

Virtue Ethics without Right Action: Anscombe, Foot, and Contemporary Virtue Ethics

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1 Introduction

Working out a criterion of morally right action is central to developing virtue ethics.¹ Most advocates of virtue ethics believe that achieving such a criterion is crucial to vindicating virtue ethics as a normative theory. Yet the centrality of this task marks a departure from the views of at least some of the philosophers credited with the revival of virtue ethics in the twentieth century, especially from the views of G.E.M. Anscombe and Philippa Foot. Anscombe especially has sharp criticisms of the way philosophers handle the concept of morally right action along with related concepts like moral obligation. Yet the work of contemporary virtue ethicists such as Rosalind Hursthouse, Michael Slote, and Christine Swanton features little discussion of Anscombe's criticisms or the reasons that the other virtue revivalists avoided providing a criterion of moral rightness. The dominant assumption appears to be that the earlier virtue revivalists neglect establishing a criterion of morally right action because their concern is to give priority to the evaluation of an agent over his acts as a corrective to the exclusive attention given to act-evaluation in the moral philosophy of the time. For Anscombe and Foot, at least, the concern to give priority to agent-evaluation is not among their motives for advocating a return to virtues.² Instead, they believe that moral philosophers from the modern period forward have given the terms "right" and "ought" an artificial and incoherent sense.

¹ See Justin Oakley, "Varieties of Virtue Ethics," *Ratio*, vol. 9, no. 2 (1996), p. 129; see also Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), pp. 17–25; and Christine Swanton "A Virtue Ethical Account of Right Action," *Ethics*, Vol. 112 (October 2001), p. 32.

² See G.E.M. Anscombe, Modern Moral Philosophy, in *Ethics, Religion and Politics*, vol. iii (Minneapolis: University of Minnesota Press, 1981); see also Philippa Foot "When is a Principle a

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For them, virtues are a means of removing artificiality and rendering coherent our picture of morality because virtues allow us to understand ethics without appeal to these artificial notions.³ Their aim is not to displace act-evaluation in favor of agent evaluation but to displace an incoherent account of act-evaluation in favor of a coherent picture of act-evaluation with strong ties to agent-evaluation.

Seeming not to register these arguments, contemporary virtue ethicists agree with critics of virtue ethics that the consequences of failing to provide a criterion for morally right acts would be problematic for virtue ethics. On this view, advocates of virtue ethics must provide such a criterion or else virtue ethics is an incomplete normative theory for three interrelated reasons. First, without a criterion of moral rightness, virtue ethics would be limited to agent evaluation and could not give an adequate account of act-evaluation. Second, it would not be action-guiding. Third, it would not be able to offer an account of the intuitively plausible distinction between morally good and morally right action. Faced with such claims, contemporary virtue ethicists have two options. They can either offer a defensible criterion of morally right action or show somehow that virtue ethics can be complete without a criterion of right action. In pursuing the first option, most contemporary virtue ethicists fail to appreciate the arguments made by virtue revivalists pursuing the second option. There is a strong case to be made, drawing from Anscombe and Foot, to the effect that the difficulties claimed to accrue to virtue ethics through not offering a principle of right action are more imagined than real.

Given that current attempts to formulate a virtue-based criterion of morally right action are problematic, it is important for virtue ethicists to appreciate the case for dispensing with the notion of morally right action.⁴ Furthermore, even though contemporary virtue ethicists attempt to provide a criterion of morally right action based on the notion of a virtuous agent, their own efforts may not escape the criticisms of moral rightness raised by Anscombe. Whether they do escape depends on which of two broad senses of “moral rightness” they embrace. They could be using the term in a strong sense, according to which it applies, along with a contradictory concept of moral wrongness, to all actions. In this sense, to say that an act is morally right indicates that the action is either morally obligatory or permissible. To know that an action is morally right is to know that we cannot be blamed for doing it, although we might not also know whether it is wrong not to do it. There are also two different weaker senses. On one of these, “moral rightness” indicates that an action has nothing deplorable about it.⁵ On the other, to say that an

Footnote 2 continued

Moral Principle?”, *Aristotelian Society Supplementary Volume* (1954); and Iris Murdoch, “Vision and Choice in Morality,” *Proceedings of the Aristotelian Society Supplementary Volume* (1956).

³ See Philippa Foot, *Virtues and Vices* (Oxford: Oxford University Press, 1978), p. 174.

⁴ See, Michael S. Brady “Against Agent-Based Virtue Ethics,” *Philosophical Papers*, vol. 33, no. 1 (2004); see also, David Copp and David Sobel “Morality and Virtue: An Assessment of Some Recent Work in Virtue Ethics,” *Ethics*, vol. 114, no. 3 (April 2004); Damian Cox “Agent-Based Theories of Right Action,” *Ethical Theory and Moral Practice*, vol. 9 (2006); Ramon Das, “Virtue Ethics and Right Action,” *Australasian Journal of Philosophy*, Vol. 81, No. 3 (2003); and Robert N. Johnson “Virtue and Right,” *Ethics*, vol. 113, no. 4 (July 2003).

