The Right and the Reasonable

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Moral Dilemmas, by Philippa Foot. Oxford and New York: Oxford University Press, 2002. Pp. 218.

Moral Dilemmas brings together papers Foot published between 1978 and 2001. It complements *Virtues and Vices*, a collection of Foot's earlier work that has been re-issued alongside the new collection. In *Moral Dilemmas,* Foot elaborates and defends some of the theses which *Virtues and Vices* made famous. This collection contains three papers renewing her assault on consequentialism and several more offer a critique of the subjectivism which in its various forms has, as Foot thinks, too long dominated moral philosophy.

In this article I shall not comment on Foot's naturalism (her brand of cognitivism) and I shall discuss her anti-consequentialism only in passing. This is because I wish to focus on that thesis which is the most distinctive feature of *Moral Dilemmas* and which marks a real departure from *Virtues and Vices*, the thesis that morality is a branch of practical reason:

> As I see it, the rationality of, say, telling the truth, keeping promises, or helping a neighbour is *on a par* with the rationality of self-preserving action, and of the careful and cognizant pursuit of other innocent ends; each being a part or aspect of practical rationality. (p. 195)

A little later on she adds

> An action can be contrary to practical rationality in that it is dishonest or disrespectful of others' rights, *or* that it is foolishly imprudent; *or*, again, that the agent is, for example, careless, timid, or half-hearted in going for what he wants. (p. 197)

So conformity with the demands of morality is not just consistent with being a wise and sensible agent, it is required for it. Call this *rationalism* about morality.[1]

[1] Rationalism is also defended in Foot's recent book *Natural Goodness* (Foot, 2001). Several of the papers in *Moral Dilemmas* are earlier versions of chapters of that book. I shall refer to *Natural Goodness* (NG) where it casts light on the views Foot expresses in *Moral Dilemmas*.

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Foot thinks this rationalism provides us with a plausible story about how morality motivates action but she encounters problems when she attempts to apply this story to action motivated by a sense of justice. In particular, her explanation of how recognition of a promissory obligation might move us to fulfil it runs into trouble. And, I shall argue, this trouble infects what she says about moral conflict, about cases where our obligations clash. My conclusion will be that her rationalism does not perform as advertised.

I shall proceed as follows. In the first section of the paper, I lay out Foot's moral psychology; in the second, I turn to her attempt to fit promissory obligation into this framework; in the third and fourth sections I describe and criticize her account of moral conflict.

Foot's moral psychology

In *Virtues and Vices*, Foot suggested that the main point of treating morally correct behaviour as rational behaviour would be to give ourselves a story about moral motivation. If a man cannot ignore morality without irrationality then all who are capable of rational deliberation may be compelled to join the army of duty. On the other hand, should moral considerations be a source of reasons for action only for those who happen to care about morality, we are all mere volunteers (VV p. 167). This latter worry is dismissed in *Virtues and Vices* where Foot maintains that a morally admirable motivational psychology could be quite solid enough even if it is not one we possess simply in virtue of being rational. In *Moral Dilemmas* (pp. 193–4) Foot changes her mind, arguing that rationalism in morality is after all the key to a satisfactory account of moral motivation.

Nowadays Foot maintains that moral considerations are essentially action-guiding, are necessarily capable of motivating human beings, of making sense of their actions both to themselves and to others (p. 193). How are we to interpret these claims? As Foot observes, we must allow for the fact that the weak and the shameless may know what morality requires and yet not act on it (p. 202). And once this is acknowledged, it may be asked whether moral requirements are any more closely connected with agency than other norms which purport to tell us what to do. For Foot, morality differs from norms of fashion, grammar and etiquette and so on, in the following respect: nothing more is required to make sense of an action than the observation that the agent has acknowledged a moral demand for it, even if more could be added that

would frustrate such an explanation. No such thing is true of the demands made on us by etiquette et al.

Foot maintains that morality is essentially action-guiding because, unlike etiquette etc., it is a part of practical reason. She observes that 'acting on reasons is a basic mode of operation in human beings' (p. 202). Illustrating this claim with the example of prudence she says:

> The only fact about the individual's state of mind that is required for the explanatory force of the proposition about the requirement of rationality is that he does not (for some bizarre reason) deny its truth. He only needs to know, like most adults, that it is silly to disregard one's own future without special reason to do so. No special explanation is needed of why men take a reasonable care of their own future; an explanation is needed when they do not. (p. 206)

Acting on reasons is a basic mode of operation in human beings in that nothing more is required to make sense of an action than the observation that the agent has acknowledged that practical reason demands it. People may deliberate and behave irrationally but it is irrational behaviour which requires an explanation, not rational behaviour.

