowed her action to be influenced by morally unworthy motives, like fear of anger, and a self-centred desire to avoid a bad mood)? The complementarity thesis enables us to avoid the artificial dilemmas that result from rigid use of one set of criteria or another. When theoretical views clash so strikingly with common sense as deontology and consequentialism do in the case of Chloe, instead of arguing for a unique power to reveal the moral truth of the situation of one theory, we should recognize the structured plurality of morally relevant considerations, and modify our favoured theories to accommodate any important moral ideas they may be missing, or may be structurally inapt to capture because of the perspective from which they view ethical practice.

The presumption of moral importance

At the core of deontological moral theory is the idea that rational will has unconditional value. This claim only makes sense against the background of the presumption of moral negligibility. Only if we assume things do not matter presumptively will we feel any pressure to embark on the common moral-philosophical project of finding some thing which, unlike the rest of the world, does have value, and to seek to distinguish the special property which can give it that value, justifying the claim that the presumption of negligibility is defeated in the case of just these special objects.

It is one thing to claim that rational will is a unique and precious thing, of immeasurable and necessary value. It may even be right. But deontologists go further. They also claim that rational will is also the only unconditionally valuable thing. And they claim that rational will is the source of the value of all other things. As a matter of contingent empirical fact, human beings happen to be the only beings in the world who ever possess the property of rational will. The deontological claim that human beings possess the only and most morally valuable thing in the world displays a profound ethical bias. The further claim, that everything else is morally negligible, unless it resembles or is the object of choice of some rational will, displays an even more arrogant bias.

Arguments in defence of this bias in favour of human beings are rare.[3] Why? Because the presumption of moral negligibility is so pervasive and entrenched that moral philosophers do not even notice it, let alone question

it or feel obliged to justify it. We are so used to assuming that persons have an intrinsic moral value that exceeds the value of anything else, and thinking that other things have moral value only to the extent that they either resemble or are valued by beings like us, that the deontological picture which makes rational will the source and limit of ethics does not strike us as in any way remarkable, or offensive, or in need of justification.

If anything, matters are made even worse by the fact that we now pride ourselves on having overcome 'anthropocentrism', the supposedly foolish idea that human beings might have the moral value they do in virtue of shared species-membership. The 'rational will' the deontologist thinks is special, like the 'sentience' the consequentialist favours, is only contingently uniquely instantiated in human beings and humanlike creatures. Our moral domain is 'open' to other forms of mental life. But as I argued when discussing consequentialism in Chapter 7, what we fail to see in this philosophical 'progress' is that personist moral theories, whether 'rationalist' or 'sentience-ist', privilege mental capacities over natural history, and in doing so embrace 'centrisms' that are less intuitive, and more potentially harmful, than even quite naive forms of anthropocentrism ever had to be.

The presumption of moral negligibility, combined with rationalist personism in deontological theories, is morally objectionable. It exhorts us to treat ourselves, each other and beings that resemble us or are beneficial to us well. But it implies it is morally permissible for us to treat the rest of the world in any way we like. We may treat non-personal things with contempt. Consequentialists have noticed, and objected, that deontological theories allow other sentient beings like animals to be mistreated. But the problem is deeper than that. Deontology suggests that moral agents are 'morally' permitted to treat all non-personal things in the world in any way they please, from using as a resource, to destroying for no reason, to neglecting without care. The effects of this style of 'ethical' thinking are to be seen all around, in the way persons have treated everything mute and vulnerable, from animals to landscapes to institutions and artefacts, to the earth itself, as resources they may use and abuse without conscience.

Rationalist personism is also particularly harmful (compared to sentienceism, anthropocentrism or biocentrism, say) because the thing it claims has intrinsic moral value, a person, is something able to speak and act for itself, whereas the things it deprives of moral considerability, non-persons, lack these advantages. A non-rational person, an animal, an artefact, a plant or a landscape – such things cannot plead with us to treat them with respect, nor defend themselves against mistreatment. The theory of value in deontology implicitly endorses a dangerous blindness to the moral demands of mute, abject non-persons.

The idea that things must earn moral significance by resembling persons or mattering to them is perhaps the most pernicious mistake. If you think the only unconditional value is rational will, you may think all value depends upon the value of rational will. This does at least provide a clear

way of saying why some non-persons matter – they are sufficiently like (or will be or have been or are 'transcendentally' like) persons. This strategy explains many efforts in applied ethics to show how human foetuses, non-rational human beings and 'higher animals' are morally significant. If successful, these strategies show these entities to possess 'enough' unconditional value to be themselves unconditionally valuable in virtue of that.

On the other hand, where the strategy fails because the entity in question has none of the unconditional-value-conferring property, the strategy of saying things can have conditional value to the extent that they matter to things that have unconditional value is still available. Things which lack rational will – artefacts, landscapes – can still make a derivative claim on our moral consideration, for the deontologist, to the extent that rational wills value them. If we harm them, we harm those rational wills, and that is what the moral wrong consists in.

The presumption of moral importance shows what is wrong with this approach. At its heart is not uniquely valuable rational will engaged in free choice, but an encounter between an agent and a morally demanding patient in need. When we consider the specific ethical act of meeting needs in this concrete form, we notice that persons are not even unique in their capacity to meet needs. Animals meet needs and habitats also do so. Persons do not have a unique capacity to present morally demanding needs, either. According to the presumption of moral importance, then, 'persons' should not be centre-stage.

Insofar as 'rational will' is important, this is only because it happens to be the human mode of ethical action, not because it has any special 'moral value' as such. If this is right, it cannot be the source of the moral status of anything else, either. As moral agents, we may be inalienably obliged to value our rational will as the necessary condition of all our actions, but deontologists are wrong to use this idea to claim that rational will thereby also has unique and fundamental 'moral value'.

The presumption of moral worth also makes better sense of the moral importance we take things other than rational will to have. As I argued in Chapter 4, all contingent beings that exist, including second-natural phased-sortal beings, have essential needs which may fail to be met. This is what moral considerability, or value, or worth, consists in: the aptness of contingent beings to need help meeting their needs. Most of the time agents meet needs habitually, without reflection, and even without awareness that what they are doing is shaped by the moral importance of things in the world around them. Moral agents typically don't just look out for human beings and animals. They also typically look out for plants, artefacts and natural features like mountains, rivers and the earth itself.

Such ordinary acts of consideration for things in the world are examples of ethical practice in action. The mark of the ethical is action to ensure that the things around one are 'all right', which is to say, their needs are met. As I argued in Chapter 3, this distinctively ethical way of treating things is different in kind from other practical concerns, like scientific concern, or

aesthetic concern, or economic concern. In scientific practice, we want to know about the object, and *qua* scientists we don't take ourselves to be constrained by its needs – on the contrary, we will subject it to all sorts of stresses, and even destroy it by dissection, if that is what it takes to advance our understanding. Science of its nature is very unlike ethics, although ethics can draw on scientific knowledge to hone needs-meeting skill.

The agent – scientist or not – who harms any thing without reason displays morally defective behaviour. The needs-centred theory enables us to say how it is defective, without going on the roundabout route offered by the deontological theory of value, which can only construe such harms as moral harms if they affect rational wills or are done on a bad maxim. The existence needs of things constrain what moral agents may do. Things need help, and it is in that needing, and its direct demand for help, that the moral importance of things consists, rather than in their possession of any special intrinsic property, whether 'personist' or anything else.

The presumption of moral importance may seem, in its zeal to correct the errors of the presumption of negligibility, to go over to an extreme view that is just as unattractive. Surely it is as absurd and pernicious to say everything has moral importance as it is to say that only one thing does? I don't think so, first, because of the fact that things are vulnerable to our actions, they may be harmed or destroyed by them. This is an inalienable fact about being an agent, which goes at least as deep as that other inalienable fact deontologists emphasize, that agents can always choose.

The vulnerability of things to our actions is something a deontologist should recognize. But it has a profound moral implication, which deontologists do not recognize and the needs-centred theory helps us see. The fact that things can be harmed or destroyed by our actions places a standing moral obligation on all moral agents. This obligation is, if you like, the defining obligation of ethical practice. It is, to be careful not to harm things. Because things are vulnerable to being harmed, a moral obligation arises not to harm them.

Moral agents must take care not to harm or destroy things, and to restore them when they have been harmed. What we have here is a pervasive duty of respect. Just like the deontological fundamental duty not to treat any rational will as a means only, this duty not to harm anything arises naturally out of the idea of free agency as such. But the duty not to harm is more fundamental. It is the genus of right action, of which the deontological duty not to harm rational will is a species. It extends beyond the duty the deontologist recognizes, to respect freedom where we find it, to a comprehensive and categorical duty to ensure that no things are harmed, *simpliciter*.

Patients and needs

Deontological moral theories do not generally say much about needs.[4] To what extent does the relative neglect of patients and needs in deontology

weaken or distort such theories? As I mentioned in relation to consequentialism, the practice conception of ethics implies that this is an ill-formed question, since each perspective is as necessary and irreducible as any of the others. But, again as with consequentialism, defenders of deontology most commonly wish to 'compete' with the needs-centred theory and argue that their approach does a better job of capturing ethical practice, so it is worth engaging with the arguments again here.

If a competing deontologist argues that rational will, the maxim on which it acts, whether the maxim is universalizable, and whether the action is done 'from' it are all that matter morally, and that anything important in talk of needs can be captured by talk of rational will, maxims and duty, how can I respond? I would first distinguish the eliminative claim that needs are unimportant (i.e. everyday ethics and the needs-centred theory are in error), from the reductive claim that needs may be morally salient (perhaps even in the ways I have described), but their moral importance is better captured within the conceptual framework of a deontological theory.

In response to the deontologist who says needs don't matter, as I argued in relation to consequentialism, I again argue this is a revision too far. In moral practice, agents recognize and respond to needs all the time. Any theory has to take account of these facts if it is to be a theory of our actual moral practice. A theory which ignores the central concept of the practice it claims to describe is inadequate. A theory which described the example of the encounter with the children about to set fire to the cat, say, in terms which made no mention of the cat's need not to be burned, would completely fail to capture what was normatively significant in that situation, and what made the agent's intentional action and its maxim morally right.

In response to a deontologist who allows that needs matter, but insists the way they matter is better captured by deontological theory, again I will ask, drawing on the necessary complementarity thesis: what motivates this reduction? What is the source of the pressure to re-describe recognition and response to need as recognition of something to do with rational will, of apprehension of a certain maxim, of ensuring that that maxim is universalizable, and of acting 'from' it? What gains in understanding are there here?

The needs-centred theory starts with the patient and describes the way the moral agent acts as a matter of recognizing and responding to the needs of that patient. What does this picture suggest we should make of the difficult deontological idea, that the moral status of actions is given by a maxim? The needs-centred picture does not mention maxims. This suggests the moral worth of actions may not depend on there being a good maxim on which the agent acts, but may rather better be reckoned by considering how well they respond to the need overall, and how successfully they meet it. Where deontological theories make two claims, that actions are done on maxims and that maxims determine moral worth, the needs-centred theory suggests we may want to revise, or even reject, both claims.