⁵ See Michael Slote, *From Morality to Virtue* (Oxford: Oxford University Press, 1992), p. 164.

act is right is to recommend it. At first glance, “moral rightness” in these senses may not seem weaker than in the other sense, but while an act may not be deplorable in any way, it is possible for a non-deplorable act to be impermissible, whereas on the stronger view, a morally right act is always permissible. Conversely, when an act is morally wrong in the first of the weaker senses, it has something deplorable about it. Nevertheless, it is possible for the act to be morally permissible. It is possible for a moral theorist, such as a divine command theorist, to say of some non-deplorable act that it is impermissible or of some deplorable act that it is morally permissible or even obligatory. Likewise, when we recommend an act as a good thing to do, we need not be making any claims about its moral permissibility. The stronger sense of “moral rightness” has deontic implications that are lacking in the weaker senses of “moral rightness,” and it is this stronger sense that Anscombe criticizes in “Modern Moral Philosophy.” Virtue ethicists could escape Anscombe’s criticisms by employing some weaker sense of “moral rightness” to construct a criterion of rightness, but providing such a criterion would not have the kind of action-guiding implications desired by philosophers who claim that virtue ethics would be incomplete without a criterion of moral rightness. The desire to be able to say of a particular action whether it is morally permissible or not motivates the pursuit of a criterion of moral rightness, and it would be of no interest to anyone to provide a criterion of moral rightness without those deontic implications.

2 Anscombe on Morally Right Action

In “Modern Moral Philosophy,” Anscombe argues that “if a procedure *is* one of judicially punishing a man for what he is clearly understood not to have done, there can be absolutely no argument about the description of this as unjust.”⁶ She then goes on to argue that in such a case, we can see the superiority of using the term “unjust” over the term “morally right” because “in the context of English moral philosophy since Sidgwick it appears legitimate to discuss whether it *might* be ‘morally right’ in some circumstances to adopt that procedure.”⁷ The employment of the concept of morally right action that Anscombe criticizes allows us to pose, with apparent sense, the question: “That may be unjust, but is it morally right?” She believes that this question distills the problem with act-evaluation in modern moral philosophy. According to Anscombe, the fact that we can pose such a question shows that act-evaluation has come unmoored from what makes us good as human beings. The problem is that modern moral philosophers have not successfully grounded act-evaluation elsewhere. Arguably, justice is a character trait the lack of which makes us bad as human beings. On the modern view that Anscombe attacks, it may be morally right or permissible to do something that marks us as bad as human beings, such as an unjust deed. Yet Anscombe believes that advocates of such a notion of moral rightness have failed to show us what could even in principle ground the judgment that the unjust act is morally permissible.

⁶ Anscombe, *op. cit.*, p. 39.

⁷ *Ibid.*

Anscombe claims that in the attempt to provide a normative analysis of the terms “morally right” and “morally wrong,” philosophers pull the terms out of the context in which they have a proper use, and put a weight on them that they cannot bear. The philosophical task with respect to the concept of moral rightness is, on one view, to arrive at a principle that tracks the property designated by the term “morally right” accurately. Alternatively, some philosophers hold that the term expresses an agent’s views concerning which actions she endorses as universally permitted or obligatory in various situations. The philosophical task, on their view, is to trace the logical form of our endorsement of such principles. Whichever type of account is embraced, the concept of moral rightness is unanimously viewed as the ultimate action-guiding category, such that there is no question of blameworthiness for doing what is morally right, whereas there is, on this view, the possibility of blame for doing what is just if it also turns out to be wrong.⁸

We can see that her target is the strong sense of moral rightness. With this concept of moral rightness, there is a logical gap between the judgment that an action falls under a virtue term, as injustice applies in her example, and the judgment that it is right to do the act. Someone who makes the judgment that it is right to do the act states something definitive about the deontic status of the act that does not follow from the judgment that it is just. Anscombe denies that this strong sense of “moral rightness” is coherent, because it depends on a further conceptual background not endorsed by people who employ the concept. Since someone who employs the strong sense of “moral rightness” makes a definitive statement about the deontic status of a type of action, such statements are only intelligible against a background of law, which implies reference to some sort of political or quasi-political authority. As Anscombe argues: “the concept of legislation requires superior power in the legislator.”⁹ Modern moral philosophers who employ the concept of moral rightness do not believe in any source of authority that could ground such assertions. The overriding obligation or unqualified permissibility found in the strong sense of “moral rightness” is intelligible within a Judeo-Christian divine law framework, for example. On that view, the entire universe is under the direction of an omnipotent and benevolent deity whose moral code makes it a fact that actions will either be right, in the sense of being required or permitted by God, or wrong, in the sense of being punishable by God. In such a case, we can speak meaningfully and coherently of a supreme action-guiding category of moral rightness, “moral rightness” in the strong sense, and it is logically distinct from human goodness or badness. Yet, without such an idea of a sovereign God or some equivalent supreme legislator to replace it, the idea of a concept expressing overriding obligation or unqualified permission has no place. We are holding on to the idea of a moral order that has outlived the conceptual background necessary to sustain its intelligibility. Nevertheless, such an order that would ground definitive deontic judgments is what modern

⁸ See Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge, England: Cambridge University Press, 1996), p. 50; see also Maria Alvarez and Aaron Ridley, “The Concept of Obligation: Anscombe *contra* Korsgaard,” *Philosophy* vol. 82, no. 4 (2007).

⁹ Anscombe, *op. cit.*, p. 27.

philosophers need to allow for the intelligible use of the strong concept of moral rightness.

