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UNIVERSITY OF CALIFORNIA
SANTA CRUZ

**NATURAL GOODNESS AND THE AFFECTIVE GROUND OF JUDGMENT**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

PHILOSOPHY

by

**Tyler E. Olsson**

June 2022

The Dissertation of Tyler E. Olsson
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**ABSTRACT**

Natural Goodness and the Affective Ground of Judgment

Tyler E. Olsson

The overarching aim of this dissertation is to supplement Philipa Foot's metaethical naturalism, called the theory of natural goodness, with a cognitivist account of affective sensibility. My account provides a receptive ground for moral judgment that appropriately anchors it in the world as a species of evaluation capable of motivating actions through elicited feelings that are necessarily connected to the conceptual structure of worldly situations. I first present and defend the fundamental tenets of the theory of natural goodness, specifically its aspirations toward securing the objective validity of moral judgment, but I then criticize Foot's treatment of the theory as suffering from a blindspot which leaves her view incomplete and in need of modification. Foot takes as her theoretical point of departure a well founded criticism of non-cognitivism and the emotivist approach to grounding moral judgments in subjective, affective states of mind. Although I agree that a qualified criticism of non-cognitivism is in order on this front, in my view Foot responds to this aspect of the non-cognitivist thesis too strongly, such that she ends up making it seem as if there is absolutely no logical role for affective states of mind to play in a cognitivist theory such as her own. Effectively, the role of sensibility in its capacity to elicit "moody" responses to something in the world that inherently aim at the fulfillment of necessary and objective ends—this insight goes untreated in Foot's view. As a variety of cognitivism, then, the upshot of my

supplemental account of affective sensibility is that it respects the receptive component of moral judgment which non-cognitivism locates in subjective states of mind, while simultaneously preserving the objective import of moral judgments that render knowledge of moral value, as professed by the theory of natural goodness. Lastly, through a reading of Kant that connects his notion of disinterested pleasure in the third *Critique* to his larger theory of cognition, I argue that my cognitivist account of the affective grounds of moral judgment is plausible not only because we have reason to place empirical evaluations and their corresponding forms of knowledge on affective grounds, but rather because we have reason to place all empirical knowledge on affective grounds as a condition for the possibility of its normative, rule-like structure.

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# Introduction

### *0.1 Introduction*

The turn of the twentieth century was an odd time for philosophy. For many, the enterprise of "science," with all of its impressive productivity and inductive success, had at this point become the predominant intellectual field to turn to for answers concerning what the world is truly like and for achieving knowledge of the world. Typically, what is meant by 'world' in this context is something to the effect of the *natural* world, for the world of *nature* is what science systematically studies. But as history would tell, the linguistic association here runs deep. The appealing success of science in its ability to represent and predict the goings-on of nature seems to dangle over our heads the temptation to completely gerrymander conceptions of the natural around conceptions of the scientific such that, not only is it said that science studies nature, but something fails to be considered properly natural *unless* it is studied through the instruments and methodology of science. If we give into this tempting thought, however, we risk letting "science" maintain an ultimately unwarranted hegemony over the natural, a hegemony that threatens to expel some of life's most important aspects from nature which a deeper understanding of what that term means finds counterintuitive on second thought.

If we take the thought too seriously, then, philosophy thus comes up against a crisis, indeed as it did at the turn of the twentieth century, pertaining to its relevance and function in humanity's pursuit of worldly knowledge. What became especially questionable in that time was what authority, if any, philosophy had over questions pertaining to the natural world. One available path was to follow the route taken by the early mathematical logicians whose program would eventually lead to the logical positivist movement coming out of the Vienna circle. This positivistic route effectively was one that considered philosophy's role to be something like playing hand-maiden to the sciences, where philosophy would merely function to help clear up very fine-grained conceptual matters, or to help the sciences think through the logical and semantic structures of scientific theories—but nothing more substantial than that. Another route would have been to bite the bullet on science's full authority over matters concerning the natural, while urging that philosophy's vocation was tending to those specifically practical and seemingly enchanted human affairs, such as concern moral theory and aesthetics—domains of inquiry that are arguably governed by sui generis principles, outside the domain of science and it's championed 'verification principle'. In that case, in addition to being the conceptual helpers of the scientists, philosophers may also deal with those value-laden and practical elements of life, concerning itself with the "non-natural" objects of axiology (because "non-scientific"). As it might have seemed for some, only so long as science and philosophy stayed in their respective lanes

could they co-exist.

This tension ultimately pervaded discourse having to do with the meaning of terms and whether or not different categories of concepts employed in judgment—usually distinguishing between the descriptive and the normative/evaluative—were really distinct or if they were somehow equally worthy of being considered the house of truth, knowledge, objectivity, and, of course, the natural. As it turns out, these conversations were a breeding ground for what we now refer to as the philosophical sub-discipline of *metaethics*, the branch of philosophical inquiry having to do with the meaning of our value terms like 'good', 'bad', 'right', 'wrong', 'beautiful', 'interesting', 'horrendous' and other related concepts that arguably don't neatly fit into the framework of nature as studied by science. There are two different metaethical schools of thought that come out of this period which are particularly relevant to my dissertation project that I would like to mention upfront to help situate my thesis.

On the one hand, there is the non-naturalism of G.E. Moore.[1] Roughly, ethical *naturalism* is the thesis that statements having to do with ethical/moral matters can be translated into (or otherwise reduced to) non-ethical, verifiable statements of *fact*. That is, ethical naturalism is a position that maintains that the normative and evaluative language of ethics can ultimately be couched in

[1] As presented in Moore, G.E. 1993. *Principia Ethic,* Cambridge University Press.

descriptive language such that our moral terminology is understood as tracking natural properties in the world that can be observed and verified like any other empirical phenomenon studied by science. Ethical statements have truth makers in nature, and in this way ethical statements are able to be markers of ethical/moral knowledge. Now Moore felt that this way of thinking committed what he called a "naturalistic fallacy," an informal fallacy that derives notions of *right/wrong* or *good/bad* from nature without sufficient warrant by simply contriving to explain their meaning reductively in terms of natural properties like pleasantness or the desirable (and their counterparts). This kind of reduction we might think independently implausible for the following reason: If moral claims were as unproblematically verifiable as other empirical claims, such as the claims of science, then why isn't there more widespread agreement on such matters? Ethical naturalism as previously stated doesn't help sufficiently explain why there are rampant moral disagreements. 'Good', then, seems to resist a straight-forward "natural" definition.

Alternatively, Moore invites us to consider the sense in which 'good' is a simple, albeit indefinable term:

> 'Good', then, if we mean by it the quality which we assert to belong to a thing, when we say that the thing is good, is incapable of any definition, in the most important sense of that word. The most important sense of 'definition' is that in which a definition states what are the parts which invariably compose a certain whole; and in this sense 'good' has no definition because it is simple and has no parts. It is one of those innumerable objects of thought which are themselves incapable of definition, because they are the ultimate terms by reference to which whatever *is* capable of definition must be

defined.[2]

The closest analogy we have for understanding the simplicity of the meaning of 'good' according to Moore is *color*. For example, with respect to the color yellow he says "we may try to define it, by describing its physical equivalent; we may state what kind of light-vibrations must stimulate the normal eye, in order that we may perceive it. But a moment's reflection is sufficient to shew that those light-vibrations are not themselves what we mean by yellow. *They* are not what we perceive."[3] His point being, in other words, that "just as you cannot, by any manner of means, explain to any one who does not already know it, what yellow is, so you cannot explain what good is."[4] But this is just an analogy. Though Moore's position is *cognitivist* insofar as it maintains that moral judgments can be determined true or false, thus rendering moral knowledge, certainly moral properties as understood by Moore are available to us in a way that is importantly distinct from the way in which color is available to us. In other words, Moore maintained that moral properties are not registered through the same cognitive faculties we use to observe and verify the color of things and other natural properties. Instead, Moore proposes that we *intuit* the non-natural properties that correspond to our moral and ethical terminology. In sum, the non-naturalist thesis put forward by Moore ends up running

[2] Moore, p. 61.

[3] Ibid., 62.

[4] Ibid., 59.

roughly as follows: although ethical language can never be reduced to factual language about the natural world, and therefore the subject matter of ethics can never be verified through the same cognitive faculties as can the subject matter of the natural world, we can still assess the truth and falsity of ethical statements through a special faculty called *moral intuition* whose sole function is to register those non-natural elements of the uniquely human realm of moral life.

On the other hand, there is the non-cognitivism of A.J. Ayer, which purported to be a corrective modification to Moore's intuitionism.[5] It's worth noting that ethical naturalism and ethical non-naturalism are both *cognitive* theories of meta-ethics; both positions maintain that moral judgments are capable of marking moral *knowledge*. Crudely put, most varieties of ethical naturalism argue that this knowledge can be scientifically verified or falsified. Ethical non-naturalism, on the other hand, denies this and claims instead that moral judgments ascribe a certain indefinable quality to objects and actions which are deemed true or false by that seemingly mysterious faculty of intuition. *Ethical non-cognitivism* then rejects both of these propositions.

Ayer Admits, with the non-naturalists, that moral claims cannot be reduced to normal empirical concepts (like, e.g. 'acidic'). But he is specifically unsatisfied with the non-naturalists solution to this consideration:

[5] As presented in Ayer, A.J. 2001. *Language, Truth, and Logic,* Penguin Books.

> In admitting that normative ethical concepts are irreducible to empirical concepts, we seem to be leaving the way clear for the "absolutist" view of ethics—that is, the view that statements of value are not controlled by observation, as ordinary empirical propositions are, but only by a mysterious "intellectual intuition." A feature of this theory, which is seldom recognized by its advocates, is that it makes statements of value unverifiable. For it is notorious that what seems intuitively certain to one person may seem doubtful, or even false, to another. So that unless it is possible to provide some criterion by which one may decide between conflicting intuitions, a mere appeal to intuition is worthless as a test of a proposition's validity. But in the case of moral judgments, no such criterion can be given. Some moralists claim to settle the matter by saying that they "know" that their own moral judgments are correct. But such an assertion is of purely psychological interest, and has not the slightest tendency to prove the validity of any moral judgment. For dissentient moralists may equally well "know" that their ethical views are correct. And, as far as subjective certainty goes, there will be nothing to choose between them. When such differences of opinion arise in connection with an ordinary empirical proposition, one may attempt to resolve them by referring to, or actually carrying out, some relevant empirical test. But with regard to ethical statements, there is, on the "absolutist" or "intuitionist" theory, no relevant empirical test. We are therefore justified in saying that on this theory ethical statements are held to be unverifiable. They are, of course, also held to be genuine synthetic propositions.[6]

Operating implicitly in Moore's intuitionism, specifically on the point of 'good' being a simple, indefinable notion, is the traditional distinction between analytic and synthetic judgments. Synthetic propositions are statements the truth of which are verified by observing the world, for example when determining the truth of the proposition that 'The car keys are on the table' or that 'This solution is acidic'; analytic propositions, on the other hand, being those statements the truth of which can be determined through an analysis of the meaning of the terms alone, for example when determining whether or not its true that 'my brother is a male sibling' (*'Brother'* just means: a male sibling). When Moore likens the indefinable meaning of 'good' to the meaning of color terms, it is a way of talking about questions concerning what is good to be a

[6] Ayer, pp. 108-109.

*synthetic* matter, since the truth of the matter could never come through an analysis of the meaning of those terms alone. Questions as to whether or not something is *good*, in a sense, are always "open" and require further investigation, i.e. they require assessment through moral intuition, whatever it is.

So non-naturalism, according to Ayer, holds a contradicting double claim: it wants to claim that moral judgments are both 1) without a standard for empirical verification, & 2) synthetic propositions. Ayer thinks that this is a contradiction in terms since "a synthetic proposition is significant [*and therefore meaningful*] only if it is empirically verifiable."[7] This is, of course, just one formulation of what the logical positivists called the verification principle. The breakdown of Ayer's argument thus runs as follows:

> (1) *The Verification Principle*: A synthetic proposition is meaningful, and hence can be true or false, only if it is empirically verifiable. All literally meaningful propositions are either analytic—true by definition—or else empirically verifiable.
>
> (2) Ethical statements cannot be translated into statements of empirical fact—that is, no natural reduction of ethical concepts is possible. So they are not empirically verifiable.

[7] Ayer, 109.

(3)Ethical statements are synthetic, not analytic—that is, they aren't true by definition.

*(4) Non-cognitivism*: Therefore (from 1, 2, and 3) ethical statements are not literally meaningful, and can be neither true nor false.

Ayer's positive proposal, in turn, is the non-cognitivist position of *emotivism,* stating that "in every case in which one would commonly be said to be making an ethical judgment, the function of the relevant ethical word is purely "emotive." It is used to express feelings about certain objects, but not to make any assertion about them."[8] Ethical judgments, in other words, function to do no more than express emotions similar to a scream, groan, grunt, or other expletives, such as 'Ouch!', 'Fuck!!' 'Ahhh!', 'Yay!!' 'Awesome!' 'Boooo!', etc. In context, to say 'lying is wrong' is no more than saying: 'Lying! Boo!' On this view, expressions that employ moral, evaluative terminology directly express one's *subjective state of mind* with respect to their approval or disapproval of something (which is distinct from the statement expressing the *fact that* one disapproves). It is the subjective emotional state of mind itself that gets expressed in a moral judgment, and therefore there is nothing cognitive about it in the sense that there is no knowledge rendered from the expressions, properly speaking.

To say the least, the turn of the twentieth century marked a time when

[8] Ibid., p. 111.

the nature of value in general and morality in particular was under heavy scrutiny, and with it the very possibility of the objective validity of evaluative and moral judgment. However, some thinkers in the later part of the century, most notably John McDowell, sought to revive ethical naturalism through a canonization of the inconspicuous overlapping insights of Aristotle's virtue theory and Kant's philosophy of mind. And there has been an even more recent resurgence of Aristotle's philosophy in the work of Michael Thompson and Philipa Foot.[9] It is this cluster of thinkers that inspire my work here, and it is Philipa Foot's theory of natural goodness that I take as my point of departure toward an original contribution to the literature. Though I am initially an ally of Foot's work, I am ultimately critical of her view and I propose to supplement it with a cognitivist account of affective sensibility inspired by some combination of McDowell's sensibility theory[10], the language pragmatics of

[9] As presented in the following works: Foot, Philipa 2001. *Natural Goodness,* Oxford; Thompson, Michael 2008. "The Representation of Life", from *Life and Action: Elementary Structures of Practice and Practical Thought*, Harvard University Press.

[10] As presented in the following works: McDowell, John 1994. *Mind and World,* Harvard University Press; McDowell, John 1998a. "Values and Secondary Qualities," from *Mind, Value, and Reality,* Harvard University Press; McDowell, John 1998b. "Aesthetic Value, Objectivity, and the Fabric of the World," from *Mind, Value, and Reality,* Harvard University Press; McDowell, John 1998c. "Virtue and Reason," from *Mind, Value, and Reality,* Harvard University Press; McDowell, John 1998d. "Two Sorts of Naturalism," from *Mind, Value, and Reality,* Harvard University Press; McDowell, John 2009. "Avoiding the Myth of the Given," from *Having the World in View,* Harvard University Press.

Rebecca Kukla and Mark Lance[11], Kant's theory of pure aesthetic judgment[12], and Heidegger's notion of *state of mind*[13] (*Befindlichkeit*).[14] It will be the task of this dissertation to work this account out in detail.

With her *Natural Goodness,* Foot draws inspiration from the ancient Aristotelian conception of virtue and expands on Michael Thompson's logical work on the representation of life forms to sketch a cognitivist ethical naturalism which she calls the theory of natural goodness. It is the notion of a life form that distinguishes her view from other kinds of naturalism. In her own words:

> …I believe that evaluations of human will and action share a conceptual structure with evaluations of characteristics and operations of other living things, and can only be understood in these terms. I want to show moral evil as 'a kind of natural defect.' *Life* will be at the center of my discussion, and the fact that a human action or disposition is good of its kind will be taken to be simply a fact about a given feature of a certain kind of living thing.[15]

The theory, as Foot presents it, grounds evaluative judgments that employ

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[11] As presented in Kukla, Rebecca and Lance, Mark 2009 *'Yo!' and 'Lo!': The Pragmatic Topography of the Space of Reasons*, Harvard University Press.

[12] As presented in Kant, Immanuel 2001. *Critique of the Power of Judgment* (third *Critique*), tran. Paul Guyer and Eric Matthews, Cambridge; Kant, Immanuel 1998. *Critique of Pure Reason* (first *Criqitue*), tran. Paul Guyer and Allen Wood, Cambridge.

[13] As presented in Heidegger, Martin 2008. *Being and Time,* trans. Macquarie and Robinson, Harper Perennial.

[14] The reader shouldn't be too alarmed here. I am quite intentional in saying that my account is *inspired by* a perceived overlap between these thinkers -- the work is not heavily laden with [extensive] textual interpretation of three to four giants. For the exception of the middle portion of chapter two where I present the language pragmatics of Kukla and Lance, and the latter half of chapter three where I offer a thorough interpretation of Kant's third *Critique* and its relationship to the first *Critique,* the majority of the work is spoken in my own voice, only paying tribute to the ideas of others when appropriate.

[15] Foot, p. 5.

terms like 'good' & 'bad' in natural historical facts, propositions that implicate what is and what is not a vital function for a given form of life, propositions that take the logical form of, e.g., *S's have F in order to Φ,* what Thompson identifies as "Aristotelian categoricals." Evaluative judgments of natural goodness then are *species-specific*. As it pertains to metaethics, Foot fills out her account by likening the evaluation of human beings to the assessment of health and defect in other, non-human living beings, arguing that the logical structure between ground and conclusive judgment are the same in both cases. Concerning the moral evaluation of human beings, then, the thesis is that we make such evaluations on the basis of a natural, categorical description that constitutes an answer to the question 'what kind of beings are *we*?', finding the relevant feature for moral goodness to consist in our capacity for a second nature as practically rational beings. Being able to recognize and discern reasons that count in favor of actions is a requirement for moral goodness, and not fulfilling this function is a natural defect.

With this kind of naturalism, Foot states that one of her primary aims then is to "break really radically both with G.E. Moore's anti-naturalism and with the subjectivist theories such as emotivism and prescriptivism that have been seen as clarifications and developments of Moore's original thought."[16] As I see it, the fundamental tenets of Foot's position implicate both a desirable

[16] Foot, p. 5.

metaphysics and epistemology about values. *Metaphysically* because it puts what is good for us in practical reach by keeping it within the bounds of human nature, whether it be the fulfillment of goods determined by reflection on first nature, like having a healthy heart, certain body temperature, vocal cords, properly functioning brain & extremities, etc.; or goods fulfilled such as that required by second rational nature, like having the wherewithal to see what it's worth to be brave or keep my word when it counts.

*Epistemologically* it's promising because by grounding the value inherent to moral judgment in cognitive states, such as the recognition of reasons and claims to knowledge, there is accordingly nothing foundationally idiosyncratic in the notion of moral discourse barring us from its very possibility in practice. We demand a certain kind of 'universal assent' when we speak in moral terms and this is a mark of our judgments being grounded in reasons assessable by the light of rationality, the human being's natural endowment. Rationality is a definitive unifying capacity of human beings at the species level, and reasons are thus typically thought to be available to us all through this shared capacity, at least in principle. The upshot here, in other words, is that the theory of natural goodness vindicates our tendency to give a universal voice to our morally charged claims when we cite *reasons* for why something is said to be good or bad, or required for the good life. Natural goodness is therefore a cognitivist metaethical theory that makes good on what is *prima facie* our situation when it comes to morality and moral discourse.

To state again, I do find myself an ally with proponents of the theory of natural goodness for the aforementioned reasons. But as desirable as these fundamental tenets are, I argue that, when understood as a metanormative theory about the locus and nature of the value term 'good', Foot's particular brand of moral cognitivism doesn't thoroughly address what is noticeably a more foundational ground than just sets of descriptive statements about what is constitutive of the human species *qua* rational being. This more foundational ground which gets overlooked is *the phenomenon of recognizing reasons itself, specifically the recognition of reasons as 'counting in favor' of action, which, I argue, is best understood as a certain kind of perceptual skill*. Foot thus has a blindspot for an important aspect of the non-cognitivist thesis that I think a plausible cognitivism ought to in fact try to preserve, though with different treatment of course.

A theory of judgment requires a receptive component to be accounted for, something which can anchor judgment in the world, and what a non-cognitivist thesis (such as emotivism) has going for it is that talk of subjective states of mind at least partially satisfies this receptivity requirement. Appropriately tending to the subjective grounds of moral judgment is what ultimately gets lost in Foot's recoil.

To start bringing this out, it is worth considering what Foot takes to be the "crucial mistake" of non-cognitivism:

> It is the mistake of so construing what is 'special' about moral judgment that the grounds of a moral judgment do not reach all the way to it. Whatever 'grounds' may have been given [*in the case of the emotivist theory*], someone may be unready, indeed unable, to make the moral judgment, because he has not *got* the attitude or feeling, is not *in* the 'conative' state of mind, is not *ready to* take the decision to act: whatever it is that the theory says is required. It is this gap between ground and moral judgment that I am denying. In my view there are no such conditions on moral judgment and therefore no such gap.[17]

So Foot wants to expunge the "conative" ground, the subjective "feeling" and "attitude" that non-cognitivism claims must be the basis of moral judgment that functions to *motivate action*, but yet she herself is inclined to replace it with a concept of reason recognition that comes in a variety of flavors, e.g. "weighted," "powerful," "compelling." Indeed this is how she speaks when offering her own view of how we ought to think about how considerations of justice motivate the actions of a virtuous agent:

> What, for instance, distinguishes a just person from one who is unjust? That he keeps his contracts? That cannot be right, because circumstances may make it impossible for him to do so. Nor is it that he saves life rather than not saving them. 'Of course', someone will say at this point, 'it is the just person's intention, not what he actually brings about, that counts.' But why not say, then, that it is the distinguishing characteristic of the just that *for them certain considerations count as reasons for action, and as reasons of a given weight?* Will it not be the same with other virtues, as for instance for the virtues of charity, courage, and temperance? Those who possess these virtues possess them in so far as they recognize certain considerations (such as the fact of a promise, or of a neighbor's need) as powerful, and in many circumstances compelling, reasons for acting. They recognize the reason, and act on them.[18]

[17] Foot, p. 9.

[18] Foot, p. 12.

From this we can clearly see that Foot herself acknowledges that the action-motivating component of a metaethical theory -- that which lends itself to the evaluation of one's action and character in moral terms -- is an agents recognition of reasons: "it is the distinguishing characteristic of the just that *for them certain considerations count as reasons for action, and as reason of a given weight*". Moreover, virtuous agents "recognize certain considerations…as *powerful*", not to mention "*compelling*" (my emphasis). "They recognize the reason, and act on them." If the concept of recognition isn't at least a vague gesture towards something like an experiential basis, then one may well wonder what is…. After all, to say that a virtuous agent recognizes reasons and acts on them might as well read: the virtuous person sees what to do, and they do it.

But the problem is that Foot never really gets beyond the gesture. And the fact that her remarks on *reason recognition* comes on the coat tail of her having already dismissed the thought that moral judgment requires a "conative" ground to motivate action—that crucial mistake of non-cognitivism—this fact suggests that she *isn't* inclined to recast the acknowledgment of reason recognition as a cognitivist rendition of what the non-cognitivists were onto with the conative stuff (*something that I purport to do in this dissertation*). Foot simply offers reason recognition as a more germane alternative, *after* expunging the conative condition. In my opinion, instead of stating that her goal in spelling out the theory of natural goodness was to "break really radically both with G.E. Moore's anti-naturalism and with

the subjectivist theories such as emotivism and prescriptivism that have been seen as clarifications and developments of Moore's original thought,"[19] she would have done much better to couch her project in terms of giving a naturalistic spin on Moore's concept of moral intuition. Or at the very least she ought to have felt the call to recharacterize the conative condition in her own naturalistic way, rather than to expunge it all together.

So the blindspot I find in Foot's work is that she doesn't realize that, despite her aversion, she is as a matter of fact unable to really break free from the conative condition which a theory of moral judgment supplies to an account of practical motivation, which cannot be expunged but rather in her case demands a positive characterization that recasts it in the light of her naturalism. The objectivist, naturalistic inertia of Foot's recoil *away* from Moore's anti-naturalism, and accordingly the subjectivist theories that sought to clarify what Moore was getting at, is so earnest that it pushes her to overlook the way in which even her own passing comments about recognizing the "powerful" and "compelling" "weight" of reasons is itself an appeal to a perceptual appreciation of distal environmental features that, for a rational being, are disclosed as reasons that can count in favor of *anything at all*. Foot's response to non-cognitivism, and her general desire for an objectivist ethical philosophy that gets us away from the problematic subjectivism of non-cognitivist theses, is so strong that she recoils into an account that makes moral

[19] Foot, p. 5.

deliberation appear to be a process that spins frictionlessly in a void, out of touch with the empirical world because she doesn't account for what it has to do with perceptual experience. As the saying goes, Foot ends up throwing the baby out with the bathwater.

As I've already suggested, any respectable theory of judgment must accommodate a subject's receptive encounter with the world and the first-personal standpoint from which a judgment is made—as I see it, there's no way around this. The question for an objectivist ethical naturalism is therefore not whether or not to get *rid* of subjective receptivity, but rather how it must be accounted for so that we may understand moral judgment as a species of *empirical* judgment when it applies. Thus what I argue is that a cognitivist rendering of affective sensibility satisfies the subjectivity/receptivity requirement in a way that best fits a theory of evaluative judgment like that of natural goodness, especially when it is considered structurally from the point of view of one's actually making a moral judgment in a concrete particular situation—one which draws practical reason into operation, thus eliciting action. The different treatment we must give to the thought of subjectivity however, apart from the way non-cognitivism handles it, is to account for affective sensibility as a universally shared cognitive capacity that is integral to the nature of human beings as rationally *perceptive* beings. The affective grounds of moral judgment in their capacity as empirical judgments are therefore just the actualizations of this shared perceptual capacity in response

to the world such that, through its actualization, one is able to recognize certain commitments that a situation imparts onto one as important, enabling one to care about those commitments enough to act on them precisely because it is the rational thing to do, all things considered. "Affective" then refers to both the *receptive* component of the faculty, as well as its internal constitution as a conative, "moody" way of appreciating reasons as such.

### *0.2 Chapters Outline*

My thesis is separated into three chapters. The aim of the first chapter is to present and defend the theory of natural goodness in detail along two primary lines: to present it as 1) an alternative metanormative theory to the implausible subjective foundations of non-cognitivism, namely one that distinguishes itself from non-cognitivism by treating the function of practical rationality in moral life as on a par with its function in other aspects of human life, and as 2) a species-dependent ethical appropriation of Michael Thompson's work on the non-empirical, logical structure of judgments that represent life forms in general. The first chapter is primarily expository, intended to get the fundamental tenets of Foot's view out on the table.

It is in the second chapter where the real work begins. In chapter two, I start by pointing out that any respectable theory of judgment must have something to say about receptivity, i.e. the theory must account for the way in which judgment is anchored in the empirical world since many of our moral

judgments are occasioned by an awareness of certain factual matters. For instance, seeing that someone is hurting a child will occasion a moral judgment about what should be done to stop it; seeing what time it is will occasion a moral judgment about what should be done to go and help a friend to whom I have made a promise, etc. And seeing that Foot's ethical naturalism is a respectable theory of moral judgment which tries to secure their objective validity, the demands are no less pressing in the context of her inquiry. Unfortunately, her view suffers from a blindspot that effectively leaves a gap open between 1) the practically rational agents' intellectual understanding of what is necessary and constitutive of the human species in general and 2) their embodied, perceptual sensibility which has the power to draw such general concepts and beliefs of the understanding into practical operation in particular circumstances. Foot does indeed mention the recognition of reasons as that which motivates a virtuous agent to act[20], but in fact central to her view is an insistence that we sever the subjective conative element espoused by emotivism, which is said to consist in emotional responses to purportedly moral affairs. Thus, I argue by leaning on a phrase made famous by John McDowell[21] that Foot leaves the ground for moral judgment "spinning frictionlessly in a void," unable to really make contact with the rational subject's experience in a way that is relevant to a philosophy of moral motivation.

[20] Foot, p. 9. Also see section 2.2 above.
[21] McDowell, 1994.

This reason for this is largely due to Foot's recommended solution: in place of the unflavorful subjective states of mind espoused by emotivism, Foot tries to secure the objective validity of moral judgment and to eschew the absurd thought pushed by both intuitionism and emotivism that the value of moral goodness is somehow not "natural" by proposing that we make Aristotelian categoricals the rightful logical ground of moral judgments—those declaratively structured, "factual" propositions about the essence of the human form of life. The problem, however, is that Foot throws the baby out with the bathwater. In trying to preserve the objective validity of moral judgments, she expunges useful resources that would otherwise help us account for moral motivation. I suggest as a corrective that we can consistently supplement Foot's brand of ethical naturalism with a cognitivist account of *affective sensibility* as that which couples the conative/practical with the cognitive/theoretical, and that we can do so in a way that effectively preserves Foot's concern with securing the objective validity of moral judgments, while also preserving the emotivist insight that moral judgments are in some sense grounded on subjective feelings (the alleged "moodiness" of moral values).

In detailing my positive argument in chapter two, I explicate affective sensibility as a shared human capacity which is inherent to our nature as rationally perceptive beings, the function of which is to enable the recognition and appreciation of reasons that license an inference to actions which are, at a deeper level, disinterestedly pleasurable because they fulfill necessities that

stem from an account of what kind of beings we are by nature. My path toward this discovery is an analysis of the speech acts that represent a virtuous agent's deepest moral insight with a view toward their pragmatic function. At this stage of my argument, I draw from the language pragmatics of Rebecca Kukla and Mark Lance to define the logical structure of the kind of judgments which ground moral action as *recognitive,* i.e. speech acts that have subjective perceptual input conditions, while having objective practical and epistemic output targets.[22] In this way, I argue that the function of the kind of moral speech acts under consideration is not just to mark of one's blank recognition of some fact (like what day of the week it is); nor are they, as the emotivist would have it, analyzable into terms that express a mere idiosyncratic preference one has toward, say, helping their friends—i.e., some non-cognitive state of mind cut off from any notion of publically shared moral values about friendship and promising keeping, or beliefs about what it is in fact good to do. Rather, speech acts of the relevant kind mark an agent's own subjective, experiential recognition of distal environmental features as reasons that are felt to be *important* precisely because they entitle or commit one to specific actions that target the fulfillment of a necessity. The perceptual appreciation and recognition of what is important in this sense thus has a subjective, affective quality to it that constitutes the basis of the judgment, and it draws practical reason into operation, effectively motivating action that is objectively

[22] Kukla and Lance, 2009.

necessary.

Of course one may be wrong about what is in fact the case at any given time, and others may dispute what is ultimately important or necessary when it comes the moral or the factual alike, but if we consider things purely structurally, the point is that the affective quality of something being recognized as necessarily important (such as in the case of helping a friend because you had made a promise, or helping a child who is being unnecessarily tortured), precisely because it shows up against the backdrop of a host of acquired concepts and beliefs about what is necessary *per* an account of the kind of being one is—*the affective quality of recognizing something as important in this way is sufficient to motivate action because it is logically equivalent to the perception of a fact licensing an inference to a conclusion, one that necessarily follows a set of interrelated premises* (and what could be more desirable for an essentially rational being?!).

So in conclusion to the central argument of my thesis played out in chapter two, this is how we square the claim that the phenomenon of recognizing moral reasons itself is best understood as a certain kind of normative perceptual skill: first, as with any experience that constitutes the basis of a judgment, sensibility draws in empirical concepts of the understanding which we have acquired and mastered through experience, and it is through these concepts that we are able to recognize certain distal environmental features that situate us in the world. The concepts we are in

possession of, in other words, function to disclose opportunities for knowledge, and this basically amounts to the claim that experience has *conceptual content*. Thus when the concepts drawn in by a situation are structured such that what shows up for one is a set of considerations that are felt to be important enough to elicit an action, targeting the fulfillment of a necessary function of human life (because it is contextualized as the only rational thing to do, all things considered) they are thus considered *moral* concepts. Doing the right thing is therefore an instance of acting rationally as such, and since fulfilling this essential human function elicits disinterested pleasure when done for the appropriate reasons, as in the case of a virtuous agent, it is arguably equal to knowing the intrinsic value of life that Foot stipulates as inherent to the concept of natural goodness.