Since, for Foot, prudence and morality are simply different aspects of practical reason, this account of how the recognition of a reason can motivate applies directly to the recognition of a moral requirement. We no longer need suppose that people happen to care about, or take an interest in, the requirements of morality any more than we need suppose that they happen to care about, or take an interest in, the requirements of prudence:

> No such element need come into the explanation of action as motivated by the thought of reasons. And the way is open for a simpler account of the necessarily practical character of morals. For undoubtedly those who have successfully been taught morality see moral considerations as reasons for action. We do not have to look for something special in the way of 'moral motivation' to see how it can be that they do things, on many occasions, because morality so dictates (p. 142).

Morality is essentially action-guiding because the judgements of practical reason are essentially action-guiding and morality is a branch of practical reason.

Let us allow that the norms of morality and practical reason are 'essentially action-guiding'. Can this fact be explained only by treating our capacity to follow moral norms as a product of a more basic capacity to act on acknowledged reasons? Later I shall suggest that different parts of morality may draw on rather different sources of motivation.

But suppose for a moment that there is a single psychological capacity which is the capacity to act on moral considerations; why can't this ability be 'a basic mode of operation in human beings', a mode of operation distinct from our ability to sacrifice an immediate gratification for a greater good, to think before we leap etc.? Of course human beings require considerable training before they begin to grasp the normative force of prudential considerations on the one hand, or of moral considerations on the other. It might be that normal human beings acquire the capacity to be moved by both moral and prudential considerations at approximately the same stage in their development, at the stage at which they are required to explain themselves to others. Yet none of this shows that the two capacities (or the normative systems they serve) are the same.

Foot herself acknowledges that a human action may make sense without being motivated by the recognition of a reason. Consider someone who acts for the sake of a sadistic pleasure. Here Foot allows that the motivational story is fully intelligible even though

> the fact that he will get pleasure from doing something may rather seem a reason against doing something than even the slightest, most overridable, reason on the other side, and he himself may even believe that. (p. 181)

Indeed, employing 'reason' in a looser sense, the sadist may even cite the pleasure as his reason, for the fact that this act will give him pleasure explains, all by itself, why he does it. Other factors, like a resurgent conscience, may prevent him pursuing this pleasure but the motivational link between pleasure and action is every bit as tight as that between his acknowledgement of a *justifying* reason and action on that reason.

The example of the sadist suggests that there are 'basic modes of operation' of human agents other than that which goes via the recognition of a justifying reason. And, for the moment at least, it should remain an open question whether the capacity to obey moral norms is among them. I shall address this question by considering Foot's account of one form of moral motivation, of how people are moved to keep their promises.

Morality and human good: the case of promising

Human agents are distinguished from animals by the fact that they

> not only have the power to reason about all sorts of things in a speculative way, but also the power to *see grounds* for acting in one way rather than another; and if told that they should do one thing rather than another, they can ask why they should. (NG p. 56)

In making what she takes to be the same point, Foot says that

> while animals go for the good (thing) *that they see*, human beings go for *what they see as good*: food, for example, being the good thing that animals see and go for and that human beings are able to see as good. (*ibid.*)

Here Foot is endorsing the idea, which she attributes to Aquinas, that recognizing a reason for action involves seeing some good to be pursued, or some evil to be avoided.

Now suppose we think of morality as involving a proper concern for the interests of others (though not just others (*NG* p. 79)) and prudence as involving a proper concern for one's own interests. Then it is not so far fetched to suppose that prudence and morality are simply aspects of a single deliberative capacity whose job it is to work out what should be done by giving all the relevant interests—whether one's own disparate objectives or the conflicting interests of different people—an appropriate weight. On Foot's model, the reasonable agent is moved by the good, whether his own or another, and acts accordingly.

Foot firmly rejects the consequentialist idea that the reasonable agent is in the business of maximizing 'goodness' conceived of as a property of states of affairs, that is, of those states of the world which his actions bring about (pp. 66–7 and 96–7). Such an agent might be lead to harm certain people in ways that were unfair or unjust in order to bestow greater benefits on others and thereby bring about 'the best possible state of affairs'. In fact, Foot doubts that this phrase has any clear sense when it is used as a foundational moral notion. Rather she maintains that morality is about what is good (or bad) *for* someone, about the ends of individuals. Responding to Mill's view that morality aims at the collective good, Foot balks at Mill's collectivism, not his focus on human welfare:

> Perhaps no such *shared end* appears in the foundations of ethics, where we may rather find individual ends and rational compromises between those who have them. (p. 76)

She does not deny that morality concerns what harms and benefits human beings. Indeed Foot speaks with approval of theories which treat morality as an attempt to ensure a fair distribution of benefits (and harms) amongst individuals (pp. 76–7 and 103).