On this argument, when the concept of moral rightness is detached from some such background, the result is a sense that something important is lacking from judgments that are based on our acting well as human beings in that they do not express definitive statements about the deontic status of an act. The framework of divine law explains the normative force of the associated concept of moral rightness and provides it with content. Within a theological framework, it is clear that the normative force of the concept of moral rightness comes from God as the sovereign behind the law.¹⁰ Yet criteria of moral rightness can only specify the content the concept would have, and that is insufficient to give the concept a sense; we must also specify where it gets its deontic force. To specify, for example, that an act is morally right if and only if it produces the best consequences gives us the content of the supposed law, but does not indicate what makes the principle bind on us with the force of a law. We might think that the force lies in an agent, through his endorsement of a principle. On other views, it is the recognition of its factual or counterfactual social acceptance or acceptability. One of the responses might well be right, and therefore we should not be too quick to reject the strong notion of moral rightness altogether, even if we reject a theistic framework that could give it meaning. It is clear how Anscombe would respond to each of these ways of attempting to vindicate the strong notion of morally right action. To the agent-centered type of view, she would respond that such a position begs the question. Someone can subscribe to a set of overriding principles for himself, but identifying any such principles he sets for himself as his conception of morally right action is simply a matter of persuasive definition. Someone taking the position would be suggesting a definition according to which any code a person sets for himself to follow is his morality regardless of its content. Foot argued against such a view that for someone who regarded it as imperative to clasp his hands three times in an hour, his rule would form no part of a moral code, even if he would never, under any circumstances break this rule.¹¹ R.M. Hare replies to Foot by arguing that her view that the injunction cannot be part of a moral code simply reflects her rejection of the principle. Hare's reply is unconvincing because his response again assumes that every possible stance a person takes on any possible action forms a part of the person's moral code.¹² Alternatively, we might imagine in a more Kantian vein, that there is a process of reasoning that leads to the endorsement of rules, and such a reasoning process can generate principles of morally right action that have action-guiding force for an agent. We can legitimately ask, however, what gives the result of a person's reasoning, however good he might find it, the force of an overriding law over human conduct that moral rightness is supposed to supply. Nothing does give that force, unless we can make sense of the possibility of describing within the

¹⁰ See Cora Diamond, "The Dog that Gave Himself the Moral Law," *Midwest Studies in Philosophy*, vol. 13 (1988).

¹¹ Foot, *Virtues and Vices*, p. 120.

¹² See Iris Murdoch, op. cit., p. 45; see also Cora Diamond "'We are Perpetually Moralists: Iris Murdoch, Fact, and Value,'" in *Iris Murdoch and the Search for Human Goodness* ed. Maria Antonaccio and William Schweiker (Chicago: University of Chicago Press, 1996).

self something analogous to a divine lawmaker, which is a view that Anscombe dismisses as absurd.¹³

The other general type of response appeals to social moral codes, either actual or hypothetical. When the concept of moral rightness is invoked in the context of social moral codes, it is not the ideal concept of moral rightness that is invoked, even when the social moral code has been constructed with a philosophical theory in view. While a social moral code at least has the diffuse authority that comes from social approval and disapproval, since we can easily stand back and question the authority, it has neither the definitive authority of divine law for individuals who endorse such a framework nor the mysterious overriding force claimed for the notion of morally right action. Likewise, it is not clear why someone would give an imagined or hypothetical society such definitive say over his conduct. As we work out the idealized reasoning of a hypothetical society, we might arrive at a conception of justice that has much to recommend it. Still, such a conception of justice lacks the law-giving force behind actual law and lacks as well the notion of divine law or the force claimed for morally right action.

Anscombe's criticism applies to any notion of moral rightness that is claimed to be independent of human goodness and that does not somehow make up for the absence of a divine lawmaker. She admits that it is possible for us to imagine the universe as a sort of legislator, but she believes that nothing morally salutary could come from such a framework.¹⁴ She maintains that this leads us back to the notion of virtue, since virtues are connected with a conception of act-evaluation that dispenses with the strong notion of morally right action and the associated notion of moral obligation. Anscombe believes that saying that an act is a just act is free from the difficulties associated with deeming an act morally right. More accurately, it is free of the difficulties of placing the concept in the appropriate legal context without a divine legislator, but it brings a different set of difficulties, because, as she puts it: "in present day philosophy, an explanation is required how an unjust man is a bad man, or an unjust action a bad one."¹⁵ Anscombe does not think that such an explanation is readily available, but unlike the strong notion of moral rightness that she criticizes, it seems to her possible to give a coherent explanation of it without appealing to God. Although virtue ethics is not the only way to make sense of ethical judgment, on her view, it strikes her as by far the most promising.

The consequences of rejecting the strong notion of morally right action are also not as drastic as might be thought. It follows that we should change the way we think about morality within philosophy, but rejecting the notion of morally right action in the sense that Anscombe criticizes does not imply that without God everything is permitted.¹⁶ Instead, it implies that there is no question of an action

¹³ See Alvarez and Ridley, op. cit., p. 552.

¹⁴ See Duncan Richter, *Ethics After Anscombe: Post "Modern Moral Philosophy"* (Dordrecht: Martinus Nijhoff, 2000), p. 58.

¹⁵ Anscombe, op. cit., p. 29.