So that is the conclusion to my central argument. But even before the last auxiliary claim, which at the end of chapter two I liken to having knowledge of the "chief good" (which I must grant is less central to my overall argument and simply serves as a gesture of how deep the grounding insights of my account may run), some philosophers will be raising their eyebrows with skeptical suspicions over what my account presupposes about the acquisition of concepts through perception. The suspicion is also intimately linked to the question of how I take myself to be justified in making the leap from the *perception of descriptive facts about a situation* to the *normative implications these facts bear on action via their intrinsic affective force*. In other words, it

may seem that up to the point at which I draw out my conclusions from chapter two I will have been committing a very specific and nuanced variety of the naturalistic fallacy, upon which my argument rests. Perhaps Foot's version of the story can bypass charges of the naturalistic fallacy, as her purely objective account demonstrates the logical dependence of judgments of natural goodness on Aristotelian categoricals, but I (as the hypothetical interlocutor will charge of me)—I am not so immune as I bring subjective affects into the story. It would seem that I will have been simply asserting that affects (which are normatively conative) can be wrestled from a consideration of factual matters such that they constitute knowledge of moral values, but I will have not yet argued for the metaphysical possibility of this proposition. How can subjective affects constitute the basis for objective judgments that render knowledge of any kind?

My point of departure in chapter three is thus a consideration of the fact that implicit in my argument throughout chapter two is a certain reliance on a Kantian insight that construes the structure and content of perceptual experience such that it naturally gives way to empirical knowledge, both theoretical and practical, regardless of the subject matter. The way that this plays out for moral judgment in the context of my own argument is that the virtuous agent is made out to be one who has evaluative, moral knowledge because they possess concepts acquired in the process of learning about human nature, concepts which can then be involuntarily actualized in perceptual experience, manifesting action in turn through their inherent affective force.

For certain philosophical frames of mind this will be taken as unacceptable, or at the very least unfounded.

For instance, for the non-cognitivist, my Kantian presuppositions will strike a dissonant chord and they will protest that I have assumed what they initially deny, namely that the world *could* supply sensibility with moral values woven into nature's fabric—values the reception of which enable judgments marking knowledge of them. The non-cognitivist will thus try to correct me by insisting that the deliverances of sensibility only lend themselves to *theoretical* knowledge about the world since only verifiable facts of nature can be given in sensible perception; but since moral values are not verifiable facts of nature, they cannot be amongst the deliverances of sensibility from the "external world", and thus, categorically speaking, there can be no such thing as "empirical knowledge" of moral values. This is the point in calling the affective basis of such judgments "non-cognitive". TL;DR—Morality is not objective because it is not amongst the set of things that we can have knowledge of in the "natural" world, given to us in sensibility, and we are for that reason not philosophically justified in thinking it to be so. End of discussion.

The non-naturalist on the other hand will agree with my cognitivist proposition that perception can lend itself to evaluative, moral *knowledge* (i.e., they will not protest that there is a category mistake in this sense), but they will protest that by trying to introduce the notion of natural facts into the discussion of moral value I effectively have collapsed the realm of human morality into the

realm of the scientific, thus committing a naturalistic fallacy that doesn't respect their *sui generis* principles. In that case, as the non-naturalist would continue, I therefore wrongfully take myself to be deriving the norms of morality from the facts of nature, let alone trying to place the receptivity of values in nature in affective faculties. TL;DR—The non-naturalist will agree that moral judgments render knowledge that come through some kind of faculty for sensibility, or a special kind of perception (think G.E. Moore's "moral intuition"), but they insist that neither the concepts through which we are able to recognize the moral demands pressed upon us by the world, nor the corresponding value of such concepts, have any place in the so-called *natural* world. The category mistake in that case is in placing values within the natural world.

The skeptical sentiment expressed here is arguably a symptom of philosophical anxiety that stems from the traditional distinction between facts and values. Traditionally speaking, for some it is simply compulsory to set facts and objectivity on one side of the distinction, and values and subjectivity on the other side. On the facts/objectivity side of things, it is tempting to think of perception then as a neutral faculty the role of which is simply to take in, or to be "given" the facts, as it were; and on the other side of the distinction, perhaps we designate affectivity or "emotionality" as a faculty that is exercised to inform one of their opinions on some factual matter taken in from the world by perception, though the factual matter itself has no necessary connection to the

emotional response—the affect is *merely* subjective. So the thought (which I will have been pedaling up until chapter three) that we might place facts and values in the same domain of the natural world, and that perception be considered a subjective faculty for taking in both facts and values alike is just to collapse the distinction altogether, and a radical misconstrual of the nature and function of perception.

So what I'm up against in the last leg of my argument here is a single "how possible?" question that arises when we take the aforementioned protests together, and it is this question I turn to address in detail in my third and final chapter. The question which drives my discussion there is: how is it possible that the factive deliverances of sensibility can be said to enable the acquisition of concepts that enable worldly knowledge of values said to be necessarily linked to subjective, affective feelings which ground the judgments about them? Put another way: how do I take myself to be well-founded in claiming that the cognition of factual matters has any inherent connection to affective faculties such that they can form the basis of moral judgments that render knowledge of its peculiar subject matter?

My response to this traditional line of thought, which occasions the need to address the aforementioned "how possible?" question, is something of a companion in guilt argument that runs as follows. Moral values should not have a skeptical light cast upon them concerning their place in the natural, factual world simply because the judgments about them rest upon affective grounds;

that is, not unless we are willing to cast such a skeptical light upon *all* empirical judgments. All judgments that render knowledge, I argue, and not just moral judgments which render knowledge of its special subject matter, are companions in guilt in that they all rest upon affective grounds as a condition for the possibility of their normative, rule-like structure. This is what I proceed to work out in detail in chapter three, arguing that human perception is largely conceptually structured. And with this the scene is set for the transition from chapter two to chapter three.

The substance of chapter three then moves to a consideration of the puzzle of concept acquisition that comes out of Wilfrid Sellars's exposé of the *myth of the given*[23], and in this context the fundamental "how possible?" question at hand ends up getting reformulated as: how ought we to work out a recognizably normative, rational structure for experience writ large such that it may be a real basis for empirical judgment in general? I then proceed to give a reading of Kant's critical philosophy, specifically the way in which his first *Critique* relates to the third *Critique,* and how his theory of the structure of aesthetic and teleological judgments bears on his larger theory of cognition concerning the conditions of the possibility of cognition and the objective validity of worldly knowledge. Though abstract, a review of Kant's critical philosophy in this respect is ultimately helpful in addressing the

[23] As presented in Sellars, Wilfrid 1997. *Empiricism and the Philosophy of Mind,* Harvard University Press.

aforementioned "how possible?" questions because, in Kant's view, perceptual experience is thoroughly mediated by concepts at the deepest and most innocent levels of cognition, insofar as the specific way that we human beings enjoy our perceptual lives is parasitic on our capacity to make discursive, conceptual judgments. In other words, the deep constitutive feature of human beings as essentially *rational* beings confers onto our perceptual experience a conceptual structure which makes empirical knowledge possible.

Now most commentators who read Kant along such conceptualist lines, however, tend to focus on Kant's discussion of the famous "categories" that he deduces from the table of logical judgment in the first *Critique* alone*,* but the problem with this is that if we don't look at Kant's entire critical work as the architectonic whole which he claims it is, including especially the third *Critique of the Power of Judgment,* we are left with some puzzling conclusions as to the nature and possibility of empirical concept *acquisition*. Without considering the role of the third *Critique* in the Kantian corpus, Kant appears to put the cart before the horse, requiring that human beings already have certain discursive conceptual judgments before they can acquire the concepts necessary to make them. This would be devastating for any philosophical view which purports to be Kantian at its core, such as my own view of moral judgment.

But at the end of chapter three I argue that the devastation can be circumvented. Worth noting on this point is that in the first *Critique,* early on in the treatise Kant comes up against an infinite regression problem that stems

from a consideration of the conceptual nature of our judgments. The issue comes up in a discussion having to do with a process Kant calls *schematism*, i.e. a process whereby objects of experience are prepared for cognition such that we may make conceptual judgments about them that are objectively valid. There, Kant considers the way in which a concept employed in judgment functions like a rule for the correct application of it, but unless the process of schematism can prepare objects of experience for cognition without needing to explicitly follow a rule, we are thus confined to needing a rule for when to apply the rule, and from here we end up needing a rule for when to apply a rule for applying a rule, and so on, *ad infinitum*. The power of judgment ultimately needs a self-regulatory ground. Schematism is thus the nearest mechanism Kant has in his theory to address the infinite regression, but he ends up saying of this process that it is a "hidden art in the depths of the human soul, whose true operations we can divine from nature and lay unveiled before our eyes only with difficulty."[24] So the deeper inquiry into this foundational grounding activity of schematism, which prepares objects for cognition, and which would otherwise be considered the foundational ground of experience which lends itself to the acquisition of empirical concepts, is written off by Kant in the first *Critique* as a hidden mystery of the soul.

[24] Kant, 1998, B181.

But I offer a reading which sits closely to Hannah Ginsborg's,[25] according to which the third *Critique* is understood as Kant's breakthrough on this "hidden art," one that sets the power of judgment as such on self-regulatory *affective* grounds. It is no longer the concept of schematism, but rather the activity of the imagination as it works in tandem with the understanding that puts us in touch with the normative structure of objects of experience.

If we are to make good on a Kantian account of concept acquisition that avoids the myth of the given, and which can eventually account for the acquisition of concepts that disclose values (as it pertains to the overarching concern with moral judgment in the context of Foot's theory of natural goodness that I address), we must turn our gaze away from *logical* judgment as it is expounded in Kant's first *Critique of Pure Reason*. That work accounts for the form experience takes under an actualized ability to think discursively, but we must instead look toward Kant's analysis of *aesthetic* judgment as it is expounded in his third *Critique of the Power of Judgment,* which accounts for the form of experience *prior* to an actualized ability to think discursively (where it remains grounded in the mere capacity).[26]

Especially relevant for the capstone to the argument of chapter three is

[25] As presented in Ginsborg, Hannah 2015. *The Normativity of Nature: Essays on Kant's* Critique of Judgment, Oxford University Press.

[26] My reading of Kant's third *Critique* is indebted to, most notably, Rebecca Kukla and Hannah Ginsborg. See Kukla, Rebecca, 2006. *Aesthetics and Cognition in Kant's Critical Epistemology,* Cambridge; Ginsborg, 2015.

that in his analysis of aesthetic judgment, Kant establishes the experience of beauty to be the most innocent intentional mental state that a human being can stand in with respect to the world, and insofar as this experience consists in an affective state of 'disinterested pleasure', a judgment of beauty effectively satisfies a condition for "cognition in general" in the sense that, though it is only ever taken up and therefore indexed *subjectively*, a pure aesthetic judgment brings with it a primitive source of felt normativity by structurally making a demand to universal assent, and feeling which ultimately lends itself to the normative demands and objective validity of any judgment whatsoever. If a logical judgment is governed by a rule (concept), then a pure aesthetic judgment exemplifies self-regulatory, rule-governedness as such—or as Kant puts it, it is the exemplification of *lawfulness without a law*. The affective state of disinterested pleasure therefore delivers us over to normativity as such, and this is a precondition for the making of any kind of normatively structured judgment whatsoever on the basis of experience.

The primary purpose of the third and last chapter then is to show that Kant's success in the third *Critique* is that he demonstrates disinterested pleasure to be the mark of an object's being brought under a faculty for concepts in general, preparing it for the normative demands of objective validity—an activity of the mind in "free play", *prior* to the discursive demands of any *determinate* conceptual rules in particular. And because this general act amounts to the excitation of cognitive capacities that ought to be shared by

everyone who falls under the rubric of a rational 'human being', the judgment of beauty in the Kantian sense brings with it an inclination to demand that anyone else who might find themselves in a similar situation *ought* to judge, and thereby feel, the same way with respect to the object that occasions my mental state. Thus, what we find in the Kantian aesthetic is an affective basis for cognition that prepares us for the normative demands of objectively valid judgments that render knowledge of the world, including especially moral judgments which often make universal demands, thus ultimately giving credence to my thesis that moral judgments in particular have affective grounds. The affective ground of judgment, in other words, encompasses the normativity of *all* judgments.

Thus, by the end of it all, by securing the affective grounds of all judgments, I will have effectively secured the affective grounds for *moral* judgment without compromising the plausibility of its objective validity, unless of course we then wish to compromise the notion of objective validity all together for the same reason (which is absurd…).

# Chapter 1

## *Natural Goodness, Non-cognitivism, and Practical Rationality*

### *1.1 Introduction*

The overarching aim of this dissertation is to initially present and defend the fundamental tenets of a cognitivist ethical naturalism sketched by Philipa Foot, which will be referred to throughout as the theory of natural goodness, only to in turn criticize Foot's specific treatment of this theory and then offer supplementation. Foot takes as her point of departure a well founded criticism of non-cognitivism and its approach to grounding moral judgments in subjective states of mind. Though I agree that this is largely the correct move, in my view Foot recoils too strongly away from this aspect of non-cognitivism, making it seem as if there is in fact no logical role for affective states of mind to play in a cognitivist metaethics. Ultimately, I wish to supplement Foot's theory of natural goodness with a cognitivist account of affects which does not undermine the theory's status as an alternative to the subjectivism inherent to non-cognitivism, but rather establishes the ground for moral judgment to be

the normative values that a subject epistemically registers through universal, rational affective sensibility. My account makes room for an affective ground of evaluative judgment, while keeping the fundamental tenets of natural goodness theory intact, notably its cognitivist orientation toward securing the objective validity of moral judgment.

The aim of this particular chapter then is to present the theory of natural goodness in detail along two primary lines: to present it as an alternative metanormative theory to the implausible subjective foundations of non-cognitivism that treats the function of practical rationality in moral life as on a par with its function in other aspects of human life, and as a species-dependent ethical appropriation of Michael Thompson's work on the non-empirical, logical structure of judgments that represent life forms in general.

### *1.2 Metaethics*

Metaethics is a branch of moral philosophy concerned with the fundamental nature and meaning of the value terms that pervade our moral, ethical discourse, such as 'good', 'bad', 'right', 'wrong', etc.—normative terms the meaning of which are thought to ultimately constitute the ground of moral judgment as such. Moral judgment is a subspecies of evaluative judgment which has to do with *praxis*, thus different theories about the grounds of morality usually hinge on different considerations of the structure of evaluation in its capacity to influence and motivate action in the world, and this hinges

largely on different ways of construing practical reason.

Traditionally, this enterprise has been split between two general camps—cognitivism and non-cognitivism—each of which can be subdivided into varieties of naturalism and non-naturalism (i.e. views about whether or not moral terms pick out properties in the so-called natural world)[27]. We can distinguish the two general camps in the following way: Cognitivism maintains that circumstantial evaluation, the kind of evaluation that leads to decisive action, is capable of motivating action on the basis of considerations of external, objective reasons alone. Moral judgments are in some sense truth-apt, and cognitive states such as beliefs function to let external (objective) reasons be recognizable as 'weighted' enough to put intentions to do the right thing into action. Non-cognitivism on the other hand thinks that only a condition of subjectivity, which is itself severed from notions of the cognitive, can account

[27] Whether or not a philosophy is properly a "naturalism" is an especially difficult thing to pin down as philosophers have both extreme and subtle ways of disagreeing over its meaning. In a paper titled "Two Sorts of Naturalism," McDowell offers an interesting take on at least two different varieties of naturalism that run through philosophy. On the one hand there is the traditional Humean view of Nature as a disenchanted place made up of unintelligent objects that are governed strictly by the laws of causality, deterministic laws that modern science takes as its object of study. A "naturalism" in this sense reduces metaphysical notions to causal notions and situates them into the epistemological framework of science accordingly. On the other hand, there is an enchanted conception of Nature that runs through the philosophies of Aristotle and Kant, and which draws partitions in the natural world to make room for the normativity of practical reason. On this latter conception, "naturalism" is more broadly construed to include the richness of human experience in all of its conceptual detail, and it respects the sense in which this conceptual detail cannot appropriately be reduced to a framework whereby its being a 'natural' part of the world equates to its being understood as something governed by the same deterministic laws of causality that the unintelligent objects studied by science are governed by. My thesis draws more closely to this latter conception of a naturalistic theory, as will become clear throughout. See McDowell, John 1998d. "Two Sorts of Naturalism," from *Mind, Value, and Reality,* Harvard University Press.

for the action-motivating force of circumstantial evaluation, such as the fact that considerations of external reasons happen to fit one's personal desires or preferences; and since this kind of subjectivity is sharply distinguished from cognition, moral judgments are best thought of as expressions, or representations, of non-cognitive states like desire, preference, or mere taste. Moral judgments are accordingly considered *not* truth-apt from the point of view of non-cognitivism (except perhaps in the sense that they imply a statement describing the psychological state of the one who utters it, which may or may not be true).

In her book, *Natural Goodness,* Philippa Foot works out a naturalistic cognitivism, offering us an objective metaethical alternative to the subjectivism inherent to non-cognitivism. She does so by likening the assessment of goodness in human action and moral character to the assessment of health and defect in other, non-human living beings, arguing that the logical structure between ground and conclusive judgment are the same in each case—there is no fundamental difference of meaning in the term 'good' from the one case to the other. Foot's theory makes use of Michael Thompson's work[28] and draws out a logical dependence that adheres between an individual subject of evaluation and a species-concept. The demonstration of this logical dependence effectively places the evaluation of particular individuals—judgments about an individual that employ normative terminology like

[28] Thompson, 2008.

'good'/'bad'/'healthy'/'defective'—in the wider context of teleologically structured judgments that organize vital operations into necessary functions of the life form, or the species to which the individual belongs. With respect to the good of human beings, insight will be gleaned from an answer to the question, asked from within our own form of life: what kind of beings are *we?*

Upon reflection, it is quite natural to find that our good in part hangs on having certain physical properties, like a "larynx that allows of the myriad sounds that distinguish them", as well as "the mental capacities for learning language;" we may add that a human being may also need "powers of imagination that allow them to understand stories, to join in songs and dances—and laugh at jokes."[29] And concerning the kind of *moral* evaluations of human beings pertinent to metaethics, these depend on certain categorical descriptions that have to do with our nature as practically rational beings, and our ability to balance and discern the nuances of a host of different considerations that speak in favor of what should be done, all things considered.

### *1.3 Foots general thesis and natural goodness as intrinsic value*

Foot states her general thesis about natural goodness in the following way:

[29] Foot, p. 43.

> The central feature of my own account is that it will set the evaluation of human action in the wider contexts not only of the evaluation of other features of human life but also of evaluative judgments of the characteristics and operations of other living things…'natural' goodness, as I define it, which is attributable only to living things themselves and to their parts, characteristics, and operations, is intrinsic or 'autonomous' goodness in that it depends directly on the relation of an individual to the 'life form' of its species.[30]

This is a general statement of what the theory of natural goodness purports to do as a theory of value—it purports to "set the evaluation of human action in the wider contexts" in which such evaluations become possible. That wider context is a categorical description of the human life form. I will return to the technical notion of a life form later. But first I would like to address two important features of Foot's thesis pertaining to the use of the term 'intrinsic' when referring to the kind of value at stake in the evaluation judgments she calls judgments of *natural goodness*. This will set us up to leverage her naturalistic account as an objectivist, cognitivist response to what she sees to be the fundamental mistake of subjectivism inherent to non-cognitivist approaches in metaethics.

When we make a judgment of natural goodness, it's a judgment of value that we make about an individual insofar as that individual exemplifies proper adherence to some standard defined by a description of the species it is said to belong to—the individual is judged in relation to the *kind* of thing that it is. The judgment is therefore one of 'intrinsic value' in the sense that the standard for evaluating the individual is derived directly from within the species concept,

[30] Ibid., p. 27.

from facts that constitute the species in question, as opposed to something to which it contingently relates.

Foot elaborates on this important difference in the following way:

> ...almost anything in the world can be said to be good or bad in a context that sufficiently relates it to some human concern or to the needs of a plant or animal. But features of plants and animals have what one might call an 'autonomous', 'intrinsic', or as I shall say 'natural' goodness and defect that may have nothing to do with the needs or wants of the members of any other species of living thing, and in this they are notably different from what is found elsewhere in other regions in the world outside, as for instance rivers or storms.

Intrinsic value, as Foot qualifies it, is "autonomous" in that it is self-contained within a concept of whatever it is we are evaluating which makes it intelligible *as the kind of thing it is*. To contrast, such "autonomy" is not on the scene when we evaluate something($x$) on the basis of how it relates to something($y$) entirely different from it, such as when I evaluate a hammer($x$) by relating it to my own human desires and needs($y$). For instance, I could talk about a hammer as being good because it serves me instrumentally, it allows me to put together furniture, or fix my bedpost, or something else that I have desire to fix that requires the need of a heavily weighted tool. In these cases, the hammer is said to have instrumental value because the *ultimate* reasons cited for its goodness, as judged, are *extrinsic* to an account of the nature (the "essence") of a hammer. Of course the distinction isn't anything like a token of philosophical novelty, but it is very important because it starts us in toward the way in which Foot's theory of natural goodness is a theory of intrinsic value that adheres to species of *living beings*.

As Foot means it, 'goodness', in the *primary* sense of that term, is

something that belongs to living beings. Hammers and soil are non-living things, so they are never deserving of attributions of goodness in the primary sense. At best they are deserving of attributions of goodness in a *secondary* sense. Soil, much like the hammer, is technically only ever said to be good in relation to something outside of itself, something external to it. We evaluate the soil and say that it is *good* soil if it is suited for a plant such that when the plant makes use of the soil, the plant grows strong and healthy, and thus it is not hindered from fulfilling its life cycle. A judgment about the goodness of soil is therefore secondary to judgments about what is good for the plant, the living thing, that makes use of the soil.

The roots of an oak tree, on the other hand, are said to be good in relation to something internal to a description of what the tree is, insofar as roots are contained within the concept of an oak tree as an essential organ of the tree, as an essential part of the self-sustaining organism. The grounds for the goodness of an oak tree are *intrinsic* to an account of the kind of thing it is thought to be. Certainly we say that soil is an essential part of the life of an oak tree, but notice that this is an asymmetrical conceptual relationship. There's a conceptual boundary drawn between the oak tree and its essential parts on the one hand, and the soil on the other, such that the concept of soil is intelligible in the absence of an oak tree root, whereas the concept of an oak tree root is *not*. It is this sort of conceptual boundary which determines whether something is 'internal' or 'external' to a description of what something is, and which

subsequently determines whether an evaluation is of goodness in the primary or secondary sense, of intrinsic or extrinsic value.

Being able to determine that deep roots are good for an oak tree, or that vibrantly colored leaves is a sign that the oak tree is doing well does not require me to look inside and reflect on how it makes me feel or how it relates to my human concerns. Everything I need to make this determination is right there in my understanding of what the oak tree is. Secondary goodness, on the other hand, is derived from how some non-living thing relates to the wants or needs of a living being.[31] Storms aren't said to be good or bad in themselves, rather a storm is said to be bad because it was very destructive to my house, it had some sort of crucial relationship to the people that lived in some town, and in that case its badness is secondary to a consideration of how it relates to me and my life, or to human beings writ large. So natural goodness, the meaning of 'good' in the primary sense, is determined internally to the *concept* of some kind of living being itself, and in that sense it is determined on objective grounds. In contradistinction, non-living things are said to be good only in relation to living beings, and so are determined on relative, subjective, secondary grounds. We may treat these as terms of art.

[31] In this conception of secondary goodness, we must also include the way one living thing happens to be good for another living being as well. For example, dogs make good pets, or elk make for good food for human beings; or fish make for good food for bears, etc. Fish are of course within the primary goodness for the bear, but it's a secondary kind of goodness one has identified when one says that fish make good food for bears. The goodness of the fish is *secondary* in this sense.

### *1.4 Foots criticism of non-cognitivism*

Before looking at the details of Foot's theory in further depth, we can frame the problem that her general thesis purports to be a solution to by considering what she takes to be wrong with non-cognitivist metaethical theories. Foot singles out emotivist metaethical theories, such as that championed by A.J. Ayer[32], and the more contemporary expressivism of Alan Gibbard[33]. I will focus the discussion on Ayer's emotivist theory since it relates more directly to my own concerns, but it's worth mentioning that the same general point applies to both varieties of non-cognitivism.

Foot thinks that non-cognitivist metaethical theories, such as emotivism, rests on a mistake that leaves an unnecessary gap open between two varieties of judgment—descriptive (cognitive) judgments, and evaluative (non-cognitive) judgments, such as the moral judgments we make about human character and action. What is the mistake? In her own words:

> It is the mistake of so construing what is 'special' about moral judgment that the grounds of a moral judgment do not reach all the way to it. Whatever 'grounds' may have been given [*in the case of the emotivist theory*], someone may be unready, indeed unable, to make the moral judgment, because he has not *got* the attitude or feeling, is not *in* the 'conative' state of mind, is not *ready to* take the decision to act: whatever it is that the theory says is required. It is this gap between ground and moral judgment that I am denying. In my view there are no such conditions on moral judgment and therefore no such gap.[34]

For emotivists like Ayer, what it is that entitles one to make a moral

[32] Ayer, 2001.

[33] As in, for instance, Gibbard, Alan 1990. *Wise Choices, Apt Feelings,* Cambridge University Press.

[34] Foot, p. 9.

judgment, is that one be in a certain psychological state, and this psychological state plays the logical role of being the end of the line when it comes to questioning the meaning of the term 'good' as it is employed in a moral judgment, such as 'Justice is good', or more the more abstract 'That wasn't a good thing to do', or other similar evaluative judgments.

Judgments of fact and judgments of value are supposed to have distinct grounds, according to Ayer's version of emotivism. Descriptive, cognitive judgments (or simply judgments about the facts) have their grounds in the meaning of certain words and certain observations that we make about the world—this is the core of the principle of verification that rang through logical positivism. On this line of thought, for descriptive judgments there are clearly defined truth conditions such that if P&R then Q—if one verifiably *observes* P&R, then one can conclude Q, or at the very least be confident that Q, because either the meaning of P&R entails Q, or the meaning of Q can be reduced to the conjunction of P&R. But judgments of value, on the other hand, are said to be assertable only so long as an individual's subjective state of mind, either in favor of or against some proposition, is satisfied, and there is no rational connection between one's preferences and desires and the facts that represent the way things stand in the world—it places the grounds for evaluative judgment outside the space of reasons, and it most certainly disqualifies moral judgment from being categorized as a species of empirical judgment. But we might complain with Foot that this way of understanding the difference

between description and evaluation, which places the ground for moral judgment outside of the space of reasons, is problematic for at least two crucial reasons.

For one, it means that so-called morality, or whatever it is that is special about a judgment which is said to be moral, is no longer a matter of *rationality*. The theory leaves room for the possibility that someone may not be in a position to make a *moral* judgment in some situation, despite knowing everything else there is to know, objectively speaking, about the situation. And therefore, secondly, the motivation to *act* ethically or morally, seems to be something of a merely contingent matter, which is left to the whims of one's subjective dispositions. This is a problem for the possibility of cultivating ethical dispositions in a society that depends on cooperation between people because in that case cultivating any kind of respectable ethical disposition would be left to either a wholly mysterious recipe, or to raw brute force. There would not be, in that case, anything intelligible as *ethical accountability*—only coercion.

So by placing the grounds for moral judgment outside of the space of reasons, then, the emotivist makes morality no longer a matter of something rational, meaning that it's not really something that's up for (rational) discussion. And furthermore, this thought suggests that we are incapable of motivating people to act without coercion as we're then left without resources within the tribunal of rational discourse, resources we would need to get the possibility of intersubjective agreement off the ground in the first place.

In sum, the emotivist position holds too strong a distinction between fact and value, and thus by locating the grounds for value judgments in a certain subjective feeling, it effectively locates the grounds of moral discourse outside the realm of shared social rationality. In that case, our efforts to share anything concerning morals or ethical values becomes impossible because it would be hard to see I might, *in principle*, get you to have the right feelings about what you *should* do in this case or what you *should* judge in that case. There is no shared basis for accountability, and there is certainly no vindicating our attempts to live our lives in a way where we hold each other accountable as a matter of what is reasonable, which *prima facie* we do. But the fact that moral discourse exists presupposes that we expect others to reason with the convictions of our moral sentiments. And a plausible metaethical theory, we might think, ought to preserve and vindicate the conditions of this possibility as opposed to explaining them away as illusory or entirely mistaken.

The emotivist theory, unsatisfactorily, leaves room for the possibility that one may not be in a position to make a moral judgment, despite knowing everything there is to know objectively about some state of affairs, insofar as one may lack the kind of subjective, affective ground that is supposedly needed to account for the judgment's status as a properly grounded *moral* or *evaluative* judgment in the first place. It is the gap between the supposed grounding psychological state and proper entitlement to make the moral judgment, that Foot sees as the problem, and which she is ready to deny

actually exists in reality. From Foot's view, there really is no gap since there are no such psychological, conative conditions on moral judgment. She closes the gap by arguing that description and evaluation share a conceptual structure such that the consideration of external reasons, such as the content represented in descriptive judgments, constitute norms that determine processes of evaluation. Learning about what is morally good or bad is nothing beyond learning what facts of a situation count as reasons in favor of it, as determined through an understanding of what is categorically required by our human nature as practically rational beings.

Foot goes on to argue that this is plausible by considering the analogous cases of evaluating a deer who we observe to have a broken limb, or a bat that is incapable of echolocating. In such cases, already the use of terms like 'broken', or 'blind' suggest normativity is on the scene, presupposing an understanding of how the limb is *supposed* to be (when it's not "broken"), how the perceptual system is *supposed* to be (when it's not "blind"). And the judgments that employ these terms are grounded in nothing more than a proper understanding of the set of descriptions that constitute those kinds of beings. An understanding of their nature helps us determine when things are or are not as they should be with an individual of that kind, what states of the individual are part of its natural goodness and which are signs of defection.

> …consider the Aristotelian categorical stating that the deer is an animal whose form of defense is flight. From this we know that it is a defect, a weakness, in an individual deer if it is slow of foot. Swiftness, as opposed to fierceness or camouflage, is what fits it to escape from its predators.[35]

By making the case of evaluation in human beings analogous to the evaluations we make about other kinds of living beings, Foot corrects the mistake of non-cognitivism and offers us a more objective account of moral evaluation that says that the grounds, or the ultimate conditions, for uttering a moral judgment are not located in the subjective feelings of individuals, but are instead located in the life form concept of the human species.

### *1.5 Forms of life and vital operations*

Foot's theory appropriates the work of Michael Thompson, whose work shines light on the special logical form our judgments take when we classify something as living or as being alive—the sort of classification that houses the ground of goodness in the primary sense.

In Thompson's work, "life" is to be understood, in part, formally as a presupposed non-empirical/logical template that organizes empirical contents into *processes of life,* representations that contain individuals and events. The individual organisms are represented as instances of non-quantifiable species-concepts[36], or what may otherwise be called 'life forms', and the events can be

[35] Foot, p. 34.

[36] Talk of "non-quantifiability" may raise some eyebrows. Thompson's analysis demonstrates that the logical structure of species concepts are unique in that they tend to resist pure universal quantification, no matter which way you run it. Inevitably a sample that fits the kind in question will come up without some property previously thought to be essential to the kind. If we say, for example, that a cat is a four legged furry beast, then what do we make of Tibbles who was born with only 3 legs? And it wouldn't be enough to say that *most* (existential quantification)

marked out as vital operations constitutive of the life forms themselves. There is thus always a logical dependence that descriptions of living individuals have to their life form, or species-concept, a dependence which is brought out in statements taking the form 'S's are F' or 'The S has F', and the like. These have features akin to universal quantifiers, but they are not actually equivalent to them. When we say to a little child: 'Oh no! Henry can't have that bacon; this little guy only eats plants!', this is contextualized by a description of Henry as a rabbit, for 'Rabbits are herbivores' (or formally, 'S's are F').