Because a range of meanings has been given to 'maxim' in different deontological theories, we first need to clarify this. If 'maxim' is held to mean 'principle determining this particular action', the needs-centred theory suggests we may deny that there need be any such principle, and may point to the difficulty of isolating a single correct principle for any action, to argue that the idea of a maxim thus understood adds nothing to the fact of the agent's authorship of the action.

When a needs-meeter responds well to a need, they characteristically simply recognize something in the world, and respond to it in accordance with the norms of the practice they are engaged in: that is, in ethics, by meeting the need. No principles are required to explain how moral agents do this, or what they are doing. There need be no further thing, above or beneath or explanatory of the practical knowledge implicit in the activity. Knowledge of this need and how to meet it is implicit in ethical practice, just as knowledge of the physics of hitting this tennis ball is implicit in tennis (see McDowell 1979; Reader 1997; O'Neill 1996 for comparative discussion of principlism and particularism).

If, on the other hand, 'maxim' means 'underlying or fundamental intention', we may say that such an intention need not be present for it to be right to say that the action is good (O'Neill 1985). Needs-meeting action is a skilled response. As a response, it will often be automatic or habitual. These features may even be an indication of how good the action is (the more automatic it is, the more excellence it displays). Just as the musical worth of the pianist's performance may be measured not by evaluating some 'maxim' alleged to underlie his performance but by considering how well he plays, just so the moral worth of an action may be discovered not in the maxim (if any) but in how well the agent acts.

What if by 'maxim' the deontologist means a composite, whether of act and end (Korsgaard 1996a), every agent-adducible justifier (Herman 1993) or character, end and action (Potter 1994)? With such a meaning, the claim that actions are all done on maxims looks harder to resist. This gain in plausibility, however, comes at a cost in explanatoriness. The explanatory advantage of deontology was supposed to be that we could assess moral worth by assessing the maxim, and this was supposed to be something different from and simpler than 'assessing moral worth'. But once the maxim is a composite, we are back where we started: we are looking at all of character, ends, reasons and actions, in order to arrive at the moral worth of the whole. Assessing the maxim is on this view no longer a distinctive deontological way of determining the moral worth of actions; it simply *is* the whole process of determining of the moral worth of actions. The composite maxim proposals, while they make the claim that all actions are done on a maxim more plausible, make deontology trivial and non-explanatory.[5]

In addition to claiming that moral actions are done on maxims, deontologists also claim that the mark of a moral maxim is that it is universalizable. The needs-centred theory leaves open the possibility that some moral

actions may be done on a maxim – for example, carefully deliberated acts in complex cases. For such cases, the question arises of whether the deontologists' further claim is right, that moral maxims are universalizable. Counterexamples challenging the 'categorical imperative test' are not hard to find. There are many apparently morally acceptable maxims which cannot be universalized – try 'don't have any children', or 'get to the shops just as they open to avoid the rush' or 'become a philosopher'. Counterexamples the other way – maxims which are morally wrong but can be universalized – may also be possible within a deontological theory, because of the presumption of negligibility and personism. A maxim like 'treat the rainforest as a means for the ends of rational wills' is universalizable by deontological lights, but morally unworthy by the light of modern common sense.

But such counterexamples, of course, leave the way open for a modified deontological theory which adopts the presumption of moral worth. Could there then be universalizable wicked maxims? It may be there could not, in which case universalizability might be a necessary condition of the moral goodness of a maxim. But this might not be for the reason the deontologist wants. It might be not because I cannot will it for everyone that it is morally wrong; it might be because it is morally wrong that I cannot will it for everyone. The universalizability (or absence of it), in other words, is one mark, but not the source, of the moral unworthiness of the maxim. If this is right, the deontologist has yet to explain what moral unworthiness consists in. And that explanation will likely bring deontology closer to consequentialist, needs-centred and virtue-ethical theories than adherents of competing deontology would like.

Deontologists also typically hold that moral goodness consists in the agent's action having the right relation to its maxim. Morally good actions are held to be those done 'from duty', which is different from 'in accordance with duty'. This is a corollary of the basic intuition with which deontology starts, that you can only be morally assessed for what you can be responsible for. But there are unclarities and difficulties here. There is an ambiguity in the idea of 'having', as the example of Chloe and the beggar, discussed in Chapter 7 and above, was meant to show. Chloe knew the morally good maxim and was entertaining it at the right time. But that maxim was not what actually moved her. Just as the 'action-description problem' undermines attempts to specify the maxim of an action, so what we might call the 'reasons for action' problem undermines attempts to specify the relation between maxim and action which transmits moral worth.

This is a species of the general problem, widely discussed in the philosophy of action, of what the relationship between a reason and an action must be, such that it is right to say that the agent did the action for the reason. Claiming that the maxim must cause the action is one option, most famously developed by Donald Davidson; claiming that it must logically entail the action is another, developed by von Wright (Davidson 1980; von Wright 1972). If maxims logically entail actions, the relation is too tight –

this undermines the ideas of choice and freedom, and destroys the idea that the maxim is a prior reality which can be assessed separately from the action (although that idea is in trouble anyway, as we saw above). And if maxims cause actions, again, the relation is too tight – it forces us into the artificial claim that for each action there is only one maxim, which has some independent psychological existence and causal power (see Anscombe 1995). It slips into a 'hydraulic picture' of human action, in which action is a mystery which needs some extra object to be posited to explain it, in addition to the agent themselves (McDowell 1978).

Unclarities about 'acting from duty' deepen when we remember that the agent may not be authoritative about their maxim (O'Neill 1985: 508–9). What, beyond a commitment to theory, remains to support the claim that there must be a maxim there at all, and if there is, that the action must be done 'from' it? It might simplify matters, to adopt a less theoretical account of the place of 'duty' in ethical practice, according to which an agent acts morally well – that is, 'from duty' – when a moral duty features in a true explanation displaying the rationality of their action.

Moral response

Is the deontologist right to say our moral duty is to respect value wherever we find it, to treat valuable beings as having absolute 'rights', rather than to promote value, or respond to it in some other way? Deontologists may be right to reject the consequentialist idea that we must promote value, as I argued in Chapter 7. What is less clear is that the alternative response they propose – respect for absolute rights – is quite right either. This is so for two reasons. First, the idea of the value of rational will as absolute, and thus apt to ground absolute rights, is too strong. It is an example of the kind of delusory attempt to bootstrap free rationality into the category of the categorical that I complained about in Chapter 2. While Bentham was wrong to say that talk of natural rights could only be 'nonsense on stilts', he was right at least to the extent that some human practice is required to 'posit' those rights, in Hegel's sense, and thence to embed them in culture and history (Hegel 1991: 245–65). Talk of absolute rights in the absence of an empirically grounded analysis of the practice in which those rights exist as standards and internal goods is either premature or mythical.

The second reason why deontology may not get the moral response to value right can be seen when we compare the consequentialist and deontological 'alternatives'. When I promote a value, I seek to increase the amount of it in the world. When I respect a value, I leave it alone, to let it be. The needs-centred theory at first appears to recommend something quite close to this. It says the needs of things constrain our actions, and a lot of the time what this demands of us is that we show respect for things by leaving them alone. We avoid harming, rather than actively helping, many things every day. The needs-meeting stance, like the deontological stance of respect,

recognizes the dignity and independence of the object of moral concern, and recognizes a deep requirement not to interfere with it.

But I think the needs-centred theory also suggests that 'respect' may not be enough. 'Meeting' needs as a central mode of a moral response to value may actually be a mean which falls between an excess, promotion, and a defect, respect. Where, as I argued in Chapter 7, the consequentialist typically gets carried away and too involved in the object of moral concern (seeking its ends, for example happiness), deontology may be too cold and detached, in refusing to get any more involved with the object than the strict avoidance of prohibited acts requires. The needs-centred response of 'meeting' also has the advantage of including within its own formal definition the possibilities of both respecting and promoting, in the sense that either of these things may be needed by a particular being, depending on the circumstances.

In moral practice a balance must always be struck, between engagement and detachment. In the responses to value which they identify, consequentialist and deontological theories may both get that balance wrong, overemphasizing engagement and detachment respectively. The needs-centred theory avoids these vices by representing the moral mode of response as one of meeting the needs of the things with which we share our lives. In some cases, meeting the need will involve a detached, 'respectful' response, but in others more engagement and concern, which might at first be mistaken for 'value-promoting', will be required.

Deontology assessed

As a competing global theory of ethics, deontology faces profound challenges from the arguments presented in this book. The practice conception suggests the deontological account of normativity is at best incomplete and at worst inadequate. The necessary complementarity thesis suggests we cannot exclude other criteria from the moral evaluation of actions, for example character, needs or valued consequences. The presumption of moral worth suggests deontology is unjustifiably biased in favour of human beings.

The patient-standpoint of the needs-centred theory suggests that the lack of attention to patients and needs in deontological ideas has led to incomplete and distorted deontological theories of ethics. The needs-centred approach also suggests that moral maxims, universalizability and acting from duty may not be central, let alone necessary and sufficient for specifically ethical action, as deontologists have claimed. The account of the moral response in the needs-centred theory, as 'meeting' needs, suggests that the deontological limitation of ethical response to 'respect' may fall short of what ethical practice requires of its agents.

None of these arguments, of course, shows that deontology as such is an inadequate approach to ethical practice which must be rejected. A moral theory which approaches ethical practice from the perspective of the intentional

action of the agent furnishes a distinctive and necessary contribution to our complete account of ethics, and thus of what it is to do it well. Deontological theories are distinctive in contributing analyses of rationality, will and action, of intentions and motives, and how they contribute to ethics and other practices in which agents act in the light of reasons. These analyses contribute to our understanding not just of reason in ethics, but of practical reason generally.

The problems that competing deontological theories face, then, are artefacts of mistaken assumptions, which may be removed without damaging the core insights of the theories. These assumptions, once again, are that ethics is not a distinctive practice (but is rather, say, practical rationality as such), that theories of ethics are global and competing rather than perspectival and complementary, that objects are morally negligible unless proven otherwise, and that patients, needs and simple moral cases matter morally, if they do, only in a secondary way. I hope I have said enough by now to unsettle at least some of these assumptions in readers' minds. In Chapter 9, I turn to consider virtue ethics, a plural, non-reductive approach in moral philosophy which was revived to provide an alternative to the rigors and reductions of deontological and consequentialist theories.

9 Virtue ethics

Like consequentialist, deontological and needs-centred theories, virtue ethical theories focus on just one of the four elements of ethical practice I distinguished in Chapter 3. In virtue ethical theories, it is the agent who takes centre-stage, whose character and virtues are regarded as somehow the most fundamental elements, with the greatest capacity to tell us what ethics is and so how to do it well.