¹⁶ See Simon Blackburn, "Simply Wrong" *Times Literary Supplement*, 30 September 2005; see also Roger Teichmann, *The Philosophy of Elizabeth Anscombe* (Oxford: Oxford University Press, 2008), p. 107.

being definitively permitted or forbidden without appeal to some framework to make sense of the legalistic notions. It is compatible with an action being permitted or forbidden by law and convention. In addition, if Anscombe's alternative view is accepted, we can still say of some actions that they should not be done because doing them is incompatible with human goodness. A virtuous agent is someone who allows such considerations to have definitive say over her conduct. It might be held that there are certain actions that are essentially incompatible with human goodness. Anscombe's view of virtue ethics is compatible with her acceptance of absolutism, although she also believes that God forbids such acts. Perhaps the most drastic upshot to this view is that it should force us to give up the underlying nonsensical assumption that every act has a deontic status. Anscombe suggests that we take the view that every act can be evaluated with respect to its goodness or badness, and that such evaluation is relative to our kind. For some philosophers, this may still seem to promote a type of moral anarchy. Yet Anscombe's view can be seen as a matter of following through with Aristotle's admonition "to look for precision in each class of things just so far as the nature of the subject admits."¹⁷

3 Morally Right Action in Contemporary Virtue Ethics

The central question for contemporary virtue ethics with regard to Anscombe's arguments is whether, in pursuing a criterion of morally right action, proponents of virtue ethics mean "morally right action" in the strong sense or the weak sense. Unfortunately, it is not always clear which sense they intend, but as we have seen, the point of developing a criterion of morally right action seems to derive from taking "moral rightness" in the strong sense. Hursthouse offers the following criterion: "*An action is right iff it is what a virtuous agent would characteristically do in the circumstances.*"¹⁸ Despite the evident attempt to tie the notion of morally right acts to human goodness embodied in a virtuous agent, this criterion may leave intact the notion of morally right action that Anscombe criticizes. We can raise Anscombe's question of how we would get from the statement of a criterion for morally right action to definitive statements about the deontic status of kinds of action. If something is a statement of a criterion for moral rightness in the weak sense and serves to recommend an act as something good to do, it seems that the statement cannot serve to provide a criterion of moral permissibility. The importance that the criterion appears to have derives from that assumption that "moral rightness" is used in the strong sense, and hence, even if it is not meant in this sense, it is an understandable misreading.

Three major objections that have been raised against Hursthouse's criterion depend for their force on taking her to be employing the strong sense of "moral rightness." Philosophers who present the objections raise legitimate and important problems. All of the objections can be avoided by taking "moral rightness" in the

¹⁷ Aristotle, *Nicomachean Ethics*, W.D. Ross trans. in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941), 1094b25, p. 936.

¹⁸ Hursthouse, op. cit., p. 28.

weaker sense, although then the criterion does not deserve such a central place in the exposition of virtue ethics. One of the objections is that Hursthouse's justification of her principle appeals to a morally loaded conception of *eudaimonia* that itself seems grounded in an unexplained notion of moral rightness and that she offers what appears to be a viciously circular criterion of right acts. Another objection is that the virtues that an act embodies may make differential contributions to the deontic status of the act, making extreme demands on the judgment of a virtuous agent and apparently allowing significant room for irresolvable conflict. Still another objection is that a virtuous agent cannot think about what makes his actions morally right without the charge of moral narcissism, making the criterion at least partly self-defeating.

According to the objection that Hursthouse's principle appeals to a morally loaded conception of *eudaimonia*, a virtuous agent, is a possessor of virtues, and virtues are, on Hursthouse's view, character traits needed to attain *eudaimonia*.¹⁹ Yet *eudaimonia*, as Hursthouse conceives of it, has moral content. It is not happiness as a vicious person would conceive of it but the sort of happiness sought by someone who enjoys acting virtuously. She claims that training in the correct conception of *eudaimonia* may involve being told, "decent people do this, not that."²⁰ Ramon Das objects that in appealing to such a morally charged teaching, she seems to be drawing on an unexplained standard of right action.²¹ In explaining the nature of *eudaimonia*, she could appeal, Das admits, to a notion of acting well as opposed to acting rightly, and then the notion could be spelled out in terms of just acts or something else. It might be held that descriptions of actions by virtues such as justice can be advanced independently of judgments about whether an act is right. On this view, *eudaimonia* would consist of the enjoyment of just acts. In such a case, we would be attempting to spell out rightness in terms of virtues that characterize actions, but Das believes this would amount to replacing the notion of moral rightness rather than providing a criterion for it.²² On Das's view, Hursthouse must return to an unexplained notion of moral rightness. Das holds Hursthouse to have offered a viciously circular criterion of rightness.

Hursthouse may be able to argue that there is circularity in her theory, but not a vicious circularity. Instead of simply arguing that happiness is doing right, she might argue, for example, that happiness is a condition in which someone appropriately values right action. If we are seeking guidance about which actions are permissible, however, this rejoinder is not reassuring. Our assurance of having a correct conception of virtues depends in part on our apprehension of right action, and our concept of right action depends, on having a correct conception of virtues. If, instead, we follow Anscombe in rejecting the strong notion of morally right action, then this charge of circularity cannot get a foothold. More modest notions of right and wrong remain that can be used as markers of when we have transgressed

¹⁹ Ibid., p. 29.