The crucial point to understanding how Thompson's formal notion of life differs from the biological definition of life that we may find in an elementary biology textbook is that, instead of focusing exclusively on a list of properties that a thing must have or do if it is to count as amongst the living—such as being highly organized; homeostatic; grow and develop; adapt to and take energy from the environment, respond to stimuli, reproduce, and have DNA or any other fine-grained internal feature which changes slowly over evolutionary time-periods—the formal notion of life can never be given *this kind* of real definition, a list of necessary and sufficient properties common amongst all of those living things we can gather up. Certainly we say that

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cats have four legs -- such statistical interpretations don't do justice to the sense in which species concepts are *forms of thought* that open up the question of whether or not Tibbles is a cat in the first place. To speak of the "unquantifiability" of species concepts is on the one hand a way of defining the logical structure of a life form *negatively,* because its function is not to inform us of how many things in the domain belong; while, on the other hand, it characterizes its logical function *positively* as an *a priori* standard as such, whether or not historical discourse revises what the standard is. Species concepts in other words don't quantify, but they do enable classification queries.

*rabbits* are alive, and that *rabbits* eat and reproduce at an impressive rate, and that they rest when they're tired; and we certainly say that *human beings* eat, reproduce, rest, have their own strain of DNA, etc.; so on and so forth for a variety of other living things. But how did we come to *this* list to begin with? Presumably by ostending a sample group of a variety of living things and by asking what it was that they all had in common -- what is it that *makes* them "alive?"

On this point, Thompson says:

> If a thing is alive, if it is an *organism,* then some particular vital operations and processes must go on in it from time to time--eating, budding out, breathing, walking, growing, thinking, reproducing, photo-synthesizing; and it must have certain particular organs or 'parts'--leaves, legs, cells, kidneys, a heart, a root, a spine...if any of these things *is there,* or *is happening,* then this is not something fixed or determined by anything in the organism considered in its particularity or as occupying a certain region of space. That they are there or happening, and thus that we have an organism at all, presupposes the existence of a certain 'wider context'; it is this that stamps these several characters onto things.[37]

The formal notion of life recognizes a "wider context" of temporal and teleological structures that make it possible, in the first order, to produce such list-oriented definitions of the essentials of life, the list we arrive at after we conduct a sufficient review of those things we considered worthy and deserving of a spot in the initial sample group. We say: 'Here are a bunch of living things—review them, what they have in common, discern the most fundamental of those features and use those features to produce a definition that can properly explain how we got them grouped together as members of the living in the first

[37] Thompson, pg. 53.

place.' The philosophical bit of Thompson's work is bringing to light how the philosophically interesting question isn't how *those particular features* determine life, but rather what *form of thought*[38] did we bring to bear on those individuals that enabled us to group them together as members of the living. In Kantian terms, Thompson's insight is that representations of life are amongst the examples of synthetic a priori judgment.

So we judge and represent a variety of individual specimens, saying that 'Rabbits are herbivores'; 'Human beings nurse their young', and these are just empirical manifestations of thoughts that take the form 'S's are F'/'S's do F', etc. Another helpful way of characterizing the 'wider context' at play is to show it manifested in "natural historical" judgments, descriptions of a species we would find in an encyclopedic monograph, something that resembles what one might hear a narrator on a PBS special say. For instance, as we watch the [hypothetical] PBS special, and see a family of bobcats come up over a hill, we might hear the narrator say (and I take this example from Thompson): "When springtime comes, and the snow begins to melt, the female bobcat gives birth to two to four cubs. The mother nurses them for several weeks…As the heat of summer approaches, the cubs will learn to hunt."[39] The claims we find in this

[38] It is important to note that to speak of a 'form of thought' here is only idealist in a loosely Kantian sense -- forms of thought enable empirically real individuals to manifest as instances of kinds, which in turn allows us to make objectively valid judgments about them. To be sure, despite how it might come off, this terminology is not meant to ring a sound of rampant idealism, anti-realism, or social-constructionism, etc. On the contrary, Thompson and Foot are both arguing for a kind of species realism, if we had to put a label on it.

[39]Thompson, p. 56.

type of narrative description are captured in species-concept sentences like "*The* bobcat has cubs in the spring, lives among the rocks and the water, eats *x, y,* and *z,* etc., etc.," where the article 'the' refers not to an individual, but to a class of individuals. This is what it means to speak of a species or a life form.

These canonical expressions now take a *teleological* form expressible in functional language: "The B has/is/does C in order to {}," and the properties we can color into the 'C' portion of the grammatical structure, which is on this account supposed to be an essential feature of whatever class is picked out in the 'B' portion, is not only facts about what certain animals eat, what color they are, or what chemicals plants absorb, but also speak to time-sensitive life activities. *When* the bobcat tends to have their cubs, or *toward what* a tree grows and how long it will take to get there - because of this, we say that the natural historical judgments that are unique to different life forms (species) reveal a certain *teleological* structure of life cycles that individuals of that class can play through, and they are time sensitive. The activities that we can judge living things as engaging in, which in part make them distinct from other life forms, take place over a *life-time,* and these temporal and teleological "happenings" which are grammatically directed at certain ends that constitute the *functions* of the bobcat, the bear, the bat, the oak tree, the human being, or whatever life form we are talking about.

The take away from Thompson's work for Foot's metaethical project is in judgments we make about life forms, the judgements that take the formal

structure: The A has/is/does C in order to Phi, where we determine natural norms for the evaluation of individuals. This non-empirical form conditions judgments we make about certain processes in nature, and these processes constitute ways of life which give way to unquantifiable species concepts. The B portion of the grammatical form will always be some such species concept, such as 'dog', and some aspect that features as a vital component for such a thing in the C portion will constitute a ground for evaluating an individual instance of that life form.

Perhaps we say 'The dog (B) has four legs (C)…'This sort of species concept is unquantifiable in the sense that, when we briefly describe a dog as a furry little domesticated wolf-beast with four legs, it's not that we mean to say that *all* dogs in fact have four legs, nor is it even the case that the statement can be analyzed into meaning that *some* dogs have four legs—one is not giving a statistical average of a property found more often times than not on those furry creatures, though it is true. Four leggedness may not be instantiated by every individual member of that class of creature, but nonetheless, as content that can be plugged into the 'C' portion of the aforementioned life form judgment structure, it is essential to whatever 'B' is.

Take the following set of propositions:

- 'The bear goes into torpor during the winter {in order to survive the cold & harsh, foodless environment}.'

- ‘Wolves hunt in packs {because it is an efficient way to obtain nourishment}.’
- ‘The heart circulates blood throughout the body {which blood carries important materials to other vital organs}.’

These are all natural manifestations of the logical form ‘The S does F in order to {}’, or ‘S’s do F so that…’, forms which are unique to descriptions of life forms, species of life. Of course, in them, we are not referring to any particular bear, or any particular set of wolves, or any particular heart, but rather when we make these kinds of judgments, we are describing essential functions which serve as the basis for an evaluation of some particular bear (*this* bear), wolf (*that* wolf), or heart (*his* heart), *precisely because* the description of these functions is the basis of an understanding of what *kind of thing* we are representing. Hence the logical dependency of the individual on the species. A lone wolf, incapable of working with the rest of the pack is a defective wolf—wolves *need* to cooperate with each other; unexpected environmental conditions preventing a bear from escaping the cold for the winter is not good for the bear—bears *need* a winter retreat; a drought seasons is not good for your tomatoes—tomato plants *need* water; cardiac arrest is a sign that your grandpa is not doing well—human beings *need* a healthy heart.

This thought dates all the way back to Aristotle, who said that “for all things that have a function or an activity, the good and the well is thought to

reside in the function."[40] Sorting out the important difference between considerations that speak in favor of proper evaluation is therefore often a matter of sorting out which descriptions of a life form are *vital* and which are not.

Foot gives an example of a blue patch that comes on the head of a certain kind of bird. With respect to a particular bird of this kind, the question is whether or not it is defective if it doesn't have this blue dot, or if having the blue dot is *good*.[41]On the assumption that the blue patch doesn't serve a *vital* function in the life cycle of that kind of bird, it doesn't really matter. The blue patch is much different than the brightly colored tails of male peacocks, patterns which do serve a vital function in that they are mate-attracting, they are for the purpose of reproduction. So there will always be certain descriptions found in the natural historical judgments of a life form, but only those things which are vital in some sense can serve as the basis for a proper evaluation. That is, can serve as a basis for employing the term 'good', meant in the primary sense.

### *1.6 Transition to human beings*

Compiling everything from the discussion up to this point, we can say quite succinctly what constitutes the conceptual structure of evaluation for an

[40] Aristotle, 1941. *Nichomachean Ethics,* from *The Basic Works of Aristotle,* Random House. 1.7 1097b26-27.

[41] See Foot, p. 30.

objective ethical naturalism like the theory of Natural Goodness. It comes in four parts:

a) There are descriptions of species life cycles, which in most cases consist roughly of processes of self-maintenance and reproduction.

b) There is the set of propositions saying *how* for a certain species this was achieved: how nourishment gets obtained, how development takes place, what defenses are available, and how reproduction is secured.

c) From all of this, *norms* are derived, requiring, for instance, cooperation, special forms of perception, certain nutrient balances, etc.

d) These norms can be applied to the assessment of an individual member of a species, and by them can be judged as, to a greater or lesser degree, defective/proper in a certain respect.[42]

[42] Compare to Foot's list on Foot, pp. 33-34.

Foot thinks we have reason to believe that determining the necessity of, say, keeping a promise is not unlike determining the necessity of watering a plant—in both cases, good hangs on the corresponding action. It's just that *moral* or *ethical* goodness is a concept partitioned off and reserved for use in certain contexts pertaining to *our* way of life which have to do specifically with our nature as rational animals. How do we come to determine those aspects of human life which partition out moral goodness?

Unlike the emotivist, when one makes the morally charged evaluative judgment that, for instance, helping a friend in need is *good,* what accounts for the goodness of such an action isn't that the term 'good' expresses a psychological state of approval of the one who makes the judgment—the psychological state isn't what grounds or gives ultimate meaning to the judgment. Rather, what grounds the judgment that helping a friend in need is *good*, is considerations of reasons that fall out of reflection on human nature which discloses helping a friend in need as a necessary function of rational human life. The emphasis here is on what it is rational to do, as rationality is the second nature of human beings.

Human beings have the special privilege of applying the evaluative scheme sketched above on themselves from within their own form of life, and this proves to have power on practical reason to determine what, all things considered, should be done. Determining what I should adopt as a dietary heuristic, given considerations of the function of my heart, is different from

determining whether or not I should get veneers, given a consideration of the fact that 'human beings have 32 teeth'. Grammatically, 'have 32 teeth' and 'has a heart' are both unquantifiable descriptive functions, something that would occur in the 'C' portion of a life form judgment about some 'B', but the derived *should* in the heart case is arguably weighted as more important than in the teeth case, given how one is vital and the other is (perhaps) not.

Thus, it is not a surprising discovery when we find that the grounds for a judgment about what it is good to eat is, at the base of it, a consideration of what kind of thing a heart is, given how inextricably intertwined the necessity of eating is with the function of a heart. I may learn about combinations of macronutrients in my diet, and how they affect my body—that excessive even ratios of fat and carbohydrates prevent cholesterol from carrying fat lipids through cell membranes, as the carbohydrate molecules bind to cholesterol like a hindering adhesive, effectively causing fat to be left behind in the artery vessel, plaquing up the canal. Too much plaque could cause a heart attack, and that is not good. These facts about macronutrients indicate what kind of scenarios are good or bad for a heart, and for a rational being, they constitute reasons the consideration of which help me determine what it is that I should do, ethically speaking—what it would be good for me to do, all things considered. Now comparably, perhaps it is true in the unquantified sense that human beings have 32 teeth, and perhaps anyone born without the ability to grow any teeth at all is in a sense defective, but my having only 28 teeth is hardly

*moral* grounds in favor of the proposition that I *should,* all things considered, get veneers.

Likewise, one would not be surprised to find that, when reflecting on human nature, there are other vital aspects of our lives which are, as they say, "other considering". Some of those things are going to be considered moral because they indicate to us what the rational thing to do is, all things considered. On this point, Foot refers us to what Ansscombe has said about the institution of promise-keeping as an Aristotelian categorical:

> Anscombe writes, 'Getting one another to do things without the application of physical force is a necessity for human life, and that far beyond what could be secured by … other means.' Anscombe is pointing here to what she has elsewhere called an 'Aristotelian necessity': that which is necessary because and in so far as good hangs on it. We invoke the same idea when we say that it is necessary for plants to have water, for birds to build nests, for wolves to hunt in packs, and for lionesses to teach their cubs to kill. These 'Aristotelian necessities' depend on what the particular species of plants and animals need, on their natural habitat, and the ways of making out that are in their repertoire. These things together determine what it is for members of a particular species to be as they should be, and to do that which they should do.[43]

Anscombe's point here is that keeping a promise serves a function for the lives of human beings on par with other so-called Aristotelian necessity, such as the aforementioned consideration of the function of a heart in relation to choices about diet, insofar as the same kind of good hangs on the institution of promise-keeping, i.e. a good which is inextricably caught up in how human beings get on with each other. It's in our nature to get on with each other, and this consideration becomes morally relevant if, in reflection, following through with my agreement can be determined as what should be done, all things considered,

[43] Foot, p. 15.

precisely because it is the only rational thing to do under a given circumstance. And we invoke the same idea when we say that it is necessary for plants to have water, for birds to build nests, for wolves to hunt in packs, and for lionesses to teach their cubs to kill.

The process of determining what is morally good for human beings *just is* the process of determining what it is rational for a human being to do, all things considered. And this is not unlike the process of determining what is necessary for a plant or an animal to thrive, relative to a consideration of its species.

### *1.7 Neo-Humean theory of practical rationality*

Non-cognitivist theories like emotivism aren't just willy-nilly crazy, as if the basic idea of a psychological state, such as a desire, functioning as the ground for moral judgment were being pulled out of nowhere. The idea, according to Foot, stems from a compelling neo-Humean theory of practical rationality.

It's worth noting that metaethical inquiry into the grounds of moral judgment isn't simply about constructing a theory that accounts for the reductive meaning of terms like 'good' and 'bad', and its cognates—there is more to the story. Moral judgment is intimately tied to practical decisions and action, and specifically our capacity to act on considerations of what it is good to do. Thus any plausible metaethical theory that accounts for the grounds of

moral judgment must ultimately be answerable to the question concerning what motivates ethical or moral *praxis*.

To account for the "action guiding" character of morality, non-cognitivism follows in the traditional footsteps of David Hume who said that morality was necessarily practical since reasons for action, in general, are always in the service of fulfilling an agent's desires. What it is rational to *do* is accounted for as whatever one has to do in order to satisfy their desires. Desire here is supposed to be a faculty distinct from cognition, and so if all action, including moral action, stems from an agent's subjective desire, the ground for moral judgment and the subsequent actions that follow is accordingly something "non-cognitive."

This line of thought might play out in a quite mundane scenario. Consider a question from someone in the car with you. They ask: 'why did you turn left?' You might just say it's because you wanted to, and that would be the end of it. Or perhaps there is more intricacy to the dialogue and you say something like: 'well, the gas station is over that way (to the left) and the car needs gas if we are going to get over the hill to the beach.' Such an answer is certainly an appeal to a reason that grounds the motivation for turning left in facts about how things are with combustible engines and the amount of energy it takes to travel a certain distance, something well within the space of reasons that constitute the boundary point of rationality and cognition. But ultimately, if pressed on the question as to *why we must go to the beach,* the rational

process might bottom out in a brute desire that you had, namely a desire to go to the beach that day because you find the beach fun (and who doesn't prefer to have fun?!).

Either way you run it, this sort of theory of practical rationality is going to commit you to finding a bottom point of the inquiry where the ultimate reason one gives is some sort of subjective, personal preference or desire. And, as Foot claims, this is the theory of practical rationality that non-cognitivist metaethical theories such as emotivism start with. Then, after recognizing that morality has practical requirements insofar as it concerns good *action*, they proceed along an order of operations that tries to fit morality into the previously established theory of practical rationality, ultimately reducing the alleged rationality of morality to the merely practical (in the sense of having to do merely with desire fulfillment).

Replacing the previous scenario with something morally charged, we might be asked about our actions in accordance with the virtue of justice, and according to the emotivist line of thinking, despite the fact that many reasons may be given as to why that course of action was decided upon, the ultimate moral claim to its being "the right thing to do" or a "reflection of good character" is a motivation for acting accounted for by an agents psychological preference or desire for justice, a state which can be represented by toy speech act examples, such as "Yay! Justice!"

### *1.8 External reasons-only approach*

Foot's own objectivist view, as it concerns how we account for the motivation of action on moral grounds, is that "there is no question here of 'fitting in' *in this direction,*" i.e. of seeing how a moral judgment ultimately fits into a framework of rational action as the fulfillment of self-interested desire. In other words, she does not want to "canvas the rival claims of self-interest or maximum satisfaction of desires as accounts of practical rationality, and then try…to explain the rationality of moral action in terms of the one that wins out." As she sees 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" or the pursuit of other permissible ends, as the case may be. Concerning the difference between each of these cases, Foot says that

> …the different considerations are on a par…in that a judgment 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 those we call moral. For it is not always rational to give help where it is needed, to keep a promise, or even…always to speak the truth. If it is to be said that 'moral considerations' are always 'overriding', it cannot be these particular considerations that we refer to, but must rather be the overall judgment about what, all things considered, should be done. Sorting out this particular point of precedence is, I think, a matter of keeping one's head and remembering that some expressions do and some do not imply overall judgment…What I want to stress at this point is that in my account of the relation between goodness of choice and practical rationality it is the former that is primary. I want to say, baldly, that there is no criterion for practical rationality that is not *derived from* that of goodness of the will.[44]

[44] Foot, p. 11.

This is all to say that Foot's objectivist metaethical account will meet the Humean practically requirement with the thought that morality, or more precisely acting on the basis of one's understanding of what is right or wrong, good or bad, is just one part of practical rationality—acting on reasons in favor of one's conception of what it is good to do, all things considered, is "*on a par*" with other species of practical rationality like acting in one's self-interest.

We needn't follow the neo-Humean view of practical rationality on which non-cognitivism rests, the view that Warren Quinn defines as "one that makes the goal of practical reason the maximal satisfaction of an agent's desires and preferences, suitably corrected for the effects of misinformation, wishful thinking, and the like,"[45] as if desire satisfaction were the *only* thing that could explain why an action were said to be in conformity with the master virtue of *phronesis,* practical rationality. Sure, my desires and interests can sometimes *be* genuine reason-giving factors, as a desire to see the Taj Mahal can make it rational to book a flight to India (one certainly 'has their reasons'), but so can a consideration of or a belief about what it is good to do, so long as we are ready to deny that neo-Humean view of practical rationality is the only plausible view there is.[46] Having one's reasons through the free, distanced orientation toward the world afforded to self-consciousness, we might think, is in fact more central to the classification of an action as rational (and moreover, naturally rational), more so than the special character that constitutes any one of the reasons one may have as a distinct *kind* of reason (such as a personal interest kind of

reason).

Consider an example Foot gives of the rationality of acting virtuously:

> It is in the concept of a virtue that in so far as someone possesses it, his acts are good; which is to say that he acts well. Virtues bring it about that one who has them acts well, and we must enquire as to what this does and does not mean.
>
> What, for instance, distinguishes a just person from one who is unjust? That he keeps his contracts? That cannot be right, because circumstances may make it impossible for him to do so. Nor is it that he saves life rather than not saving them. 'Of course', someone will say at this point, 'it is the just person's intention, not what he actually brings about, that counts.' But why not say, then, that it is the distinguishing characteristic of the just that *for them certain considerations count as reasons for action, and as reasons of a given weight?* Will it not be the same with other virtues, as for instance for the virtues of charity, courage, and temperance? Those who possess these virtues possess them in so far as they recognize certain considerations (such as the fact of a promise, or of a neighbor's need) as powerful, and in many circumstances compelling, reason for acting. They recognize the reason, and act on them.[47]

It's part of our conception of a virtuous person that they are able to recognize certain features of a situation *as reasons for acting in a certain way*. A virtuous agent, in other words, isn't just one who has good intentions or whatever else may be required by the notion of a good will, the virtuous agent is one who sees that certain reasons carry a weight to them—a weight that speaks in favor of acting on them *because* they are so weighted. Being a good friend in a time of need isn't determined by the fact that one ultimately has a subjective desire for friendliness, a desire which may or may not be idiosyncratic and only by chance overlaps with what is considered a virtue by standards of humanity; nor is it that one actually moves furniture because, say, they were not physically barred from doing so. A genuinely good friend is one who has the disposition to act in

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[45] Quinn, Warren, 1993. "Rationality and the Human Good", in *Morality and Action,* Cambridge University Press, *p.* 210.

[46] Foot, p. 61.

[47] Foot, p. 12.

accordance with what the concept of friendship requires, and it is in this sense that we might say that reasons are all we need to get the rationality of the virtues off the ground—it's *not* because the "weight" of these reasons finally consists in a contingent overlap between an agents consideration of the reasons and their self-interested desires.

Foot aligns with Kant in thinking it correct to say that moral goodness is goodness of the will, and moreover that moral insight does not depend on a rational agent's self-interested desires—doing the right thing, of course, is not always pleasurable or constant with what we may want. But, in her view, Kant doesn't give enough concrete definition to what is specifically *human* about morality. As she puts:

> Kant was perfectly right in saying that moral goodness was goodness of the will; the idea of practical rationality is throughout a concept of this kind. He seems to have gone wrong, however, in thinking that an abstract idea of practical reason applicable to rational beings as such could take us all the way to anything like our own moral code. For the evaluation of human action depends also on essential features of specifically human life.[48]

So the basis of morality is indeed a good will defined by intentions, an acknowledgment that the only thing worth doing is to act on the right reasons, but a mere abstract consideration of practical reason doesn't really help us establish the grounds for the kind of human evaluations that we're concerned with when we speak of the 'good' in moral philosophy. We need to push further

[48] Foot, p. 12.

and appreciate just how an understanding of *human* nature, as opposed to the nature of any rational being as such, defines the basis of our understanding of 'good' that lies at the heart of moral evaluation. We must appreciate how an understanding of *human* nature and the relevant essential features that go into defining *our* way of life play a role in helping us come to those reasons which we *should,* all things considered, act upon. It's an inquiry into human nature which is going to help us recognize certain reasons as those reasons worthy of feeling gripped by in the name of goodness.

### *1.9 Pointing out some limitations*

Like most desirable and (more importantly) plausible theories, there are limitations to the theory of natural goodness as it currently stands. For one, we might think that there is an insight from the perspective of non-cognitivism that goes unappreciated to the detriment of a full and robust naturalistic, objectivist metaethical theory which purports to account for both the epistemology and metaphysics of moral value. Unpalatable as the subjectivism of non-cognitivism is, it ought not lead us to recoil away from it so strongly that we land on a theory that is so objectivistic, so logical and deductively trivial, as the theory of natural goodness currently stands, that we are left unable to account for the phenomenological basis of evaluative judgments.

Now of course, I don't endorse non-cognitivism, or any blankly emotivist metaethical theory, but I think there is something in thought that the grounds

of evaluative judgment is some kind of affective state of mind which is worth preserving. Indeed this is an insight that was even central to the virtue ethical theory of Aristotle, in which the naturalistic theory just outlined takes root—that "virtue" was the actualization of a second nature which consisted in having proper affects that took the mean position between vicious states of the soul. So perhaps there is a way to keep affects in the picture as serving an important logical role in moral judgment, but which are not accounted for as merely subjective, idiosyncratic psychological states of an individual as they are made out to be in non-cognitivism. Rather, as I will go on to argue, we ought to make room for affects accounted for as subjectively universal states of mind, understood analogously with the states of mind that ground Kantian judgments of taste (i.e., judgments of beauty). Such states of mind, though they are only ever in each case one's own, just as a perceptual episode is only ever in each case one's own, are nevertheless actualizations of capacities shared by all rational creatures like me and you, creatures constituted by the same cognitive faculties, with the same capacity for second nature.

Elaborating on the shortcomings which point the way toward these solutions is the topic of the next chapter.

# Chapter 2

***A Cognitivist Account of Affective Sensibility: Supplementing the Over-intellectualization of Natural Goodness***

## *2.1 Introduction*

With her *Natural Goodness,* Foot offers us a cognitivist ethical naturalism which we call the theory of natural goodness. The theory, as Foot presents it, grounds evaluative judgments—judgments that employ uses of the term 'good'/'bad', etc.—in descriptive facts that constitute an understanding of the general kind of being in question. Evaluative judgments of natural goodness, in other words, are species-specific. As it pertains to metaethics, Foot fills out her account by likening the evaluation of human beings to the assessment of health and defect in other, non-human living beings, arguing that the logical structure between ground and conclusive judgment are the same in both cases. Concerning the moral evaluation of human beings, then, the thesis is that we make such evaluations on the basis of a natural, categorical description that constitutes an answer to the question 'what kind of beings are *we*?', finding the relevant feature for moral goodness to consist in our capacity for a second nature as practically rational beings. Being able to recognize and

discern reasons that count in favor of actions is a requirement for moral goodness.

As I see it, the fundamental tenets of this position implicate both a desirable metaphysics and epistemology about values. *Metaphysically* because it puts what is good for us in practical reach by keeping it within the bounds of human nature, whether it be the fulfillment of goods determined by reflection on first nature, like having a healthy heart, certain body temperature, vocal cords, properly functioning brain & extremities, etc.; or goods fulfilled such as that required by second rational nature, like having the wherewithal to see what it's worth to be brave or keep my word when it counts.

*Epistemologically* it's promising because by grounding the value inherent to moral judgment in cognitive states, such as the recognition of reasons and claims to knowledge, there is accordingly nothing foundationally idiosyncratic in the notion of moral discourse barring us from its very possibility in practice. We demand a certain kind of 'universal assent' when we speak in moral terms and this is a mark of our judgments being grounded in reasons assessable by the light of rationality, the human being's natural endowment. Rationality is a definitive unifying capacity of human beings at the species level, and reasons are thus typically thought to be available to us all through this shared capacity, at least in principle. The upshot here, in other words, is that the theory of natural goodness vindicates our tendency to give a universal voice to our morally charged claims when we cite *reasons* for why

something is said to be good or bad, or required for the good life. Natural goodness is therefore a cognitivist metaethical theory that makes good on what is *prima facie* our situation when it comes to morality and moral discourse.

To make it very clear, I find myself an ally with proponents of the theory of natural goodness for these reasons. But as desirable as these fundamental tenets are, I argue that, when understood as a metanormative theory about the locus and nature of the value term 'good', Foot's particular brand of moral cognitivism doesn't thoroughly address what is noticeably a more foundational ground than just sets of descriptive statements about what is constitutive of the human species *qua* rational being. This more foundational ground which gets overlooked is *the phenomenon of recognizing reasons itself, specifically the recognition of reasons as 'counting in favor' of action, which, I argue, is best understood as a certain kind of perceptual skill.* Foot thus has a blindspot for an important aspect of the non-cognitivist thesis that I think a plausible cognitivism ought to in fact try to preserve, though with different treatment of course.

A theory of judgment requires a receptive component, something which can anchor judgment in the world, such as an account that speaks to the specific way that sensibility or perception is brought into operation to form the basis of a judgment in response to some worldly state of affairs. And the requirement is no less demanding for theories of moral judgment, since judgments we make about what is good or what we ought to do often stem from an awareness of

how we stand in relation to things in the world at some point in time. For example, I may realize that it is 1 o'clock PM on a Saturday afternoon, and in becoming aware of this, I am reminded that I have made a commitment to help a friend move, the timely success of which could cost her a life-changing sum of money. Moreover, not only am I reminded of the commitment, but in becoming aware of the details of the situation, I suddenly realize I am *late* in following through with my commitment. In this case, I have made a prior commitment to help someone that I care about with something that is incredibly important to them, and in realizing that I'm late, I am moved to action—I get up, I get out, and I'm on my way and it matters. The way that what I realize matters to me, i.e. affects me, is part of what motivates me to act in this scenario, along with how information supplied to me by sensibility shows up against the backdrop of certain cognitive states, like my believes about what day it is, the necessity of keeping promises, and what sort of commitments I have made, amongst other things.

So where elementary psychology textbooks may be inclined to divide the human mind across the three categories of the cognitive/theoretical, the conative/practical, and the affective/emotional, the example above, as I will argue in this chapter, ought to highlight the nuanced ways in which all three of these categories interface with each other in the singular process of making a moral judgment, drawing into operation what I call affective sensibility, forming the basis of the judgment in particular situations. What a non-

cognitivist thesis like emotivism has going for it is that talk of subjective states of mind, which are inherently conative due to their being emotional responses to contents provided by sensibility, at least partially satisfies the receptivity requirement in a way that respects the affective tinge we often find in our reflections on morality. This is what gets lost in Foot's recoil. But even along her own lines, it would still be quite intelligible to say that the ultimate ground of natural goodness is some value registered as the actualization of affective sensibility in response to something in the world. However, the different treatment we must give to this thought, apart from the way non-cognitivism handles it, and toward supplementing Foot's own framework, is to account for the deliverances of affective sensibility as a conative force precisely because of the way that it draws on universally shared cognitive capacities that are integral to the concept of a human being as a *rationally perceptive* being. The cognitive interfaces with the affective in the case of moral judgment, and this is what accounts for its action motivating force as the affective element gives embodiment to such practical affairs. The affective grounds of natural goodness, then, are just the actualizations of this shared perceptual capacity elicited by something in the world, providing a basis for why such things matter.

The oversight by Foot stems directly from the formulation of her thesis as a response to the subjectivism inherent to non-cognitivist alternatives. As I've already suggested, any respectable theory of judgment must accommodate

a subject's receptive encounter with the world and the first-personal standpoint from which a judgment is made—as I see it, there's no way around this. The question for an objectivist ethical naturalism is therefore not whether or not to get *rid* of subjective receptivity, but rather how it must be accounted for. Thus what I argue is that a cognitivist rendering of affective sensibility satisfies the subjectivity/receptivity requirement in a way that best fits a theory of evaluative judgment like that of natural goodness. In chapter three I defend a cognitivist view of human perceptual capacities more directly, arguing that human perception is largely conceptually structured, and that this account applies to the unique case of evaluation because it actually applies to judgment more broadly.

The aim of this chapter then is to first diagnose Foot's blind spot in more detail, and to do so in such a way that I can clearly expose a gap that this blind spot leaves open between the practically rational agents' intellectual understanding and embodied, perceptual sensibility (this is ironic despite Foot's best efforts to close a similar gap herself).[49] Then I'll argue that a cognitivist account of affective sensibility is well-suited material to fill in this gap. In my view, when we analyze the speech acts that represent a virtuous agents deepest moral insight with a view toward their *pragmatic structure* (to be explained in this chapter), we find that their function in normative space is not to express mere idiosyncratic preferences—non-cognitive states cut off

[49] See section 1.2.

from any notion of publically shared values—but rather mark a subjects experiential recognition of distal environmental features as reasons that entitle or commit one to specific actions. This reveals the logical function of affective sensibility (and the myriad actualizations thereof) in moral judgment to be analogous to the logical function of perceptual receptivity (and the myriad actualizations thereof) in other kinds of judgment. Understood as such, my suggestion here should in no way undermine the fundamental tenets of natural goodness theory as a response to the (problematic) subjectivism inherent to non-cognitivism, but should in fact supplement the theory in ways that make it more appealing to a wider audience of value theorists and naturalists alike.

### *2.2 Diagnosing Foot's blind spot*

The version of the story that we get from Foot is that non-cognitivist theories make a crucial mistake about what the proper ground of moral judgment is. The mistake, as she sees it, is that proponents of such theories assume the only thing that can account for what makes moral judgments 'special' (that which makes them a special class of evaluation) is that the ground of such judgments is a subjective feeling or pro-attitude endorsement of some norm, expressible in language like those classic exclamations 'Yay!'/'Boo!' or 'I approve!'/'I disapprove!'. Foot's strategy to correct this mistake is to make the case that there is no special change in the sense of the term 'good', nor is there any change in the conceptual/logical structure of evaluation, as we transition

from evaluation of non-human living beings to the evaluation of humans. I refer again to Foot's break down of this process of evaluation:

> a) There was the life cycle, which in those cases consisted roughly of self-maintenance and reproduction.
> b) There was the set of propositions saying *how* for a certain species this was achieved: how nourishment was obtained, how development took place, what defenses were available, and how reproduction was secured.
> c) From all this, *norms* were derived, requiring, for instance, a certain degree of swiftness in the deery, night vision in the owl, and cooperative hunting in the wolf.
> d) By the application of these norms to an individual member of the relevant species it (this individual) was judged to be as it should be or, by contrast, to a lesser or greater degree defective in a certain respect.[50]

Here we have a foundation for the kind of process that can be applied to the case of human beings and moral goodness. Just as it is part of the good of an oak tree to grow deep roots (because that's what is required by what oak trees are), so too it is part of the good of a human being to be, for example, honest and keep promises (because that's what is required by what a human being is, *qua* social, rational being). Or, to put the point succinctly in the famous words

[50] Foot, pp. 33-34.

of Peter Geach, "men need virtues as bees need stings."[51]

At the center of judgments of natural goodness is the notion of a life form. What we learn from Thompson is that when making judgments that represent life forms, we presuppose a formal, grammatical structure which is filled in with empirical contents, allowing us to draw distinctions across various species which then allow us further to extract norms that function as the standards for evaluation. The empty, non-empirical/logical form of life-representation is something to the effect of: *B's are F* or *B's have F*. From here we spin out natural historical judgments of the form "The *B* has/is/does *C*…[in order to ⏀]", and an empirically contentful version of that structure might read as (taking a non-human life form as an example): "The male elephant seal fights other males in order to secure mating rights to the females of a particular beach (presumably targeting off-spring)." For human beings, as it relates to moral goodness, the structure might get filled in thusly: "The human being is oriented towards the future and organizes decisions around projects that take time to complete, and this involves strategic coordination with other people. They keep promises, therefore, because trust is required in order to make plans for the future that ensures project consummation."