But is a moral concern always a concern for someone's good in this sense? There is at least a prima facie difficulty about certain sorts of moral consideration.

When we act from the motive of duty in keeping a promise or avoiding a lie, we appear to act simply because we believe that it would be

wrong to do otherwise. Foot worries that unless such considerations of right and wrong can be grounded in fairly obvious human interests it will be hard to see why they should move us, why acting on them is any more sensible than following 'a duelling rule or a merely snobbish rule of etiquette' (p. 169). Yet it is far from obvious that whenever we decide that something is wrong we are implicitly concerned with whether it would be harmful (or beneficial) to human beings.

This question is especially pressing when promises are at issue and, in both *Moral Dilemmas* and *Natural Goodness*, Foot repeatedly returns to promising. Foot argues that those who are moved to keep promises must understand the reason for keeping a promise, where understanding that reason is a matter of seeing why the institution of promising is necessary for the existence of a well functioning human society. Those who do not grasp this reason are, she implies, guilty of blind obedience to social convention (p. 169) and furthermore they are in no position to weigh the reasons furnished by a promissory obligation against other reasons which may seem to require breach of that promise (pp. 172–3 and 195). Let us leave the issue of weighing until the next section. Here I shall examine Foot's attempt to connect promising with human good.

Foot argues that human beings need to be in the habit of keeping their promises. Something is 'needed' by a human being if the lack of that thing is a deficiency in a human being, that is, if this lack is likely to cause serious harm to them, or to others, given the normal conditions of human life (pp. 164–7). The harm she envisages here is not so much the harm that might be caused by the breach of a particular promise, as the harm that would ensue if promising did not exist at all because no one was in the habit of observing promises. Foot quotes Anscombe to the effect that human beings need promises because they need a way of binding the will of others (pp. 168–9 and 198–9)[2]. Co-operative activity is essential to human life and that activity cannot go beyond the most basic forms until we can be assured of how other people are going to behave in the future:

> Any exchange of goods or services above the most primitive level of direct simultaneous exchange depends on the carrying out of tacit or explicit understandings of which keeping a promise is one specific form. And it is easy to see how much good hangs on the trustworthiness involved if one thinks, for instance, of the long dependency of the human young and what it means to parents to be able to rely on a promise securing the future of their children in the case of their death. It would be different if human beings were differ-

[2] The relevant passage is taken from Anscombe, 1981.

> ent, and could bind the wills of others through some future-related mind control device. (NG p. 45)

I have two difficulties with this line of thought. First, there is the relatively familiar point that even if human good does hang on the maintenance of a general respect for promises it does not follow that this good is threatened by every specific breach of promise. And where a promise can be breached without harm how, on Foot's view, can the promisor have any reason to keep it? Second, there is a less familiar but perhaps more fundamental worry. Foot speaks of promising as one specific device for creating 'understandings' about how one is going to behave or, alternatively, for getting other people to do what you want them to do (p. 198). Here she implicitly allows that there are other devices which serve the same purposes and this should make us wonder whether promising's distinctive contribution to human life can be captured in these terms. To put the point another way, would promises really be redundant if human beings could 'bind the wills of others through some future-related mind control device'?

Foot has long been aware of the first of our two difficulties. In *Virtues and Vices* she alludes to the 'case of Hume's profligate creditor to whom a debt should be paid though no good is foreseen' and, referring to the debtor, she asks

> Why does anyone think he has reason to be honest in such a case? It could be mere superstition. Perhaps we have been bewitched by the idea that we *just do* have reason to obey this part of our moral code. (VV 155)

In *Natural Goodness* she takes up this issue once more, illustrating it with a striking example from Kropotkin.

A Russian anthropologist Maklay visiting the Malayan archipelago has with him a native who entered into his service on the express condition of never being photographed. The native believes that something would be taken out of him were he to be photographed. Maklay is extremely tempted to photograph the native whilst asleep since his servant is a very typical representative of his tribe but, recollecting the agreement, he refrains. Foot says that 'Maklay would have been justified in thinking that *it wouldn't do any harm* if he took the photograph' (author's italics) (NG p. 47). 'Nevertheless', she continues, 'Maklay would surely have acted badly had he taken the photograph' (NG p. 48). But 'why *should* he have kept his promise? How do *good* and *bad* come in here?' (*ibid.*). If good comes in anywhere here it is on the side of breaching the promise since the photograph 'might have contributed to anthropological knowledge' (NG p. 50).