²⁰ Rosalind Hursthouse, "Virtue Theory and Abortion," *Philosophy and Public Affairs*, vol. 20, no. 3 (Summer 1991), p. 227, n. 2.

²¹ Das, op. cit., p. 324.

²² Ibid., p. 333.

our moral code or done something virtuous or vicious. The criterion would be less informative than it appears to philosophers who are looking for the kind of action guidance that comes from criteria of moral rightness in the strong sense.²³ We would possess a notion of acting well as a human being, and, as Das admits, this can be articulated independently of any notion of morally right action. It might still be objected that Anscombe is replacing the notion of moral rightness, but she consistently rejects a strong notion of moral rightness under which such a contrast would be meaningful.

According to the objection that the virtues that an act embodies may make differential contributions to the deontic status of the act, on Hursthouse's account, the deontic status of a given action is supposed to be an embodiment of morally relevant qualities to which virtuous agents are responsive, and among the morally relevant qualities are the various virtues under which the act might fall. A given speech act, for example, may be dishonest but considerate and hence, morally right, whereas in another speech act we may find the same qualities brought together but because of greater importance to others of knowing a painful truth, honesty may outweigh considerateness. In this way, Hursthouse adheres to a form of particularism or non-codifiability. Although she thinks we can articulate rules that embody what the various virtues demand, such rules are only generalizations that employ virtues, and hence, only a person who has some understanding of the virtues can employ such rules. She rejects the idea of a decision procedure, much less a decision procedure that could be applied without the possession of moral wisdom. Assuming that virtues always make a positive contribution to the moral rightness of an act, they may do so with differing relative weight with the result that only the virtuous agent can accurately assess the proper weighting.²⁴

This situation leads to criticisms like that of J.B. Schneewind, who claims that virtue ethics compares unfavorably to a natural-law theory because "it gives no distinctive guidance about how to analyze a dispute so as to find the common ground from which agreement can be peacefully reached."²⁵ This criticism can arise because of a gap between the various morally relevant properties of an act and its deontic status. Given the complexity and contextual sensitivity that seems required to arrive at the correct answer, disagreement seems inevitable and possibly irresolvable. Perhaps this just is our moral-epistemological situation, but given the availability of alternative normative theories that seem to rely less on the perceptual faculties of agents, it is not surprising that many philosophers find this aspect of contemporary virtue ethics unappealing.

There can be no gap if "moral rightness" is taken in a weaker sense and the stronger sense is rejected, though there may be a different gap left between the various morally relevant features of an action and its status as virtuous or vicious. There is no mystery in how to get from the fact that an act is, say, a case of fleeing from doing something worthwhile in the face of a small danger and its being

²³ See Diamond, "The Dog that Gave Himself the Moral Law," p. 165.

²⁴ See Christine Swanton, op. cit., pp. 47–49; see also "A Dilemma for Particularist Virtue Ethics," *The Philosophical Quarterly*, vol. 58, no. 233 (October 2008).

²⁵ J. B. Schneewind, "The Misfortunes of Virtue," *Ethics*, Vol. 101 (1990), p. 63.

cowardly, whereas there is a mystery about how we get from the act being cowardly to being forbidden. To get the kind of definitive assertion about deontic status that Schneewind desires seems to require something like a divine decree, and if we are not going to embrace a position that allows for divine decrees and for our knowledge of them, Anscombe would bid us to be resolute and reject the law-based notions of moral deontic status. When we do that, we are still faced with complex moral disagreements, but we should realize that there is nothing absent from the account insofar as we cannot get to a definitive statement of the deontic status of an action. The sense of absence is only due to the illusion that there is some definitive moral law that would determine the deontic status of a given act. Anscombe's position is that there is no matter of what is permitted or forbidden under moral laws, and instead we should think about what deeds make us good or bad as human beings. As Philippa Foot suggests, we can construct moral codes with greater resolution to specify certain deeds as forbidden by convention beyond what clearly makes us bad as human beings, but in such cases, we must remember that they are merely contingent principles.²⁶

On the objection that a virtuous agent cannot think about what makes his actions morally right without the charge of moral narcissism, Hursthouse's account of right action faces an issue of how to account for moral deliberation. Damian Cox has argued that Hursthouse's account of right action is self-defeating because anyone who deliberated in accordance with it would end up violating it.²⁷ For example, a parent who is deliberating about whether to write a note excusing her child from class in order to spend a day reconnecting with her emotionally distraught child might consider telling a lie. If the child's teacher is very rigid and will accept nothing but illness as an excuse from school, the parent's effort, if it is to be successful, may need to involve a lie. If the parent deliberates according to Hursthouse's criterion of rightness, the parent's deliberations, according to this objection, would not involve thinking about what is best for the child directly and how the lie would affect the child and others. Instead, the parent would think about whether her actions would embody, for example, being a caring parent and whether the dishonesty involved is compatible with being a virtuous agent. These concerns indicate a vicious degree of moral self-absorption, and since thinking about them would not be what a virtuous agent would characteristically do, it cannot be right by Hursthouse's lights. The objection, then, is that the principle of right action leads us to reflect about matters in a way that it requires us to deem wrong.