Again like most modern moral philosophers, virtue ethicists do not tend to see ethics as a distinctive practice. This means they take their task to be broader than that of telling the story of a single, albeit central and important, practice. But where deontologists and consequentialists claim to tell the story of practical rationality, virtue ethicists aim to give an account of the whole of human life excellently lived. Their theories aim to provide answers to the Socratic question I discussed in Chapter 2, 'How shall I live?' The discussion of virtue ethics in this chapter follows the pattern of the previous two chapters, beginning with a description of virtue theory, and continuing with a critical discussion of the theory in the light of the arguments developed in this book.

A description of virtue ethics

'Virtue ethics' is the name given to a compendium of contemporary moral theories, which are united as much by what they reject as by what they propose. Virtue ethics, then, is very much a creature of the 'competing global accounts' view of moral theories. Virtue-ethicists reject the core idea of consequentialism, that the moral worth of an action is determined by the amount of value in its consequences, and they reject the core idea of deontology, that moral worth is determined by conformity of the will to a universalizable maxim. According to virtue ethics, moral worth emerges instead from the virtuous character of the agent. Virtue theories make aretaic ('excellence-related') concepts like character and virtue fundamental in their theories. A virtue theory of ethics, then, will typically include an account of moral character and its excellences, and explain how character and virtue determine the moral worth of actions and agents.

Elizabeth Anscombe is generally credited with the revival of virtue ethics in contemporary moral philosophy (see e.g. Crisp and Slote 1997: 1–3). The rationale for this revival, in true 'competing theories' spirit, was a scathing attack on both deontological and consequentialist theories, which were regarded as the only conceptually available alternatives. In her famous paper 'Modern Moral Philosophy', Anscombe argued that we arrived at the consequentialist idea about moral worth because the deontological approach had collapsed (Anscombe 1958). We cannot return to the deontological way of thinking about ethics, in which there are categorical maxims which bind the wills of all rational agents just as such. We can't return to this, because we have lost faith in the idea of God as the commander or law-giver who underwrites the 'mesmeric' or categorical deontological moral requirements. Anscombe's argument is that no moral obligation can be as binding as deontologists take all to be, without implicit reliance on some agent who commands them, offering rewards for compliance and threatening punishment for failure to comply.

But, Anscombe argues, consequentialist 'rival' theories which claim to improve on deontology are no better and may be even worse. Consequentialism makes any act permissible provided its consequences are good. Far from being a step towards the true morality, this kind of 'theory' dignifies a temptation to seek ends without regard to the means. Consequentialism, Anscombe tells us, is necessarily 'a shallow philosophy', which 'shows a corrupt mind' (Anscombe 1981: 36, 40). What, then, is a moral philosopher to do? Anscombe suggests we should begin our endeavours to put ethics back on a proper conceptual footing by first investigating the ideas of 'action, intention, pleasure and wanting', and only then turning to the concepts of virtue (Anscombe 1981: 38).

The virtue ethical conception of the agent is different from other rather abstract conceptions of the agent, as rational will in deontology, or promoter of value in consequentialism. The virtue ethical conception of the moral agent is distinctive in its complexity, its concrete human specificity or 'thickness', and its origin (see Williams 1985: 129). Where deontological and consequentialist conceptions of the agent are stripped down to a single bare capacity, a virtue ethical conception is complex. The virtuous agent's ability to choose is not conceived as a bare ability to act on maxims or promote value. Rather, it comprises a complex range of abilities, which are interrelated in complex ways, and what it is to exercise any one of these abilities well is presented as a matter about which there is a determinate fact only in actual particular cases. This rich picture of moral agency accords with the account of the agent implicit in the practice conception of ethics, and with the account of moral skill given in the needs-centred theory.

Where some deontologists and consequentialists write as if a moral agent can be thought about usefully in the abstract, apart from their embodiment, natural history, upbringing, environment, social, cultural and personal conditions, virtue ethics denies that this could ever be useful, or indeed possible.

Any agent – an agent as such – brings a life and a world with them, and cannot be conceived apart from that life and world. The idea of an agent free of history and commitments, then, far from being a liberated agent with whom moral theory can work more easily, is an empty concept. From this perspective, to study such agents with the hope of producing a good theory of our moral life appears to be as foolish as it would be to try to study marmots by looking at an individual abstracted from its natural history and world.[1] To understand what a moral agent is, virtue theory suggests, you must look not just at the agent's intrinsic properties and bare acts, you must look at the whole form of life.

A virtue, or moral excellence, is a good-making property of an agent. Virtues make both agents and actions good, and vices make them bad. Virtues are the combined cognitive and practical capabilities of moral knowledge. They are learned habits or 'ways', stable dispositions to act in certain ways under certain conditions. To say I have the virtue of courage is to say I am sensitive to courage-demanding conditions, and have a stable disposition to act courageously in them (to stand my ground when being unjustly attacked, say). A virtue is 'a reliable sensitivity to a certain sort of requirement which situations impose on behavior', or a reason-recognizing capacity (McDowell 1979: 332). As Philippa Foot puts this thought, someone possesses a virtue 'in so far as they recognize certain considerations (such as the fact of a promise, or of a neighbor's need) as ... reasons for action' (Foot 2001: 12).

Accounts of virtue can be distinguished by what virtues are claimed to enable. First, the 'natural norm' theory of Elizabeth Anscombe, Philippa Foot and Alasdair MacIntyre takes virtues to be analogous to the natural abilities of other animals, like the ability of the antelope to run fast or of the weaver bird to weave nests (Anscombe 1981; Foot 2001; MacIntyre 1999). The virtues answer to the demands an environment places on each specific kind of living being. They answer to an Aristotelian necessity that refers to a certain sort of life.[2] The antelope must escape predators, the bird must have a safe place to lay its eggs. Just so, human beings must be able to live their lives in the many complex ways that are natural to them. The virtues are the abilities and dispositions that enable them to do so. As Peter Geach put it, 'men need virtues as bees need stings' (Geach 1977: 17).

Second, the 'form of life' theory of virtue is developed by John McDowell, who draws some inspiration from Stanley Cavell (McDowell 1979, 1995; Cavell 1969). On this view, a virtue is a capacity to recognize reasons which enables human cultural life to achieve its good. The difference between the 'natural norm' theory and the 'form of life' theory is subtle – both agree that virtues are parts of 'second' rather than 'first' nature, which is to say, they are learned, rather than inherited or acquired through brute interaction with the physical environment.

But where Foot and the later MacIntyre take the human core virtues to be as natural to us as being fleet of foot is to the antelope, McDowell empha-

sizes the contingency and vulnerability of the 'acquired non-formal shape of second nature', as he calls virtue (1995: 167), as does Sabina Lovibond (Lovibond 1997, 2002). For these thinkers, facts about right responses to right reason are always questionable, and answers depend ultimately on 'all the whirl of organism Wittgenstein calls "forms of life"' (Cavell 1969: 52).

The knowledge of this contingency of virtue brings with it what McDowell calls 'vertigo', and a longing for the kind of 'rails' which a rule-based conception of human norms, such as deontology, or a value-based conception, grounded in a solid, uncontroversial biological conception of well-being in consequentialism, seemed to offer some hope (McDowell 1979: 339). The possibility of calling our virtues into question, for the 'form of life' view, is always there. We can always stand back and ask: but is this really a good way to live? That possibility is denied – or perhaps only obscured, or reduced – by the 'natural norm' view above, and the third view we are about to consider.

The major exponent of the third 'practice' theory of virtue is Alasdair MacIntyre, who derives a concept of 'core' virtue from his account of practice, discussed in Chapter 3. For MacIntyre, 'a virtue is an acquired human quality ... which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods' (MacIntyre 1981: 178). A virtue, as MacIntyre here understands the concept, is something which, when we look across a wide range of practices, we find to be a necessary condition for the attainment of the internal goods of those practices. MacIntyre argues that the internal goods of a practice, for example chess, would not be possible without, as a minimum, the core virtues of 'truthfulness, justice and courage' (MacIntyre 1981: 179). In contrast, the external goods of human life are perfectly possible without these virtues; indeed, the achievement of external goods may be positively hindered by possession of the virtues (MacIntyre 1981: 183).

A fourth notion of virtue we might call 'individualist'. This view can be discerned in existentialist writing, for example in Nietzsche and Sartre (see Nietzsche 1989; Sartre 1973). Existentialists believe there is no such thing as a given-in-advance human nature, and make much of the resulting implication, that human beings must create their own nature and thus their own good. On this view, a 'virtue' will be a habit or way which enables the unique good life of a particular individual. It is an explicit part of this view that this good cannot be discovered in advance by enquiry into the constitution of the individual, or into their biological, social or relational context. The individual themselves is authoritative about what this good is, to the extent of creating it *ex nihilo* for themselves.

The individual view of virtue implies that ways or habits may be virtues which we might not have expected to be. It permits what Nietzsche, recommending it, called the 'revaluation of values' (Nietzsche 1989: Preface 6). This can transform qualities like sympathy and kindness, which enable

the good of the social animal human being, and are generally regarded as virtues, into vices to the extent that they prevent the individual from achieving their own unique good life. It has a similar effect on those 'core virtues' which enable practices, justice, courage and truthfulness. Whether a quality is a virtue, on this view, depends wholly on whether or not it enables this particular individual to flourish. What is a virtue for one will not be a virtue for another (attentive caring was a virtue for Florence Nightingale, but a vice for Virginia Woolf). While this view gives us a criterion for identifying virtues, it does not enable us to produce a stable list of them.

According to this view, we cannot ask which qualities enable people in general to flourish – because there are no such qualities. But we surely can ask, in MacIntyrean spirit, which qualities, if any, are necessary for people to be able to seek individual personal flourishing at all. Here the prospects of a substantive answer, amounting to an individualist list of 'core virtues', seem better. Nietzsche himself placed much emphasis on qualities like willpower and spontaneity. Other existentialists emphasize autonomy, fearlessness and commitment. These 'individual' core virtues look different to the practice-enabling core MacIntyre identifies, of justice, courage and truthfulness. What is required for a unique individual to achieve its good is different from what is required to achieve the internal goods of practices, and again from what is required for the flourishing life of the species to be possible.

In competing virtue theories, the concept of value is held to be secondary to and derivative from the concept of virtue. The virtuous agent possesses a stable disposition to recognize and respond to some considerations as moral reasons, and to be unmoved by other considerations, simply not feeling any moral demand from them at all. Any 'value' there is in the states of affairs that the agent responds to, or produces, is not what determines the value of the agent or their action. It does not matter how 'much' well-being they produce. To ask 'How much did the agent improve the situation?' is to be in the wrong dimension for the assessment of moral worth, from a virtue-ethical point of view (see Foot 2001: 49). While Foot and other virtue theorists accept that the notion of a 'good state of affairs' has a role to play in understanding some virtues – the benevolence of public policy, say – they think that it is a mistake to try to make this notion definitive of the idea moral value as such.