After struggling with this issue over several pages Foot concludes

> I myself can go no further than to point out that when Maklay said to himself that he should not photograph his servant, his thought was dependent on a certain kind of linguistic device … a special kind of tool invented by human beings for the better conduct of their lives, creating an obligation that (although not absolute) contains in its nature an obligation that harmlessness does not annul. (NG p. 50–1)

Given this, what can Foot say against someone who maintains that, though there may be an 'obligation' here, the obligation is purely conventional—on a level with the expectation that one will wear two matching shoes—and Maklay has no serious *reason* to discharge it?[3] Having noted this first difficulty, we should take a closer look at the way Foot attempts to connect the general habit of keeping promises with human good.

Foot tells us that promises enable us to get other people to do as we wish even where, at the moment when action is required, we can provide them with no incentive. But there are various ways of securing future performance without extracting a promise. As Foot observes 'most people know that it is, for instance, unreasonable to take benefits and give nothing in return' (p. 206). So I might hope to ensure that my children are taken care of after my death by performing some equivalent service for a friend who is well placed to reciprocate in just this way. Given that reciprocation is reasonable here, my friend has (in Foot's view) a sufficient motive to reciprocate; I can rely on my friend's good nature and need not extract a promise. Indeed, my friend might find it rather insulting if I insisted on a promise: couldn't I have counted on their gratitude?

Foot also says that promises give us assurances about how people are going to behave in the future. Again there are many ways of doing this other than by making a promise: one can make predictions about what one is going to do, one can even express certain intentions with a view to informing one's audience of what one is going to do whilst making it clear that one is not promising to perform. A conscientious person will take care not to lead his audience to form false expectations which they might rely on to their detriment—his statements are well grounded at the time he makes them and he will warn if things change. But that is quite different from promising, from undertaking an obligation to ensure that things will turn out as one said they would.

[3] The passage I quoted from Foot's earlier discussion of Hume's profligate creditor continues with the sentence: 'It seems that we cannot get on well without the kind of justice that is 'without reason' in the particular case' (VV p. 155).

So what is the function of this 'special linguistic device'—the promise? This question will be hard to answer so long as we think of an agent as deliberating about what is good for people and then acting accordingly. Suppose I announce the intention of giving you a lift home whilst making it clear that I am not promising. I may know perfectly well that your plans are based on the assumption that I will fulfil my announced intention and that it will be bad for you if I fail to do so. Here morality already requires me to give your interests an appropriate weight—relative to my own interests and those of other affected parties—when I consider whether to abandon this intention in the light of new information. Given this, how could I add to my obligations by *promising* to give you a lift home? Does morality oblige a promisor to assign the promisee's interest in having his expectation fulfilled an *unreasonably* large weight when deciding whether to change his plans?

Do I add to my obligations here because a promise reinforces your expectations of a lift? Not necessarily. My statement of intention might have been firm enough for you to lay your plans on the assumption that I would give you a lift regardless of the promise, yet a promise would still make a difference to my obligations. And it affects my obligations in a way that other devices for reinforcing your expectations would not. If I predict that I will give you a lift home (say because I predict someone will force me to do so should I try to back out) this might give you a firmer expectation of a lift than any promise would but it will not affect my obligations in the way that a promise does. Furthermore, as we shall see, a valid promise might actually ground a *weaker* expectation of performance than would a bare statement of intention.

Here we must acknowledge that people are not concerned solely with what is good and bad for themselves or others, with whether certain decisions would serve human interests in that sense; often they are equally interested in who gets to take those decisions. Return to Maklay and his native helper. Before any promises have been made it is unclear whether Maklay is entitled to photograph the native without his consent. The native's objections are (we are told) based on the unreasonable belief that he will be harmed by being photographed. Nevertheless the native might think it should be up to him whether he is photographed or not. Once Maklay has promised not to photograph the native, the moral situation is clearer. Even if Maklay started off with the right to photograph the native without his consent, by promising he has bound himself not to take his servant's photograph unless the servant agrees. That is the effect of a promise: it puts the promisee in a position to require the promisor to keep his promise.

Why do human beings employ a device which has this effect? Why seek the right to require someone else to perform by extracting a promise from them? Maklay's native wants to determine whether he is photographed by his employer. He could ask his employer to consume one of Foot's will-binding drugs: that would give him a pretty firm assurance that no photographs would be taken, an assurance firmer than any normal promise could provide.[4] But it would also be a rather strange way of securing Maklay's continuing respect for his *will* in this matter, for the future effectiveness of this chemical bond doesn't depend on Maklay having any regard for the native's wishes. Promising is different. Maklay *does* express respect for the native's future-directed will when he first surrenders any right he might have had to photograph his servant and then refrains from photographing his servant whilst asleep because he is moved by the thought that he has no right to do so unless the servant agrees. That sort of respect is what the native is after when he requests a promise.