It is open to Hursthouse to say that the criterion of moral rightness is not meant to be used in deliberation: a virtuous agent thinks about such matters as the effects of her actions on others, not about whether the actions would reflect well on her character. Indirect utilitarians, for example, pursue such a strategy in their own moral theories. Yet Cox believes there is something wrong with a theory that forbids us to use its standard of rightness directly in assessing our actions. It would force agents who are committed to a given moral theory to suppress this fact as they

²⁶ See Philippa Foot, "Morality and Art," in *Moral Dilemmas* (Oxford: Oxford University Press, 2002), p. 15.

²⁷ See Cox, *op. cit.*, pp. 505–515.

deliberate about how to act.²⁸ The problem here again turns on thinking about “moral rightness” in the strong sense. The objection presupposes that when we deliberate we are thinking about the permissibility of our actions and that our standard for determining the permissibility of our actions is whether in doing something our actions would reflect well on our character. Cox rightly argues that according to the criterion so construed, such deliberation would be impermissible. The heart of his objection lies in the fact that on this view, when someone deliberates with reference to the morally right-making features of the situation, the person is thinking about whether he would come off as a virtuous person. Other features of a situation, such as whether others would be hurt or offended by our actions do not figure as morally right-making features. An agent taking into account just the morally right-making features of a situation that the theory specifies would manifest moral narcissism and would not be acting as a virtuous agent would.

Taking “moral rightness” in the weaker sense, however, offers a more relaxed understanding of the implications for Hursthouse’s criterion on our moral deliberation. We are not to think that some well-defined set of morally right-making features of the situation determine whether an action is permissible. Looked at from the perspective of Anscombe’s argument, that suggestion is nonsensical. Instead, the question is whether someone is acting well as a human being, and Hursthouse’s suggestion is that an ideally virtuous agent is our benchmark for answering the question. If there are no morally right-making features of a situation beyond the features that would make someone’s action virtuous or vicious, then there should be no concern about being able to deliberate in accordance with them.

It might still seem that, if we were to take “moral rightness” in this weaker sense, it would result in a view similar enough to fall by the same objection. It might seem that the goal of moral deliberation would be to figure out whether a given action would make us morally good or bad as a human being and that would be just as unattractive a picture as the view criticized by Cox. That view still suggests a concern with the permissibility of our actions measured against a standard of acting well as a human being. If there is no question of moral permissibility, then there is no reason to assume that there is a specifically moral sort of deliberation aiming at determining the moral permissibility of our actions.²⁹ Instead, there is simply concern with what we should do, but the concern can manifest itself in reflection in a variety of ways. Whether an act is just or caring could figure in such deliberation without unattractive implications, because it would immediately lead to considerations about the impact of our actions on others. In the case of the parent deliberating about her child, no doubt a virtuous agent would register the fact of doing a dishonest deed and measure the gravity of the lie in terms of its potential consequences, while weighing all of this against the value of the time spent nurturing the parent’s relation with the child. A virtuous agent must aim at being, *inter alia*, an honest person. To attain that end, she must consider whether her actions deceive people.

²⁸ Ibid., p. 508.

²⁹ G.E.M. Anscombe, *Intention*, 2nd ed. (Cambridge, Mass.: Harvard University Press, 1963), p. 78.

4 Action-Guidance and Obligation without Morally Right Action

By forgoing the strong notion of moral rightness, proponents of virtue ethics can avoid objections to Hursthouse's criterion of moral rightness. Yet her view still faces the objection of incompleteness. One response to the objection would be to say that the alleged incompleteness is illusory. Alternatively, it might be thought that the objection could be overcome only through endorsing an understanding of normative ethics that requires something like a divine lawmaker, but that such theories are undesirable because of their metaphysical implications. In addition, advocates of Anscombe's argument can make a more positive case that the charge of incompleteness is overstated. Indeed, if we give up on the idea of a decision procedure for arriving at correct moral decisions, the desire to arrive at a criterion of morally right action should not be difficult to overcome. In principle, we should be able to derive just as much moral guidance from an understanding of virtue ethics with a criterion of morally right action but without a decision procedure as from an understanding of virtue ethics that excludes both ideas.

Hursthouse and Julia Annas have both pointed to problems with the idea of a procedure for moral decision-making.³⁰ If moral decision-making can be specified in the form of a procedure, then a clever teenager or someone who enjoys torturing kittens could master it, which is implausible. As Hursthouse argues, no one would turn for guidance to someone who claims to have no views on what is worthwhile in life, and she thinks that this point shows us that insight into what we should do is not separable from possessing a conception of a good life.³¹ We turn to experienced people of good character for ethical guidance because there is no decision procedure. Along similar lines, Annas argues that the idea of a decision procedure cannot account for the fact that we hold agents responsible for their moral decisions, praising or blaming them for their decisions. We cannot shift that praise or blame to the theory they follow to make their decisions.³²

The rejection of the idea of a procedure for ethical decision-making affects our position on a criterion of moral rightness. Without a decision procedure, the correct application of such a criterion depends on possessing moral wisdom. In that case, one of the motivations for seeking a criterion of right action has been undermined. On the views of Hursthouse and Annas, we can only identify the actions that we consider right by whether a person with practical wisdom would deem them, say, just deeds. We cannot get at principles that reach out to actions characterizable independently of the moral qualities that someone in possession of virtues would use to characterize virtues and then say of such acts that they are to be done or not to be done. If we could do that, we could arrive at a definitive decision procedure.