[51] Geach, Peter *The Virtues,* Cambridge University Press, p. 17.

So far, however, the formulation of how this lends itself to a normative theory of evaluation that motivates *action* is overly-intellectualized, and it makes the matter of determining what is good and what should be done deductively trivial, as it only offers us a *logical* schema of the grounds for making judgments of natural goodness. Up to this point, all the theory allows us to say in the empirically contentful case is that if some particular living being, a member of the B (human) life form, is judged to lack *x* (an ability to keep promises), where *x* is said to fulfill an essential function (organizing decisions around the future) of the B, then we have a license to say that it is "bad" for that living being to be without *x,* or that its lacking *x* is a natural defect—the individual is not as he ought to be, when compared to a vital description of his species, his life form. Ergo, a person unable to keep promises is defective—it's a bad thing to be a flakey, back-stabing person. In this case, we effectively deduce a conclusion that employs the word 'bad' from a major premise and a minor premise, where the major premise *stipulates* what sort of conditions must be met in the minor premise (an empirical description of the *individual*) in order to draw that conclusion.

Now when it comes to the general acceptance of natural goodness as a theory of evaluative judgment, what is pressing about this issue (of only emphasizing the logical schema) is that it invites a special kind of resistant attitude from those who are inclined to give weight to the fact that values figure into *human experience*—there is a subjective quality to values that we shouldn't

ignore. So the kind of resistance I have in mind is not unlike questions about how mathematical/scientific models can account for secondary qualities.[52] Translating this language to fit our own evaluative context, resistance comes into the conversation when a hypothetical interlocutor is inclined to ask: how does a *logical* theory of evaluation account for *value*? After hearing all the fuss about the intrinsic determination of goodness, and the objective grounds we have to stand on for this determination, we can imagine an interlocutor still pressing the question: 'but what's good about all that?', and of course their question is meant to draw our attention to the fact that a value judgment—any judgment actually *made*—has a subjectivity requirement in the sense that it is always made on the basis of a subject's receptive encounter with the world, whatever else might be involved.

Aside from a gesture in the direction of isolating Aristotelian categoricals, i.e. "the kind of proposition that will yield evaluations of individual organisms", apart from those merely statistical descriptions of the species, sorted by focusing on those aspects of the criterion that make reference to vital "life functions",[53] Foot herself doesn't go as far as she probably should have in

[52] Such as the classic question about whether or not Mary learns anything new when she leaves her room and sees the color red for the first time, despite having learned everything there is to know about the physical properties of light and that which we call red. See Jackson, Frank 1986. "What Mary Didn't Know," in *The Journal of Philosophy,* Vol. 83, No. 5., pp. 291-295.

[53] "The Aristotelian categoricals give the 'how' of what happens in the life cycle of that species. And all the truths about what this or that characteristic does, what its purpose or point is, and in suitable cases its function, but be related to this life cycle. The way an individual *should be* is determined by what is needed for development, self-maintenance, and reproduction: in most species involving defense, and in the rearing of the young. We could say, therefore, that part of what distinguishes an Aristotelian categorical from a mere statistical proposition about some or most or all the members of a kind of living thing is the

the way of settling the continuously pressed question: how do we know this is 'good'? When we consider the essential receptive component to evaluative judgment, how is it that beliefs and *declaratively structured propositions* can really ground, in the sense of entitle, or "yield", judgments of value that purport to be woven into nature's fabric, contact with which is made in experience? As it stands, to those who can't see that this is *clearly* about value, Foot may as well be confined to saying simply "well isn't it strange that you can't see it…." My goal then is to help disambiguate the different notions of a ground for judgments of natural goodness, a difference that, when gone unexamined, leads to this impasse.

If the theory of natural goodness maintains only a trivial status in the strictly logical way, it can hardly purport to account for a positive characterization of what the value at stake actually is. So although the logical schema is necessary and important for making the case that ethics and other inquiries into value are in their own way worthy of being considered inquiries into what is "natural" and "objective", the logical schema by itself is not sufficient to properly account for the respect in which judgments of natural

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fact that it relates to the teleology of the species. It speaks, directly or indirectly, about the way life functions such as eating and growing and defending itself come about in a species of a certain conformation, belonging in a certain kind of habitat…It *matters* in the reproductive life of the peacock that the tail should be brightly coloured, whereas our assumption has been that the blue on the head of the blue tit plays no part in what here counts as 'its life'. And this is why the absence of one would itself be a defect in an individual whereas that of the other would not. Thus, evaluation of an individual living thing in its own right, with no reference to our interested or desires, is possible where there is intersection of two types of propositions: one the one hand, Aristotelian categoricals (life-form descriptions relating to the species), and on the other, propositions about particular individuals that are the subject of evaluation." (Foot, pp. 32-33)

goodness are *evaluative,* i.e. have to do with human experience.

Another way to put the worry from which this perennial desiderata is derived is to lean on metaphorical imagery made famous by McDowell in his book *Mind and World,* when he criticized a certain stripe of coherentist epistemology championed by Donald Davidson. Davidson is known for having said that "nothing can count as a reason for holding a belief except another belief"[54], which, in the context that McDowell considers this infamous slogan, amounts to saying that a perception could never justify a belief. The thought starts with the consideration that justification consists in drawing out the inferential linkages that adhere between concepts figuring in propositional statements. And since a belief is an attitude that attaches to propositions (hence the term 'propositional attitude'), only something which is itself conceptually structured, like a belief expressed in some other proposition, could technically "justify" another belief. Therefore, as Davidson argued, since perceptions cannot intelligibly be thought to be propositional or conceptually structured, they are not the right candidates for justification when it comes to our beliefs about the world.

McDowell complains that this leaves a radical and unacceptable gap open between perception and belief, such that empirical knowledge is not even

[54]Davidson, Donald 1986. "A Coherence Theory of Truth and Knowledge," reprinted in Ernest LePore, ed., *Truth and Interpretation: Perspectives on the Philosophy of Donald Davidson,* (Basil Blackwell, Oxford), pp. 307-19. Quote is on p. 310.

notionally possible, seeing that the Davidsonian account makes no sense of how perceptual experience could in principle be a *rational* basis for our true beliefs about the world.[55] At best, for Davidson, perception is some sort of supervenient causal determinant.[56] Davidson's account thus leaves the epistemological notion of empirical justification, belief, and knowledge *spinning frictionlessly in a void*[57]*,* where the conceptual linkages of propositions that house beliefs about the world, which ultimately yield knowledge, run on one track that hangs over perceptual experience, which runs parallel below on its own distinct track. The two tracks never touch, and so there is never any "friction" between them; beliefs are in that way unanchored from the world, spinning frictionlessly above in a void, never really making contact with perceptual experience.

In like fashion, I wish to say that Foot's response to non-cognitivism, and her general desire for an objectivist ethical philosophy that gets us away from the problematic subjectivism inherent to neo-Humean metaethics, is so strong that she recoils into an account that makes moral deliberation appear to be a process that spins frictionlessly in a void, out of touch with the empirical world because she doesn't account for what it has to do with perceptual experience.

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[55] McDowell, 1994. See specifically Lecture 1 & 2.

[56] See Davidson, Donald 1980. "Mental Events," in *Essays on Actions and Events,* Clarendon Press.

[57] See McDowell, 1994, lecture 3, sec. 4.

Now we may think that this charge of over-intellectualization on Foot's part is an over-statement. For instance, recall once again Foot's suggestion of how we ought to think about what it takes to motivate just actions conducted by a just person (as in the virtue of *justice*):

> What, for instance, distinguishes a just person from one who is unjust? That he keeps his contracts? That cannot be right, because circumstances may make it impossible for him to do so. Nor is it that he saves life rather than not saving them. 'Of course', someone will say at this point, 'it is the just person's intention, not what he actually brings about, that counts.' But why not say, then, that it is the distinguishing characteristic of the just that *for them certain considerations count as reasons for action, and as reasons of a given weight?* Will it not be the same with other virtues, as for instance for the virtues of charity, courage, and temperance? Those who possess these virtues possess them in so far as they recognize certain considerations (such as the fact of a promise, or of a neighbor's need) as powerful, and in many circumstances compelling, reasons for acting. They recognize the reason, and act on them.[58]

From this we can clearly see that Foot herself acknowledges that the action-motivating component of a metaethical theory, that which lends itself to the evaluation of one's action and character in moral terms, is an agents recognition of reasons: "it is the distinguishing characteristic of the just that *for them certain considerations count as reasons for action, and as reason of a given weight*". Moreover, virtuous agents "recognize certain considerations…as *powerful*", not to mention "*compelling*." (my emphasis) "They recognize the reason, and act on them."[59] If the concept of recognition isn't at least a vague gesture towards something like an experiential basis, then one may well wonder what is…. After all, to say that a virtuous agent recognizes reasons and acts on them might as well read: the virtuous person sees what to do, and they do it.

[58] Foot, p. 12.

[59] Ibid.

But Foot never really gets beyond the gesture. And the fact that her remarks on *reason recognition*, which in chapter one I referred to as her laying out the "external reasons-only approach", comes on the coat tail of her having already dismissed the thought that moral judgment required a "conative" ground—that crucial mistake of non-cognitivism. This would suggest that she *isn't* inclined to recast the acknowledgment of reason recognition as a cognitivist rendition of what the non-cognitivists were onto with the conative stuff. She simply offers reason recognition as a more germane alternative, *after* expunging the conative condition.

Once again, I draw attention to what she says about that crucial mistake of non-cognitivism. She says:

> It is the mistake of so construing what is 'special' about moral judgment that the grounds of a moral judgment do not reach all the way to it. Whatever 'grounds' may have been given [*in the case of the emotivist theory*], someone may be unready, indeed unable, to make the moral judgment, because he has not *got* the attitude or feeling, is not *in* the 'conative' state of mind, is not *ready to* take the decision to act: whatever it is that the theory says is required. It is this gap between ground and moral judgment that I am denying. In my view there are no such conditions on moral judgment and therefore no such gap.[60]

She wants to expunge the "conative" ground, the "feeling" and "attitude" that non-cognitivism claims must be the basis of moral judgment, but yet she is inclined to replace it with a concept of reason recognition that comes in a variety of flavors, e.g. "weighted," "powerful," "compelling." At the beginning of her first chapter in *Natural Goodness,* Foot states that her goal in spelling out the theory of natural goodness is to "break really radically both with G.E.

[60] Foot, p. 9.

Moore's anti-naturalism and with the subjectivist theories such as emotivism and prescriptivism that have been seen as clarifications and developments of Moore's original thought."[61] However, she would have done much better, in my opinion, to instead couch her project in terms of giving a naturalistic spin on Moore's concept of moral intuition. Or at the very least she ought to have felt the call to recharacterize the conative condition in her own naturalistic way, rather than to expunge it all together.

So the blindspot is that Foot doesn't realize that, despite her aversion, she is unable to really break free from the conative condition, which cannot be expunged but rather demands a positive characterization that recasts it in the light of her naturalism. The objectivist, naturalistic inertia of Foot's recoil *away* from Moore's anti-naturalism, and the subjectivist theories that sought to clarify what Moore was getting at, is so earnest that it pushes her to overlook the way in which even her own passing comments about recognizing the "powerful" and "compelling" "weight" of reasons is itself an appeal to a perceptual appreciation of distal environmental features that, for a rational being, are disclosed as reasons that can count in favor of *anything at all*. As the saying goes, Foot ends up throwing the baby out with the bathwater.

With respect to overcoming the triviality complaint, then, we can therefore make progress toward a positive corrective by narrowing down the desiderata and ask how conceptual knowledge of natural goodness has intuitive

[61] Ibid., p. 5.

traction in the somewhat Kantian sense of 'intuition'. In other words, how can the value of natural goodness be intelligibly and intentionally apprehended such that our judgments have a proper *aesthetic,* i.e. *receptive, sensible* ground, over and above a merely logical one? How can we account for both the spontaneity and receptivity of judgment (Kant, McDowell)? How can we account for both *aesthesis* and *noesis* (Aristotle)? How can we account for both *Befindlichkeit* and *Verständnis* (Heidegger)? If the theory of natural goodness is to sufficiently stand as a proper theory of evaluative judgment (concerning values that stem from a concept of rational life), we must supplement the logical schema and account for the respect in which the process of evaluation has an *aesthetic* component, with 'aesthetic' here being understood etymologically as coming from the classic Greek *aesthesis*[62] in contrast to *noesis,* that classic dualistic motif which finds unity in the prominent works of Aristotle, Kant, Heidegger, and McDowell, amongst others throughout the history of philosophy.

[62] G.E.R. Lloyd notes that this can mean many things such as "feeling", "consciousness", "self-consciousness", "sense-perception" and can even mean "appearance" or "that which appears", which has connections to the term *phenomena*. See Llyod, G.E.R. *Magic, Reason and Experience* (Cambridge, 1979), pg. 129-30. Also see Heidegger, 2008, H. 14, 33, 96, 226, 396, 399f, 402. See specifically Heidegger's interpretations of Aristotle on states of the soul consisting in both *aesthesis* and *noesis*, as this connects to his own notion of states-of-mind and the human beings capacity to be affected in ways that overlap with our capacity to understand. This is of course an iteration of a common motif that also runs through Kant's division of cognition into spontaneous understanding and receptive sensibility.

### *2.3 Normative status and the pragmatic function of speech acts*

We can start to make good on the claim that affective sensibility has an important cognitive function in ethical life by considering the extent to which some judgments are necessarily entitled on a subjective ground, while also functioning to pass on objective assertion and inference licenses, or, as the case may be, impute responsibilities. More precisely, I argue that, within a cognitivist framework of evaluative judgment, it is consistent and plausible to admit that there are some subjective 'feelings'/'affects' that necessarily ground judgments that have objective import, affects which are not just merely idiosyncratic (and therefore "non-cognitive"), but rather take on the character of what Kant identified in his theory of pure aesthetic judgment as *universal subjective validity*—singular judgments grounded in a subject's experience, which also strives to make a claim on all rational subjects.

In essence what I argue is that the logical role of subjectively universal affects, in both learning to form and in actually making moral judgments, has an analogue in canonical perceptual experiences, *qua* recognitive episodes, as they figure in the process of learning how to make and in actually making other kinds of ordinary, less philosophically contentious judgments. Put another way, the affects associated with moral concepts, I argue, are *companions in merit* with perceptual episodes that give us access to empirical facts, in that they have the same pragmatic structure *qua* recognitive episode, both functioning to

license subsequent judgments that make claims on other rational beings to either judge or act accordingly, were they to find themselves in a similar situation. It is for this reason that a capacity for subjectively universal sentiments, in the sense that I have in mind, is an integral component of a cognitivist theory of moral judgment.

To untangle this nuance, it will be helpful to start by thinking of judgments in terms of the speech acts that express and represent them, and to analyze them with a view toward their pragmatic, functional structure, i.e. the way they function within discursive space to bring about concrete alterations in the world. Here I make use of some of the tools provided by Rebecca Kukla and Mark Lance (K&L) in their incredibly lucid and inspiring book *'Yo' and 'Lo': The Pragmatic Topography of the Space of Reasons*.[63]

In their book, K&L give a robust analysis of the normative fine structure of our world as it is constituted by language and linguistic practices. In other words, they "examine language through the lens of pragmatism, in the metaphysical sense that takes the phenomenon of language to be, in the first instance, a concrete, embodied social practice whose purpose is meaningful communication." Their primary objects of study are thus the myriad overt speech acts that constitute discursive space, with an examining eye toward the

[63] Kukla, Rebecca and Lance, Mark 2009 *'Yo!' and 'Lo!': The Pragmatic Topography of the Space of Reasons*, Harvard University Press.

way in which speech acts "alter and are enabled by the normative structure of our concretely incarnated social world." They argue that by taking this pragmatic angle on language, one that starts with an analysis of the normative functioning of speech acts, we are better able to "clarify the structure…of some key issues in metaphysics and epistemology, including the role of perception in grounding empirical knowledge, how we manage to engage in intersubjective inquiry with objective import, the nature of moral reasons, and the capacity of subjects to be responsive and responsible to norms."[64]

K&L argue that many of the philosophical issues their pragmatic account of speech acts purports to help clear up stem from a pervasive assumption in philosophy that the structure of *declarative assertions* is the "*privileged* or *sole* dimension of language to which we should attend in order to illuminate key questions in metaphysics and epistemology."[65] Following Nuel Belnap[66], K&L diagnose this as the 'declarative fallacy', stating that the tendency has thwarted much of the alleged explanatory benefit that was intended to come from the 'linguistic turn'.[67] Of course, they are sensitive to the fact that it is somewhat contentious to refer to a *fallacy* here; after all, even Brandom, who flat out says

[64] Kukla and Lance, 2009.

[65] Ibid., p. 11.

[66] See Belnap, Nuel 1990. "Declaratives Are Not Enough," *Philosophical Studies* 59, pp. 1-30.

[67] See Rorty, Richard 1992. *The Linguistic Turn: Essays in Philosophical Method*, University of Chicago Press.

that "assertion is the fundamental speech act,"[68] recognizes the importance of other types of speech acts that make up discursive space. But what is reckless in the notion is that it parades a certain confidence that the other varieties of speech will fall into place only *after* an analysis of declarative speech has been completed. Gone unexamined, this could then lead one to the seemingly compulsory thought that other forms of speech must be ultimately analyzable in terms of, or entirely reduced to, declarative propositions; that is, if they are to be constituted as *rational grounds for objective knowledge*, or even part of the topography of the 'space of reasons'.

So what we're homing in on now is that there are varieties of speech—different speech acts—that make up discursive space, and this is relevant to understanding the different ways in which a judgment might be grounded. Among the varieties, there are declaratives, prescritpives, imperative demands, promises, ostensions, baptisms/namings, questions, vocative hails, etc. (this list is not exhaustive). Each of these constitute different kinds of speech *acts* because, as J.L. Austin was keen to teach us[69], with these different forms of speech, and sometimes *in* the very speech itself, one *does* something different. One can *declare* that Sacramento is the Capital of California; one can *prescribe* a set of actions to their children; one can *demand* that you put the weapon

[68] Brandom, Robert 1994. *Making it Explicit,* Harvard University Press, p. 173.

[69] See Austin, J.L. 1975. *How to Do Things with Words,* Harvard University Press.

down; I can *point out* the hawk up in the tree; one can *name* their daughter; I can *ask* where you're going; I can *hail* you in the crowd. And with each of these different ways of acting-in-speech, we strive to bring it about that something more or less determinate happens in the world.[70] Adding more technical precision to this common pragmatic line of thought, we can follow K&L who loosely follow Brandom and define speech acts as "performances constitutive of changes in normative status among various members of a discursive community." "Thus,"

> ...to assert that P involves undertaking a commitment to P, taking up the role of one at whom challenges of P may be directed, etc. To order someone to see to it that P, by contrast, involves undertaking to incur upon her a *prima facie* obligation to see to it that P. Further, the performance of any speech act is the sort of thing one can be entitled to, or not. And so on.[71]

From this we can establish a clean *functional* understanding whereby a speech act is a linguistic performance the function of which is to operate on, specifically, normative statuses depending on how such statuses confer entitlements and commitments onto discursive agents.

A normative status we can understand as some *persona* role or set of roles determined through communal (or at a minimum, mutual) recognition that entitle or commit one to certain kinds of performances or behaviors. For example, normally only a parent (a kind of normative status) is entitled to point

[70] Of course, accidental misfirings, or unintended consequences are always possible. For example, I may mistake a hail to be for me, when it was for another Tyler, etc.

[71] Kukla and Lance, p. 12.

at their child and legitimately give them a name; if I were to walk up and down the new-born unit at the hospital, pointing at babies, yelling different names, I do not legitimately bring it about that those babies now have those names—I do not have the normative license or authority to do that, I am not entitled to do that. In similar fashion, only *my* advisor is entitled to demand, or pass on the entitlement to another to demand, that *I* have a penultimate draft of my dissertation turned in by mid-February. My friends, however—try as they may—do not have the right kind of social or administrative authority to impute such responsibilities onto me. On the flip side, only am *I, qua* my advisor's pupil, bound to the demands and thereby committed to turning in a penultimate draft when *he* demands this of *me*. My advisor can hardly demand it of a student he is not working with, or of the department manager, or of his children, that *they* all turn in penultimate drafts of their dissertation by mid-February. Of course in these alternate scenarios it is inappropriate to utter such demands for different particular reasons, but generally it is because the *normative statuses* occupied by each person involved, and the complex interrelation of norms that are thereby upheld, do not provide the right contexts for normative uptake. The situations are devoid of their proper targets, and the particular speech act whereby one demands the draft be turned in therefore has nothing to *appropriately* function on.

Whether it be declarative statements woven into a lecture striving to impart beliefs onto the members of the audience; or a demand imputing

responsibilities for action onto those who are in a position to be the targeted subjects of them; or a desperate question to a passer-by—if all speech acts, therefore, strive to bring about some change in the world, it is a change that is inextricably caught up in the socio-normative statuses that we each embody, constituting the world we occupy in virtue of our nature as rational, social beings.

It is thus a stipulation that the different names we give to the variety of speech acts, however many there are, demarcate *pragmatic functional categories*. Functions have inputs and outputs, so we can accordingly think about the pragmatic function of speech acts as being constituted by complex structures of inputs and outputs as well:

> ...the *output of a speech act is the normative statuses the speech act strives, as part of its function, to bring about*—not what it actually manages to bring about. Meanwhile, the input is what *would entitle* the performance of a speech act, if it were entitled, which of course it may not be. *Hence inputs and outputs are themselves normatively defined.*[72]

It therefore naturally falls out of understanding speech acts in functional terms that the normative statuses that entitle one to perform some given speech act is the *input* of that speech act, and the alterations in normative space that the speech act strives to bring about is accordingly the *output*. The inputs and outputs of a speech act are thus themselves "normatively defined," meaning that *kinds* of speech acts are simply distinguished by their function, their input/output structure, and what they *strive* to bring about in terms of

[72] Kukla and Lance, p. 16.

normative changes and alterations as they bear on those who take up such statuses. This notion of striving here is no different than that which we find in other ordinary conceptions of a function, like a well functioning heart, or a properly working tax-accounting software—all it means to suggest is that there is a standard for assessment when it comes to accidental misfiring, malfunction, defection, or other judgments of the success or failures of the speech act performance.

But we can refine this definition further. The inputs and outputs of distinct kinds of speech acts can be indexed agent-relatively or agent-neutrally. This distinction is typically made use of in moral philosophy, referring to reasons whose force may be indexed to particular agents who take up very specific roles in normative space, or to reasons that don't target anyone in particular. (But of course nothing in principle prevents us from expanding the notion of agent-relativity and agent-neutrality beyond the scope of the moral to the domain of the discursive or the epistemic more broadly, as K&L certainly do.)

To concretize this distinction, consider the difference between the imperative "Have your draft in my mid-February," and a declarative such as "Sacramento is the Capital of California." With respect to the imperative demand, it is only in virtue of his position of authority over me *in his capacity as my advisor* that my advisor is entitled to say such a thing, bringing about some real, concrete alteration in my behavior, and in his expectations when I

subsequently agree. Structurally speaking, entitlement to such demands as those encased in imperative utterances are therefore indexed relatively to a specific agent, a specific person with a specific sort of role—my advisor. And notice that the output of the imperative is also agent-relative, insofar as the demand only commits *me* to turning in a draft by mid-February. There is a legitimacy built right into the normative pragmatic structure of the imperative that is *personal*—its function is indexed agent-relatively on both sides of input and output. It's not the case that just anyone can demand that I have a draft in by a certain date and impute such a responsibility onto me *in making the demand*. As I mentioned above, my friends may try to make such demands on me, but any responsibilities that may come from *their* demands are going to be significantly different than the responsibilities imputed onto me by my advisor when he says the same thing—this is just a fact about how our discursive practices work. Similarly, only a colonel (or someone in a superior position) can demand that a low-tier soldier drop down and do push ups when uttering "Drop down and give me 20!" The entitlement to say such a thing, and to impart a commitment onto someone in so doing, is agent-relatively indexed, and likewise, *who* such a commitment is imparted onto is agent-relatively indexed. Not just anyone can make these demands with legitimate normative force.

On the other hand, the declarative statement "Sacramento is the capital of California" has a normative pragmatic structure such that both the input and the output is *agent-neutral*. The input is neutral because the content that the

declarative asserts is a fact, and facts are in principle available to anyone, i.e. they are up-takeable by no one in particular. The factual content asserted in a declarative statement is publicly available, and anyone who is in a position to be perceptive or interested is entitled to utter this kind of speech. The fact that Sacramento is the capital of California, insofar as it is a fact, is open-sourced and permissionless—it is, if you will, something that is 'true for everyone', if it is true, which of course it may not be. Likewise the output of a declarative is also agent-neutral—that is, *who the declarative makes a claim upon* is no one in particular, but rather it strives to impart commitments (like the belief that Sacramento is the capital of California) onto rational subjects universally. In other words, the entitlement and commitment structure of declaratives is *impersonal* and *universal,* and it is in this sense that the input of declarative speech acts is said to be structurally agent-neutral. This is not to say that everyone *will* be gripped by an agent-neutral reason, but agent-neutral reasons are universal rather as a regulative ideal in that they strive to be taken up by anyone in virtue of one's status as an occupant in the normative space of reasons as such, i.e. in virtue of one's status as a rational being.

We are of course not concerned with declaratives and imperatives *per se*, but rather the point so far has just been to give a preliminary sketch of the landscape of speech acts, and to elucidate some of the concrete applications of the landscaping tools that come out of K&L's work on language pragmatics. The overarching aim is to extrapolate some of these lessons about pragmatic

function out to an analysis of the complex normative structure that emerges at the intersection of the various speech acts that constitute the discursive domain of the moral and the evaluative. By thinking about the input/output functions of our judgments through the concepts of agent-neutral and agent-relative entitlement and commitments, we are able to clarify the ambiguities around judgment grounding that we've exposed in metaethical/meta-normative discourse.

### *2.4 Perception's role in moral judgment and subjective universality*

We've just taken a detour, sketching K&L's pragmatic framework for the topography of the space of reasons via an analysis of the normative function of speech acts. From all of this we are able to devise a 4 box matrix that enables us to sort the different speech acts that make up discursive space according to the structure of their pragmatic functions across the two axes of inputs and outputs:

| Input → / Output ↓ | Agent-neutral | Agent-relative |
|---|---|---|
| **Agent-neutral** | **1**<br>Neutral input<br>Neutral output<br>Declaratives<br>Categorical Imperatives | **2**<br>Relative input<br>Neutral output<br>Kantian judgments of taste, baptisms, some recognitives, i.e. observatives, some acknowledgments |
| **Agent-relative** | **3**<br>Neutral input<br>Relative output<br>Prescriptives | **4**<br>Relative input<br>Relative output<br>Imperatives (promises, invitations, reproaches...), ostensions, some recognitives, i.e. vocatives, some acknowledgments |

[73]

Equipped with this new framework and terminology, another way that we can characterize what it is I find problematic about Foot's treatment of natural goodness theory is that her account is in the grips of the declarative fallacy, when the only way she has offered to give a proper cognitivist/objectivist/naturalistic ground to moral judgments is by saying that they are derived from norms implicated in Aristotelian categoricals, those declaratively structured propositions that represent vital facts about life forms. The diagram above helps us place the Aristotelian categoricals that Foot

[73] This is *figure 8* pulled from Kukla and Lance, p. 150.

leverages to establish the objective import and ground of moral claims in box 1. Aristotelian categoricals, the purported "ground" or originating source of natural goodness, belong in box 1 of the diagram since Aristotelian categoricals purport to reflect facts about vital functions of species, and so declaratively structured statements are the proper vehicles for such factual content. This should give new meaning to my criticism as it was previously stated where I claimed, with my own qualification, that Foot's move to expunge the subjective, conative condition found in traditional non-cognitivism leaves the process of evaluation 'spinning frictionlessly in a void', unhinged from experience. The idea that drove the criticism was that it seemed implausible that a metaethical theory which strives to achieve its naturalistic and objectivist orientation by offering a staunchly logical account of evaluation should offer any insight into the reality of values, i.e., something that has to do with human experience. Traditional logic concerns itselves with box 1 propositions and the truth functional relationships that adhere between them via the logical connectives, so if Foot's version of natural goodness only concerns itself with a conceptual structure of evaluation consisting in box 1 propositions, then it remains vulnerable to the triviality complaint according to which it is just a peculiar kind of deductive logic.

In detailing my criticism in section 2.2 above, I suggested that Foot would have done better to recharacterize the subjective, conative condition in her own naturalistic light rather than expunging it altogether—perhaps, in

other words, she could have done better by couching her project in terms of offering a naturalistic account of Moore's notion of moral intuition. We can acknowledge that non-cognitivism gets the story of subjectivity and conation altogether wrong without dispelling these notions completely. The good news is that the clue to how we might supplement Foot's theory in this way, working a naturalistic metaethics of her stripe toward better accommodating values and the experiential component of morality, is contained in the idea that a requirement for morality is the *recognition of reasons*. According to Foot's view it is, afterall, the distinguishing characteristic of the just (for example) that "*for them certain considerations count as reasons for action, and as reasons of a given weight…"* And moreover, "will it not be the same with other virtues, as for instance for the virtues of charity, courage, and temperance? Those who possess these virtues possess them in so far as they recognize certain considerations (such as the fact of a promise, or of a neighbor's need) as powerful, and in many circumstances compelling, reasons for acting. They recognize the reason, and act on them."[74] In any situation when virtue is involved in motivating an action, it is the *recognitive episodes* in which one encounters the reasons that count in favor of acting virtuously that ground the action as a manifestation of actually making the judgment.

The point of my bringing K&L's pragmatic philosophy of language into

[74] Foot, p. 12.

the discussion is, specifically, that I'm trying to bring out the difference between the general propositional knowledge of Aristotelian categoricals that provides one with (and conditions one into being sensitive to) the context of utterance for a moral judgment, and the particular recognitive episodes (i.e. the concretely embodied phenomenon of recognizing distal environmental features as being particular constitutive instances that *fit* the general context) that entitle the actual making of a moral judgment. The key to dismantling the theory of natural goodness from the declarative fallacy—the blindspot that keeps it spinning frictionlessly in a void, unhinged from values encountered through worldly experience—helping to make way for a proper understanding of the affective grounds of moral judgment, thus starts by taking note of the important and indispensable functions of the different speech acts that express these different components, and to see how their distinct pragmatic functions "alter and are enabled by the normative structure of our concretely incarnated social world."[75] Perhaps in doing so we can clarify the source of our grounding issue in metaethics concerning the nature of goodness and judgments thereof.

Consider the relevant difference between, on the one hand, knowing that I should keep my promises (in most cases) because I understand it is essential for rational beings that they be able to make informed, time-sensitive decisions on the basis of the trust that can be forged between people and their word; and, on the other hand, being able to recognize that a certain particular situation,

[75] Kukla and Lance, p. 12.