Conversely, where what is really wanted is an assurance that something will happen, the best way to secure this assurance may not be to extract a promise at all. If I need you to give me a lift home and you are minded to oblige but reluctant to be bound, I might be well advised to rely on your obvious good nature and sense of indebtedness for past favours rather than insist on a promise. People often want to be able to make their own minds up about what they will ultimately do, even if they intend to behave in a certain way. By leaving the decision in your hands, I may actually increase the chances of a favourable outcome.

Foot is wrong to connect promising with human interests by treating it simply as a device for providing the promisee with an assurance about the future behaviour of the promisor. In a society in which promising exists and promises are usually fulfilled, extracting a promise is indeed one way of securing an assurance. And, in such a society, promises may often be sought purely as a means of securing an assurance by someone with no further interest in who has the right to take a certain decision. But if we are out to explain why human beings invented a tool as special as the promise, we cannot do so by reference to their interest in having well founded expectations. There are other, quite different tools available for that purpose. The special force of a promise is to grant the promisee a certain authority over the promisor and promising exists because human beings often want this sort of

[4] We may suppose that the native also has an antidote, an analogue of the promisee's power of release.

authority for its own sake and not just as a way of securing assurances about the future, or of getting other people to do as they wish.

It is clear why Foot failed to explore this possibility. On my account, someone moved to respect a promise they have made need not be considering what would be good for them or for anybody else. They might think only this: since the promisee has the right to decide, it would be wrong of me to break the promise. And now Foot's question returns: can *that* thought, taken neat, move a sensible person to keep a promise? We may pursue this question from a slightly different angle by turning our attention to situations in which the need to keep a promise conflicts with some other weighty consideration.

Rationalism and practical conflicts

Foot's rationalism guides her treatment of practical conflicts involving morality. After claiming (in the passage quoted at the outset) that 'the rationality of, say, telling the truth and keeping promises is on a par with the rationality of self-preserving action', Foot adds that

> The different considerations are on a par, moreover, in that a judgement about what is required by practical rationality must take account of their interaction: of the weight of the ones we call non-moral as well as the ones we call moral. For it is not always rational to give help where it is needed, to keep a promise, or even, I believe, always to speak the truth. (p. 195)

And where this weighing delivers the conclusion that we must break a promise, for example, this is not a wrong it is reasonable to commit but rather a case where morality does not require us to keep the promise.

I shall take 'moral conflict' to cover situations in which, say, two obligations conflict and also situations where 'moral' considerations conflict with 'non-moral' considerations—for example, where self-interest suggests that we break a promise or tell a lie. Foot maintains that the capacity to decide what to do in the face of such conflicts is practical reason, the very capacity which enables us to resolve practical conflicts more generally (pp. 172–3). A good person is good at deciding which of two promises they ought to keep but also good at deciding whether to stay in and nurse a bad cold or else visit the bank in time to avoid overdraft charges.

Foot sees practical deliberation as a two-stage process (pp. 44–6 and 177–8)[5]. At the first stage, we try to discover all the considerations that are relevant to our decision, all the things which count in favour of or against each of the options. Such considerations include the promissory

[5] For a related claim, see Davidson, 1980, pp. 37–42.

obligations we have taken on as well other moral obligations and relevant non-moral considerations. One thing to look out for at this stage are apparent reasons which are not genuine reasons. For example, one has no reason to support one's biological father in old age if he raped one's mother and then deserted her (p. 45).

At the second stage of practical deliberation, we form an all things considered judgement about what to do. It is natural to say that we are now settling what we ought to do but Foot warns that this 'ought'—the ought of decision or advice—must be carefully distinguished from the oughts we employ at stage one to express the various reasons relevant to our decision. For example, having determined that a promise was freely given, clearly accepted and so forth, I conclude that the obligation here is perfectly genuine, unlike the apparent obligation to support my father. And I might express this by saying that I *ought* to keep the promise. But there is no inconsistency when I add, after further deliberation, 'but I can't because I *ought* to keep this more important promise, or help this sick child …'. For Foot, the second 'ought' differs from the first.