Each virtue theory makes some claim about what considerations count as reasons of what weight for virtuous agents. Some virtue theorists think it a mark of the possession of virtue that 'certain considerations count as reasons for action, *and as reasons of a given weight*' (Foot 2001: 12). Moral reasons are here seen as having a fixed moral weight which they carry from context to context. Other writers argue against this, that the moral weight of any consideration – how strongly it calls for the agent's action – can only be determined holistically, as a function of the interaction of all the features present in the context. On this view there are no 'moral reasons' prior to actual particular cases. The explanation for why the virtuous agent took certain considerations to be decisive may not be statable.

On this view, moral knowledge, or virtue, cannot be codified.[3] This particularist claim is often associated with virtue ethics, and modern writers trace it back to Aristotle (e.g. McDowell 1979: 342). Aristotle did indeed say that ethical claims are imprecise, for example in the *Nicomachean Ethics* at 1094b13–27. But I think Aristotle did not mean by this that general claims could or should not be made about virtue, value and obligation. Nor did he mean that such claims could not be used in reasoning, whether demonstrative or dialectical or even less certain than either of those. He simply meant to remind us, I suggest, that statements of ethical truths are always going to be imprecise and uncertain. Like any claims about the exercise of practical skill, claims about ethics fall short of ethical action, and the 'cottoning on' of the learner is needed to 'take up the slack' left by the imprecise or uncertain formulation. If we read Aristotle like this, we see that virtue theory need not deny codifiability in any strong sense.

Virtue theorists give a characteristically aretaic account of moral obligation, or moral response to value, taking it that 'an action is right if and only if it is what a virtuous agent would characteristically (i.e. acting in character) do in the circumstances' (Hursthouse 1999: 28). Of course, this account of virtue ethical obligation does not fit the 'individual' view of virtue, according to which moral agents cannot be obliged to 'do as the virtuous person does', because they are precisely obliged not to copy, but to determine their own original ends and to adopt as their virtues the means that are necessary to their achievement. But what account can the individual view of virtue give of the obligation to create our own ends? Sadly, no original one is possible. The individualist about virtue, like all other virtue theorists, has to bite the bullet, and invoke a concept of human nature. We are obliged to create our own ends, they will have to say, because we are the sort of creature – one which lacks given or intrinsic ends – whose good can only be achieved by the creation of such ends.

For the virtue theorist, actions have moral value to the extent that they express virtue. There are echoes here of the anti-externalist idea in deontology, that it is the quality of the maxim that determines moral worth, rather than anything so contingent as what actually results. To see how this works, let us return to Chloe and the beggar, adding another agent to the scene, Virtuous. Chloe and Virtuous both give the beggar £5. But while Chloe gave because she wanted to avoid anger and a spoiled mood, Virtuous gave to express charity. Virtue ethics, like deontology and unlike consequentialism, tells us Chloe's actions have a different moral worth to those of Virtuous. Chloe's actions were bad, having about as much moral worth as the 'generous action' of a thief who accidentally drops stolen money in my garden. To have moral worth, in competing virtue ethical terms, actions must be genuine, non-accidental expressions of virtue.

In making the agent and their character central, virtue ethics pays attention to a very important element of ethical practice. It emphasizes the continuities between our ethical practice, and the lives of other living things, it

emphasizes the complexity of what we know when we know how to be good, it emphasizes the importance of practice, both for learning and for the achievement of the goods of human life. And it challenges the claims of the two other styles of theory, in 'competing' mode, to tell a satisfactory story about what ethics is. But virtue ethics, like consequentialism and deontology, does not in the end offer a cure for the ills of moral philosophy, especially not when it is presented as a competing global theory. In the following sections, I consider the challenges to virtue ethics presented by the arguments in this book.

Problems for virtue ethics

The practice conception

According to the practice conception, ethics is just one part of life, not the whole of it. Virtue ethical theories, in contrast, take ethics to be essentially concerned with the much broader question of how to live human life well. I objected to this view in Chapter 2, that it fails to capture the actual activities which we identify as ethical and that it reflects the kind of agent- and bystander bias which I have argued distorts most of our moral philosophy.

In taking ethics to be about moral agents – about *us*, as it were – virtue theory obscures the vital importance of patients in need, to which it is the purpose of ethics to respond. Taking ethics to be about all of human life is too broad, and includes much we do not ordinarily take to be of ethical concern. The examples I gave in Chapter 2 of non-ethical situations were all examples in which arguably decisions about how to live could be expressed. But my decision about how to compose a photograph, or how to run a meeting, or how to plant my garden, or even which career to pursue, are not ethical decisions in the normal understanding of the word.

The account of moral normativity in virtue ethics may be closer to that suggested by the practice conception of ethics than is generally recognized. While virtue ethicists often point to the conduct of the virtuous agent as the source of ethical normativity, if we look deeper we may decide virtue ethical obligation is rooted not in some intrinsic normativity in the virtuous person, but ultimately in the normativity of the practice or the life form of which the agent is already a part. We are only obliged to do as the virtuous person does because the goods which the virtues possessed by the virtuous person seek are also the internal goods of our own nature (or form of life, or practice) as well. To look at what the virtuous person does, then, is just the best way to learn how to be virtuous. Virtue theorists need not hold that this is the ultimate source of the normativity of virtue.

Some writers have cast doubt on one of the central claims of virtue ethics, that virtues exist which can guide and explain moral behaviour. 'Situationist' philosophers like John Doris and Gilbert Harman argue that there are no such things as virtues, understood as psychologically real 'global

traits' which are reliably predictive sources of human moral behaviour (Doris 1998; Harman 2000, 2001). The depressing experiments of Stanley Milgram, in which subjects were told by a scientist in a white coat to inflict increasing electric shocks on 'pupils' for making spelling mistakes, showed how an authority giving orders can lead subjects to behave in ways which characterological assessment would not have predicted (Milgram 1974).

All the subjects tested 'normal' or 'virtuous' prior to the experiments. The equally famous and if anything more depressing Stanford Prison Guard experiments provide further support for the disturbing conclusion: most human beings, under certain controllable conditions, will 'drift' into performing, without qualms and even with pleasure, acts they would regard as wicked and unconscionable under 'normal' conditions – acts including torturing, coercing, humiliating and terrorizing other human beings (see Zimbardo *et al.* 2000).

The result is 'situationism'. Situationists believe virtue theorists have no evidence for the claim that there exists such a thing as 'character', conceived as a stable set of habits (some of which will be virtues) which predict action from context to context more strongly than situational factors do. 'Situational factors' include everything from the extremely stressful phenomena of the Milgram and Stanford experiments to much more modest stimuli, for example whether the experimental subject is in a hurry or has just found a coin in the coin-return slot of a payphone (Darley and Batson 1973; Doris 1998: 504). This evidence gives reason to doubt whether the virtue-theoretical vocabulary of 'character' and 'virtue' refers to any actual reality.

The virtue theorist can respond to situationist criticisms, however, by pointing out that the virtuous moral agent and the virtues themselves are ideals which are very rarely achieved by ordinary moral agents. If this is true, it is no surprise that most experimental subjects succumb so readily to situational factors. But it is no surprise that one or two don't, either. Those rare individuals are the virtuous people, the masters of moral practice, the ones whose moral judgment is clear, and who are not swayed by situational distractions. They are the ones we should all try to learn from, and to emulate.

The practice conception of ethics, with its emphasis on the concrete practical activities of needs-meeting, can avoid the situationist objection that 'there is no such thing as virtue', because it doesn't have to postulate anything 'psychologically real' in the agent to guide or explain their moral behaviour. So long as moral agents can and do recognize and respond to needs, ethical practice is real, and not vulnerable to empirical refutation. Situationist-type experiments might, of course, show that moral agency is much rarer than we thought. But it could not show that there is 'no such thing', nor that we could not work out how to do it better, any more than empirical evidence showing that tennis players are easily distracted from tennis could show that there was 'no such thing' as skill at tennis, no point in playing tennis, or even no such practice as tennis.

But the practice conception and the situationist evidence do suggest why it may be not just unnecessary but unwise to multiply entities beyond necessity, by positing psychologically real 'virtues'. The knowledge the moral agent has, of needs and how to meet them, does not require us to postulate any further entities over and above agents, needing beings and learned and skilful actions to meet needs. So where situationists charge that virtue theory explains moral actions by invoking an extra causal entity, virtue, the practice conception enables us to explain them more simply, and avoids both the philosophical objection that we have not been told what virtue is knowledge of, and the empirical objection that there don't seem to be any virtues. Even a virulent situationist cannot deny that there are agents, there are needs, and agents sometimes act to meet them.

Necessary complementarity

Virtue ethical theories tend to be written from a 'competing theories' perspective. Starting with Anscombe in 1958, virtue theorists take themselves to be seeking a single, complete theory of ethics, grounded in a single concept and perspective on ethical practice. Virtue theory is presented as 'a rival to deontological and utilitarian approaches, as interestingly and challengingly different from either as they are from each other' (Hursthouse 1999: 2).

Because each theory makes just one of at least four necessary elements of ethical practice fundamental, rather, each theory is necessarily perspectival and limited, and thus must complement rather than compete with or displace all the other theories. The idea that any one of the four elementary concepts, whether agent, patient, act or valuable goal, could somehow be more 'basic' or more explanatory than any of the other concepts is an unfortunate side-effect of the 'competing theories' approach, which we should abandon.

To accept the necessary complementarity thesis is not to deny what should be obvious, namely that in any particular case we may well be able to understand more about the moral status of what a person has done if we find out about the consequences they brought about, rather than about the maxim they acted on, or the needs they were trying to meet, or the virtue they were expressing. In a different case, things may go the other way, and we may find it much more illuminating to pay attention to their character than to what they intended, what need they hoped to meet, or the consequences that followed their action.

But it is to deny that it can ever be the case in general or *a priori* that any one element of ethical practice could be more important or more deliberatively useful or explanatory as such than any of the others. If in any context we are led to conclude that one of these elements is absent or irrelevant, this is more likely to show that we were in error when we took the context to be an ethical one in the first place, than to show that, contrary to what I have

claimed, this concept can after all be dispensed with. Without an agent, patient, act and goal, a context cannot be a practical one, let alone an ethical one.

The necessary complementarity of moral theories suggests competing virtue theories should be modified. A more plausible virtue theory, which complements and collaborates with the other theories, will make conceptual space for the possibility that the concepts of patient and need, right action and value can be as important, or more important, than the concepts of virtue in aiding deliberation about what to do, or in explaining the moral status of what has been done, in particular cases.