*this* situation, is structured by the relevant normative components such that *it* should elicit my acting so as to keep my word *now*. In this example, there are *at least* three equally important components to the process of evaluation which leads to a moral judgment in the relevant sense. Each of these components are expressible in different acts of speech and therefore have different pragmatic functional structures. There is 1) declarative knowledge of Aristotelian categoricals about the human form of life that implies 2) a semi-generalizable prescription that is conditioned by it, and then there is 3) a particularized experience that is conditioned by the same knowledge such that one finds themselves in a situation where the prescription applies, and thereby commits one, in a moment, to 4) some determinant action(s).[76]

With respect to 1): as I've already noted, declaratives that express Aristotelian categoricals or natural historical facts, such as "the human being forms trusted relationships through promise-keeping in order to make informed, time-sensitive decisions that bring about the consummation of creative projects" are box 1 statements. Since they purport to represent objective facts, vital properties of a life form, the pragmatic structure of Aristotelian categoricals is agent-neutrally indexed on both the input and output of the function. Entitlement to make such claims, or entitlement to hold beliefs about, or to have knowledge of such facts about the human species is available and indexed to *anyone* in virtue of their being a rational occupant of

[76] Notice how this loosely maps on to Foot's own schema at Foot, pp.33-34.

the space of reasons—the content of Aristotelian categoricals is not indexed to anyone in particular and is publicly available. Likewise, on the output of their function, they strive to make claims on rational subjects *universally*. If such declarations about species are true, then they are true 'for everyone' and they therefore, structurally speaking, strive to impute epistemic responsibilities onto everyone.

With respect to 2), i.e., prescriptions that are conditioned by or implicated in Aristotelian categoricals, such as "Tyler ought to help Kylie move on Saturday": these are box 3 statements. To say that prescriptions are "'semi-generalizable", as I put it above, just means that they are particular applications of what might otherwise be considered categorical imperatives, which are themselves box 1 structures. For instance, "Tyler ought to help Kylie move on Saturday" is just a more specific instance of "one ought to keep their promises". The prescription, as opposed to the categorical imperative, makes a claim on *Tyler* specifically with respect to a commitment that is true of *him* in this case, say because he made a promise to Kylie. Prescriptions then are agent-neutrally indexed in terms of their input, and agent-relative in their output. The input is agent-neutral because anyone, and no one in particular, is entitled to know that it is true of Tyler that he has a commitment to help Kylie move (because he has given her his word); whether or not he does in fact have some such commitment is a fact about the structure of our publicly shared world. But the fact that the prescription only targets *Tyler* as the one who has this commitment, as opposed

to anyone else or everyone altogether, means that the output is agent-relative, as it only targets Tyler in particular. The output target of the prescriptive is personally, relatively indexed.

Now, with respect to 3): a particular experience in which I find morally relevant features disclosed is expressible by recognitive utterances like "OMG, it's Saturday!" (say, as I notice the date and time upon waking up after I've overslept)—such speech acts belong in box 2. A recognitive speech act is one whose function is to "give *expression* to a speaker's *recognition* of something." Important to note is that a recognitive does not, as such, "*assert a proposition* about the content of what the speaker recognizes." Although many recognitives will *also* be declaratives (or will at the very least imply something factual, the content of which one may declare), they are not in and of themselves merely syntactically peculiar ways of declaring, and *only* declaring. Rather, the pragmatic function of the recognitive is to "discursively mark and communicate the event of recognition itself."[77] As a box 2 structured speech act, the input of a recognitive is thus agent-relative, while its output is agent-neutral (the inverse of the prescriptive). The input is agent-relative because the entitlement to utter something that marks one's own recognitive experience is inherently something that is just that—*inherently one's own*. Only *I* am entitled to my own experiences, as they are taken up from my particular, first-personal point of view. The ground, if you will, for recognitive speech acts is necessarily

[77] Kukla and Lance, pp. 45-46.

*subjective*. But notice that this is not the same kind of subjectivity that is implied by neo-Humean views of, say, practical rationality. Even though the ground of a recognitive is subjective, the output is agent-neutral because, even though I can only recognize something from my own concretely embodied, first-personal perspective on the world, the contents that come into view for me via my recognitive episodes are, in most cases, publicly available content. Therefore, speech acts that are entitled by my first-personal encounter with the world and which give expression to such first-personal encounters may also pass on inference and reassertion licenses to others, with respect to either 1) *that* I have recognized something (or that I have some sort of commitment, such as in the case of prescriptions that apply to me), or 2) *what* it is that I have recognized (say, *that* I (Tyler) must help a friend).

A paradigmatic example of a box 2 speech act that can help bring these points out in more detail, and which show the overlap of recognizing moral reasons with prototypical instances of perception is what K&L dub an *observative* speech act. As they put it, "observatives, by stipulation, are those recongitives that give expression to our recognition of an empirical fact, object, or state of affairs in *observations,* and most paradigmatically in perception."[78] K&L ask us to consider the difference between the following two speech acts: suppose you are crouching by a bush and your friend asks you what you are doing. In reply you say "there's a rabbit in the bush." Next, as you see the rabbit

[78]Kukla and Lance, p. 46.

shoot out of the bush you yell: "Lo! A rabbit!" Clearly the first of these examples, "there's a rabbit in the bush," is a declarative that asserts a fact about there being a rabbit in the bush, and so has the pragmatic structure of a box 1 type speech act. The content is publicly available such that anyone is entitled to assert the fact, have beliefs about and knowledge of the fact, and what the act of declaring this fact strives to do is impart epistemic commitments onto other rational subjects universally, though it may not be taken up by everyone. But insofar as "Lo!" A rabbit!" is a speech act that gives expression to *my perception of the rabbit*, only *I* am entitled to say this in good faith. If my friend were to see the rabbit as it darts out of the bush, then his perceptual episode would entitle *him* to say the same, thus giving expression to *his* perceptual episode. Structurally speaking, however, if my friend were to say "Lo! A rabbit" without having seen the rabbit for himself (say because he heard someone else *declare* that there was a rabbit in the bush), he would be saying this in bad faith, so to speak. Perhaps it's not quite that he spoke *falsely,* but in an important and relevant sense he would have 'misspoken' when he said "Lo! A rabbit!" because he did not see the rabbit for himself.

So the observative itself, which gives expression to one's recognition of some empirical fact, object, or state of affairs in the world, is only entitled on the subjective ground of one's own perceptual episode, taken up from their own concretely embodied, first-personal point of view on the world. But insofar as the content that figures into one's experience is a publicly shared fact, the

observative as such strives to make claims on other subjects universally and it gives empirical grounding to the objective claims we make in declaring things to be the case about the world. Observatives are, simply put, the linguistic representations of our contact with the world. They structurally demarcate the logical role of subjectively entitled perceptual experience in, for example, scientific inquiry and other methods of attaining various kinds of empirical knowledge.[79]

An interesting historical example of a judgment that is structurally analogous to recognitives, and which may be the first robust, documented acknowledgement of this kind of linguistic structure in an evaluative context, is the Kantian judgment of taste. In the third *Critique*, Kant famously argued that judgments of taste are essentially singular judgments, in the sense that they require a *personal* encounter with the object that is judged. He says

> There can…be no rule in accordance with which someone could be compelled to acknowledge something as beautiful…No one allows himself to be talked into this judgment about that by means of any grounds or fundamental principles. *One wants to submit the object to his own eyes.*[80]

"One wants to submit the object to his own eyes"—this is what we mean when we talk about the 'subjective' grounds of a judgment, such as in the case of a

[79] It's an open question as to just how closely we ought to tie the notion of observation to traditional accounts of sensation. There are many things that we could count as observation that are not obviously deployments in sensation proper. An example that K&L give is noticing that someone is uncomfortable at a party. We might add that being able to recognize the humor in a subtle pun is also something one can observe while, again, not being obviously something delivered via the senses per se. See Kukla and Lance, p. 46.

[80] Kant, 2001, 5: 216.

Kantian judgment of beauty or an observative. The kind of judgment in question, as a matter of its constitutive structure, is inherently and necessarily one that is made on the basis of one's own experiential ground. With respect to beauty, I would be speaking in bad faith if I said that Yosemite National Park was beautiful on the grounds that my friend simply said that it is. Perhaps he is a reliable source of testimony, and because I 'trust' his taste I form the belief *that* Yosemite National Park is a wondrous sight to see or that it would be worth visiting. But there is a real sense in which I fail to properly understand or apprehend its beauty without submitting its sight before my own eyes. In other words, until I actually go to see the landscape, I am not properly entitled to judge that Yosemite is beautiful.

So a judgment of beauty in the Kantian view is not properly grounded unless one "submits the object to his own eyes," but yet "if one then calls the object beautiful, *one believes oneself to have a universal voice,* and lays claim to the consent of everyone."[81] Kant argues that despite the fact that my judgments of taste require a uniquely personal ground to be properly entitled (otherwise it just isn't a judgment of *beauty* at all), in judging I do not impute *this very judgment* onto others (such as would be the case with declarative propositional judgments), but rather I agent-neutrally impute a responsibility on everyone to make this *kind* of judgment were they to find themselves with a subjective experience *like* mine. This is structurally the same as an observative:

[81] Kant, 2001, 5: 212-213.

the judgment does not pass on entitlement to the exact same judgment (because the perceptual episodes of which observatives are expressions are inherently one's own), but one can in so judging *demand* assent from everyone universally by imparting some sort of normative commitment onto them to make a like judgment in similar circumstance, through their own experience. In other words, one's conviction in speaking with a universal voice, whether it be in the case of making a Kantian judgment of beauty or in uttering an observative, does not come from empirical expectations based on inductive reasoning, or from taking note of what most agents in fact have come to find agreeable in surveying colloquial uses of the word 'beauty' or 'rabbit'—it is a conviction that amounts to the basis of a standard for correct judgment. The judge, as Kant puts it, "does not count on the agreement of others with his judgment of satisfaction because he has frequently found them to be agreeable with his own, but rather *demands it from them and rebukes them if they judge otherwise."* Kantian judgments of taste are therefore structurally identical to observatives and other recognitions that make up box 2 of the pragmatic function diagram—they all function to impute commitments onto rational subjects agent-neutrally, while having agent-relative entitlement conditions.

Now despite sharing a pragmatic functional structure, observatives and Kantian judgments of taste are importantly different in that they mark distinct ways in which our capacity for receptivity can be actualized—each draw on our cognitive faculties in different ways. For example, as Kant would put it,

judgments of taste are *pure*, *reflective* judgments that don't require any determinate empirical concept at all, but only require a faculty for concepts in general, and to bring the representation of an object in relation to this faculty; and observatives are what we can call *determinate* judgments in that they draw in a determinate concept which then functions to license other sorts of epistemic activity like drawing inferences or asserting truth claims on the basis of the concepts employed. What I'm then arguing is that the phenomenal event of recognizing moral reasons—i.e. the recognitive events which entitle moral judgments or virtuous action—is best classified as a species of box 2 judgment, and is distinctly marked out by its unique intersection with Aristotelian categoricals and prescriptives. Recognizing moral reasons is thus the way that the receptive component of cognition is actualized when concepts of virtue are drawn into operation and become manifest in correct action.

Let's run this through the previous example I started above wherein I recognize that I have to fulfill a commitment to a friend. When I wake up and notice the date and time, and scream "OMG, it's Saturday!", as I frantically hop out of bed, it's not that my exclamation intends to simply declare the fact that today is Saturday. Like with any other recognitive, "it is the *recognizing,* and not just what is recognized or who is recognizing, that is given expression in such a claim."[82] In this way, "OMG, it's Saturday!" is entitled by my own receptive experience of realizing what day it is, and this gives way to certain

[82]Kukla and Lance, p. 47.

agent-neutral commitments, such as others being in an epistemic position to declare that it is true of me that I have some such commitment, or to simply reiterate the prescription to which I am committed. "OMG, it's Saturday!" therefore has a box 2 structure. But what is especially relevant to add here is that, in this particular case, "OMG, it's Saturday!" does not just express my experience of recognizing it to be Saturday blankly, but it also marks a certain *way* that I have this experience, a certain *way* that I am receptive to this fact. In and through my recognition, I 'see' that this fact bears on my responsibilities and shows up for me through the framework of my particular normative status, and it shows up for me in an *important* way. The fact of it being Saturday *matters* to me in a way that it won't to someone who is indifferent to what day it is, or to someone who has no determinate plans. I recognize that I'm late to helping my friend move, a friend to whom I made a promise, so it's being Saturday has a certain inherent value to it, it is significant to me in context.

This then points to the way in which my affective response intersects with Aristotelian categoricals and prescriptive acknowledgments such that it fits a conception of moral judgment, or rather fits a conception of the *affective ground* to my moral judgment. Notice how we can analyze recognizing it to be Saturday in this case, and specifically in the way that it affects me, as being conditioned by 1) my knowledge of and my belief about an Aristotelian categorical concerning what is necessary for the life of a human being, and 2) a prescription that applies to *me* given my implicit self-awareness of my

normative status as *a friend of Kylie's who has given her my word to help her move on Saturday*. My recognitive experience is inextricably entangled with knowledge of facts and norms alike such that, in this case, my experience of recognizing it to be Saturday commits me, in a moment, to some determinant action(s) like frantically hopping out of bed, getting out the door, and being on my way to help Kylie move. My normative status, my knowledge, and my beliefs leave me predisposed to recognize certain features of my environment, like the fact that it is Saturday, to be relevant motivating solicitations of my action in some determinant way, manifesting the virtue of friendliness and honesty in my actions.

Whether it be that I have been habituated into a certain set of beliefs about what is necessary for human life by others or through my own philosophical reflection, one way or another I have come to internalize some conception of what is *in reality* right and wrong, good and bad, and this instills into my identity a certain status that situates me in normative space. This implicit understanding, as it relates to my dispositions for action, then becomes part of my normative character and it shapes the way that I become responsive to facts inscribed into my environment. Through internalizing certain knowledge, I become a certain kind of person that acknowledges certain responsibilities that apply to me, and this enables me to see what should be done so that I may do it in a given moment. The motivation for my action in the moral case is affective in the sense of *perceptual,* and my virtuous character is

therefore akin to a perceptual *skill*.

It is only through the affects entitled by one's receptivity to reasons—only in the state of mind of feeling compelled by reasons, and feeling their power—that reasons can be the sort of things that spring forth action in the name of virtue. Of course the concepts employed by these turns of phrases do not constitute an exhaustive list; we can acknowledge what is meant when we say that we need to include affects as the ground to that phenomenon which we call the recognition of reasons, the actualization of a receptive faculty for morals, while remaining agnostic as to which specific reasons elicit which specific affects—I imagine that this will be open to philosophical reflection on a case by case basis. For now, though, what we can say is that *virtue* is what consists in a capacity for feeling compelled to act in certain ways through something like an emotional consideration of reasons in the sense that Rosalind Hursthouse has in mind:

> The emotion that in other animals is essentially connected to physical self-preservation or preservation of the species can be transformed in human beings into an emotion connected with the preservation of what is *best,* most worth preserving, in us and our species. And the correctness (or incorrectness) of our view of that is an aspect of our rationality.[83]

The concrete actualizations of this capacity, then, are just the affective states of mind that ground moral judgment that have objective import in the qualified sense. Virtues are not idiosyncratic, but rather available to any rational being

[83]Hursthouse, Rosalind 1999. *On Virtue Ethics,* Oxford University Press, Hursthouse, Rosalind 1999. *On Virtue Ethics,* Oxford University Press, p. 111.

constituted in part by receptivity and perception, just as concepts of empirical fact are not idiosyncratic, but rather available to any rational being constituted by the same. And likewise in both cases one must exercise these capacities and acquire the appropriate concepts in order to be properly entitled to make judgments that concern either one of them.

### *2.5 Virtue, affective excellence, and the chief good*

We can draw all of this nearer to traditional Aristotlian virtue ethical theory in the way that it centers on a conception of virtue as affective excellence (*arete*). Instead of focusing on the production of moral principles against which actions are appraised as either right or wrong, virtue theory looks to *character traits* that can be internalized and triggered by concrete situations—these predispositions of character are what opens up discussion of what is good or bad for a human being, according to a conception of what our natural function is.

The driving idea to Aristotle's virtue ethics is that, as we've seen in Foot's conception of natural goodness, everything that is said to be good, or said to be doing well, is so spoken of insofar as it functions as it should: "for all things that have a function or activity, the good and the 'well' is thought to reside in the function."[84] Aristotle reasoned that part of the function of a human being is to exhibit rationality in their actions, and therefore the virtuous/excellent/good

[84] Aristotle, 1941. 1.7 1097b26-27.

human being who is said to be doing well has *practical knowledge*. Hence, knowledge is virtue. But if virtue has to do with character traits and affective attunements triggered by concrete situations, how is it said to also be a form of knowledge? That is, how can affective states reflective of one's virtuous character cross paths with the cognitive?

The sort of knowledge at stake here is found in character-concept sentences like "the kind person *knows* when a situation requires an act of kindness".[85] We might think of every situation as in some sense imposing upon an agent a certain question or set of questions about how to behave, how to live, and the virtuous agent is one who has *correct* answers to these questions in that they "act" appropriately in that context. The virtuous agent "acts appropriately" because one has "knowledge"—one 'knows what to do'. The kind person, for example, acts kindly when it counts because she knows when kindness would be required. So the kind person's virtue consists in her being able to recognize when kindness is required, and she recognizes this requirement as her *sole reason* for acting kindly. In other words, for it to be a genuine instance of virtue, the perception of the requirement for kindness must be an *exhaustive* reason—there must be no extraneous reason that motivates the "kind" behavior (e.g. one must not be acting for the sake of a good reputation). The kind person is genuinely kind, it is the sort of person they are. It's not just that one knows what acting kindly *looks like*, and then, because they know when a situation requires

[85] See McDowell, 1998c.

that type of motion, goes through the motions. Rather, one's actually being a kind person disposes them to perceiving certain distal aspects of their environment as morally relevant, perceivings that in some sense necessitate the appropriate behavior, behavior performed for the correct reasons and only deterred by circumstances out of their control. Therefore, the agent's knowledge is said to not only be a condition for possession of virtue, but can be said to be identical with virtue itself insofar as the agent's perceptual deliverances that are made possible by possession of it never fail to elicit the appropriate response, barring physical hindrance (intentions count here). Getting things right in the way the virtuous agent does means that one's character disposes them to respond in morally appropriate ways, and the response itself is marked by the recognition that a certain situation fits a concept of virtue—in other words, virtuous agents know what to do when it counts similarly to the way we say that a really excellent improv jazz musician knows what to do when jamming.

But, just as with an excellent jazz musician, it is not that one recognizes what is good in a couple of situations and is therefore said to be virtuous or to exhibit good character. Just as virtue is knowledge, virtue is also classically thought to be a *coherent unity*—this is isomorphic with the inferential linkages that adhere between the concepts that constitute the realm of knowing. To say this means that "being virtuous" does not consist in possessing a particular, singular virtue, but rather being genuinely kind means, for example, that when

the moment calls for it, one will also be sensitive to requirements of *fairness, honesty, efficiency,* or *tough love* (as the case may be). Again, it's not just about going through the motions of what looks to be an act of kindness, but being sensitive to what really is kind, with all that it entails conceptually. Usually, we judge the moral character of a person in sweeping claims about who they are in general, and so a kind person will also be a just person; a just person will be courageous, so on and so forth. For this reason, John McDowell has said that particular virtues must be thought of as concepts used to mark "similarities and dissimilarities among the manifestations of a single sensitivity which is what virtue, in general, is" and "it is a single complex sensitivity of this sort which we are aiming to instill when we aim to inculcate a moral outlook."[86] A virtuous person is a *good person* and this is identical with their being sensitive to what is good in general because they act rationally: "the virtue of man", says Aristotle, "will be the state of character which makes a man good and which makes him do his own work well."[87]

For Aristotle, the state of character which makes a man good is found in the *pathe,* or affective/emotional states. For instance, with respect to courage, Aristotle says virtue is found in taking up the right relationship with *fear*; with respect to friendship, virtue is found in the right relationship with *love*; and with respect to pleasure, *temperance*. But we must be careful here. Affects are

[86] McDowell, 1998c, p. 53.

[87] Aristotle, 1941. 1106a20-25.

typically thought of as passive states of an agent, and in that case, it is hard to see how one could be responsible for their virtue, and it would thus be hard to see how virtue could have anything to do with morality, since morality is about praise and blame, which require a notion of responsibility.

There is a tendency in our modern paradigm to think of affects or emotions as distinct from knowledge, since knowledge is "rational", and emotions are thought to be "irrational"—this is, of course, the epistemological difference between cognitivism and non-cognitivism in metaethics. But this way of thinking about things was arguably quite foreign to Aristotle. Since knowledge is rational in the sense that it requires responsiveness to reasons, and since virtue is thought by Aristotle to be a form of practical knowledge, it follows that, insofar as the origin of virtue is an attuned affective capacity, our affects/emotions are thus thought to be ways in which we are, or can be, responsive to reasons, and thus capable of inclining us toward knowing what to do. Virtue, on Aristotle's line of thought, is what we may today call a kind of emotional intelligence.

A famous example of this way of reading Aristotle on the *pathe* is Heidegger.[88] Kate Withy helps us decipher Heidegger's reading of the *pathe* as forms of knowledge by drawing the connection between *pathe* as it figures in Heidegger's reading of Aristotle and his own unique concept of *Stimmung*,

[88] See Heidegger's lectures on Aristotle. Heidegger, Martin 2009. *Basic Concepts of Aristotelian Philosophy,* trans. Metcalf and Tanzer, Indiana University Press.

what translators have traditionally called 'moods', but which Withy prefers to translate as "disclosive postures".[89] To say that affective states are disclosive postures is to say they are "particular arrangements of the world and us, in relation to one another."[90] In other words, it is through an affective state that a particular arrangement of myself and the world can be seen. To understand this more fully, we need to look to Heidegger's own articulation of state of mind and moods (*Befindlichkeit und Stimmung*) in his treatise *Being and Time*.

In *Being and Time,* Heidegger understands affects/moods/emotions as the various ways in which we find ourselves in a situation.[91] But it is not just that I, for example, find some rarified entity that is my "self", but rather I find myself absorbed in the world and the situation I am in to be a complex unified structure. So through a 'mood', I encounter the world in some way in the sense that situations show up as *mattering* in some particular manner, and the way in which what I encounter matters is found or "disclosed" in my way of "feeling", in my state of mind, in the particular mood. So the function of my moods/feelings/*pathe*/emotions, as Heidegger means it, is to reveal in what

[89] Other translations that help to bring out the complex subtleties and nuance of Heidegger's choice of language are 'affectedness' & 'findingness'. For 'affectedness', see Dreyfus, Hubert 1991. *Being-in-the-World: A Commentary on Heidegger's* Being and Time, *Division I*, The MIT Press, chap. 10; for 'findingness', see Haugeland, John 2013. *Dasein Disclosed,* Harvard University Press.

[90] Withy, Kate 2015. "Owned Emotions: Affective excellence in Heidegger on Aristotle", from *Heidegger, Authenticity, and the Self: Themes from Division Two of Being and Time,* Routledge.

[91] Heidegger, 2008, sec. 29.

way a situation matters. These are not passive states that happen to one, but rather one is never without a mood because they are simply constitutive parts to the analysis of a human being's situation in the world—they are component features of an analysis of human nature. It is not that one either does or does not have a mood, but rather moods just are a constitutive of the human form of life. Our way of being in the world is such that we always care about things in a certain way, and the structural faculty that Heidegger refers to as that which accounts for this fact of human life is thus *Befindlichkeit,* our state of mind; and *Stimmung* are just the various moods that can be actualized through this faculty.

Bringing this back to the context of virtue ethics, what this means is that it is part of a human being's nature to 'care' for things, and it is part of our goodness to care for things in the *right* way. If the virtuous agent's perception of a situation constitutes the openness to reasons which necessitate her good actions, and if the reasons upon which she acts are disclosed through her affective state of character, then her affect/mood/feeling turns out to be the particular way in which she knows what is good because her actions and her character are contemporaneous with each other. And in that case, the virtue of human beings is to perceive, through the lens of an emotional or affective state, the moral features of the world. This is just to say that one strives to get things right in the sense that we are by nature oriented toward getting things right (would it make sense to say that we are oriented toward getting things

*wrong?*), and it is the good of a human being to realize this and to intentionally aim for it as their life's purpose.

As is commonly known, for Aristotle the appropriate affective state for virtue is found in moderation. The right way to feel toward something is through a *mean* mood, i.e. a mood that falls between two vicious moods.[92] Otherwise, if one does not "live in moderation", one's perception of what is good will be "clouded" in a way that makes it impossible for them to appreciate goodness as the virtuous person does. For example, if generally you are a slave to your sex-drive—if you don't have the right (moderate) relationship to sex as it figures into human nature—then perhaps your local desire to woo your date, which targets late-night sex, will incline you to *fail to appreciate* that your friend who just called you is in need of a helping hand. In this way, you are not disposed to being properly moved by your situation because your excessive desire covers over that possibility. The virtuous person holds a position in which affects that would otherwise come over non-virtuous people are simply *silenced*.

As disclosive postures, then, affects become morally significant. If one does not have the right affective relationship toward various aspects of life, then one does not know the value of life because they are unable to *do* good, they are unable to live rationally, which means, effectively, unable to live well as the kind of being they are. Therefore, if the single complex structure of virtue

[92] Aristotle, 1941, 1106b30-1107a25.

in general is what's at stake in knowing what is good, then the way we understand the value of the particular virtues—what is good about any particular virtue—is by taking up the appropriate affective state toward our own form of life in the most general sense.

To state the issue more exactly, so far we have only said how particular manifestations of what is 'good', particular manifestations of virtue, are grounded affectively. But arguably what we are after, as many have wondered about since ancient times, is the primary sense of 'good', the chief sense of goodness that allows us to recognize all of those particular instances as, in fact, instances of something *good*. But what is the primary sense of 'good' on the basis of which these particular instances are recognized and noticed as instances of what is good? What is the affective ground of the 'chief good'?

A promising clue for how to overcome this question of the affective ground for the chief good is to consider the notion of a final end which all particular senses of 'good' tend toward—that final for-the-sake-of-which is cashed out as a good life, as lived by a human being (to have *eudaimonia*). I claim that by focusing our question on understanding how *we* have knowledge of the value of a good life in this virtual-ethical sense; through rethinking and understanding how *we* have knowledge of the primary sense of goodness that comes in relation to reflection on what the *human being* is by nature; by turning our gaze to the chief good of a human life, we can secure a virtue-ethical basis for the kind of value epistemology that drives this inquiry because it is from

knowledge of this primary sense of goodness—living a good human life through living rationally—that all other senses of 'good' and corresponding valuations must be derived. We need now to establish some sort of ground mood that we have non-empirical knowledge of, which conditions our empirical knowledge of reasons that elicit particular manifestations of virtue and good action.

### *2.6 Disinterested pleasure as a non-empirical ground for the intrinsic value of life in general*

What we saw in chapter 1 in the discussion of Thompson's logic of life is that the standard for a given conception of natural goodness is captured in natural-historical judgments about organisms like "the bobcat gives birth in the spring", or "the oak tree grows deep roots", or "the bat echolocates", or in the case of human beings, "the human being keeps their promises," etc. These types of natural-historical judgments are referred to by Thompson as Aristotelean categoricals because the form of the judgment is inherently teleological—i.e. the logical form of the judgment takes into consideration a "wider context" of activities that figure into life cycle of the species, considerations that are essential to and constitutive of a proper understanding of that kind of being is. These Aristotelian categoricals thus implicate normative standards against which we can judge individuals of a species as either being healthy/sick, functioning/defective, well/unwell. In the preceding sections of this chapter I have suggested that a promising place to look for how to understand this in specifically humanistic terms was Aristotle's account of virtue in which Foot's

formulation of natural goodness is rooted. I would now like to begin to connect this line of thought to some of the insights Kant lays out in his *Critique of the Power of Judgment* regarding the connection between our judgments of teleology and our judgments on the values of nature, both being conditioned by forms of teleological grammar.

If we grant that the particular empirical judgments involved in the process of making a moral judgment are grounded in certain affects (the particular virtues) that disclose significant reasons for action in those particular circumstances, all things considered, then we are confronted with the question of what affective state of mind (the unity of virtue as such), if any, ultimately contextualizes these particular instances as instances of something which can be said to be good in general? In other words, is there some state of mind accessible through pure contemplation that can function as the condition for the possibility of encountering contingent things in the world as instances of what is good in general, and thereby worthy of being judged as such? In this section I argue that the Kantian notion of disinterested pleasure is a prime candidate selection for such a non-empirical affective ground as it neatly fits a conception of natural goodness, a la Foot, as the intrinsic value of human life in general, and which could be said to consist in the form of living rationally as such. As a feeling that is elicited through pure, non-empirical reflection on the form of rational life in general, the feeling of disinterested pleasure is capable of forming the general basis for moral judgments as *evaluations* of particular

things in the world as instances of what is good in general.

What the combination of Aristotle's and Kant's philosophy in the present discussion does is it allows us to say that the deepest ground for knowledge of moral value is found not in a disembodied intellectual consideration of the pure concept of rational life, but rather in a self-reflexive perceptual state of feeling *disinterested pleasure* toward the purposive, teleological structure of rational life in the sustained, pure activity of living rationally *per se*.

To help draw the parallel, let us first consider the grammatical structure of *teleological judgments* according to Kant, and then compare this to the Thompsonian framework. In the First Introduction of the third *Critique,* Kant says that

> a teleological judgment compares the concept of a product of nature as it is with one of what it **ought to be**. Here the judging of its possibility is grounded in a concept (of the end) that precedes it *a priori*. There is no difficulty in representing the possibility of products of art in such a way. But to think of a product of nature that there is something that it **ought to be** and then to judge whether it really is so already presupposes a principle that could not be drawn from experience (which teaches only what things are)[93]

Kant's point here is not that we explicitly consider a specific concept like *bird,* for example, and then make a normative judgment about birds on the grounds of some Platonic criteria for judging 'a bird!'—for if there is anything at all worth preserving in a general account of concept acquisition, its that the general concept of a bird is acquired *in experience*, and what is essential to its

[93] Kant, 2001, FI X, 20: 240.

particular "birdness" will also be gathered through empirical inductive inferences. Put that way, it would seem that there isn't much *a priori* about that. But this is not the point. Kant's point in this passage, rather, is that in making a normative judgment about how some biological system ought to function on the basis of a historical description of how that system in fact *does* function, I am actually justified because the ground of the relationship between the descriptive and the normative is made possible only insofar as the judgment presupposes a more general principle that regulates the capacity for judgment as such—that principle he calls the principle of *purposiveness*. The concept of purposiveness is a theoretical principle that helps us make sense of the possibility of our making judgments about living beings that target a systematic understanding of the natural world. As Kant puts it, purposiveness represents "the unique way in which we must proceed in reflection on the objects of nature with the aim of a thoroughly interconnected experience."[94] We human beings cannot help but apprehend the empirical world, the world of nature, as structured in an orderly fashion that is more or less intelligible. "Thus", Kant says,

> the principle of the power of judgment in regard to the form of things in nature under empirical laws in general is the **purposiveness of nature** in its multiplicity, i.e., nature is represented through this concept as if an understanding contained the ground of the unity of the manifold of its empirical laws.[95]

[94] Kant, 2001, 5: 184.

[95] Ibid., 5: 181.

This so-called principle of purposiveness, as it figures in the Kantian systems, is a concept that is required to make the notion of judgments about biological systems intelligible upon consideration of their indispensability in theorizing about the world. Just as we saw in Thompsons work, we simply cannot help but make distinct judgments that divide things up into the living and the non-living respectively, and in this we find presuppositions, formal principles that we discover to be the basis for theoretically organizing around the distinction between living and non-living beings, non-empirical grammatical templates that organize empirical contents. Or in Kantian language, principles "*a priori*"—this is what it means to be a transcendental principle.

Recalling, then, what Kant says about how "a teleological judgment compares the concept of a product of nature as it is with one of what it **ought to be,**" another way to express the thought would be to say that, although I have to come to find through experience what some form of life (such as the rational life of a human being) is like by reflecting on the the necessities constitutive of its kind, I am thus also justified in saying what an individual of that kind *ought* to be like—the teleological structure that regulates my understanding of a form of *life* generally, is governed by, in Kant's language, the transcendental principle of purposiveness, or, in Thompson's language, the logical grammar of Aristotelian categoricals.