With this apparatus in place, Foot feels able to reject the idea that there are what I shall call *irresolvable* moral conflicts, cases in which we are wronging someone whatever we do. She agrees that one who has made two promises which, as things turn out, cannot both be kept may rightly think that he ought to keep each of them. But the 'ought' here applies only at the first stage of practical deliberation. In most cases one promise will be on a more important matter, or more solemnly undertaken, or simply prior to the other, and that promise ought to be honoured in the all things considered sense of 'ought'. And, Foot says, one cannot be at fault in doing what one ought to do all things considered, provided one was not at fault in creating the conflict thereby resolved. Where there is no way of deciding between the promises, one can blamelessly choose to honour either of them.

We can see how Foot arrives at this result by comparing the moral evaluation of people (or their actions) with the evaluation of people (or their actions) as prudent or imprudent, sensible or foolish, a comparison suggested by Foot's rationalism. There are many situations which present us with difficult choices but none of these are situations in which, whatever you do, you will be doing something foolish (except in so far as you are a fool to be in that situation). In asking how reasonable an agent's behaviour is, we are evaluating the quality of their deliberations: reasonable behaviour is a result of reasonable deliberation. And reasonable deliberation is precisely deliberation which deals with what-

ever conflicts the world throws up in the best way possible. If there is a right way of resolving a conflict, that will be the reasonable way to resolve it and if there is no such way then various resolutions are equally reasonable.

Foot takes the view that *moral* evaluation is evaluation of the rational human will (*NG* p. 69); a good person is someone who does their practical reasoning well. With this claim in hand, Foot can answer the question from Williams that she poses herself on page 176 of *Moral Dilemmas*—what would have to be true of the world and of an agent that it should be impossible for him to be in a situation where whatever he did was wrong? Williams suggests that something like 'a rather interventionist God or the total reduction of moral life to rules of efficient behaviour' would be required.[6] But if being in the right is just deliberating well and acting accordingly, all we need do to keep our hands clean is to deliberate well and act accordingly. However dire the problems which the world throws up, it can never force us to behave unreasonably in the face of them. Consequently, if Foot is correct, it can never force us to do wrong.

Irresolvable moral conflict?

Foot's two-stage model of practical deliberation captures important similarities between the cases of conflict she discusses, yet it glosses over some equally important differences. In some of these situations we are happy to make the choice, though the choice may, in various ways, be a difficult one. In other situations we would prefer not to have the choice at all and such a preference seems perfectly reasonable. And in a sub-set of these latter cases (I shall argue) our reason for not wanting the choice is that we would be wronging someone by making it, however right the choice we make.

When someone says 'I'd prefer not to have to choose' they might mean simply that they would prefer the world to be such that one could have both options (if both are desirable) or neither option (if both are undesirable). This is so wherever one has a practical conflict. Foot imagines a pianist who in interpreting a Romantic piano sonata chooses to sacrifice pace for expressiveness (p. 185). The pianist would prefer to have both and in that sense they would rather not have to choose between them. But, in another sense, they very much want to choose. Though the decision may be a difficult one, both in that it is hard to get right and in that it involves sacrifice of aesthetic value, mak-

[6] Williams, 1981, p. 75.

ing such decisions is one of the pleasures of pianism. On the other hand, there are difficult choices no-one takes pleasure in making, for example, deciding whether to postpone having a child in order to pursue one's career at a crucial point. This choice may be agonizing and one may deeply regret the personal loss involved, however confident one is that one made the right decision. Still few would be prepared to hand this decision over to a third party: in that sense one still wants the choice.

Let's now turn to those difficult choices which occupy moral philosophers. Suppose you have a limited quantity of a life-saving drug to distribute amongst a group of sick people with whom you have no prior connection. All are equally deserving but not all can be saved. Here you may bitterly regret having to decide who lives and who dies. You may wish that this task had fallen to someone else or, more charitably, that nature would take the matter out of your hands. Once the choice is made you will (quite reasonably) feel awful about the resulting deaths, not just *qua* compassionate observer but as someone who brought those deaths about. And these feelings of agent regret will not be assuaged by your confidence that you made the right choice. Still in so far as you are convinced that you did the right thing, you will not think of yourself as having *wronged* those who died: in the circumstances, you were under no obligation to save *them*.[7]

It is an interesting feature of such cases that drawing lots to determine who gets the drug can make the situation less distressing for you the agent. In part this is because it reassures everyone that the choice is truly fair. But it also puts a certain distance between you and the inevitable deaths: at least you no longer decide who is to die. You may still feel awful about those deaths but your connection with them is now more indirect. And this muting of your discomfort seems no less reasonable than the original distress.