If this is correct, then it is not clear that the criterion of moral rightness is going to provide action guidance that is not already present in virtues themselves. Someone

³⁰ See Hursthouse, "Virtue Theory and Abortion"; see also Julia Annas "Being Virtuous and Doing the Right Thing," *Proceedings and Addresses of the American Philosophical Association*, vol. 78, no. 2 (Nov., 2004).

³¹ Hursthouse, "Virtue Theory and Abortion," p. 232.

³² Annas, *op. cit.*, p. 65.

who is competent at using virtue terms must have some moral sensitivity that comes with having concern to act well, and such a person will be able to listen to a more experienced and morally sensitive person's advice with a degree of understanding. All but morally insensitive individuals will be able to recognize the general moral rules that Hursthouse shows to accompany virtues, and derive guidance from them. If all of this is correct, then the failure to establish a criterion of moral rightness is not as consequential for virtue ethics as is often claimed.

The idea that virtue ethics cannot account for moral obligation without some strong sense of moral rightness is sometimes held to be another type of incompleteness that virtue ethics faces. To establish that an action is morally obligatory, we must also establish that not performing the action is morally forbidden, and the notions at issue seem to be the notions that Anscombe rejects because they rest on a framework of legislation. Philippa Foot offers an account of the rationality of moral action that shows some promise in being able to account for obligation without appealing to "moral rightness" in the strong sense. Her idea is that refusing to perform a just act can be every bit as irrational as refusing to perform an act that is plainly in a person's own interests. Borrowing from Warren Quinn, she maintains that we have been in the grips of a stubborn prejudice in holding that morality must vindicate itself as rational according to an instrumental scheme of rationality. Instead, she holds, if doing well in a moral sense can be cited as a reason for action, then there are grounds to believe that failing to act on such a reason counts as a failure of rationality. In *Natural Goodness*, she says: "a number of descriptions... are what I should like to call 'conceptually verdictive' from a practical point of view, in that they entail a final 'should,' or 'should not'. 'Unjust' is, for instance, such a description, as is 'cruel'." ³³ In addition, she claims, "the actions of anyone who does not ϕ when ϕ -ing is the only rational thing to do are *ipso facto defective*." ³⁴ If someone who commits an unjust or cruel deed does something she definitively should not do and this constitutes a form of irrationality on a footing with doing something imprudent, then we may have material for an account of injunctions based solely on acting well as a human being.

The view of rationality that Foot advocates, which grounded in an understanding of human goodness, furnishes an explanation of obligation different from the notion of moral obligation that Anscombe criticizes. Foot gives the example of Mikulo-Maklay, who, while exploring the Malay Archipelago, employed a native who agreed to work with him on the condition of not being photographed. Maklay confessed to being tempted to photograph the native guide while he slept, but remembering their agreement, he refrained. ³⁵ Foot believes that her account provides a justification for our obligation to keep promises, even when breaking a promise is not likely to be discovered. Foot's case rests on facts about human life, specifically, facts about what we need to get on well in human society and the notion of a promise as a linguistic device for meeting the needs of human beings. Drawing from Anscombe, Foot notes that there is a need in human life for coordinating action without the use of force. Promises are a type of convention for securing the future

³³ Philippa Foot, *Natural Goodness* (Oxford: Oxford University Press, 2001), p. 78.

³⁴ Ibid., p. 59.

³⁵ See Foot, *Natural Goodness*, pp. 47–51; see also (New York: Dover, 1971), p. 229.

performance of a deed from another person. They are instruments that allow us to achieve goods of common life. Foot maintains that a rational human being, in the sense that she argues for, cannot be insensitive to such goods and hence will not lightly enter promises and will not allow mere expedience to override promises.

Alasdair MacIntyre objects that what Foot's argument "shows is that promise-making and promise-keeping are required for a great many goods, not that those goods are goods judged by the standard of natural goodness, as Foot understands it."³⁶ MacIntyre, however, makes a telling misstep in his reading of Foot. He alleges that Foot is implicitly appealing to consequences. Natural goodness, as Foot describes it, applies to creatures, not to things useful to creatures or to anything else. Foot believes that we evaluate agents for their responsiveness to reasons that have to do with to whether their actions or the practices they uphold produce optimal consequences. Foot stresses the importance of moral codes for teaching and coordinating our lives. Unless a code of conduct conflicts with being good as a human being, a good person must abide by it and uphold it to others. Likewise, a good person, she argues, must keep promises, unless there is a generally recognized excusing condition. Although Foot's account of keeping promises refers to goods to be obtained by way of the practice of promising, it is not a consequentialist justification. The grounds for the obligation rest on what makes us good as a human being. Foot therefore holds out the possibility of an account of obligation grounded in rationality without appeal to legalistic moral notions.

5 Ethics without Right Action

Virtue ethics, when it precludes the search for a criterion of morally right action, is often said to be anti-theory. This label is misleading in its application to the view we are considering. A view such as Anscombe's is not without theory, even if the theory is not oriented toward offering a criterion of moral right actions. There is also an important difference between Anscombe's view and other anti-theory positions including intuitionism, contextualism, error theory, and relativism. Anscombe is evidently not taking any of these positions, because they generally leave intact the strong notion of moral rightness. Proponents of these anti-theory positions deny the possibility of any criterion for what counts as morally right, without denying that the strong notion of moral rightness has a meaning. They hold that we arrive at a judgment of what is morally right by some means and they share the view that no theory will provide a true principle of moral rightness. Even error theorists contend that statements about the moral rightness of actions are meaningful; they deny instead that any such statements are true. In rejecting the attempt to work out a criterion of moral rightness, Anscombe is not adopting any of these anti-theory positions but arguing that we cannot intelligibly speak of what is morally permissible or forbidden without recourse to some metaphysically unattractive framework.