Notice how this lines up with our working conception of natural goodness thus far. We start with some idea of what a form of life is—say,

whatever is captured in a natural-historical judgment about, say, the human species—and from there we can make a judgment about what or how individuals of that life form ought to be. If someone is incapable of keeping their word, then they are not doing well because that is not how a human being ought to be (say, as a pathological liar). What justifies us in making the normative claim about how an individual human being ought to behave is a measurement of how they do live up to the Aristotelean categoricals that are definitive of the species. Our understanding of a species-concept as such is only possible because we bring to bear on teleological/biological judgments the *a priori* concept of purposiveness, a principle which helps us to make sense of our world as we find it. Without this *a priori* principle, we wouldn't, in the first place, find any such teleological "regularities" in our representation of forms of life.

With this we have an argument for why we are justified in making normative claims about individuals on initially descriptive bases—the objective teleological concept of some form of life allows us to make claims about how individuals of some form of life ought to be, i.e. whether or not individuals are exhibiting their proper function, because our cognitive faculties require us to understand forms of life according to the presupposed regulative principle of purposiveness. But we do not yet have a justificatory basis for the claim that life-form concepts are intrinsically tied to anything like moral value which, from the point of view of our Aristotelian virtue ethical framework, will be found in an affective state that accompanies such concepts.

Helpful for our purposes is that the Kantian analogy extends to the domain of value judgment as well. One of the central staples of Kant's theory is that the concept of purposiveness is not just found to be a regulative principle governing our judgments of the biological systems in nature, but rather the concept of purposiveness is also found to regulate our judgments concerning the *pure aesthetic value* of nature, judgments which are based in a feeling of disinterested pleasure. The prime limit case for pure aesthetic judgments is what Kant refers to as a judgment of beauty/taste. A judgment of beauty, in Kant's theory, is not made on the basis of an objectively universal concept (say, some property concept of "beauty" that is captured in a list of necessary and sufficient conditions that objects can display), but is rather made on the basis of a subjectively universal feeling of disinterested pleasure. To say that one can feel pleasure in a *disinterested* way means that "one must not be in the least biased in favor of the existence of the thing, but must be entirely indifferent in this respect in order to play the judge."[96] One does not, in other words, get pleasure from making use of the thing that is being judged beautiful. If I say that the trees are beautiful, it does not mean that I take pleasure in the thought that they can be used for making paper—that is not why I value them. I simply take pleasure in the purposive *form* of the trees as I reflect on them, and because the form of purposiveness in general doesn't depend on any particular

[96] Kant, 2001, 5: 205.

tree, my pleasure is not "in the least biased in favor of the existence"[97] of this or that tree, e.g.

Another way to talk about this is to say that the pleasure I take in something when I judge it to be beautiful is the result of a happy accident—it's simply a delight that my cognitive faculties are suited to fit the purposive structures I find in nature, although I cannot explain why this should be necessary.[98] In a judgment of beauty, I feel pleasure because I find things in nature to be purposively formed for no particular purpose, i.e. toward no particular final end, except that the objects of nature and the cognition that reflects on them happen to be in harmony with one another, and as such, fit together to form a coherent worldview. As Kant points out, because we are confined to reflect on objects of nature as purposively structured, we can create narratives as to the purposes that various things serve, but ultimately, we are not justified in saying that there is a single, final purpose that the whole of nature moves toward. Thus, "beauty is the form of the purposiveness of an object, insofar as it is perceived in the object without the representation of an end."[99]

[97] Ibid.

[98] Ibid., 5: 184.

[99] Ibid., 5: 236.

Now to say that the feeling of disinterested pleasure is a "subjectively universal" ground[100] for judging something to be beautiful will at first sound strange, though I refer the reader to the brief discussion on the concept of subjective universality in section 2.4 above. Recall what was said above about how beauty is not a determinate concept. What this means is that beauty does not have necessary and sufficient conditions like the concepts *flower* and *photosynthesis* do, or even like other descriptions of a form of life. The word "beauty" in this context refers to a mental state of the *subject*, namely that they are experiencing disinterested pleasure in their reflection on a purposivelessly structured object. And since the pleasure that is experience is just an excitation of the human faculties at large in the Kantian picture[101], the feeling of disinterested pleasure upon which I judge the form of nature to be beautiful *must* be something that anyone else who shares my human cognitive faculties could feel as well. Thus it is both subjective *and* universal; it has subjective, agent relative input, with objective, agent neutral output. One's ability to judge the beauty of nature presupposes a common sense which makes the judgment possible, and in that sense beauty is a subjective experience that is, or at least could be, shared universally.

We could also arrive at this conclusion by noting how when I make a judgment of beauty, I take myself not to be expressing something that is

[100] Ibid., sec. 8.

[101] More on this in chp. 3, section 3.4.5.

peculiar to me and my personal dispositions, but rather I am *convicted* that all others ought to judge, and thus feel pleasure, as I do.[102] To say that nature is beautiful, for example, is not just to describe something unique to me, but rather it is a limit case in exercising a capacity for judgment which at the base of it demands assent from everyone. Such a conviction at the base of these pure aesthetic judgments, Kant argues, could only be possible if we presuppose disinterested pleasure to be a common experience in the sense that it is the product of a shared disposition across the human form of life. As Kant means it, this would be true even if no one in fact agreed with my particular judgments of beauty. Someone could be a real drab and dreary nihilist, for example, and insist that nothing of the sort is in fact shared universally. But this is not a counter-example to the claim that beauty, or other types of intrinsic value, could in principle be shared universally. The point is that there are salient features of our experience which point to something like a common shared nature, and if the normative conviction in our judgments of beauty, just as in our moral judgments, speak to anything, they speak to something that we are all capable of as essentially rational beings. It is in our nature, as it were, to appreciate the mere form of nature and to have a sense for intrinsic value (i.e., value that is not instrumental in making reference to an externally determined end).

[102] Recall the passages cited in section 2.4 above: Kant, 2001, 5: 212-213, 215-216.

We can recall from chapter 1, section 1.3 above that for Foot, the concept of natural goodness is stipulated to be a concept of the intrinsic value of a living being, a value which is "autonomous" in that it is self-contained within the constitutive understanding of a specific form of life, as opposed to a value that is conferred onto a form of life instrumentally. Since the concept of purposiveness in the Kantian system which regulates our judgments of the teleological structures found in nature (which I'm arguing is akin to Thompson's logical grammar of 'life'), and which is identical with the concept of purposiveness that regulates our judgments of the *beauty* of natures form[103], in the feeling of disinterested pleasure we have found a subjective-affective ground for knowledge of the chief good, i.e. the intrinsic value we find in the pure concept of rational, human life. And moreover, since the feeling of disinterested pleasure is something like a *moderate* affective state (insofar as it falls between the two modes of (1) being *interested* in an account of our nature so as to only value it instrumentally, i.e. to treat it as a mere means to other things, and not as an end in itself, and (2) being *un*interested in our nature so as to not give it any value at all), to find oneself in a state of disinterested pleasure in pure reflection on the human form of life could be said to approximate a fundamental state of mind that grounds the unity of virtue, where virtue is said to be the affective mean between extremes.

[103] Hannah Ginsborg has a similar, yet perhaps more interesting and sophisticated view on the connection between aesthetic and teleological purposiveness for Kant. See Ginsborg, 2015, essay 10, "Kant on Aesthetic and Biological Purposiveness."

Of course the claims made in this section are but a gesture in the direction of something which could and should be researched further, namely the deep and complex connection between Aristotle's theory of virtue and role of pure aesthetic judgment in Kant's theory of cognition. But even if only a gesture in this direction right now, this section has been an important step in my argument showing just how far my account may take us in making progress toward understanding anew the close connection between our judgments of biological systems, the beauty of nature, and a sense of what is morally worthwhile.

### *2.7 Conclusion and a note on the transition to chapter three*

At the beginning of this chapter, I pointed out that any respectable theory of judgment must have something to say about receptivity, i.e. the theory must account for the way in which judgment is anchored in the empirical world. Foot's cognitivist ethical naturalism is a respectable theory of moral judgment, and so the demands are no less pressing in the context of her inquiry; but as I argued, Foot's view comes up short in heeding these demands in a way that would make it complete. Her view suffers from a blindspot that effectively leaves a gap open between 1) the practically rational agents' intellectual understanding of what is necessary and constitutive of the human species in general and 2) their embodied, perceptual sensibility which has the power to draw such general concepts and beliefs of the understanding into practical operation, based on the particular circumstances in which one may find oneself

at any given time. Foot does indeed mention the recognition of reasons as that which motivates a virtuous agent to act[104], but by insisting that we sever the subjective conative element espoused by emotivism, which is said to consists in emotional responses to purportedly moral affairs **(cite)**, I argued (by leaning on a phrase made famous by John McDowell[105]) that Foot leaves the ground for moral judgment thus "spinning frictionlessly in a void," unable to really make contact with the rational subject's experience in a way that is relevant to a philosophy of moral motivation. This is largely because Foot's recommended solution, in place of the unflavorful subjective states of mind espoused by emotivism, is to make Aristotelian categoricals the rightful logical ground of moral judgments—those declaratively structured, "factual" propositions about the essence of the human form of life—thus securing their objective validity and eschewing the absurd thought (pushed by both intuitionism and emotivism) that the value of moral goodness is somehow not "natural". The problem, however, is that Foot throws the baby out with the bathwater. In trying to preserve the objective validity of moral judgments, she expunges useful resources that would otherwise help us account for moral motivation.

I suggested as a corrective that we can consistently supplement Foot's brand of ethical naturalism with a cognitivist account of *affective sensibility* as that which couples the conative/practical with the cognitive/theoretical, and that we can do so in a way that effectively preserves Foot's concern with

[104] Foot, p. 9. Also see section 2.2 above.
[105] McDowell, 1994.

securing the objective validity of moral judgments, while also preserving the emotivist insight that moral judgments are in some sense grounded on subjective feelings (the alleged "moodiness" of moral values). In detailing my positive argument, I explicated affective sensibility as a shared human capacity which is inherent to our nature as rationally perceptive beings, the function of which is to enable the recognition and appreciation of reasons that license an inference to actions which are, at a deeper level, disinterestedly pleasurable because they fulfill necessities that stem from an account of what kind of beings we are by nature.

The path toward this discovery in my view was an analysis of the speech acts that represent a virtuous agent's deepest moral insight in action, with a view toward their pragmatic structure. What we found in the analysis was that the function of a recognitive speech act like "OMG! It's saturday!", in the right circumstances, is not just a mark of one's blank recognition of some fact (like what day of the week it is); nor is it, as the emotivist would have it, a speech act that is analyzable into terms that express a mere idiosyncratic preference one has toward helping their friends—i.e., some non-cognitive state of mind cut off from any notion of publically shared moral values about friendship and promising keeping, or beliefs about what it is in fact good to do. Rather, speech acts of the kind "OMG! It's Saturday!"—again, in the right circumstances—mark an agent's own subjective, experiential recognition of distal environmental features as reasons that are *important* precisely because they

entitle or commit one to specific actions that target the fulfillment of a necessity. The perceptual appreciation and recognition of what is important in this sense has a subjective, affective quality to it that constitutes the basis of the judgment, drawing practical reason into operation and effectively motivating action.

Of course one may be wrong about what is in fact the case at any given time, and others may dispute what is ultimately important or necessary when it comes the moral or the factual alike, but if we consider things purely structurally, the point is that the affective quality of something being recognized as necessarily important (such as in the case of helping a friend because you had made a promise, or helping a child who is being unnecessarily tortured), precisely because it shows up against the backdrop of a host of acquired concepts and beliefs about what is necessary *per* an account of the kind of being one is—*the affective quality of recognizing something as important in this way is sufficient to motivate action because it is logically equivalent to the perception of a fact licensing an inference to a conclusion that necessarily follows a set of interrelated premises* (and what could be more desirable for an essentially rational being?!).

Through its actualization then, affective sensibility functions to ground the kind of evaluations that constitute what, for human beings, count as moral judgment by drawing in concepts of virtue that manifest action, and in the case where things go right and the judgment is made on the basis of an appropriate

affective response to an appropriate consideration of the situation, the actions manifested mark moral knowledge of the good.

So as a conclusion to the central argument of my thesis, this is how we square the claim that the phenomenon of recognizing reasons itself is best understood as a certain kind of normative perceptual skill: first, as with any experience that constitutes the basis of a judgment, sensibility draws in empirical concepts of the understanding which we have acquired and mastered through experience, and it is through these concepts that we are able to recognize certain distal environmental features that make up our experiences. The concepts we are in possession of, in other words, function to disclose the world, and this basically amounts to the claim that experience has *conceptual content*. Thus when the concepts drawn in by a situation are structured such that what shows up for us is a set of considerations that are felt to be important enough to elicit an action that targets the fulfillment of a necessary function of human life because it is the only rational thing to do, all things considered, they are considered *moral* concepts. Doing the right thing is therefore an instance of acting rationally as such, and since fulfilling this essential human function elicits disinterested pleasure when done for the appropriate reasons, as in the case of a virtuous agent, it is arguably equal to knowing the intrinsic value of life that Foot stipulates as inherent to the concept of natural goodness.

But even before this last auxiliary claim, which I've likened to having knowledge of the "chief good" (which I must grant is less central to my overall

argument and simply serves as a gesture of how deep the grounding insights of my account may run), some philosophers will be raising their eyebrows with skeptical suspicions over what my account presupposes about the acquisition of concepts through perception, which is also intimately linked to the question of how I take myself to be justified in making the leap from the perception of descriptive facts about a situation to the normative implications these facts bear on action via their intrinsic affective force. In other words, it may seem that up to now I have committed a very specific and nuanced variety of the naturalistic fallacy, upon which my argument rests. Perhaps Foot's version of the story can bypass charges of the naturalistic fallacy, as her purely objective account demonstrates the logical dependence of judgments of natural goodness on Aristotelian categoricals, but I (says the hypothetical interlocutor) am not so immune as I bring subjective affects into the story. It would seem that I have simply asserted that affects which are normatively conative can be wrestled from a consideration of factual matters such that they constitute knowledge of moral values, but I have not yet argued for the metaphysical possibility of this proposition. How can subjective affects constitute the basis for objective judgments that render knowledge of any kind?

It is to this more abstract issue concerning the necessary connection between subjective feelings and judgments which purport to have objective validity that I turn to in the following chapter. There I will argue through a reading of Kant's theory of pure aesthetic judgment, contextualized by

Sellarsian worries about the foundations of empirical knowledge, that all judgments whatsoever are grounded in affective states of mind, and that this is a condition for the possibility of their normative, rule-like structure. My discussion in the following chapter thus shifts away from an explicit focus on Foot and the theory of natural goodness, and speaks instead to judgment in general. But the overarching issue at hand is not out of sight—since the case of moral judgment which I have been dealing with up to this point is but a species of the genus class of judgment as such, my discussion in the next chapter, if successful, is an important step in my argument for a naturalistic theory of moral judgment which purports to set it on affective grounds. By securing the affective grounds of all judgments, we can effectively secure the affective grounds for *moral* judgment without compromising the plausibility of its objective validity, unless of course we then wish to compromise the notion of objective validity all together for the same reason (which is absurd…).

# Chapter 3

***Avoiding the Myth of Perceptual Givenness:***
***Taking Lessons from Kant's Theory of Beauty***
***to Establish Affective Grounds***
***for Empirical Knowledge in General***

## *3.1 Introduction*

In the conclusion to my previous chapter, I gestured toward the fact that implicit in my argument for the affective grounds of moral judgment is a certain reliance on a Kantian insight that construes the structure and content of perceptual experience such that it naturally gives way to empirical knowledge, both theoretical and practical, regardless of the subject matter. The way that this plays out in the context of moral judgment is that the virtuous agent is made out to be one who has evaluative, moral knowledge because they possess concepts acquired in the process of learning about human nature, and these concepts can then be involuntarily actualized in perceptual experience, manifesting action through the recognition of its necessary importance—the perceived appreciation and recognition of the importance necessarily linked to certain factual considerations of a situation illicit action through affective force. But for certain philosophical frames of mind, this will occasion many raised

eyebrows that signal skeptical suspicions.

For instance, for the non-cognitivist, my Kantian presuppositions will strike a dissonant chord and they will protest that I have assumed what they initially deny, namely that the world *could* supply sensibility with moral values woven into nature's fabric that enable judgments marking knowledge of them. The non-cognitivist will thus try to correct me by insisting that the deliverances of sensibility only lend themselves to *theoretical* knowledge about the world since only verifiable facts of nature can be given in sensible perception; but since moral values are not verifiable facts of nature, they cannot be amongst the deliverances of sensibility from the "external world", and thus, categorically speaking, there can be no such thing as "empirical knowledge" of moral values. This is the point in calling the affective basis of such judgments "non-cognitive". TL;DR—Morality is not objective because it is not amongst the set of things that we can have knowledge of in the "natural" world, given to us in sensibility, and we are for that reason not philosophically justified in thinking it to be so. End of discussion.

The non-naturalist on the other hand will agree with my cognitivist proposition that perception can lend itself to evaluative, moral *knowledge* (i.e., they will not protest that there is a category mistake in this sense), but they will protest that by trying to introduce the notion of natural facts into the discussion of moral value I effectively have collapsed the realm of human morality into the realm of the scientific, thus committing a naturalistic fallacy that doesn't

respect their sui generis principles. In that case, as the non-naturalist would continue, I therefore wrongfully take myself to be deriving the norms of morality from the facts of nature, let alone trying to place the receptivity of values in nature in affective faculties. TL;DR—The non-naturalist will agree that moral judgments render knowledge that come through some kind of faculty for sensibility, or a special kind of perception (think G.E. Moore's "moral intuition"), but they insist that neither the concepts through which we are able to recognize the moral demands pressed upon us by the world, nor the corresponding value of such concepts, have any place in the so-called natural world. The category mistake in that case is in placing values within the natural world.

So what I'm up against in the last leg of my argument here is a single "how possible?" question that arises when we take the aforementioned protests together, and it is this question I wish to address in detail in the remainder of this last chapter. The question is: how is it possible that the factive deliverances of sensibility can be said to enable the acquisition of concepts that enable worldly knowledge of values necessarily linked to subjective, affective feelings which ground the judgments about them? Put another way: how do I take myself to be well-founded in claiming that the cognition of factual matters has any inherent connection to affective faculties such that they can form the basis of moral judgments that render knowledge of its peculiar subject matter?

The skeptical sentiment that occasions addressing this kind of question

is arguably a symptom of philosophical anxiety that stems from the traditional distinction between facts and values. Traditionally speaking, for some it is simply compulsory to set facts and objectivity on one side of the distinction, and values and subjectivity on the other side. On the facts/objectivity side of things, it is tempting to think of perception then as a neutral faculty the role of which is simply to take in, or to be "given" the facts, as it were; and on the other side of the distinction, perhaps we designate affectivity or "emotionality" as a faculty that is exercised to inform one of their opinions on some factual matter taken in from the world by perception, though the factual matter itself has no necessary connection to the emotional response -- the affect is *merely* subjective. So the thought, which I have been peddling this whole time, that we might place facts and values in the same domain of the natural world, and that perception be considered a subjective faculty for taking in both facts and values alike is just to collapse the distinction altogether, and a radical misconstrual of the nature and function of perception.

My response to this traditional line of thought, which occasions the need to address the aforementioned "how possible?" question, is something of a companion in guilt argument that runs as follows. Moral values should not have a skeptical light cast upon them concerning their place in the natural, factual world simply because the judgments about them rest upon affective grounds; that is, not unless we are willing to cast such a skeptical light upon *all* empirical judgments. All judgments that render knowledge, I argue, and not just moral

judgments which render knowledge of its special subject matter, are companions in guilt in that they all rest upon affective grounds as a condition for the possibility of their normative, rule-like structure. This is what I will work out in detail in this chapter.

To begin making sense of how this is to be understood, we'll need to first appreciate the philosophical difficulty and seriousness of thinking straight on the way in which perception is said to be "given" content for judgments that render empirical knowledge. With his 1956 essay "Empiricism and the Philosophy of Mind,"[106] Wilfrid Sellars famously cautioned us against a mythical notion of perceptual givenness that he saw running rampant through the epistemological theories of his time. The notion of "givenness" at play here is a familiar counterpart to the traditional idea that perceptual experience is involuntary and passive. When I look at my computer monitor, for example, I am not necessarily choosing to see the descending purple curvatures of my desktop background—what I see is, in some sense, just *given* to me when I turn my gaze in that direction. In this toy example, the sense in which the contents of perception are "given" to me is somewhat straight-forward and innocuous. But there are many ways that "givenness" might qualify as mythical in the pernicious sense that Sellars means. One brief and relatively neutral way to put the desiderata that stems from Sellars's fundamental point, and which ultimately points the way toward understanding what the myth is, runs as

[106] Sellars, 1997.

follows: when we are thinking about the role of perception in the acquisition of worldly knowledge, we need to be careful so as to not give into the very tempting draw to account for perception in strictly causal terms. Though seemingly compulsory, the conception actually puts the contents of empirical knowledge out of reach from the contents of perceptual experience upon which it is supposed to be based.

Perceptual experience is the ground of worldly knowledge as perception is our faculty for retrieving information about the world. A *mythical* version of this account—one that commits the naturalistic fallacy—starts by first construing the "nature" or the "naturalness" of perception as being the mere effect of a causal transaction between one's sensory organs and the surrounding environment. The thought is seemingly compulsory, but if in the process of accounting for the acquisition of worldly knowledge we start by construing perception *per se* in this way, we end up mistakenly construing empirical knowledge as a state one can achieve simply in virtue of being casually acquainted with features of the environment. But the idea is problematic because by construing perception in strictly *causal* terms, traditionally this would be to sever it from notions of *rationality*, and since perception is supposed to be the ground of empirical knowledge, to sever perception from notions of rationality would thus be to sever empirical knowledge *per se* from notions of rationality. And that is absurd.

The obvious error then is that the seemingly compulsory conception ends up missing the crucial respect in which anything recognizable as *knowledge* is in fact a mental state where things are understandably and justifiably *thought* to be thus and so; and if thought isn't rationally structured, then we are hard pressed to find something that is. Indeed, knowing something is not at its foundation a simple matter of one's sensory organs being casually impinged upon by the outside world, but rather a claim to knowledge is putting a stake in what Sellars called a 'space of reasons'—a rationally structured space of human life wherein one can justify what one says to their community. As such, a claim to knowledge remains open and vulnerable to critical assessment by members of the community as being either right or wrong—knowledge (any kind of knowledge) is therefore not only rational, but its being rational means that it is also normative. In cases where things *are in fact* thus and so, if one doesn't think they are, they surely *ought* to. So the sin of the compulsory account is that by giving into the temptation to account for perception in strictly causal terms, we end up committed to the view that it's possible to derive an epistemic, normative *ought* from a perceptual, descriptive *is* without providing any rational basis for how a principled union of sensibility and thought was even possible in the first place. We wedge a gulf between them without realizing the epistemological consequences.

Thus, if knowledge is said to be a rationally normative affair in this way (in that knowing is the mark of one's judging things correctly, getting things

right), then, if we are going to see our way to a plausible account of empirical knowledge *per se*—i.e., worldly knowledge grounded in experience—we need to make it intelligible how the deliverances of sensibility themselves put a normative, rational constraint on thought over and above causal determination. So the question that comes out of Sellars's epistemological concerns is: how ought we to work out a recognizably normative, rational structure for experience such that it may be a real basis for judgment and effectively conceptual knowledge?

One way to work out a normative conception of experience that I will explore in this chapter is to take the route that Sellars and those following in his footsteps have taken back to Kant's insight.[107] Though abstract, a review of Kant's critical philosophy is ultimately helpful in addressing the aforementioned "how possible?" questions because, in his view, perceptual experience is thoroughly mediated by concepts at the deepest and most innocent levels of cognition, insofar as the specific way that we human beings enjoy our perceptual lives is parasitic on our capacity to make discursive, conceptual judgments. In other words, the deep constitutive feature of human beings as essentially *rational* beings confers onto our perceptual experience a conceptual structure which makes empirical knowledge possible.

[107] For relevant authors see: Brandom, 1994; Brandom, Robert 2000. *Articulating Reasons,* Harvard University Press; Brandom, Robert 2006. "Kantian Lessons about Mind, Meaning, and Rationality," Philosophical Topics, Vol. 34, No. 1/2, Analytic Kantianism (SPRING AND FALL 2006), pp. 1-20.; McDowell, 1994; 2009; Landy, David 2015. *Kant's Inferentialism: The Case against Hume,* Routledge.

Now most commentators who read Kant along such conceptualist lines, however, tend to focus on Kant's discussion of the famous "categories" that he deduces from the table of logical judgment in the first *Critique* alone. John McDowell, for instance, thinks that a Kantian conception of "intuitional" content derived from Kant's transcendental aesthetic effectively handles the issue of givenness because in Kant's picture, even when we're considering the most innocent perceptual experience that is available to a human being—one where all that's available to cognition is "intuitional" content given *prior* to one's ability to employ a concept in discursive practice—we don't strip concepts down to end up with nothing. That is, it's never the case that we find raw, non-conceptually structured perceptual experience. Even in the absence of an explicit ability to articulate certain fine grained empirical concepts, some concepts go all the way down, and these are presumably the pure concepts of the understanding argued to be the necessary conditions for the possibility of experience in the first *Critique*.[108] Though I agree with the fundamental tenets

[108] What I have in mind here are the "fineness of grain" objections that McDowell responds to in both his 1994 *Mind and World* (Lecture 3, section 5), against Gareth Evans's argument that sometimes our color experiences outstrip our color concepts, as well as in his 2009 essay "Avoiding the Myth of the Given," in which he responds to Charles Travis's point that sometimes an individual fails to have certain sortal concepts that others do in fact have, though both individuals are said to be experiencing the same object (say, a red bird that is judged by one to be a red bird, and by another to be a cardinal). The difference is that in his 1994 *Mind and World,* McDowell responds to Evans by saying that we can always employ a demonstrative noun to characterize our experience, and so in that sense our experience is always as fine grained as our conceptual abilities; but in his 2009 essay, instead of employing a conception of experience as propositionally structured, McDowell adopts an entirely new conception of content that he calls, in Kantian spirit, 'intuitional'. The idea is that the cognitive *faculty* for conceptual judgment in human beings ought to be seen as the common factor between a perception and a knowledgeable judgment, not the propositional structure of a judgment. There is nothing in principle about the idea that a faculty for concepts shapes the perceptual lives of human beings that commits us to the thought that the structure of experience is itself

of McDowell's reading of Kant in this respect, the problem with it is that if we don't look at Kant's entire critical work as the architectonic whole which he claims it is, including especially the third *Critique of the Power of Judgment,* we are left with some puzzling conclusions as to the nature and possibility of empirical concept acquisition. Without considering the role of the third *Critique* in the Kantian corpus, Kant appears to put the cart before the horse, requiring that human beings already have discursive judgment before they can acquire the concepts necessary for it. This would be devastating for any philosophical view which purports to be Kantian at its core, such as my own view of moral judgment.

But I argue that the devastation can be circumvented. Worth noting on this point is that in the first *Critique,* early on in the treatise Kant comes up against an infinite regression problem that stems from a consideration of the conceptual nature of our judgments. The issue comes up in a discussion having to do with a process Kant calls *schematism,* i.e. a process whereby objects of experience are prepared for cognition such that we may make conceptual judgments about them that are objectively valid. There, Kant considers the way in a concept employed in judgment functions like a rule for the correct application of it, but unless the process of schematism can prepare objects of

judgment-like, i.e. propositional. I discuss this point more in section 3 of this paper, and moreover, the entire paper is essentially my attempt at supplementing and filling out this sort of reading of Kant advanced by McDowell, and I do so by looking at Kant's account of aesthetic judgment.

experience for cognition without needing to explicitly follow a rule, we are thus confined to needing a rule for when to apply the rule, and from here we end up needing a rule for when to apply a rule for applying a rule, and so on, *ad infinitum*. The power of judgment ultimately needs a self-regulatory ground. Schematism is thus the nearest mechanism Kant has in his theory to address the infinite regression, but he ends up saying of this process that it is a "hidden art in the depths of the human soul, whose true operations we can divine from nature and lay unveiled before our eyes only with difficulty."[109] So the deep inquiry into this foundational grounding activity which prepares objects for cognition, and which would otherwise be considered the foundational ground of experience which lends itself to the acquisition of empirical concepts, is written off by Kant in the first *Critique* as a hidden mystery of the soul.

But I offer a reading which sits closely to Hannah Ginsborg's,[110] according to which the third *Critique* is understood as Kant's breakthrough on this "hidden art," one that sets the power of judgment as such on self-regulatory *affective* grounds. It is no longer the concept of schematism, but rather the activity of the imagination as it works in tandem with the understanding that puts us in touch with the normative structure of objects of experience.

[109] Kant, 1998, B181.

[110] As presented in Ginsborg, Hannah 2015. *The Normativity of Nature: Essays on Kant's* Critique of Judgment, Oxford University Press.

If we are to make good on a Kantian account of concept acquisition that avoids the myth of the given, and which can eventually account for the acquisition of concepts that disclose values *per* the overarching concern with moral judgment in the context of Foot's theory of natural goodness, we must turn our gaze away from *logical* judgment as it is expounded in Kant's first *Critique of Pure Reason,* which accounts for the form experience takes under an actualized ability to think discursively, and instead look toward his analysis of *aesthetic* judgment as it is expounded in his third *Critique of the Power of Judgment,* which accounts for the form of experience *prior* to an actualized ability to think discursively.[111]

Especially relevant for the capstone is that in his analysis of aesthetic judgment, Kant establishes the experience of beauty to be the most innocent intentional mental state that a human being can stand in with respect to the world, and insofar as this experience consists in an affective state of 'disinterested pleasure', a judgment of beauty effectively satisfies a condition for "cognition in general" in the sense that, though it is only ever taken up and therefore indexed *subjectively*, a pure aesthetic judgment brings with it a primitive source of normativity by making a demand to universal assent which lends itself to the objective validity of any judgment whatsoever. If a logical judgment is governed by a rule (concept), then a pure aesthetic judgment

[111] My reading of Kant's third *Critique* is indebted to, most notably, Rebecca Kukla and Hannah Ginsborg. See Kukla, Rebecca, 2006. *Aesthetics and Cognition in Kant's Critical Epistemology,* Cambridge; Ginsborg, 2015.

exemplifies self-regulatory, rule-governedness as such—or as Kant puts it, it is the exemplification of *lawfulness without a law*. The affective state of disinterested pleasure therefore delivers us over to normativity as such, and this is the precondition for the making of any kind of normative judgment on the basis of experience whatsoever.

The primary purpose of the last chapter then is to show that Kant's success in the third *Critique* is that he demonstrates disinterested pleasure to be the mark of an object's being brought under a faculty for concepts in general—an activity of the mind in "free play", *prior* to the discursive demands of any determinate concept in particular. And because this general act amounts to the excitation of cognitive capacities that ought to be shared by everyone who falls under the rubric of a 'human being' (understanding and imagination), the judgment of beauty brings with it an inclination to demand that anyone else who might find themselves in a similar situation *ought* to judge, and thereby feel, the same way with respect to the object that occasions my mental state. Thus, what we find in the Kantian aesthetic is an affective basis for cognition that prepares us for the normative demands of objectively valid judgments that render knowledge of the world, including especially moral judgments which often make universal demands, thus ultimately giving credence to my thesis that moral judgments in particular have affective grounds. The affective ground of judgment, in other words, encompasses the normativity of *all* judgments.

Thus, by the end of it all, by securing the affective grounds of all judgments, I will have effectively secured the affective grounds for *moral* judgment without compromising the plausibility of its objective validity, unless of course we then wish to compromise the notion of objective validity all together for the same reason (which is absurd…).

The portion of my argument that speaks to how Kant avoids the myth of the given, while also allowing concept acquisition to be intelligible on subjective grounds, should be of interest to Kant scholars, and philosophers working at the intersection of perception studies, epistemology, and value theory more generally. But the portion of my argument which seeks to exploit lessons we have to learn from Kant's understanding of beauty as it bears on the philosophical issue of concept acquisition in a metaethical context—*this* should be of interest to anyone concerned with cognitive development broadly construed, for the philosophical issue of concept acquisition lies at the heart of all genuine questions that pertain to *learning*. And understanding what makes learning possible is of the utmost importance, especially if Socrates was correct in saying that knowledge is virtue—in that case, it's no longer just the acquisition of trivial facts that's at stake in thinking about *affective* learning, but rather our well-being in some cases might entirely depend on it.

### *3.2 Logical empiricism*

By the time that Sellars was writing his "Empiricism and the Philosophy of Mind," (EPM) logical empiricism had reached its full force. It was against a

certain conception of 'givenness' that stems from this tradition that Sellars takes to be his primary target for criticism in his essay. Thus, in order to gain a proper understanding of what was at issue, we ought to take a moment to see what logical empiricism was up to in general.