Now consider a case of conflicting promises discussed by Foot (pp. 41–2). I have agreed to be *A*'s best man and also agreed to be *B*'s best man and then I discover (what I had no way of knowing) that *A* and *B* have arranged their weddings for the same day. A much less tragic choice confronts me but one I may still find rather distressing. Here I do not just *wish* for the decision to be made by someone else, my first obligation is try to get someone else to make it. If I determine that it would be best for me to attend *A*'s wedding I must first approach *B*,

[7] Imagine instead that you had promised the medicine to one group and then realized that the other needed it more. Here the first group could play on your guilt as well as on your desire to help.

explain the situation and seek to be released from my promise to *B*. Only once *B* declines will I consider taking the matter into my own hands.

Suppose *B* is reluctant to release me and time is pressing. I decide to resolve the matter by breaking my promise to *B*. I have no doubt that this is the right decision but I may have as little doubt that I am wronging *B* in making it. Here my attitude to what I am doing differs from my feelings about the deaths I cause in the drug distribution case. There I think I am wronging no one and so, though I feel bad about what I must do, I would regard guilt or remorse as an inappropriate reaction. But when I break my promise to *B*, such feelings have a very different status. The choice I have made here is not just unpleasant or distressing (and thus best avoided). The whole point of the promise was that it obliged me to leave the choice to *B* and so it makes sense for me to think that I am wronging *B* if I make it. *This* reason for being averse to the choice is in no way diminished by my confidence that I made the right choice in deciding to attend *A*'s wedding.

Here I might well wish for the matter to be taken out of my hands by an illness which prevents me from attending either wedding. Can Foot account for this wish? She tells us that moral necessity is as much a shield against fault as physical necessity: I can equally well excuse myself by explaining to *B* that I cannot help it, whether the grounds for my non-attendance is illness or a conflicting obligation (pp. 48–9). Were she right about this, I would be rather foolish to hope that illness would save me from having to make the decision. Yet this wish makes perfect sense. When *B* objects to my decision to attend *A*'s wedding instead of his I cannot dismiss his reaction as I could if he refused to accept that illness makes it physically impossible for me to attend. And this is so even if neither the illness nor the conflict of obligations could have been foreseen.

Nor is this because the illness relieves me of the sort of agent regret I experience in the drug distribution case. Were my promise to *B* just as binding as my promise to *A*, tossing a coin to determine which promise to keep would not have the salutary effect it does in the drug distribution case. The reason is clear: allowing which wedding I attend to be settled thus is as much a breach of promise as settling it myself. I am wronging the loser either way by depriving *him* of the choice. True, this procedure might render my choice less offensive to the loser by making the arbitrariness of my choice transparent but it might equally make my choice more offensive to them by suggesting that I was trying to distance myself from it.

Foot does not deny that in the cases we have been discussing our choices have a cost in the sense that some good is lost, some good which morality must recognize (pp. 183–4). But, according to her, that description fits all these cases including that of the pianist. Once the right choice has been made, there is no room left for the thought that we have wronged anyone (p. 186). That seems to miss the differences already noted. It may be that, in settling which of two conflicting promises one should keep, one is treating these obligations as inputs into the first stage of practical deliberation and then weighing them to determine which promise it would be right to honour. But, I would argue, settling on the right thing to do is not the same thing as settling on an option which wrongs nobody. And if someone has been wronged, guilt may be a perfectly reasonable reaction to having done the reasonable (that is, the right) thing.

Several writers have noted that those who breach promises often do feel guilty about doing so and these writers have claimed that this reaction may be perfectly justified even when the agent knows they are acting for the best. Foot disagrees. She insists that such feelings are 'irrational without being discreditable' (p. 41) comparing them to guilt at giving away the possessions of someone lately dead. Yet the latter case seems disanalogous. When someone winds up their relative's affairs without adding guilt to the inevitable sadness we are pleased, whilst one who breaches a significant promise without the slightest qualm has a point against them. Though they may have 'acted for the best' they have also failed to register the moral character of the situation.

It might be thought that what matters here is the harm done by the breach of promise (absent in the dealings with the deceased's effects). Perhaps an admirable person should, like the person who must distribute a limited supply of drugs, feel awful about having to cause harm without this regret amounting to guilt, at least where they acted for the best. But I doubt that our aversion to breaching a promise is focused solely on the harm we thereby do. We often feel uneasy even when no harm was done (or even threatened) and it is hard to understand that residual feeling except as a recognition that we have wronged the promisee.

Foot herself provides us with an example which illustrates this point:

> we ourselves might feel a distress which we thought rational if for instance we had to reveal a secret that we had promised we would never tell, even if no harm had come of it or could come of it. If the secret were something that its possessor had wanted very much to guard then even if his reputation had been enhanced rather than damaged by the telling of it, and even if he were

> now dead, one might still feel that it was something regrettable that one had to do, and one might hate to do it. (p. 47)

Here a care for the promisee's own interests dictates the breach of promise. Foot denies that the distress one feels involves an acknowledgement of fault but it is hard to see what else might be worrying you.