The presumption of moral importance

I argued in Chapters 7 and 8 that the accounts consequentialism and deontology give of ethical practice are distorted by the presumption of moral negligibility, and the use of 'personist' accounts of what is required to defeat the presumption. Is there anything in virtue ethics to suggest the presumption of negligibility? Are virtue theories 'personist' in any damaging sense? I argued in Chapter 2 and above that the idea that ethics is essentially about how to live a human life well reflects an agent- and bystander-bias which obscures what ethics is really about. In virtue theories, it is not so much that everything in the world is presumed to be negligible until proven otherwise, as that it seems to be presumed that when we are engaged in ethical practice, what we are concerned about is our life, how we are performing, rather than about how those at the receiving end of our actions are getting on.

In theory and in practice, the effect is the same as if the negligibility of moral patients had been directly presumed. According to virtue theories, moral patients make demands on moral agents only when, and to the extent that, it can be shown to be part of human life excellently lived, to make sure such things are not harmed. But as I protested in relation to deontology and consequentialism, this leaves the most mute and vulnerable things in the world without any direct moral protection, any recognized intrinsic right, as the things that they are, to be protected from harm.

In its focus on human agents and their virtues, virtue ethics also arguably fails to recognize the diversity of modes of ethical goodness that there can be in the world. If instead of focusing on the generic human acts of 'living well', we focus on the specific ethical acts of meeting needs, we will notice that moral agents or persons are not unique in their capacity to meet needs. Animals meet needs, as when they care for their young. Habitats meet needs, as when trees offer edible fruit, streams drinkable water, caves shelter, the earth air to breathe, for needing beings to draw on according to need. And we will notice that persons do not have a unique capacity to present morally demanding needs, either. On the needs-centred picture, again, 'persons' are not centre-stage. As I argued in relation to rational will in Chapter 8,

insofar as 'virtue' is important, its importance is derivative. It is only because virtue is the mode of human needs-meeting agency that it matters, not because it has some intrinsic or fundamental 'moral value' in itself.

Patients and needs

Like exponents of the other moral theories I have considered, virtue theorists do not generally have much to say about needs.[4] The founding father of virtue theory, Aristotle, simply does not recognize the moral centrality and importance of patients, their needs and responses to need. Although Aristotle's discussion of necessity provides probably the richest philosophical resource for understanding the concept of need, in his ethics ordinary human needs are crudely presented as regrettable constraints, limitations which prevent human beings from living the most excellent kind of life possible, the life of contemplation (see for example *Nicomachean Ethics* 1177a12ff. and 1178b33ff.). Although Aristotle allowed that some necessities might have dignity and worth, as 'proper parts' of excellent human life, human needs for nourishment, craft, trade and labour are explicitly denied ethical significance.[5]

To what extent does the neglect of patients and needs weaken or distort virtue theories? Strictly speaking, as with the previous theories, this question has already been resolved by the practice conception, which will require a good virtue theory to be constrained by any facts revealed by the other theories, including the needs-centred theory. But since competing virtue theories are the most common, if not the only, kind available, it is worth considering why competing virtue theorists might miss some important facts about patients, needs and moral relationship, which I have argued structure our ethical practice, if their repertoire of explanatory concepts is artificially limited to aretaic ones.

If a competing virtue theorist argues that the person living an excellent human life and the virtues they express in their actions are all that matter morally, and that anything important in everyday ethical talk of needs can be captured by talk of virtuous agents and virtues, how can I respond? I would first distinguish the eliminative claim that needs are unimportant (i.e. everyday ethics and the needs-centred theory are in error) from the reductive claim that needs may be morally salient (perhaps even in the ways I have described), but their moral importance is better captured within the conceptual framework of a virtue-ethical theory.

In response to the virtue theorist who says needs don't matter, as I argued in relation to consequentialism and deontology, I again argue this is a revision too far. In moral practice, agents recognize and respond to needs all the time. Any theory has to take account of these facts if it is to be a theory of actual moral practice, rather than something else. A theory which ignores the central concept of the practice it claims to describe is inadequate: a theory which would describe the example, say, of saving the baby in the

runaway pram, in terms that made no mention of the baby's need to be saved but which referred only to the agent's character and skill and excellent life, and could not capture adequately what guided the moral agent to act, and what made their action good and right.

In response to a virtue theorist who does allow that needs matter, but insists the way they matter is better captured by virtue theory, again I will ask: what could possibly motivate such a reduction? Why re-describe recognition and response to need as recognition of something to do with excellent human living, and the expression of virtue in action? What gains in understanding might there be thought to be here? The pressure to effect any reduction like this is illusory: it results from the mistaken idea that the theories are rivals and only one can get the ethical right. In simple cases, I argued, the description of the context in terms of need and meeting of need most accurately captures what is morally important to us. The agent's skill, though obviously necessary for recognizing and meeting the need, does not answer any explanation-seeking question about such cases. (Similarly, talk of maxims and of consequences seem not so much illicit as unnecessary and unhelpful ways to describe what is morally important in the situation.)

We can also consider how virtue theory treats patients, needs and the agent's recognition of and response to them, free of the eliminative or reductive aspirations that mar competing versions of it. Writers like Rosalind Hursthouse think virtue theory offers a good theory of deliberation, which moral agents can use to decide what to do (Hursthouse 1999). The question 'What would a virtuous person do in this situation?' can guide choice and enable virtuous action. Others doubt there is anything approximating deliberation here, because of the 'non-codifiability' thesis I described above. How could we use 'What *x* would do?' as a guide to our deliberations, when 'what *x* would do' is uncodifiable? Virtue is learned second nature. Once the skill has been mastered, virtuous action 'comes naturally'. Virtuous action, from this point of view, is precisely not deliberated action. Any putative virtue-ethical 'deliberation procedure' could only possibly guide a novice, or an agent with a problem, or a moral stranger – someone whose actions would, just because they had to be deliberated, fall short of virtue (see Lovibond 1997, 2002).

But if we consider ethically virtuous action in the context of other skilled action, the claim that there can be a virtue-ethical deliberation procedure comes to seem less strange. When I am learning to play tennis, say, it makes sense for me to make it my goal to 'do what *x* would do', to have *x*'s movements in mind and attempt to emulate them. Trying to copy, thinking about how to go about copying, without presenting any rules or even propositions to oneself, seems a valid route for getting at what the best action would be. But if we press the analogy further, something else emerges. When I am learning to play tennis, it also makes sense for me to ask, 'In response to what situations should I serve?' or 'What are the rules I should follow to serve rightly?' or 'What am I aiming to achieve when I serve?' As

the complementarity thesis implies, there are multiple ways in to ethical deliberation.

A question also arises of whether the virtue-ethical deliberator will be thinking about the right kind of things when she is deliberating. What kinds of things do virtue theorists typically say moral agents are concerned with when they deliberate? John McDowell again claims to state Aristotle's view when he says that what the moral agent is concerned with is 'the agent's entire conception of how to live' (McDowell 1979: 343). The objection to this picture of moral thinking that is suggested by the needs-centred theory is that the agent who seeks to guide their ethical actions by reflecting on 'a conception of how to live' is, indeed, thinking about the wrong kind of thing.

I have argued, first in Chapter 2 and at several points since, that it would be unethical, in the midst of ethical practice, to be thinking about 'how I should live'. The topic of how to live is both broader and narrower than ethical practice. It is broader, in the sense that it includes activities that are not ethical – doing mathematics, dancing in nightclubs, are further examples. And it is narrower, in the sense that it includes only beings who have the capacity to think about how they should live, which not even all human beings are able to do. The needs-centred theory also suggests the deliberation of the virtue-ethical moral agent may be too self-centred, too little concerned with how things are for the patient of his actions. We might say the issue that should preoccupy our moral agent is not so much 'How should *I* live?' but 'How should *this needing being* be helped to exist?'

The virtue-ethical picture of deliberation I am criticizing also makes moral reasoning look more complicated and obscure than it is in ordinary, everyday moral practice. This is not just because virtue 'silences' other considerations that might get in the way of the flow of virtue from reason-recognition to action. Rather, it is because, in most cases, the virtuous agent doesn't need to think about virtue – unless their skilled engagement in ethical practice has suddenly come unstuck, and they need to remind themselves of what moral goodness is and what it is for – which of course cannot be a normal situation. What moral agents have to think about, in the simple cases I sketched in Chapter 2 and discussed in Chapter 4, is what the being in front of them needs, and how they can help. Just as experts in other practices do not need to think about their skills when they are actually exercising them in performance (as opposed to learning them, or practising them) – and, indeed, if they do pause to analyse their skill, their performance may be worsened – so moral experts do not need to think about their virtues, and their moral agency may be impeded if they do so.

The contrast with needs-centred ethics is stark. It is not possible to level a charge of agent-centredness, or concern with the wrong objects, at the needs-centred theory. The needs-centred theory directs the attention of moral agents to where it needs to be in ethical practice – that is, with the patient. Not with well-being values that might be promoted, or maxims

that might be acted on, or with how to live well, but with the actual being that is with the moral agent, whose need demands help from them. To deliberate morally well about how to help the needing being, the moral agent must think about it, not about herself. She must think about what kind of thing it is, what it needs, what is available for it, and how she is placed to help. In all moral contexts, the needs-centred deliberator is going to be concerned with exactly the right objects, and to be asking exactly the right questions about them.

To the extent that the other theories suggest that moral agents should be concerned with other things, like virtues, values or maxims, they may be suggesting that moral agents should deliberate in ways that fall short of moral goodness. To allow other concepts to structure your deliberations, even if they do transmit the moral importance of needs in a roundabout way, is to complicate your moral deliberation unnecessarily, and to run the risk of losing sight of the needs which give the virtues the role in ethical practice that they have.

I argued in relation to the necessary complementarity thesis above that aretaic concepts cannot be 'basic'. They cannot be any more fundamental or explanatory than need concepts, or value concepts, or deontological concepts. Nor can they replace them. But even if aretaic concepts can't be conceptually basic, the virtue theorist might argue that they are 'basic' in another sense. It might be argued that they are learned first, that we are trained in the virtues from our earliest childhoods, and that more abstract concepts like evaluative ones or deontic ones are only grasped later. This might seem like a satisfactory concession from a needs-centred perspective, since both needs and moral skills could be argued to be 'first in learning' in this sense.

But although virtues and needs are instilled early, the claim that they are prior in learning to consequences and maxims is implausible. Basic moral obligations in the form of what Anscombe called 'stopping' and 'forcing' modals are among the first things children learn (Anscombe 1981: 100–2). Indeed, cottoning on to these is an essential first stage to acquiring the skill intrinsic to any practice: 'When this happens, you must do this' or 'No, here you can't do that!' are the stuff of practical training (as are the wails 'But how?' and 'But why?' in response). Similarly, a grasp of one's own well-being and its causes comes very early. The idea that benefits to self or others provide reasons for action is so basic as to be thought innate by many, even philosophers. And the concept of need, too, is grasped early.