The benchmark for logical empiricism, insofar as this category marks a certain philosophical position, was the belief that any claim which purports to state how things stand with the world ought to have clearly specifiable truth conditions: what is stated must be verifiable through experience, at least in principle. In other words, theoretical statements ought to be *answerable to the world*, and what is to count as the conditions for such answerability ought to be clearly communicable.

In most cases, this amounted to an attack launched against "metaphysics." Take A.J. Ayer's positivistic criticism for example. In a chapter from his *Language, Truth, and Logic* titled "The Elimination of Metaphysics,"[112] Ayer says

> The traditional disputes of philosophers are, for the most part, as unwarranted as they are unfruitful. The surest way to end them is to establish beyond question what should be the purpose and method of a philosophical enquiry...We may begin by criticising the metaphysical thesis that philosophy affords us knowledge of a reality transcending the world of science and common sense.[113]

The charge launched against the metaphysician here is "not that he attempts to employ the understanding in a field where it cannot profitably venture, but that

[112]Ayer, p. 13.

[113]Ibid., p. 17.

he produces sentences which fail to conform to the conditions under which alone a sentence can be literally significant." One such example that Ayer cites, notably picked at random, comes from Bradley who says: "the Absolute enters into, but is itself incapable of, evolution and progress."[114] Ayer complains that such a statement "is not even in principle verifiable. For one cannot conceive of an observation which would enable one to determine whether the Absolute did, or did not, enter into evolution and progress."[115] Likewise, Ayer and Carnap both famously criticized Heidegger's statement from his *Was ist Metaphysik* that "the nothing itself nothings," complaining something to the effect that such a statement must literally be considered non-sense since it strives to denote a something that is, in fact, a "nothing"—what is asserted is grammatically contradictory. By the lights of these logical empiricists, then, such "metaphysicians" are at best "misplaced poets," and we can attribute their mistake to being "misled by a superficial grammatical feature" of their language.[116]The driving motivation here is a quest for clarity.

Rudolph Carnap was another prominent positivistic thinker that largely helped define the sentiment of logical empiricism. Toward the purposes of establishing clear scientific discourse, Carnap thought it would be "sterile and

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[114] Bradley, F.H. 1930. *Appearance and Reality*, Oxford: Clarendon Press, p. 1.

[115] Ayer, p. 17.

[116] Ibid., pp. 28-29.

useless" to presume that two interlocutors are either in agreement *or* in disagreement if we couldn't, at the very least, see them as sharing the same criteria for evaluating the claims that each other makes.[117] In other words, to ensure that we are making fruitful advances in our scientific endeavors (or our "metaphysics" as the case may be), we must be sure that we're speaking the same language, as it were. And this seems like a reasonable enough position: to want clarity in discourse so that we may do away with unnecessary obscurity. To contribute toward the advancement of such standards of clarity, Carnap envisaged an entire program centered on the notion of a logical syntax, a set of logical rules for constructing ideal, formal languages that clearly defined and stipulated the conditions for evaluating the theoretical claims in our scientific discourse. By clearly defining our terms and organizing them into what Carnap called a *linguistic framework*, we would be able to more perspicuously spell out in theoretically neutral terms just what the rules for engagement in our scientific discourse were to amount to.

[117] See Carnap, "Intellectual Autobiography," in Schilpp, P.A. 1963. *Philosophy of Rudolf Carnap (Living of Living Philosophers)*, Open Court Pub. Co., pp. 3–84: "Most of the controversies in traditional metaphysics appeared to me sterile and useless. When I compared this kind of argumentation with investigations and discussions in empirical science or in the logical analysis of language, I was often struck by the vagueness of the concepts used and by the inconclusive nature of the arguments. I was depressed by disputations in which the opponents talked at cross purposes; there seemed hardly any chance of mutual understanding, let alone of agreement, because there was not even a common criterion for deciding the controversy." For more on Carnap's logical syntax and his boradly anti-metaphysical views, see Ebbs, Gary 2017. *Carnap, Quine, and Putnam on Methods of Inquiry,* Cambridge University Press.

Consider the question: 'do numbers exist?' As Carnap saw things, the only way that we could prevent such a question from turning "metaphysical" would be to relativize the entities in question (in this case, *numbers*) to a specific linguistic framework.[118] To do this Carnap appealed to the distinction between analytic and synthetic statements: the analytic statements would essentially function as definitions that stipulated the logical truth conditions for the key terms involved, and one could then place synthetic statements—i.e., factual statements that purport to say how things are with the world—within the semantic framework that was constructed analytically. Thus, by establishing an interconnected network of analytic statements, we would have a contentless, yet semantically rich framework of definitions with a clearly specifiable logical structure, and so long as one stayed within the framework, claims to the existence of certain types of abstract entities would remain in the bounds of meaningfulness.

Furthermore, if the ideas of a linguistic framework and a logical syntax cover the cash value of the 'logical' side of 'logical empiricism', then the 'empiricism' side was covered by supposing that we could even draw a one to one correspondence between the semantically empty cognitive content of our observations—the so-called 'sense data' of our mental lives—within the framework, effectively rendering our empirical claims legitimately *answerable* to the world. So long as our theoretical statements about the world could be

[118] For more on Carnap's views on ontology, see Ebbs, 2017, chap. 2.

reduced to atomistic, rudimentary observational language into which the data of our sensory experience was thereby placed and logically arranged, we'd have everything we need to avoid "metaphysics" in the pejorative sense. We'd have clearly specifiable truth conditions that we could situate the sense data of our observations into, and through conventional agreement, we could guarantee that we were speaking meaningfully to each other, coordinating on the same shared world.

### *3.3 Pragmatism after positivism: Sellars and the myth of the given*

Indeed, Ayer and Carnap took themselves to be the champions of logical empiricism, leading the way in the crusades against "metaphysics" by providing what they thought to be secure foundations for scientific knowledge. On the 'logical' side, Carnapian linguistic frameworks were to secure a rationalistic foundation; on the 'empiricism' side, placing sense data into linguistic frameworks were to secure an empirical, wordly foundation. Each of these aspects was thought to be a security because it was supposed to allow for us to convene on our meanings[119], ensuring that we were talking about the same verifiable world. But these crusadish attempts at foundation laying didn't come without a cost.

[119] What I mean here is the kind of convention that Quine argued against in Quine, W. V. O. 1936. "Truth by Convention," First published in O. H. Lee (ed.), Philosophical Essays for A. N.Whitehead. New York, NY: Longmans.

Carnap's idea of a logical syntax, which entirely depended on the analytic/synthetic distinction, was for many decades a point of attack for Quine. Quine argued that the supposedly solid, rational foundations that were to be afforded to science by the Carnapian program actually turned out to be non-existent (or at least not so secure) because it turns out to be practically impossible to distinguish the analytic statements from the synthetic ones, shy of an arbitrary gerrymandering. A gloss of the Quinean line advanced with his famous "Two Dogmas of Empiricism" shows that Quine effectively handled the rationalist foundational aspirations on the 'logical' side of logical empiricism.[120] It was Sellars, then, with his "Empiricism and the Philosophy of Mind" who handled the foundational aspirations on the other side—the 'empiricism' side.

As Rorty puts the point:

> whereas Quine's "Two Dogmas" had helped destroy the rationalist form of foundationalism by attacking the distinction between analytic and synthetic truths, "Empiricism and the Philosophy of Mind" helped destroy the empiricist form of foundationalism by attacking the distinction between what is "given to the mind" and what is "added by the mind."[121]

What we find Sellars arguing against in EPM is a set of confusions and inconsistencies that arise out of the logical empiricist idea that observational experience consists in an aggregate of immediately given *sense data*. Logical empiricists who employed the theory of sense data to talk about that which might be said to be innocently "given" to the mind—i.e., perceptual content

[120] Quine, W. V. O. 1951. "Two Dogmas of Empiricism," *The Philosophical Review*. **60** (1): 20–43.

[121] From Rorty's introduction to Sellars's "Empiricism and the Philosophy of Mind," Harvard 1997.

prior to the mind being to bear on it—end up mischaracterizing the content of such materials as if sense data given to the mind were categorically distinct from observational content "added" by the mind. Sellars noticed that these mischaracterizations of givenness were made to certain detrimental epistemological ends. It was this problematic way of thinking about givenness which Sellars dubbed "the Myth of the Given."

One straightforward way that Sellars puts the myth of the given is as follows[122]:

> The idea that observation "strictly and properly so-called" is constituted by certain self-authenticating nonverbal episodes, the authority of which is transmitted to verbal and quasi-verbal performances when these performances are made "in conformity with the semantical rules of the language," is, of course, the heart of the Myth of the Given. For the *given*, in epistemological tradition, is what is *taken* by these self-authenticating episodes. These 'takings' are, so to speak, the unmoved movers of empirical knowledge, the 'knowings in presence' which are presupposed by all other knowledge, both the knowledge of general truths and knowledge 'in absence' of other particular matters of fact. Such is the framework in which traditional empiricism makes its characteristic claim that the perceptually given is the foundation of empirical knowledge.[123]

The mention of an observation as "self-authenticating" refers us to the positivist idea that a sense datum is something with which one is passively, causally, and therefore non-inferentially acquainted, and what one has acquaintance with is something phenomenologically simple—a datum, in other words, cannot be analyzed into any further parts. And this would seem to do justice to the thought that a sensory episode is of, if not a *single* particular, then is at least made up of an aggregate of many *particulars*—a datum is an atom, so to speak. But here the sense data theorist runs into an issue. Typically,

[122] If indeed there is anything straightforward in Sellars at all…

[123] Sellar, sec. 38.

"knowing" is considered to be an *act,* something that one could achieve, and knowledge as such is supposed to be *factive*. When one knows, for instance, what they know is a fact of a certain sort—say, that the ball is smaller than Paul.

With this now, the sense data theorist hits a crossroads where (s)he must make a choice: *either* sensing is a passive, causal acquaintance one has with particulars, in which case a perceptual episode doesn't logically imply any knowledge; *or* sensing is a peculiar case of being open to facts , in which case perceptual episodes of particulars are active states of knowing. But from Sellars's perspective, the only way that the former, more attractive option for the empiricist might work would be if she insisted in having her cake and eating it too: in accepting the option, most logical empiricists would make a distinction between, on the one hand, non-inferential, non-epistemic "knowing" *in the sense of being caused to sense something as being of a certain phenomenal character*; and then, on the other hand, a higher state of "knowing" which is constitutive of those properly epistemic or cognitive states marked by having a justified true belief, etc. The epistemological story that the sense data theorist ends up telling, with respect to how we move from perceiving to knowing, ends up running as follows: we are *caused* to stand in certain non-inferential, non-epistemic states of knowing (i.e., we are causally acquainted with phenomenal characteristics of particulars *as if they were such as they seem*), and this sense data would presumably then change into an epistemic, cognitive state of actively knowing *only once* the "self-

authenticating" nonverbal nature of the non-inferential state was "transmitted" to those verbal performances "made "in conformity with the semantic rules of the language."" One would, as it were, place the non-epistemic sense data into a semantic framework by characterizing it with observational language, and this would render it knowledgeable.

All this move amounts to, however, is a painful equivocation whereby the sense in which one "knows" *perceptually* is different than the sense in which one "knows" *epistemically* and *cognitively*. Not to mention, it reverts us back to a theory of conventionalism according to which the placement of sense data into observational language is at best an arbitrary choice. As an epistemological thesis this is devastatingly unsatisfactory. For 1), if epistemology is the philosophical branch which investigates questions pertaining to knowledge *qua episteme,* then to say that perceptual experience is a so-called *non*-epistemic relation that one may stand in with respect to the empirical world is just to place the perceptual outside the bounds of anything that epistemology concerns itself with. And for 2), if we resort to conventionalism about the meaning of our observational language, where placing sense data into semantic frameworks becomes essentially an arbitrary choice, we fall into a linguistic idealism that leaves a real, objective, worldly constraint out of reach, and we end having to allow an unacceptable plurality of worlds that relativize the sorts of entities that figure in any given discourse. But presumably the point of empiricism is to settle our theoretical

disagreements by converging on a single world in the way that *it* is, not by allowing anyone to construct whatever world they want.

As Sellars complains:

> ...the idea that epistemic facts can be analyzed without remainder—even "in principle"—into non-epistemic facts, whether phenomenal or behavioral, public or private, with no matter how lavish a sprinkling of subjunctives and hypotheticals is, I believe, a radical mistake—a mistake of a piece with the so-called "naturalistic fallacy" in ethics.[124]

The move is a "naturalistic fallacy" because on the supposed view, we find the sense data theorist giving an empirical description of observational episodes whereby the content of perceptual experience is said to be given passively, outside the realm of the properly epistemic, but this content is still somehow capable of becoming cognitive, so-called epistemic knowledge downstream. By characterizing and thus placing observational episodes outside the realm of the epistemic, however, the sense data theorist effectively severs the logical, *rational* connection between perceiving and knowing because "in characterizing an episode or a state as that of *knowing,* we are not giving an empirical description of that episode or state; we are placing it in the logical space of reasons, of justifying and being able to justify what one says."[125] And we might add that insofar as claiming to know amounts to taking a stand in the so-called "logical space of reason," whereby one is presumed to be capable of justifying what one says, knowing is therefore a *normative* affair because, after

[124] Sellars, sec. 5.

[125] Ibid., sec. 36.

all, in *claiming* to know (as distinct from in fact knowing) one could always be *wrong*.

Thus, by severing the logical, rational connection between perceiving and knowing, we also jeopardize the possibility that perceptual experience could provide us with a normative standard—a tribunal that our claims to knowledge can be objectively measured against. In other words, without an element of normativity—some standard of correctness—how might it be intelligible to suppose, like the empiricist wants to, that experience grounds the truth of our empirical theories of the world, shy of a willy-nilly conventionalism?

### *3.4 Reading Kant as a Conceptualist*

So in light of the so-called "Myth of the Given," Sellars puts an epistemological desideratum before the empiricist: In order to keep the notion of empirical knowledge afloat as a coherent epistemological notion, we must make it intelligible how the deliverences of sensibility put a rational, normative constraint on judgment. How ought we to work out a normative account of perceptual experience?

One way to work out a normative conception of experience is to take the route that Sellars and those following in his footsteps have taken back to Kant. Kant's critical philosophy is helpful toward this end because, in his picture, perceptual experience is thoroughly mediated by concepts, even in its most innocent manifestations. In this respect, some read Kant as advancing a sort of

conceptualism about perceptual content.[126] I follow such readings. Soon I'll explain in more detail why it matters for our purposes to say that perception is mediated by *concepts,* but for now let me motivate a reading of Kant along such lines.

### *3.4.1 The unity of intuitions and concepts*

We know from the transcendental aesthetic that an 'intuition', for Kant, is defined as that through which cognition relates to objects immediately, insofar as they are given to us in sensibility: "Objects are therefore given to us by means of sensibility, and it alone affords us intuitions." "But," Kant goes on to say, "they are thought through the understanding, and from it arise concepts".[127] If 'intuition' is Kant's technical term of art for how we immediately and perceptually relate to objects of experience given to us through the senses, then it is on the basis of their being so given to us in perception that concepts can "arise;" but this of course is only possible insofar as thoughtful understanding is brought to bear on perceptual intuition. But how can thoughtful understanding be brought to bear on perception such that a concept might arise?

The worry can be put another way: How are we to be *directed* in our thinking on a perceptual experience such that a *fitting* concept for it may arise?

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[126] Notably: McDowell, 1994; McDowell, 2009; Ginsborg, 2015; Williams, Jessica 2012. "How Conceptually Guided are Kantian Intuitions?" History of Philosophy Quarterly Vol. 29, No. 1, pp. 57-78.

[127] Kant, 1998, A19/B33.

A clue comes in when Kant introduces the idea of a transcendental logic. Amidst his discussion, Kant remarks that "intuition and concepts…constitute the elements of all our cognition," and that "only from their unification can cognition arise".[128] This at least tentatively settles the puzzlement, for the suggestion is that a cognition already presupposes the unification of concepts and intuitions. We gain further insight to this unity when we consider what Kant says in a section titled "On the pure concepts of the understanding or categories." In a well known passage from this section, which has been the locus of much controversy and commentary in the secondary literature, Kant says:

> the same function which gives unity to the various representations *in a judgment* also gives unity to the mere synthesis of various representations *in an intuition;* and this unity, in its most general expression, we entitle the pure concept of the understanding.[129]

The suggestion here is that whatever function gives unity to perception in intuition is somehow parasitic on the function that gives unity to a proposition in judgment. A helpful start in making sense of what Kant is driving at here would be to acknowledge the important characteristic differences between judgments and intuitions.

On the one hand, judgments are paradigmatically considered voluntary exercises of *discursive* abilities, as in the case when one decides what to say about something. And intuitions, on the other hand, are paradigmatically considered involuntary perceptual experiences, in the sense that one simply

[128] Kant, 1998, A51/B75-A52/B76.

[129] Ibid., A79/B105.

finds oneself saddled with certain intuitions. For instance, when my friend flashes a camera light in my face as I turn the corner, the whiteness and brightness that comes over my entire visual field for a moment is not something that I really have a choice in experiencing. Given the way that my sensory system works, and given the way that I happened to be situated in my environment at that moment, it is completely against my will that there was, all of a sudden, e.g, *FLASH BANG!*. '*FLASH BANG!*' in this case just represents how I found myself perceptually situated in the world at a given moment in time (say, once I turned the corner), and we could say further that it was in virtue of this experience that I decided to make a certain judgment that employed certain fitting concepts. Perhaps I straightforwardly remark on the state of affairs so as to describe it by saying: 'wow, that is a bright light!' Or perhaps I indirectly remark on my friends character and say: 'thanks, ass hole!' Now, of course I could or could not say either one of these things, and it is this splash of volition that we find wrapped up in the act of making a judgment that leads us to say judgments are *voluntary;* and because, in general, the particular experience that might elicit some such exercise of my discursive abilities is *not* of my choosing, we are inclined to say that experience is *involuntary*.

So judgments are thought to be voluntary exercises of discursive abilities, where intuitions are involuntary perceptual experiences that can function to elicit certain types of judgments. And the judgment I make is said to have a certain unity to it that, if it is correctly based on the experience that

elicits it, ought to have some sort of analog in or unity with the experience. But now what of this "same function" that Kant alludes to as that which gives unity to both judgments and perceptual intuition, and how is this supposed to be a key in helping us to avoid mythological givenness? How does this "same function" help us make sense of my experience as a possible rational, normative ground for my judgment?

To begin with, we know that Kant equates the unifying function, i.e., the function that gives organizational unity to the content of both an intuition and judgment with "the pure concept of the understanding." The 'pure concept' locution of course just refers us to the faculty of understanding as such. Now with this we can then illuminate a bit more: for Kant to equate the unifying function with the *faculty of understanding as such* suggests that the link between the content of our perceptual experience and the content found in our judgment has something to do with *concepts*—the faculty of understanding just is, afterall, the faculty of concepts that serve as conditions for the possibility of experience. Thus, we can read Kant as suggesting the idea that, although they embody different *modes of exhibition* with respect to their content, perceptual experience and judgments proper make contact with one another in virtue of their being unified in one conceptual space which Kant calls 'understanding'—this conceptual space, of course, is just a way of demarcating what is unique about the human form of life as a specifically *rational* animal, as opposed to some other being who adheres to a different form of life.

What this means for our purposes is that perceptual experiences can be said to contain opportunities for knowledge, i.e., they put a normative, rational constraint on thought so as to give rise to concepts, *precisely because* they are shaped by the very capacity that makes our discursive, conceptual judgments possible *qua* rational animals. Indeed, intuitions just contain the very concepts that are employed in our judgments, though they are contained in a content that differs from judgment in that they are not voluntary. For someone like McDowell, this line of thought is simply compulsory since it offers us a clear way to think straight on the notion of givenness. Expressing what we may gather to be the fundamental point of the Kantian insight, McDowell says:

> To avoid making it unintelligible how the deliverances of sensibility can stand in a grounding relation to paradigmatic exercises of the understanding such as judgments and beliefs, we must conceive this co-operation in a quite particular way: we must insist that the understanding is already inextricably implicated in the deliverances of sensibility themselves. Experiences are impressions made by the world on our senses, products of receptivity; but those impressions themselves already have conceptual content.[130]

By insisting that the understanding is always inextricably implicated in the deliverances of sensibility, we are therefore able to justifiably avoid mythological giveness because we are able to make it intelligible how perceptual experience gives us warrant for the judgments we [possibly] can make: the content of sensory consciousness—at least in the specific case of rational animals—is thoroughly conceptual, and it is in virtue of this that we human beings are able to make conceptual judgments on the basis of experience. And, again, to say that the perceptual lives of human beings is

[130] McDowell, 1994, p. 46.

"thoroughly conceptual" is just a way of demarcating how *we* occupy the world, the human species and the way that *we* live our lives. In that case, the perceptual life of a creature that falls under the species rubric 'human being' would still be considered conceptual even in the absence of an explicit ability to discursively articulate all of the content that anyways might figure in one's experience. The perceptual life of any given human being contains at least the *potential* for knowledge in virtue of inheriting the cognitive capacities unique to the history of the human species.

### *3.4.2 The normativity of concepts*

Okay: so the desideratum set before the empiricist, in light of Sellars's exposure of a problematic conception of givenness is that, if we are make the notion of empirical knowledge intelligible, we must see our way to a normative, rational account of perceptual experience. I've suggested above, with the help of McDowell, that a certain reading of Kant can help us toward this end. That reading is one according to which the human being is marked out as a rational animal who, in virtue of coming into existence, inherits certain cognitive capacities that shape their life in such a way that their perceptual experience contains opportunities for knowledge. That cognitive capacity is what Kant calls the *understanding,* an *a priori* faculty of concepts. (Hence the Kantian slogan that "intuitions without concepts are blind.") But this begs the question: what does it matter that the unifying function refers us to *concepts*?

Recall that the requirement for avoiding mythological givenness is that we be able to make sense of how perception puts a normative, rational constraint on thought, otherwise we seem to put the possibility of empirical knowledge out of reach. Concepts then make a big difference in avoiding the myth of the given because concepts are precisely those functions that make knowledge a normative affair. Thus by working out an account according to which concepts are said to also structure perceptual experience, we manage to fulfill the desideratum pushed against us after taking the Sellarsian challenge to heart.

As Kant himself was keen to notice, concepts are rules for judgment, and they can function as *rules* because they come together in holistic networks. There is not, in other words, a stand-alone concept—some concept in isolation by itself—but rather any given concept is only meaningful insofar as it is always already situated within a holistic semantic network. These conceptual networks essentially constitute a logical syntax of inferential linkages that enable the employment of concepts in judgment to license inferences to further sets of judgments, and it is in this sense that concepts function as rules for judgment. As Sellars puts it: the use of one concept presupposes a whole battery of others.[131]

Consider for a moment the concept of an iPhone. The concept 'iPhone' contains these other concepts: 'cellular', 'mobile', 'Apple', 'phone-call', 'text',

[131] See Sellars, sec. 19 and 36.

'siri', 'battery life', 'apps', 'charger', etc. To say that the initial concept 'iPhone' *contains* these other further concepts is just to say that these further concepts in part constitute the meaning of the initial concept. And because these other further concepts figure into the meaning of the initial concept, the employment of the initial concept ('iPhone') may give rise to—i.e., license the inference to—other judgments. If I say: 'Professor Guevara has an iPhone', assuming that I know what this all means, I am licensed in drawing the inference to the further judgment: 'Professor Guevara has an Apple product' or 'Professor Guevara has a computerized device that is capable of downloading and utilizing applications', etc. What I seek to show in all of this is that it wouldn't be possible for us to assess my second judgment (concerning Professor Guevara's having an Apple product), which was itself inferred on the basis the first judgment (concerning Professor Guevara's having an iPhone)—it wouldn't be possible for us to assess my second judgment as being *correctly* inferred from the first were it not the case that the concepts employed in each judgment made logical reference to each other. By making essential reference to each other in this way, then, concepts therefore establish normative standards for what judgments count as legitimate in certain given circumstances, and it is in this respect that concepts function like rules.

We might add that it is this property of concepts (namely, that they establish normative, rule-like standards for judgment) that led thinkers like Carnap to be so optimistic in his pursuit of clearing the ground for the

construction of ideal scientific languages. By advocating that we strive to clearly specify our pertinent scientific terms, Carnap sought to establish a logical syntax according to which it would be possible for us to know when our judgments were in either genuine or apparent disagreement with one another. And this would be due to our being able to first stipulate and then analyze entailment relationships that hold between statements given the way they have been organized into various conceptual assemblages (hence the "analyticity" Carnap was so fond of). But if what we are after is not just an ideal language as it was envisaged by the Carnapian program—some pure semantics constructed apart from the deliverances of sensibility—but rather, if what we after instead is a way to grant perceptual experience itself a normative status; if what we're after is a way to make the normativity of perceptual experience intelligible at the ground floor, then all we need to do is follow Kant in seeing intuitions as always already containing concepts.

Hence, we can avoid the myth of the given with the Kantian line of thought I've been pursuing here because, according to it, perceptual experience rationally grounds knowledge insofar as perceptual experience is always mediated and informed by concepts of the understanding that we inherit historically by being thrown into the human form of life, where concepts are inferentially and systematically contentful, and as such they function as rules for judgment. In this way, by putting intuitions in touch with concepts, we allow

intuitions to function *themselves* as rules for making the kinds of judgments that mark cognition, and thus render experience normatively laden.

### *3.4.3 Empirical concepts and the spontaneity of judgment*

So far I've been pursuing a reading of Kant according to which concepts are always already united with intuitions, and this is supposed to help us see our way beyond an epistemologically problematic notion of perceptual givenness which puts the possibility of empirical knowledge out of reach. The idea as I've been considering it is that in virtue of being human beings, we inherit a certain cognitive capacity for conceptual understanding which is linked to our ability to make logical, propositional, assertive judgments, and this capacity is thus inextricably implicated in the deliverances of sensibility. Because our perceptual lives are accordingly shaped by the so-called 'higher faculty', perceptual experience (for human beings) functions to afford opportunities for knowledge. Perception as it were involuntarily draws in concepts of the understanding to make knowledgeable experience possible in the first place, and it does so spontaneously, even in the absence of an explicit ability to discursively articulate a content that might anyways figure in one's experience. The conceptuality of perception, as I and thinkers like McDowell mean it, simply depends on the *potential* for exercising such a capacity, and this capacity demarcates our nature as rational animals, as compared to other creatures.

Now this reading serves us no problem when we consider objects of experience insofar as they are synthesized according to the *categories*, for the categories are just those *a priori* constituents of the understanding. The synthesis of intuition according to concepts in that case is unproblematically automatic, spontaneous, and involuntary, and wouldn't require an explicit ability to discursively articulate those concepts because apprehension of an object according to them is not something one has a cognition of, but is rather a necessary condition for the possibility of any cognition whatsoever. In other words, a pure perception, i.e., an object coming into view from a theoretical point of view, presupposes a very basic categorial structure that constitutes the nature of its objectivity. So considered, the spontaneity of understanding would seem to render only what Kant calls *pure intuition*. But, I will argue, it also renders *empirical* intuition, intuitions structured by concepts we gain *through* experience.

Consider how *prima facie* an empirical intuition spontaneously draws into operation an empirical concept when I undergo a *recognitive episode*—i.e., when I recognize something. When I recognize something, there is no deliberation, no voluntary exercise of a discursive ability in that very act. If I already have the concept of, say, a tree, then when I encounter a tree, the object itself draws into operation my concept of 'tree' such that I can immediately recognize that object *as* a tree. In this way, it is on the basis of my recognition

that I stand in a position to know that *that* is a tree.[132] Important to note here is that I do not, for example, have to explicitly identify the object under the rules given to me in a field guide in order to be able to spontaneously see that it's a tree. Rather, my ability to recognize it as a tree is itself *parasitic* on my ability to explicitly, discursively articulate, and thereby judge, various *x's* to be trees. In other words, because I have learned to judge trees I can now spontaneously and immediately recognize trees.

But this raises a puzzle about how it was that I came to acquire the concept of a tree in the first place. Kant himself in the *Logic* describes the "logical acts" of comparison, reflection, and abstraction when it comes to concept acquisition:

> I see e.g. a spruce, a willow and a linden. In first comparing these objects among themselves, I notice that they are different from one another with respect to the trunk, the branches, the leaves and so forth; but now I go on to reflect only on what they have in common, the trunk, the branches, the leaves themselves; and I abstract from their size, shape and so forth; thus I receive a concept of a tree.[133]

If my ability to spontaneously recognize trees requires that I already be able to discursively articulate and thereby subsume certain particular *x's* under the concepts of 'trunk', 'branches', and 'leaves' before I can acquire the general concept of a 'tree', then the acquisition of the empirical concept in question

[132] I have to add the bit about spontaneously because otherwise, insofar as my perception involves a concept, where a concept is a rule for judging particulars, if it can't be said that at some point the object itself draws into operation the concept that it fits, then I end in an infinite regression according to which I end up needing rules for the application of rules for the application of rules, etc. just to be able to perceive something. (Compare to the problems faced by the classic SRI project, Shakey the Robot.)

[133] Sec. 6, note 1; 9:94-5.

seems out of reach since it seems there would be no end to the more granular concepts I would need to presuppose before I could get the process of reflection started. Pushed to its logical limit, the thought would end up requiring that I have the concept of the parts of a tree before I am able to see a tree as such. In that case, it seems that I would need a concept before I can acquire a concept, and then a further concept for acquiring that concept, and so on, *ad infinitum*. This of course can be extrapolated out to a more general issue, namely: how do we account for the possibility of acquiring empirical concepts on a conceptualist reading of Kant?

Our resolution comes when we realize that the issue of concept acquisition only seems paradoxical if we stick to understanding the normativity of perceptual experience according to the paradigm of logical judgment as Kant works it out in the first *Critique*.[134] Instead, we might take into consideration the account of aesthetic judgment that Kant discusses later in his third *Critique of the Power of Judgment*.

For instance, we know from the introduction of Kant's 3rd *Critique* that he has an account of what he calls *reflective* judgment which is thought to help us arrive at the empirical concepts necessary to give systematic unity to the empirical world in natural science. In his discussion there, Kant refers to the power of judgment in general as:

[134] Though I can't go into in length here, I will note that Sellars's psychological nominalism faces a similar problem, likely because it focuses on the factive structure of propositions. For his discussion on psychological nominalism, see Sellars, sec. 29.

> the faculty for thinking of the particular as contained under the universal. If the universal (the rule, the principle, the law) is given, then the power of judgment, which subsumes the particular under it…is *determining*. If, however, only the particular is given, for which the universal is to be found, then the power of judgment is merely *reflecting*.[135]

And the relationship between this distinction in the power judgment and how it bears on the possibility of acquiring concepts is even more explicit the way Kant formulates it in his first, unpublished introduction. There Kant puts it thus:

> The power of judgment can be regarded either as a mere faculty for **reflecting** on a given representation, in accordance with a certain principle, for the sake of a concept that is thereby made possible, or as a faculty for determining an underlying concept through a given empirical representation. In the first case it is the **reflecting,** in the second case the **determining power of judgment.**[136]

So we see that a judgment can *determine* an object by employing a concept that has already been sketched out of and "given" by the understanding, or a judgment can *reflect* on an object in order to "find" the appropriate concept needed in order to determine it as the kind of object that it is, helping one get a systematic grip on the empirical world. In the previous example I gave above, if I have already acquired the concept of 'tree', then my perception of that thing over there *as* a tree is a sort of determining judgment, or at the very least my perception of the tree serves as my grounds for determinately judging it to be a tree, insofar as my perception involuntarily draws in my concept. But we need a Kantian account of how I arrived at the concept in the first place so that I may be able to discursively articulate my

[135] Kant, 2001, 5: 179.

[136] Kant, 2001, FI: 20: 211.

concept, and this is what the notion of reflective judgment is thought to function toward. Although ultimately I do not think that Kant successfully finishes the account of concept acquisition he started, his analysis of reflective judgment should at least be read as attending to the groundwork for such an account.