Foot asks us to consider other cases in which good comes to everyone as a result of a breach of promise (pp. 46–7 and 183)—the person I must stand up doesn't suffer a moment's annoyance because he meets his future beloved whilst waiting at my door etc. Here it was reasonable of me to break my promise to him and as things turned out the promisee benefited hugely from my decision; all resentment is forgotten. In such a case, Foot asks, wouldn't it be 'rather foolish' for me (or anyone else) to feel 'distress' at my breach of promise? (p. 47) The implication of Foot's rhetorical question is that if I wronged the promisee, such a feeling must be appropriate.

From the fact that guilt is appropriate only if someone has been wronged, it does not follow that guilt is appropriate whenever someone is wronged. Much goes to determine the appropriateness of feelings of blame and self-blame other than the blameworthiness of the object. For one thing, human beings can support only a limited range of emotions at any one time: feelings of moral distress will tend to crowd out or diminish the general rejoicing which may be the most appropriate reaction to what has occurred. Moral distress, however slight, does not mix well with joy; more suitable would be moral relief at how well things have turned out. Yet this relief involves a recognition by the agent that he *has* wronged the promisee and is glad that the character of consequences have (as we think) made it rather silly for anyone to dwell on that wrong.

Conclusion

Foot defends the idea that morality is a branch of practical reason; we are moved by moral considerations just as we are by any consideration we regard as a reason. She further suggests that practical reasons are all grounded in facts about human good and that good people, like prudent people, are those who take proper account of these facts in their deliberations.

Parts of our morality fit this picture rather well. Benevolence, temperance, courage, gratitude, as well as that sense of fairness which underlies distributive justice all involve the balancing of divergent goods and values, both within the life of an individual and between the

lives of different people. But as our discussion of promising made clear, other species of justice are a more awkward fit. Moral considerations are, in fact, a rather heterogeneous bunch and they do not all qualify as reasons in Foot's sense.

One could react to this by dropping the claim that all reasons are grounded in facts about human good. But that would eviscerate the idea that there is a single capacity here, a capacity to understand and be moved by practical reasons, a capacity which the prudent person shares with the good person. Without some account of what all reasons have in common, rationalism about morality threatens to boil down to the linguistic observation that we use words like 'reasonable' for purposes of 'moral' as well as 'non-moral' assessment, an outcome Foot is clearly anxious to avoid (p. 197).

Alternatively one might explore the possibility that 'moral' is not a very useful category because it assimilates rather different sources of motivation. Perhaps Foot is right to maintain that the capacity for benevolence, gratitude etc. comes along with the ability to think before one leaps, to provide for one's own future and so forth. Yet it may also be true that a quite distinct capacity is sometimes involved in keeping promises (and perhaps in telling the truth). As we saw above, Foot acknowledges that a consideration one does not see as a reason (the sadistic pleasure) can immediately motivate action. Should it be any more surprising when one keeps a promise even though one can see no reason (in her sense) to keep it or that one feels guilty at breaking a promise even though one has sufficient reason (in her sense) to break it?

In one of the earlier papers in the volume, Foot remarks that 'we simply do not have a satisfactory theory of morality, and need to look for it' (p. 76). But why insist on a unitary theory of morality?[8] The problem with Foot's later rationalism may be that it seeks to provide one.[9]

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[8] Foot herself expresses some doubts about the ordinary use of the term 'moral' because it suggests too great a contrast between morality and self-interest (NG pp. 68–9) but she hopes a correct theory of what morality is about will dispel this illusion.

[9] I am grateful to Jimmy Lenman, Paul Noordhof, Chris Hookway, Robert Hopkins, Jennifer Saul, Roger Teichmann, Joseph Raz and especially Michael Martin for discussion of these matters.

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References

Anscombe, G. E. M. 1981: 'On promising and its justice' in her *Ethics, Religion and Politics*, Oxford: Blackwell, 1981.
Davidson, D. 1980: *Essays on Actions and Events*. Oxford: Oxford University Press.
Foot, Philippa 2002: *Moral Dilemmas*. Oxford and New York: Oxford University Press.
——2002: *Virtues and Vices.* (VV) Oxford: Clarendon Press.
——2001: *Natural Goodness.* (NG) Oxford: Clarendon Press.
Williams, B. 1981: *Moral Luck.* Cambridge: Cambridge University Press.