Even if we accepted that training in virtue, like training in responding appropriately to needs, begins early, there is a sense in which the claim to primacy seems weak. I have emphasized in various places in this book, particularly in Chapter 4, that simple cases of agents meeting needs play the role of paradigms which display for us particularly clearly what moral normativity is. Such cases, I argued, are multiply prior to more complex ones in which the moral issues are more murky and obscure. Seen in the light of

such simple cases, virtue theory, with its high-minded emphasis on the expertise and sophistication of the moral agent, seems to make central skills which cannot be basic. When we learn or teach a skill, whether a moral skill or some other practical kind, we go from easy to difficult. Mastery comes after novicehood, skill is shown only after much stumbling practice. The needs-centred theory, with its starting emphasis on simple cases, plausibly has a better claim than virtue ethics to be regarded as our most 'basic' approach in moral philosophy, by this standard.

I think virtue ethics, like the other moral theories, also fails to provide one piece of vital assistance which moral agents cannot do without. This is a means of identifying the threshold between situations that require you to act, and situations which do not. The needs theory makes this threshold central, defining it as the difference between morally obligating needs and morally neutral mere capacities to benefit. Strictly speaking, virtue ethicists are not explicitly misleading but rather just silent on this matter. This is because they take the threshold between what requires a moral agent to act and what leaves the moral agent free to think about other things to be part of the virtuous agent's expertise, and so something that is at worst 'uncodifiable' and at best very complicated and obscure, better learned through practice and emulation than through the laying down of rules or the proposing of goals, however imprecise and provisional. But if we reject the uncodifiability thesis, as I have suggested we should, we see that the virtue theorist is free to say quite enough on the subject of what the virtuous person takes to be morally demanding, and what they take not to be.

The disagreement, if there is one, between a virtue theorist and a needs theorist will then arise at the point where the needs theorists insists that there are facts of the matter, knowable *a priori* about what is and what isn't morally demanding, which facts are displayed most clearly in paradigm simple moral cases. The occurrent essential needs of a being with which the moral agent is in moral relationship make moral demands on the agent, whereas a mere capacity to benefit makes no such demand. The virtue-ethicist may want to deny this, saying we cannot lay down *a priori* that essential needs do, and mere capacities to benefit do not, constitute moral demands. But this seems to me rather like insisting that we cannot lay down *a priori* that it is dark at night and light during the day. All we could possibly mean by that is that the way we use the words 'night' and 'day' or 'dark' and 'light' might change. And while that is as true for 'need' and 'moral demand' as it is for 'night' and 'dark', it is of no philosophical significance.

Where virtue ethics is perhaps most different from deontology and consequentialism, and has most affinity with needs-centred ethics, is in its insistence that our moral obligations are particular and cannot be generalized from case to case, or universalized to apply to all agents. For virtue theorists, an action is morally required only if the virtuous agent would do it. The virtuous agent responds judiciously to a complex of possible reasons presented to them, and draws a particular conclusion about what it is right

to do here, which cannot be generalized to other cases or universalized to apply to other agents. This particularist strain in virtue-ethical thinking brings with it the interesting implication, which John McDowell discusses, that possession of one virtue must involve possession of all of them (McDowell 1979). Possession of a virtue includes the ability to weigh up all the different kinds of considerations presented as reasons in particular situations, and to reach a certain conclusion about what will be, say, the 'courageous' action here. In every case, some considerations will 'speak' to other virtues, which is why the virtuous agent must possess all the virtues if they are ever to know what to do.

As I argued in Chapter 5, the needs-centred theory is also a particularist theory. The differences between the two come at the level of giving the generic content of all the infinitely varied specific and particular truths about ethical practice. The needs-centred theory says we can give such content. We can say that needs present moral demands. Virtue theory, by contrast, is frustratingly 'quietist', and insists that moral knowledge is complex and obscure, rather than simple and accessible, as I have argued (see Reader 1997). Virtue theorists' refusal to specify the content of ethical concern is no accident. It is a corollary of their assumption that ethics is about being an excellent agent, rather than about ensuring patients get excellent treatment.

Virtue ethics is a theory, not of ethical practice, but of human life. The idea that rules for human life are too complex and obscure to state is much more plausible than the idea that moral rules are like that. It might then be argued that virtue theory is a genus, of which the needs-centred theory is the ethical species. On this view, the general account in virtue theory of what virtues are, how they are learned and how they are expressed, might be retained, with special concern for needs taken to be an additional feature which uniquely distinguishes ethical practice from other practical areas of human life.

From the patient standpoint, what matters morally is that needs should be met. From the virtue-ethical standpoint of the moral agent, what matters morally is that virtue should be expressed. Seen in the light of the complementarity thesis, of course, these points are revealed to be two sides of the same coin. Meeting needs is what (specifically ethical) virtue aims at; (ethical) virtue is what aims at meeting needs. With the qualification, that needs-meeting is assumed to be the target of just one virtue, benevolence, and that ethics is assumed to be much wider than the practice of ethics as I have described it, this view about the conceptual relationship between needs and virtue is taken by Christine Swanton (2003, 2001a).

The further question, 'Is it better express virtue or to meet needs?' once we have the complementarity thesis in hand, is shown to be ill-formed, as ill-formed as the question 'Is it better to express my skill at tennis, or to hit the ball?' But competing virtue theorists might want to press a form of this question, with their broader conception of ethics as excellent life in hand. It could conceivably make sense to ask 'Is it better to express virtue than to

meet needs?' if by 'virtue' we meant the full range of human skills apart from the specifically ethical skill of recognizing and responding to needs. This question could have real urgency, for a person faced with a complex combined ethical and non-ethical decision, say, about whether to devote themselves to caring for someone who needs them or instead to pursue ends shaped by other practices, such as work, art, craft or politics.

As I have emphasized, such decisions are much rarer than our high-cultural obsession with them makes them seem. I have also argued that the difficulty and disorientation we feel when faced with such decisions must also be recognized to depend on our already possessing a substantial base of confident moral and other practical knowledge, arising from familiarity with simple, paradigm cases of right action. But still, life-decision cases can arise, and in such cases no moral theory, whether consequentialist, deontological, or needs-theoretic, will be enough to solve the problem, because the problem is not a problem in ethical practice, but a problem in how to fit ethics into a human life well-lived. Virtue ethics may appear to offer the agent some assistance when they are faced with a question like this. But if virtue theory is an ethical theory, *ex hypothesi* it cannot help. And even if virtue theory is a theory of how to live, the help it offers is limited. Unless we already know the answer, or at least know enough to be able to identify another agent who is virtuous enough for it to be safe to copy them, we will be as stuck as if we had no theory at all.

Virtue ethics assessed

As a competing global theory of ethics, virtue faces profound challenges from the arguments presented in this book. The practice conception suggests that the virtue-ethical background assumption about what ethics is, is confused. The necessary complementarity thesis suggests the whole motivation for formulating modern virtue ethics was misconceived: the failures of deontology and consequentialism furnish reasons, not to reject them and come up with new theories, but to come up with better accounts of right action and valuable consequence, which are consistent with good accounts of virtue and of patients and their needs. The presumption of moral worth suggests virtue ethics offers too little conceptual protection to moral patients.

The patient standpoint of the needs-centred theory suggests the lack of attention to patients and needs in virtue ethics has led to incomplete and distorted theories. Virtue-ethical deliberators are encouraged to think about their own virtue rather than about what their patient needs. Virtue ethics' uncodifiability thesis, which is in reality a necessary consequence of the mistaken assumption that ethics is about the whole of life, misleads us into thinking moral knowledge is difficult, complex and obscure, when in fact, as the needs-centred theory shows, it necessarily must be mostly easy, simple and readily accessible.

Virtue theory, rather than being a theory of ethical practice, aspires to be a theory of how to live. This is why virtue-ethical conclusions about how to act are 'uncodifiable': they involve an adjudication between the intrinsically incommensurable internal goods of different practices. If this is right, virtue theorists need needs-centred theory to bring their theory back down to earth, as it were, by displaying the specificity, simplicity and concrete immediacy of the realities with which ethical practice in particular, unlike human life in general, is essentially concerned.

Virtue theorists like to present the realism, richness and complexity of their theories as a welcome return to common sense – to the complex and messy realities of human social life – and a departure from the rarefied abstractions of deontology, and the inhuman mechanistic reductions of well-being promoting consequentialism. They are right in one way and wrong in another. Right that we need to leave the abstractions and return to the messy complexities. But wrong to think that the messy complexity we should focus on lies within ourselves. As moral agents, we should focus not on our own struggles to be virtuous, but on the world around us. Only by paying proper attention to the needing beings that come our way can we fully return to earth, and bring ethics home.

None of my arguments, of course, suggests that virtue ethics is an inadequate approach which must be rejected. A moral theory which approaches ethical practice from the perspective of the character and skills of the agent furnishes a distinctive and necessary contribution to our complete story of ethics. Virtue ethics provides unique philosophical insights into character, moral knowledge and deliberation, and how these function in ethics and other practices in which agents act excellently. These philosophical analyses contribute to our understanding not just of human skill in ethics, but of human life generally.

The problems that my arguments present for virtue theories, then, result from the same mistaken assumptions I have argued against throughout this book. These assumptions can be removed without damaging the core insights of any of the moral theories. The assumptions we should reject, one final time, are that ethics is not a distinctive practice (but is rather, say, the whole of human life), that theories of ethics are competing rather than complementary, that facts about agents can determine whether objects matter morally or not, and that patients, needs and simple moral cases matter morally, if they matter at all, only in a secondary way. I hope I have said enough, by now, to persuade some readers to reject these bad ideas.

Notes

2 What ethics is

1 As will become clear, I do not use the distinction Bernard Williams made in 1985 between 'ethics' and 'morality', where the latter is understood as 'a special system . . . a particular variety of ethical thought' (Williams 1985: 174) which centres on the idea of practically necessitating rational obligation. Nor do I accept the distinction. We do not use the term 'morality' as Williams does, and it does not aid our understanding, to lump consequentialist and deontological ethics together as manifestations of an invented target position, the obligation-centred 'morality system'. I use the terms 'moral' and 'ethical' interchangeably. To anyone who wishes to insist that 'ethics', etymologically and essentially, is about human beings living well, my answer is that this is just not the way we use the word 'ethics' now, if we ever did. When we talk about being 'ethical', or formulate 'codes of ethics', or teach 'applied ethics', we are not talking about how to live, we are talking about how to do good.

2 This is a striking problem in 'metaethics', where philosophers retain the idea popular in the 1950s, that moral philosophers needn't or shouldn't have any 'first-order' moral views, and take this to mean that they needn't offer a set of examples large enough to identify their subject-matter, or a story about what 'first-order' ethics is.