³⁶ "The Virtues in Foot and Geach," *The Philosophical Quarterly*, vol. 52 (October 2002), p. 626.

It might nevertheless seem that with her view, Anscombe takes away something vitally important, as exemplified in the contrast between morally right action and morally good action. Even if notions previously thought essential have been dispensed with in other areas of philosophy, the concept of morally right action so completely permeates our philosophical thinking about ethics that doing away with it seems to leave us without a firm footing. Hursthouse says that when a proponent of virtue ethics presents a criterion of morally right action, she does so “under pressure” and “only in order to maintain a fruitful dialogue with the overwhelming majority of modern moral philosophers.”³⁷ This concession eliminates something that is distinctive about virtue ethics and thereby makes virtue ethics conform to a received view of what ethics should be. It is not clear that what follows is a fruitful dialogue. In “Vision and Choice in Morality,” Iris Murdoch argues that how moral philosophers divide their terrain is itself a moral matter, and that this makes the “initial segregation of the items to be studied” difficult.³⁸ The difficulty lies in the fact that the elevation of certain concepts, such as the concepts of being morally right, wrong, and obligatory, may reflect moral commitments and thereby “form a circle from which it is hard to break.”³⁹ Anscombe believes that the notion of morally right acts and moral obligation prejudice moral philosophers in favor of consequentialism. Whether or not that is true, there are consequences for accepting the strong notion of moral rightness inasmuch as it shapes what is recognized as good moral philosophy.⁴⁰

The pursuit of a criterion of right action is connected with a broader conception of the proper task and method of moral philosophy as well as to the going conception of practical rationality. Allen Wood has written of the dominant conception of the task of moral philosophy as the “intuitional” or “scientific” model,” which derives from the work of Henry Sidgwick and is defended in a contemporary version by John Rawls.⁴¹ According Wood, “the task of ethical theory, according to this model, is to reconcile initially conflicting judgments and principles, either by qualifying or modifying them, or explaining away apparent conflicts, so as to produce the most coherent overall explanation of our intuitions.”⁴² The method associated with this view of the task of moral philosophy, is termed by Wood “generalization-counterexample,” by which he means the method of adumbrating general principles and then testing them against intuitions about particular cases. Wood suggests that the goal and method both have faults: the goal suggests that ethical theory should be about telling us what to do rather than helping us to think better about what to do; the method places too great a burden on our intuitions, which are notoriously unreliable and

³⁷ Hursthouse, *On Virtue Ethics*, p. 69.

³⁸ Murdoch, op. cit., p. 33.

³⁹ Ibid.

⁴⁰ See *Wittgenstein and the Moral Life: Essays on the Work of Cora Diamond*, ed. Alice Crary (Cambridge, Mass.: MIT Press, 2007); see also and Alice Crary *Beyond Moral Judgment* (Cambridge, Mass.: Harvard University Press, 2007).

⁴¹ Allen Wood, *Kantian Ethics* (Cambridge, England: Cambridge University Press, 2008), p. 44.

⁴² Ibid.

divergent. This view also joins up with what John McDowell calls “the deductive paradigm” of moral thinking.⁴³ Under the deductive paradigm, moral thinking can be conveyed in syllogisms with moral commitments contained in the major premises. The minor premises contain straightforward facts. Moral principles ought to be applicable to factual matters that are, by themselves, non-moral, to generate consistently sound arguments and rational moral judgments. McDowell holds that this view contains a prejudice about rationality, that rationality involves acting in view of a formulable universal principle. This prejudice, he thinks, leads us to deny that any reasonably adult moral outlook can be contained in rules that hold only for the most part. Resisting this prejudice means embracing some form of particularism or non-codifiability, a view that, as we have seen, Hursthouse endorses. She rejects the conception of rationality that McDowell criticizes. Nevertheless, that conception seems to undermine her presentation of virtue ethics because the form of the account, especially making a criterion of right action a central feature, works against her stated wish to avoid such a conception of rationality. By embracing the form of a general principle of right action, Hursthouse invites assessment by the standards set by the model of science, standards which arguably prevent philosophical ethics from being as useful as it might be, just as Wood suggests. Plainly not every proponent of an ethical theory adumbrating principles of morally right action must be committed to model of science. Still, it is not a coincidence that views offering a criterion of morally right action invite assessment according to the model of science, considering that the strong notion of moral rightness is itself marked by the comprehensive authority of the divine-law perspective, which lends itself to being approached with scientific expectations of explanatory completeness and accuracy. Views that challenge the scientific model or would have us reject the notion of morally right action are at a disadvantage.⁴⁴

⁴³ John McDowell “Virtue and Reason,” in *Mind, Value, and Reality* (Oxford: Oxford University Press, 1998), p. 58.

⁴⁴ I would like to thank two anonymous referees and Thomas Magnell, Editor-in-Chief of the *Journal for Value Inquiry*, for their very helpful comments.