3 This was my own early example of a paradigmatic moral demand, a 'simple case' where failure to respond indicates, not that the moral demandingness of the baby's need is open to doubt, but rather that the unresponsive person is defective as a moral agent. See Keller 1999. I now think less sensational examples make the point with fewer distractions, for the kinds of reasons Michael Stocker discusses (Stocker 1996: 209–14).

4 Gilbert Harman uses this example to argue against 'moral realism', the view that moral properties like the rightness and wrongness of actions can be directly perceived (Harman 1977: 4). Stephen Darwall and Nicholas Sturgeon take up the example to argue the other way. Nel Noddings gives a sentimentalist interpretation of the moral learning involved in 'getting' what is wrong with hurting the cat (Noddings 1984: ch. 7).

5 Singer 1972 uses the 'pond' example to pump the intuition that moral obligations to the distant needy are as real as our obligations to the more obviously accessible drowning toddler.

6 Michael Smith uses famine-donating, wallet-returning, being sensitive to feelings and taking care of loved ones as central examples of morality. For the rest of his book, famine-donation is used without argument or analysis as the paradigm of a moral action (Smith 1993: 1).

7 See Dancy 1993: 113.

8 See Dancy 2004: 102.

9 Michael Stocker 1996 devised this example to show that motives matter, and that the consequentialist motive (to maximize happiness) and the deontological motive (to do

your duty) are inferior to the motive of spontaneously expressing virtue (Stocker 1976: 462). Marcia Baron argues Stocker is unfair to Kant (Baron 1984). I discuss this example in relation to needs-centred ethics in Brock and Reader 2004.

10 See Kittay 2005: 126, 117–18.

11 In the first chapter of *Principia Ethica*, 'The Subject-Matter of Ethics', after protesting for three pages about how confident we all are about what is and isn't ethics, Moore introduces this – his first, and rare, example of something that is 'certainly ... an ethical judgment' (Moore 1993: 55)

12 Nel Noddings and Jean-Paul Sartre offer two very different interpretations of this ethical issue (Noddings 1984: 57; Sartre 1973: 48).

13 Dancy 1993: 16.

14 Dancy 1993: 118.

15 This is the only example Geoffrey Warnock gives of a moral judgment for which demonstrative supporting argument can be given. Such judgments may be very common, he suggests, but may go unnoticed because they are so uncontentious: 'it is unlikely to occur to anyone that the argument is worth stating' (Warnock 1967: 70).

16 Philippa Foot mentions these examples in the course of accepting that 'there is some content restriction on what can intelligibly be said to be system of morality' (Foot 2001: 7). She points to Richard Hare's restriction of ethics to utilitarianism, and to Bentham's even tighter limitation of ethics to applications of 'the greatest happiness principle' (Hare 1963: ch. 7; Bentham 1960: ch. 10, para. 10). Foot's purpose is to locate her opposition: however narrowly the content is restricted, subjectivist accounts of ethics are mistaken.

17 The source of this view is usually said to be David Hume, but a nuanced reading of Hume, especially the *Enquiries* rather than the earlier *Treatise*, suggests Hume's view may have been more subtle (Hume 1975, 1888).

18 Richard Hare is responsible for the elevation of Hume's comments about ought and is to the status of a logical requirement (Hume 1888: III.1.1 27; Hare 1963: 108).

19 Most contemporary analytic moral philosophers do take the problem to be genuine, and so take themselves to face the task of showing how normativity is possible, either by invoking desire (the sentimentalist or 'subjectivist' strategy currently being discussed), as Alan Gibbard, Simon Blackburn and J.L. Mackie do (Gibbard 1990; Blackburn 1998; Mackie 1977), or by defending some form of 'pure theory', a view that facts (and/or 'purely cognitive' beliefs about them) can be reasons and can motivate (Dancy 1993: ch. 2). Many ethical naturalists, including Philippa Foot, John McDowell in some moments (e.g. 1978, 1985), and American realists including David Brink, Peter Railton, Stephen Darwall, Nicholas Sturgeon, Richard Boyd and Geoff Sayre-McCord, take this approach.

20 The concept of an 'affordance' comes from J.J. Gibson, whose work to 'naturalize' the experimental psychology of perception questions traditional assumptions in psychology and epistemology, which privilege as 'reality-revealing' the experiences of a static observer in a static, contrived laboratory environment over the experiences of active observers in a dynamic, natural human environment, going about their ordinary lives and gaining perceptual and practical knowledge in the process. See Gibson 1979.

21 Although John McDowell has called himself a cognitivist, and has been read by Dancy and others as with them on the trail of a 'purely cognitive' solution to the alleged problem of how facts can motivate, in later papers McDowell more clearly shows he regards this conception of naturalism, and the philosophical task it implies, as confused (McDowell 1995). He traces the error back to the influence of the rise of scientific explanation and mechanism on philosophy, and recommends a conception of 'enchanted nature' for which the 'moral problem' cannot arise. See Reader 2000 for further discussion of McDowellian naturalism, and Blackburn 2001 for pithy criticism of it.

22 Surprisingly, given this obvious objection, the crude view is revived by John Skorupski, who, using Mill as his point of departure, argues that the moral may be distinguished from the more generally normative by 'the blame feeling, which is primitive to the construction of the morally wrong' (Skorupski 1993: 134). The more subtle views of

Gauthier, Gibbard and Blackburn avoid this objection, to the extent that rather than defining morality in terms of blame, etc., they more modestly explicate the role blame and other attitudes play in morality (however defined).

23 In Reader 2006c I make a start on this correction, approaching the problem of violence in a way which privileges the patients' perspective.

24 The *locus classicus* for the ethics of care is Nel Noddings 1984. See also Gilligan 1982, Annette Baier 1994 and Joan Tronto 1993.

25 Michael Slote 2008 will argue that the richer notion of empathy is what a sophisticated sentimentalism needs, drawing on modern experimental psychology and the ethics of care to develop this view.

26 Noddings believes this is so because 'we all have memories of caring, of tenderness, and these lead us to a vision of what is good'; but she is at pains to distinguish her brand of moral optimism from the view that human beings are 'naturally good' (Noddings 1984: 99).

27 A large-scale survey designed in the light of research in the UK, USA and Canada found that 37 per cent of women had been attacked by a partner or spouse (8 per cent were sexual, 29 per cent non-sexual attacks) (Johnson 1998). Such violence never occurs in the absence of other forms of abuse, including threats, intimidation, verbal abuse, sexual and other forms of humiliation, control of movements, relationships and money, harms and threats of harm to children and pets, coercion and sleep deprivation (see e.g. Paymar 2000; Jukes 1999). The abusers' striking claim that they care for their partners deserves philosophical study.

28 See also Richard Norman (1998: 172–8) for discussion of Foot's views at this stage in their development.

29 Foot's 'Humean' interpretation of 'hypothetical' may reflect the dominance of sentimentalist approaches to ethics at the time she wrote, and acceptance of the Humean idea that we need sentiment to explain morality, which sets a problem for Foot's and others' 'ethical naturalism' or 'cognitivism' to solve. It may also reflect a mistranslation of Kant. The sentimentalist 'desire', in place of the more plausibly Kantian 'will', comes from the translation by L.W. Beck which Foot quotes (Foot 1972: 306).

30 In recent writing, Foot has rejected the idea that morality might be a system of desire- or preference-based hypothetical imperatives, and replaced it with the idea that ethical norms are normative in the sense that they are constitutive and defining parts of practical rationality (Foot 2001: 9–10; 16–18).

31 These possibilities are not generally distinguished, which may contribute to the sense of confusion in discussions of the nature of ethics, and help to explain why so many philosophers avoid this topic.

32 For discussion of these and other views about what can be moral patients and why, see Warren 1997.

33 Feminist philosophers are critical of the initial 'scientific' assumption of the naturalness of competition, which they argue displays masculinist bias (see e.g. Angier 1999).

34 This appears to be a departure from his earlier view, discussed above, that moral reasons were to be distinguished by having a distinctive 'style', namely that 'in original moral reasons there is an underived ought' (Dancy 1993: 43–7). Dancy is still preoccupied with the normativity of moral reasons, even if he is now a quietist about how that category of reasons is to be individuated.

35 He describes this concern, and argues for the inalienability of the moral point of view in Raz 1997. A similar worry is discernible in Williams 1972.

3 Ethics as a practice

1 See, for example, W.B. Gallie, who argues the concept of practice is so contradictory and ambiguous as to be philosophically useless, and Susan Hurley, who argues it is used to promulgate a new myth, the 'myth of the giving', as pernicious as the 'myth of the given' it was intended to remove (Gallie 1968; Hurley 1998). In the context of such

dismissiveness, it is striking that philosophers often without acknowledgement or analysis rely on the concept of practice in their arguments. John Rawls 1955, for example, uses it to solve the problem of how it can be right to follow a rule rather than maximize well-being. Michael Smith 1993 relies on it to identify what he calls 'the' 'moral' problem, but which attention to the concept of practice suggests may not be a problem at all, and certainly cannot be a problem unique to morality.

2 There is a wealth of evidence of this phenomenon from experimental psychology. I discuss the 'situationist' conclusion that there is no such thing as character or virtue further in Chapter 9.

3 Note that not any being can be a proper object of moral concern. Beings which cannot need help are excluded. I discuss this issue further in Chapter 4.

4 The modern version of this concept is popular in North American Jewish thought, where it combines a worldly and legalistic idea of acting for the sake of the public good, which comes from the *Mishnah*, an early codification of rabbinic laws, with a more mystical idea of repairing a metaphysical breach in the world arising from creation, which has its origin in the Lurianic Kabbalah. See Fine 2003.

5 Significant feminist trends are now challenging the marginalization of care, vulnerability and dependency in ethics (see e.g. Gilligan 1982; Noddings 1984; Tronto 1993; Kittay 1999, 2005; and Urban Walker 1998).

6 Intuitive grasp of this may explain why so many contemporary moral philosophers talk about 'practical reason' and 'normativity' in very general terms while officially writing about ethics. See for example Dancy 1993, 2000; and Smith 1993.

7 A classic example of this confusion is Gilbert Harman's widely discussed 'challenge' which begins 'can moral principles be tested and confirmed in the way scientific principles can?' (Harman 1977). Although Harman does not give an example of a 'scientific principle', it is clear in discussions of this question that an empirical or descriptive principle like '$E = mc^2$', rather than a normative principle governing scientific conduct, is intended. Even a subtle writer like John McDowell sometimes succumbs to this confusion, when he talks about how science sets the standard for truth (McDowell 1995: 169). Once we remove the confusion, all that is left is the thought that scientific descriptions are very accurate, not that scientific norms and values are (or could be) 'truthful', since truth is a standard for descriptions, not evaluations or norms. There is no reason to think descriptions used in ethics should be any less accurate.

4 Meeting patients' needs

1 Few philosophers today write in detail about the concept of need. My analysis of the concept is indebted to those who do, above all to David Wiggins, and also Gillian Brock, with whom I wrote Reader and Brock 2002 and Brock and Reader 2004, and to Garrett Thomson, David Braybrooke, John O'Neill, Joel Feinberg, Bob Goodin, Elizabeth Anscombe, Brian Barry, David Miller and all participants at the Royal Institute of Philosophy 2003 conference, contributions to which were published in Reader 2006a. My analysis also owes much to those who have developed, used and criticized the 'Basic Needs Approach' to human development, including Frances Stewart, Paul Streeten, Amartya Sen, Martha Nussbaum, Mahbub ul Haq, Des Gasper and Sabina Alkire.

2 David Wiggins gives a helpful analysis of how there can be 'nothing else to think' about certain moral claims (Wiggins 1991).

3 Peter Singer's famous pond example of a passer-by having to retrieve a drowning infant from a pond actually relies on the unremarked moral demandingness of needs for its power (Singer 1972).

4 Michael Stocker analyses the distortions to our thinking that arise from using sensational and violent examples in philosophical discussion of moral topics (Stocker 1996: 209–13).

5 An unusual but interesting candidate core ethical imperative, 'Be ordinary', is suggested by Bessie Head (Head 1974: 39).

6 Edward Craig asks the question about knowledge (contrasted with mere belief), and explores an answer in terms of reliable truth-tracking (Craig 1990). Melissa Lane, drawing on Craig, asks the same question about political authority (contrasted with mere power) (Lane 1999).
7 Quoted by David Wiggins (Wiggins 1987: 5).
8 The significance of the connections between the ethical and political concept of need and the metaphysical and logical concepts of necessity, unremarkable to Aristotle, is beginning to be explored once more. See papers by Wiggins, Lowe, Thomson, Rowe, Reader and Miller in Reader 2006a.
9 See Anscombe 1958, Foot 2001, Thompson 1995 and McDowell 1995.
10 The bystander and agent biases I have criticized are evident in Aristotle's ethical outlook, and may explain his lack of attention to human needs. Aristotle was interested in ethical agency only insofar as it is an expression of human excellence, and explored ethics only via agent skills. As a result, he failed to observe the constraints and possibilities introduced by considerations about patients and their needs. I discuss these issues in Reader 2006b.
11 The metaphysical and logical analysis of 'being or life' which follows draws on Wiggins' analysis (Wiggins 2001).
12 See Wiggins 2001: ch. 4 and Lowe 2002: ch. 6 for discussion of necessary properties.
13 Wiggins does take 'human being' to be a good example of a highest sortal term. Luce Irigaray's claim that strictly there are no human beings, there are only men and women, opens up the possibility I describe.
14 The link in this account between activity, essence and existence goes deep in Western metaphysics. Like the bystander and agent bias in moral philosophy that I have criticized, it may reflect a bias in favour of action rather than passion as conferring identity: a thing exists to the extent that it does or resists, and is identified by what it independently does or resists, rather than existing and being identified by what it dependently suffers or complies with. But we can take the important idea free of this bias. We are concerned with contingent substantial natural beings, and not with their qualities, etc., but with what they essentially are, and what help that can require from us in order to be.
15 Wiggins' examples of such optional phased sortals are 'conscript', 'captive', 'alcoholic', 'fugitive' or 'fisherman' (Wiggins 2001: 33).
16 It is interesting to compare this with Marx's view that under communism we will be free to do 'one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as [we] have a mind, *without ever becoming* hunter, fisherman, shepherd or critic' (Marx 1972: 124, my emphasis). I think Marx here conflates 'being a phi-er' with 'being compelled to phi for a living', and this leads him to miss the distinction, crucial for ethics, between what we are, and what we (merely) do.

5 The moral demandingness of needs

1 See Paul Streeten 1981, 1984, and Frances Stewart 1985, 1996. I argue in Reader 2006c that BNA has the potential to be a better approach than the currently more popular 'Capabilities Approach', by drawing on the unrecognized richness of the need concept, which I explore more fully in this book.
2 See Reader 2006a and Brock 1998b for discussion of progress towards this consensus.
3 See Alkire 2002: 78–84 for a magisterial list of 39 such lists.
4 It is an interesting question how this picture of 'minimal' survival came to be given the foundational status as the source of moral demands that it now holds. I suspect this is connected with efforts in other areas of philosophy to start with privation and try to construct the normal form on that 'solid' or given ground – for example, constructing knowledge out of belief in epistemology, and constructing morality out of amoral self-interest in ethics.

5 Garrett Thomson discusses this distinction especially clearly (Thomson 1987).
6 Thanks to Dawn Phillips for helping me understand this.
7 The present discussion of relationship is taken mainly from Reader 2003: s. 3–4, where I use the concept of moral relationship to solve the alleged problem of the excessive moral demandingness of distant needs.
8 David Wiggins' comments on this general point are instructive (Wiggins 1987: 11, fn. 16).
9 This stereotype of needs-meeting lies behind some criticisms of the BNA. See Reader 2006c: s. 4.
10 Wiggins first drew my attention to the importance of this distinction in correspondence. His thinking about it is influenced by Richard Hare (see Hare 1963: 39–40 and *passim*.)
11 It has been suggested, in most detail by Sabina Alkire, that the BNA succumbs to this difficulty while the Capability Approach is to be preferred because it avoids it (Alkire 2002: ch. 5). I argue against this claim in Reader 2006c: s. 5.
12 For particularist arguments, see McDowell 1979 and Dancy 1993, 2004. For critical discussion of particularism, see for example O'Neill 1996, and papers in Hooker and Little 2000.

6 Objections

1 Most of the criticisms of needs-theory I discuss in this chapter find their clearest articulation in the work of 'capability theorists' like Amartya Sen and Martha Nussbaum (see Sen 1979, 1984, 1985; Nussbaum 2000). Sabina Alkire surveys the criticisms of needs-theory, upholding some and rejecting others (Alkire 2002). She later proposes a synthesis of BNA and capability theory (Alkire 2006). I defend the needs-based approach against these and other criticisms in Reader 2006c, from which much of the material in this chapter comes.
2 We might also argue that the dead person themselves retains sufficient 'personality' to be capable of needing. That argument would require a concept of personhood I do not develop in this book.
3 Slippery-slope arguments in applied ethics owe something to this train of thought.

7 Consequentialism

1 Mill had introduced a similar idea, of 'higher and lower pleasures'. His criterion for whether a pleasure is high or low is similar to the modern one – a higher pleasure is the one to which 'all or almost all who have experience of both give a decided preference' (Mill 1998: 279).
2 Braybrooke's proposal is intriguing in the context of this book. He develops a needs-centred public ethics within a consequentialist framework, making the criterion of right action (policy-making) the extent to which the action maximizes the meeting of needs. In contrast, the view I take in this book is that a genuinely needs-centred approach requires us to reject value-maximization as the criterion of right action altogether.
3 Scheffler calls his view a 'hybrid conception', and distinguishes it from consequentialism proper. But it seems right to me to call his position a form of consequentialism, since he is committed to all consequentialist claims about value, and believes it is always morally permitted and often morally required to promote value.
4 Perhaps a consequentialist could use David Miller and Susan Mendus' idea of a 'purposive' practice to capture better what ethics is (Horton and Mendus 1994: 245–64). Such practices seek external ends (medicine and farming are examples) but also have internal goods. But the idea of external purpose still carries the risk of making it appear rational to eliminate the activities that constitute the internal goods of the practice.
5 A further step in 'expanding the circle of moral concern' against the background of the presumption of moral negligibility is possible, and is actually taken by 'biocentrists' like

Paul Taylor (Taylor 1983). The property biocentrists say grounds moral worth is 'being alive'. But the same problems, of 'speciesism' understood in my broader sense and the exclusion of beings which we take to be morally important in practice, will still arise.

6 In place of the promotion thesis, Swanton recommends pluralism about what kinds of act can count as moral responses. Swanton's criticisms come from a 'competing' virtue-theoretical perspective. This prevents her from seeing that even if consequentialism as a value-based theory were revised to accommodate a wider range of morally good responses to value, this would not bring it closer to virtue ethics.

8 Deontology

1 Deontologists debate about whether actions are to be assessed, or rather the maxims or character of the agent out of which they arise. Barbara Herman wants to retain Kantian assessment of actions. But O'Neill and Baron argue that because the outward form of actions – what actually happens when I try to enact my intentions – is contaminated by contingency, it is not apt for moral assessment (O'Neill 1985: 511–12; Baron 1997: 36–7). Nelson Potter (1994) takes the view that Kantian ethics is meant to enable us to assess the moral worth of anything for which a rational will can be responsible. This includes basic character, ends and actions.

2 Although the concept of a right is the best-known aspect of deontology, I regard this concept as secondary, a spin-off of the more fundamental idea of the value of rational will. My discussion of deontology engages with the more fundamental idea.

3 Korsgaard and Herman touch briefly on the topic of animals, and accept the deontological view that they can have moral standing only to the extent that they possess the value-feature (rational will) or are valuable to those who do possess it (Korsgaard 1996a: 156–60; Herman 1993: 62).

4 Onora O'Neill does discuss needs, but only to argue that they do not confer moral rights on their bearers (O'Neill 1998).

5 Herman shows an awareness of this difficulty, but suggests we should 'set aside assumptions about the method of moral judgment in Kantian ethics and instead think about what we want "from the bottom up"', which will enable us to realize that 'having a rich and value-laden action description is the sort of thing that ought to make moral judgment more accurate' (Herman 1993: 224). Seen as a defence of competing deontology, of course this is a fudge. But to be fair to Herman, she says this in a chapter called 'Leaving Deontology Behind' – and it shows she has!

9 Virtue ethics 0

1 For analogous criticisms of 'abstracted' approaches to human perception, see Gibson 1979.

2 As discussed in Chapter 4, the phrase 'Aristotelian necessity' refers to the second of the senses of 'necessary' Aristotle gives at *Metaphysics* 1015a20–b15, 'without which some good will not be achieved, or some evil avoided'. The importance of this idea for moral philosophy was first (and repeatedly) noted by Anscombe (1981: 15, 18–19, 100–1, 139). It has been taken up by Michael Thompson, and by Foot in various places (Thompson 1995; Foot 2001: 15).

3 Writers who follow McDowell in this include Jonathan Dancy and Christine Swanton (Dancy 1993, 2004; Swanton 2003).

4 Although Anscombe mentions needs only in passing, and her discussion of Aristotelian necessity is limited to Aristotle's second sense, Anscombe deserves credit for inspiring others to think about need, including David Wiggins and Garrett Thomson (Wiggins 2006: 29; Thomson 1987).

5 I explore Aristotle's views on human needs and virtue in the context of his account of necessities in Reader 2006b.

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