### *3.4.4 Aesthetic Judgment and the Normativity of Disinterested Pleasure*

Where Kant works out a normative, rational account of the unity of the manifold of perceptual experience in the first *Critique* by deducing from the table of logical judgments certain pure concepts of the understanding upon which the possibility of any experience depends, (effectively making it seem as if the spontaneity of perceptual experience is exclusively parasitic on our capacity to make discursive, propositional judgments), by the time we get to his 3rd *Critique of the Power of Judgment,* we find Kant revealing a sensitivity for a need to work out an account of rule governed, normative activity that can be said to obtain *prior* to the exercise of any explicitly discursive abilities. I maintain that Kant realizes such an account is required in order to make the acquisition of empirical concepts possible on his conceptualist theory of perception.

Most anglo American philosophy ignored the third *Critique* for many of the early years in the 20th century. Those who focused on it, typically did so mainly from the point of view of "aesthetics" in isolation from Kant's other

critical works (Cohen/Guyer/de Man/Lyotard), and only some continental figures focused on and took seriously the systematic connection between Kant's theoretical, practical, and aesthetic works (Heidegger/Deluze). There were however a few Anglo-American analytic philosophers later in the 20th century, such as Paul Guyer and Hannah Ginsborg,[137] who took the systematic connection seriously, and since the publication of Ginsborb's dissertation *The Role of Taste in Kant's Theory of Cognition,* many have flocked to working out the details of the architectonic connection of Kant's critical works, including, especially, his third *Critique*.[138]And it makes sense that this is the route we should continue to take. After all, Kant himself takes time to express that there is indeed an important systematic connection between all of his critical works, so the burden of proof would be on those who wish to claim otherwise.

For example, in the preface to the third *Critique,* Kant says:

> Thus with this [*third Critique*] I bring my entire critical enterprise to an end.[139]

And in the introduction he says that

> there must still be a ground of the unity of the supersensible that grounds nature with that which the concept of freedom contains practically…[140]

In the section immediately following 5: 176, we come to learn that it is the subject matter of the third *Critique,* the faculty of judgment, which is thought

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[137] See Guyer, Paul 1979. *Kant and the Claims of Taste,* Harvard University Press; Ginsborg, Hannah 1990. *The Role of Taste in Kant's Theory of Cognition,* Routledge; Ginsborg, 2015.

[138] See also Kukla, 2006.

[139] Kant, 2001, 5:170.

[140] Ibid., 5:176.

by Kant to provide such a "unity" between nature and freedom. We should therefore take seriously Kant's own understanding of the third *Critique* as a continuation and capstone of his larger critical project.

To see the emerging connection between Kant's first and third critical works, a natural place to start would be to consider Kant's "copernican turn" as he envisages it in the first *Critique*. In the preface to the first *Critique,* Kant characterizes his copernican turn within philosophy by saying that whereas "up to now it had been assumed that all our cognition must conform to the objects," Kant hoped we might "get farther with the problems of metaphysics by assuming that the objects must conform to our cognition…"[141] And so, instead of being "instructed by nature like a pupil," our role as cognizers is more similar to that of "an appointed judge, who compels witnesses to answer the questions he puts to them…Reason has insight only into that which it produces after a plan of its own…it must not allow itself to be kept, as it were, in nature's lead strings, but must itself show the way."[142]

Put this way, the project of critical epistemology, as Kukla (2006) has suggested, turns out to be the *twofold task of delineating the boundaries of the domain of proper inquiry and determining the principles of proper judgment with respect to the phenomena within this domain.* Accordingly, Kant's revolution is that we can know all and only possible objects of experience

[141] Kant, 1998, Bxvi.

[142] Ibid., Bxiii.

determined by a faculty of conceptual understanding. The empirical world we know is subjectively conditioned by the mind of the knower, and this enables us to ensure the objective validity of worldly knowledge.

From this we get famous passages in Kant, such as the mantra "concepts without content are empty, intuitions without concepts are blind" etc. In other words, we would do better with our metaphysical projects by construing sensory consciousness as necessarily shaped by conceptual understanding.

> We can…trace all actions of the understanding back to judgments, so that the understanding in general can be represented as a faculty of judging.[143]
>
> The same function which gives unity to the various representations *in a judgment* also gives unity to the mere synthesis of various representations *in an intuition;* and this unity, in its most general expression, we entitle the pure concept of the understanding.[144]

To put a diagram to the basic framework here, we can sketch the following:

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○ UNDERSTANDING (spontaneous faculty)

↓

Concepts

[Normatively Governed Experience] ← *Domain of Empirical knowledge,* i.e. *manifold of perceptual intuition*

Intuition

↑

*with conceptual content*

SENSIBILITY (receptive faculty)

---

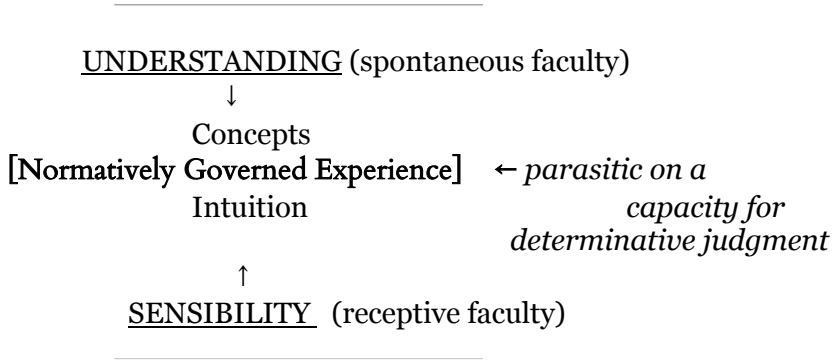
The suggestion of the sketch is that whatever function gives unity to perception/intuition is parasitic on the function that gives unity to a

[143] Kant, 1998, A69/B94.

[144] Ibid., A79/B105.

proposition in discursive judgment. There is no perceptual experience without conceptual understanding on Kant's view. The perceptual life of a human being is, in other words, shaped by a capacity for discursive, conceptual judgment. One philosophical upshot of this way of reading what Kant is doing is that it allows us to "avoid making it unintelligible how the deliverances of sensibility can stand in a grounding relation to paradigmatic exercises of the understanding such as judgments and beliefs."[145]

By having conceptual content, perceptual experience can provide a normative/rational standard for objectively valid empirical judgments which constitute worldly knowledge.




With this we inch closer to the third *Critique,* where we see explicated two species of judgment: determinative and reflective. I recall for us once more how Kant describes the difference between the two species of judgment:

> **Published introduction:** the faculty for thinking of the particular as contained under the universal. If the universal (the rule, the principle, the law) is given, then the power of judgment, which subsumes the particular under

[145] McDowell, 1994, p. 46.

> it…is *determining*. If, however, only the particular is given, for which the universal is to be found, then the power of judgment is merely *reflecting*.[146]
>
> **First introduction:** The power of judgment can be regarded either as a mere faculty for **reflecting** on a given representation, in accordance with a certain principle, for the sake of a concept that is thereby made possible, or as a faculty for determining an underlying concept through a given empirical representation. In the first case it is the **reflecting,** in the second case the **determining power of judgment.**[147]

A judgment can determine an object by employing a concept that has already been sketched out of and "given" by the understanding, or a judgment can reflect on an object in order to "find" the appropriate concept needed to determine it toward a systematic understanding of the empirical world. The first *Critique* is effectively the story of theoretical, **determinative judgment** that employs concepts we already have sketched out of the understanding**,** and the third *Critique* is effectively the story of aesthetic, or **reflective judgment** that acquires concepts for the first time**.**

But before we get to the third *Critique,* it is worth considering a process that is central in Kant's larger theory of cognition which he presents in the chapter on Schematism, namely the process of Figurative synthesis, i.e. *transcendental synthesis of the imagination*. This is important because the introduction of figurative synthesis in the chapter on Schematism brings Kant to wrestle with a regression problem that is inherent to the rule-following nature of our capacity to make conceptual judgments.[148]

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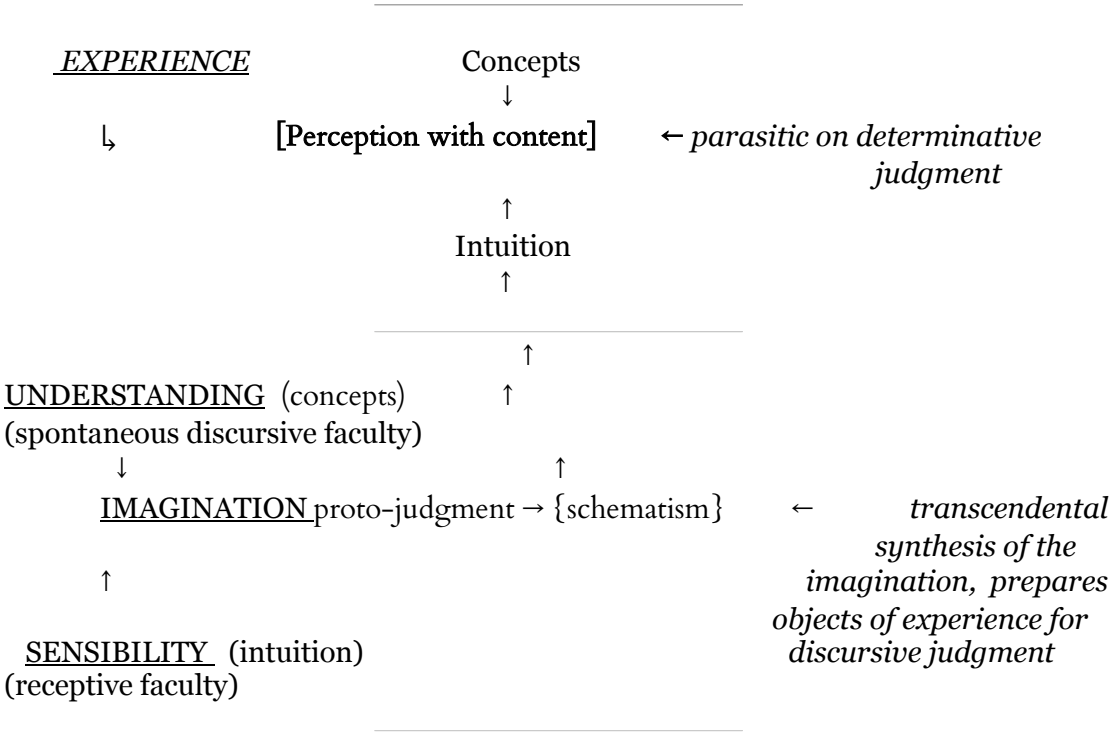
[146] Kant, 2001, 5: 179.

[147] Ibid., FI: 20: 211.

[148] Kant, 1998, B151.

Schematism is the process by which sensibility and imagination work to prepare an object for conceptual synthesis, leading to an intuition which can then serve as an empirical ground for worldly knowledge. The first thing to note is that, for Kant, *imagination belongs to sensibility, but works in the service of the understanding*. It is the double working of these faculties to engage in figurative synthesis.




Imagination belongs to sensibility, but works in the service of the understanding. But imagination cannot work *strictly* in the services of the understanding, as if to be instructed like a pupil contrary to the suggestion of Kant's copernican revolution. Making perspicuous what conceptual rules apply to a given object cannot be governed by discursive rules all the way down,

otherwise we run into a regress problem. Consider the issue as Kant considers it:

> General logic contains no precepts at all for the power of judgment, and moreover cannot contain them.…If it wanted to show generally how one ought to subsume under [formal] rules,…this could not happen except once again through a rule. But just because this is a rule, it would demand another instruction for the power of judgment, and so it becomes clear that although the understanding is certainly capable of being instructed and equipped through rules, the power of judgment is a special talent that cannot be taught but only practiced.[149]

The issue, in other words, is that making a judgment that employs a determinate concept is akin to following a rule, but at some point the act of judging must be able to grant its own authority to a claim, otherwise for each application of a rule in conceptual judgment we would need another rule for when to apply the rule, and to secure the appropriateness of that application, we would need yet another rule for when to apply the rule for applying the rule. So on and so forth, *ad infinitum*. Ultimately, then, Kant finds himself pressured to give an account of imaginative activity that can avoid this infinite regression of needing rules for applying rules, etc. Kant's tentative conclusion ends up being that imaginative activity is not a discursive science, but an aesthetic art. Schematism is thus a mysterious "hidden art in the depths of the human soul, whose true operations we can divine from nature and lay unveiled before our eyes only with difficulty."[150] This is a gesture towards the imagination working not directly in demand of, but in harmony with the understanding. Kant

[149] Kant, 1998, A131/B172.

[150] Ibid., B181.

however leaves the issue in the first *Critique,* and returns to it in the third *Critique*.

### *3.4.5 Disinterested pleasure as the form of reflective judgment*

So what we've seen by looking at figurative synthesis in Kant's chapter on Schematism in the first *Critique* is that Kant encounters an infinite regression that stems from considering the rule-following nature of making conceptual judgments. Considering this issue gives us one way into making sense of how the third *Critique* is continuous with the first *Critique,* as Kant himself says. My view is that Kant's explication of pure aesthetic judgments in the third *Critique* is his positive account of a form of judgment which possess properties that ostend the existence and actuality of a pure judgment which avoids infinite regression of needing rules for applying rules (norms for applying norms), but still preserves a non-empirical normative ground for cognition and our capacity to judge by being exemplary of normativity as such. Kant's analysis of pure aesthetic judgments, I argue, is the positive story of the mysterious inner workings of that imaginative activity which Kant previously wrote off as a "hidden art in the depths of the human soul, whose true operations we can divine from nature and lay unveiled before our eyes only with difficulty."[151]

[151] Kant, 1998, B181.

So Kant needs an account of experiential normativity that obtains prior to the exercise of any explicitly discursive abilities so that the acquisition of empirical concepts can be made intelligible. The way Kant achieves this task is by finding in our capacity for pure aesthetic judgments of beauty a rule for judgment that does not consist in a discursively articulated, *determinate* concept, but rather a rule that consists in a pre-discursive, *subjective feeling* of disinterested pleasure. Kant reasons that because "in order to decide whether or not something is beautiful, we do not relate the representation by means of understanding to the object for cognition, but rather relate it by means of the imagination (perhaps combined with the understanding) to the subject and its feeling of pleasure." The judgment of taste is "therefore not a cognitive judgment, hence not a logical one, but is rather aesthetic, by which is understood one whose determining ground *cannot* be *other than subjective*."[152] Kant continues on to say that this subjective feeling, which he in passing equates to the subject's feeling of life, "grounds an entirely special faculty for discriminating and judging that contributes nothing to cognition but only holds the given representation in the subject up to the entire faculty of representation, of which the mind becomes conscious in the feeling of its state."[153] Even though the feeling which grounds a judgment of beauty "contributes nothing to cognition" (in the sense that it is not *itself* a determinate

[152] Kant, 2001, 5: 204.

[153] Ibid.

cognition based in a logical judgment), it is in virtue of the fact that this feeling makes the subject conscious of its representation that the state of mind lends itself to the acquisition of, or *leads to,* some concept or other: in that sense, "the satisfaction in the beautiful must depend upon reflection on an object that leads to some sort of concept (it is indeterminate which)."

One way to think about what is going one here would be to say that Kant realizes there must be some kind of judgment which does not itself depend on one's being in possession of any concept that might figure in a discursive utterance—some sort of speech act—but which is still recognizably a form of *judgment* in that it is governed by a rule. This disederatum presumably stems from the consideration that pre-linguistic human beings start in an innocent state of being, before they have learned to categorize objects with concepts in exercises of discursive judgment, but they eventually do move into a more mature state wherein they can be considered legitimate occupants of the "logical space of reasons" as Sellars means it. Since that logical space is constituted by normative, rational, rule-governing concepts, Kant feels the pressure to close the gap between the innocent, pre-linguistic, non-cognitive state and the more mature, linguistic, cognitive state so as to make the transition intelligible under the same notion of rule governed normativity. In other words, Kant sees the need to avoid the sort of mythological notion of givenness which led Hume, for instance, to claim that we have no right to know

of anything like a necessary connection between our representations or of the continuity of the self.

Now one way to do this would be to say that the transition is brought on through brute causal forces of nature, but this does no justice to the idea that human beings possess the kind of freedom that comes with judgment, and such a move would simply result in falling victim to a mythological notion of the givenness. In that case, there would be nothing recognizably normative about the act of judging, and we would not have successfully responded to Humean skepticism. Not to mention, such a move would go against Kant's desire, as laid out in his introduction, to make room for human freedom in the realm of the so-called 'natural'. Thus, we would do well to find an innocent state of mind, the intentionality of which brings with it a normative force that can serve as the ultimate grounds upon which our logical, cognitive judgments ultimately rests.

Now Kant then identifies such a form of judgment in a very specific state of mind, the state of mind we're in when we experience beauty. As we saw above, he characterizes this state of mind as a subjective feeling of disinterested pleasure. This state of disinterested pleasure, in effect, is therefore equal to the judgment of beauty—it does not, in other words, require that one literally utter 'that's beautiful', though it does not preclude such an utterance. Such judgments then are occasioned by an act of merely reflecting on the form of an object. To 'merely reflect' on an object is to judge in a way that is "merely contemplative," that is, in such a way that the pleasure in the judgment does

not depend on the existence of the object *per se*, as it does when taking pleasure in something that is merely agreeable, some state of pleasure that depends entirely on the causal properties of an object as it works on sensation[154]. Instead, to merely reflect, as Kant means it, is just to apprehend an object's purposiveness such that what one is perceiving is found to be suitable for cognition, and thus the state of mind that one finds oneself in is taken to be *appropriate* for the object—hence the normative force.

Normativity is marked by standards of correctness. In this respect, norms function as rules. Thus, if something is appropriate (or inappropriate), it means that it is governed by normativity in the sense that there are rules for its correct manifestation or application. Thus, to say that a state of mind like disinterested pleasure in judging beauty is appropriate is just to say that it is manifest in accord with a rule—with respect to beauty, one's state of mind is *right*—it *feels right,* it's *correct*, it's *appropriate*.

Now as Kant means it, the sense in which the state of mind is taken to be appropriate, and thus normative, is two-fold. As I just mentioned, the state of mind is one in which the object is taken to be appropriate for the subject's cognitive faculties, it is recognized as suitable for one's "cognition in general"[155]—in that sense it is appropriate *subjectively*. But Kant says that the pleasure in the state of mind is taken to be appropriate *universally* as well.

[154] Kant, 2001, 5: 210.

[155] Ibid., 5: 217.

Since the judgment of beauty consists in a feeling of *dis*interested pleasure, apart from the interested pleasure found in judgments of the merely agreeable, which depend on the causal properties of the object in question, when we judge beauty, we demand that others ought to feel, and therefore judge, the same way. Kant says:

> since…the person making the judgment feels himself completely *free* with regard to the satisfaction that he devotes to the object, he cannot discover as grounds of the satisfaction any private conditions, pertaining to his subject alone, and must therefore regard it as grounded in those that he can also presuppose in everyone else; consequently he must believe himself to have grounds for expecting a similar pleasure of everyone.[156]

What this means is that in judging something to be beautiful, the object is not just taken to be appropriate for my personal cognitive ends, as *merely* subjectively purposive, but rather the judgment inclines me toward feeling that everyone else who might have occasion to take up this very state of mind with respect to the object *ought* to judge the same way. Referring to someone who judges something beautiful, Kant says: "hence he says that the **thing** is beautiful, and does not count on the agreement of others with his judgment of satisfaction because he has frequently found them to be agreeable with his own, but rather **demands** it from them". The subjective satisfaction taken in the beautiful, in other words—as Kant goes on to say—pleases universally; hence the judgment of beauty carries with it "subjectively universal validity," or an "aesthetic universal validity, which does not rest on any concept".[157] This tinge

[156] Kant, 2001, 5: 212.

[157] Ibid., 5: 213-215.

of *demanding* that others *ought* to judge a certain way point to Kant's commitment that the state of mind found in the experience of beauty is not just an innocent causal response, but puts us in an intentional state with respect to the world that feels appropriate, both for our own subjective state, as well as universally for others.

Now this may seem puzzling: how can we say that a judgment of beauty is both grounded in a subjective feeling and is at the same universally valid? How is subjectively universal validity possible?

A clue comes from section 9 in which Kant sheds light on this question. There, Kant elaborates that the disinterested pleasure we feel in judging beauty is an excitement that results from a free, harmonious play between those cognitive faculties that would need to work in co-operation if any cognition whatsoever were to become possible—namely, the faculties for synthesizing perceptual intuition (sensibility + imagination), and the faculties for bringing intuitions under discursive concepts (imagination + understanding). Where the objective universal communicability of logical judgment stems from the employment of a concept to which everyone who represents an object through that concept must agree, in the case of a subjective, aesthetic judgment based on no determinate concept, but rather a feeling of disinterested pleasure, the universal communicability of its validity stems from the harmonious free play of the cognitive faculties that all those who fall under the rubric 'human being' ought to have:

> The subjective universal communicability of the kind of representation in a judgment of taste, since it is supposed to occur without presupposing a determinate concept, can be nothing other than the state of mind in the free play of the imagination and the understanding (so far as they agree with each other as is requisite for a *cognition in general*).[158]

When an object sets the imagination into play with conceptual understanding in general, the harmonious working together of these two faculties elicits a pleasure by promoting the necessary use of our cognitive faculties, and it is this pleasurable state of mind which amounts to the judgment of beauty. And it is in virtue of the fact that the pleasurable state is elicited from the excitation of cognitive faculties that I must presuppose to be shared by all of the other members of my species, namely those who would fall under the rubric of a *human being*, that I have grounds to demand that they *ought* to also feel the same way. Subjectively, from *my* standpoint, the pleasurable state of mind in beauty suits *my* cognitive capacities, and is therefore subjectively valid; but insofar as I share these general capacities with all other human beings—indeed, since they are the mark of our humanity—the pleasurable state is universally valid.

### *3.4.6 The self-reflective priority of judgment*

At this point, the astute reader of the third *Critique* might puzzle over a claim that I've been (at least implicitly) committing Kant to throughout my discussion thus far, namely that the feeling of disinterested pleasure *just is* what the judgment of beauty amounts to. The most obvious point of entry for

[158] Kant, 2001, 5: 218.

an objection against this claim is in fact something that Kant says in the same section 9 that I was just appealing to—a section in which (by the way) Kant raises a question, the answer to which he says is so important that it is "the key to the critique of taste [*beauty*]," and for that reason is "worthy of full attention."[159]

In section 9, Kant raises the question whether "in the judgment of taste the feeling of pleasure precedes the judging of the object or the latter precedes the former".[160] In other words: does the feeling of pleasure precede the judgment of beauty, or does the judgment of beauty precede the pleasure?--this is the question. Kant goes on to answer that, in fact, the judgment of beauty precedes the pleasure. His reasoning for this is that, were the pleasure to precede the judgment, the pleasure would amount to nothing more than "mere agreeableness in sensation, and hence by its very nature could have only private validity, since it would immediately depend on the representation through which the object **is given."** Such a procedure, he thinks, "would be self-contradictory".[161]

The worry as I interpret it is this: if the judgment didn't precede the pleasure, then the judgment of beauty as such couldn't lay claim to subjective universal validity because we could only ever be able to say that it was made on

[159] Kant, 2001, 5: 217.

[160] Ibid.

[161] Ibid.

entirely private bases. Hence, if the pleasure precedes the judgment, it wouldn't provide one with legitimate grounds for demanding that others ought to judge the same way, in the same situation. But this just contradicts the phenomenology of experiencing beauty as Kant has been inviting us to consider it up to this point. Furthermore, to draw a conclusion that speaks to the bigger picture, if we can't demand universal assent upon subjective grounds in *any* capacity, then how in the world could the givenness of objects in the kind of subjectively indexed experiences that incline us to employ empirical concepts in logical judgment (once we've learned to speak) ever be said to entitle us to to make normative demands on others? When I make a logical judgment, I strive to make an objective claim—objective in that I take it others ought to share in that truth with me.

Now I emphasize the word '*any*' in what I said above to draw attention to how crucial it is that we be able to grant normative status to innocent, pre-linguistic experiences. And since experience as such is always subjectively indexed (in the sense that an experience is always one's *own*, had from some point of view), we want to work out some conception of subjectivity that lends itself to the normative demands that we make upon others in logical judgment, after we've learned to speak. Otherwise—if we can't grant this to innocent, pre-linguistic experience—we are left having to make a seemingly impossible leap from no contact with normativity in the pre-linguistic stage of being, to having contact with normativity in the linguistic stage of being. (How are we going to

do that?!) It would thus seem that an easier way to make language learning and concept acquisition intelligible as a real possibility, besides allocating the notion of normativity exclusively to objectivity, would be to grant normativity to the innocent, pre-linguistic level of subjectivity, *from the very beginning*. And, I argue, Kant not only urges this point, but *proves* that this is our situation by referring us to the experience of beauty, something that we must conclude is absolutely innocent in the sense that it does not require determinate concepts, yet is still normatively laden. Therefore, since a judgment is the only sort of thing in Kant's vocabulary that could put a normative demand on others, we are committed to saying that the judgment of beauty precedes, or is the proper ground of, the pleasure that we take in the beautiful.

So, despite my minor didactic digression, the point is that, in section 9, Kant claims that the judgment of beauty precedes the pleasurable feeling. It seems there is first a judgment of beauty, and then a feeling of pleasure that results. At face value, then, this seems to be in tension with what I have been claiming thus far, namely that the feeling of disinterested pleasure is just equal to the judgment of beauty.

The secondary literature is split on this point between what we can call a "one act" view and "two act" view. To think through the subtley's here, let's recall some of the properties of a pure aesthetic judgments:

- Subjectively grounded in a feeling of [dis]interested pleasure

- The nature of this feeling warrants universal output (commands assent of others)
- Exemplifies a principle of purposiveness
- Meets a requirement for "cognition in general…"[162]
- Brings an object under a "faculty of concepts in general…" (*to be brought within the bounds of understanding is to be an object that exemplifies purposiveness*)
- And is not itself grounded in any determinate concept, but "leads to a concept" (undetermined *which*)[163]

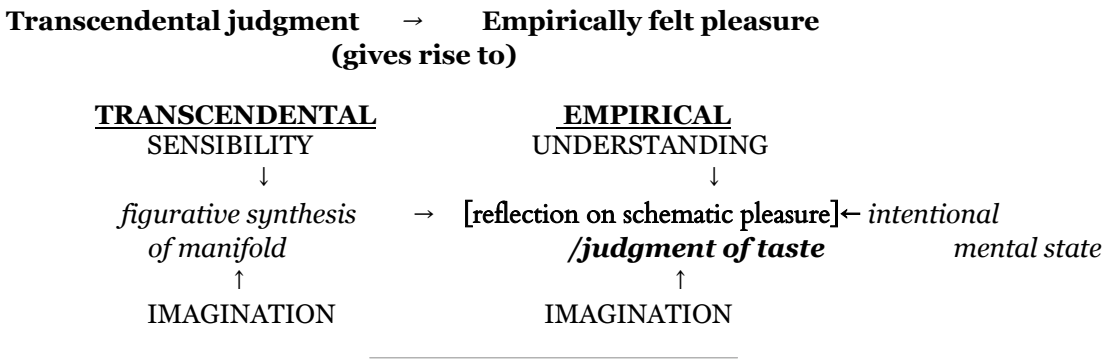
The two readings capture at least two interpretive choices we have upon considering what Kant says in section 9 concerning the relationship between the judgment of beauty and the disinterested pleasure it is grounded in. In that section Kant says that the "judgment precedes the pleasure." But this is a strange claim to make since, in sections prior, Kant makes it sound as if the judgment is made on the basis of a feeling of disinterested pleasure.

Paul Guyer reads section 9 as if Kant were invoking two separate acts of reflective judgment: the first act being an unconscious synthesis of intuition in general, devoid of any concepts, and the second act is a reflection on that pleasure as universally communicable given that it is the animation of faculties

[162] Kant, 2001, 5:217/5:218.

[163] Ibid., 207.

that we all share in virtue of being human, occasioned by some object.[164] Guyers picture would look like this:




But Guyer's two-act view makes disinterested pleasure out to be an empirical psychological fact which at best leads to conjectures concerning how others *will* feel in the presence of the object, as opposed to a pleasure that brings with it the normative force that this is how one *ought* to feel as Kant says.

Hanna Ginsborg on the other hand has a response to the perplexing claim of Kant's in section 9 which is a version of a one-act model. Ginsborgs one act model maintains that the feeling of disinterested pleasure and the judgment of beauty constitute *a single self-referential act of judging one's state of mind to be universally communicable*. In other words, "the act of self-referentially taking my mental state to be universally communicable with respect to a given object consists, phenomenologically, in a feeling of pleasure in that object."[165] The one-act reading vindicates certain other things that Kant

[164] Guyer, pp. 110-119.
[165] Ginsborg, 2015. p. 41.

says concerning the nature of pleasure, such as how the representation "serves as its own ground for maintaining its own existence in the subject"[166]; or that it is "a state of mind in which a representation harmonizes with itself as a ground, either merely for maintaining this state itself…or to produce its object"[167]; or that pleasure in the beautiful has a "causality…to maintain the state of the representation itself;" or as Ginsborg puts it, giving credit to David Hills for this formulation: the pleasure in beauty "approves of itself." A Ginsborgian style one act model would look like this:

***{the process below JUST IS figurative synthesis according to Ginsborg}***

UNDERSTANDING
↓
[disinterested pleasure/judgment of taste/experience of beauty]← *intentional mental state of Purposiveness, produces itself by being both self and other directed simultaneously*
↑
IMAGINATION

I suggest that we follow Ginsborg in the one act model as the superior handling of Kant's puzzling remarks in section 9.

What we gather from these ways of characterizing pleasure in general, and more specifically pleasure in the beautiful, is that the self-referential act in which a judgment of beauty consists in the state of disinterested pleasure is, of course, a state which *maintains itself*. My state of mind maintains itself because

[166] Kant, 2001, FI VIII.

[167] Ibid., FI VIII, 20: 230.

it is a state of mind in which I reflect that I *ought* to be in that very state. Not to mention (in favor of the one act reading), at the end of the first moment of the judgment of taste, Kant even says that "taste is the faculty for judging an object or a kind of representation *through* a satisfaction…"[168] (my emphasis). Thus, not only do we have philosophical reasons to see disinterested pleasure as equal to the judgment of beauty—which I take myself to have been arguing for throughout this section—in light of the aforementioned passages about pleasure in beauty as a state that maintains itself, it seems we also have textual evidence. Therefore, we ought to read 'disinterested pleasure' to mean that intentional state of mind in which we judge beauty.

We find Kant given strength to these claims section 10. There Kant goes on to say that purposiveness in general is the "causality of a concept with regard to its object,"[169] but when we judge beauty, that which is apprehended of an object is a purposiveness that lacks a definite purpose—i.e., we are presented with an intuition shaped by conceptual understanding, but it lacks a determinate concept. In other words, when we judge beauty, what we find in an object is a pure form that does not yet fit with a determinate concept, but because the judgment results from the free play of the imagination in relation to the understanding in general, we find the object as still standing in relation to concepts generally speaking. The feeling of disinterested pleasure felt in

[168] Kant, 2001, 5: 211.

[169] Ibid.

judging beauty is therefore a way of making manifest to consciousness the purposiveness of objects insofar as they fall within the bounds of conceptual understanding in general, i.e., insofar as an object falls within the bounds of being a possible experience for us.

So where determinate judgments are made on the basis of concepts that serve as rules for those very judgments, pure judgments of taste are made on the basis of a rule that consists in a feeling of disinterested pleasure that results from the imagination being freed up to play within the bounds of conceptual understanding *in general*, and this is, for Kant, a condition for cognition in general because it self-referentially constitutes itself not as the following of a law, but as exemplary of lawfulness as such; it is conceptual without requiring a determinate concept; it is exemplary of purposiveness without a determinate purpose. It is this sort of lawfulness without law that Kant says is the "determining ground" of judgment insofar as it is the apprehension of purposiveness without an requiring apprehension of the specific end. It is, rather, the apprehension of the pure conceptual, normative form of experience.

Lastly, let us reconsider the passage from the first *Critique* I cited earlier in light of the lessons we've extracted from Kant's account of aesthetic judgment thus far. Recall that Kant was trying to work out his conceptualist theory of perception by saying that:

> the same function which gives unity to the various representations *in a judgment* also gives unity to the mere synthesis of various representations *in an intuition;* and this

> unity, in its most general expression, we entitle the pure concept of the understanding.[170]

What we know now is that, since the experience of beauty, as judged in the intentional state of disinterested pleasure, just is a self-referential act of maintaining one's state of mind by presenting itself as a state of mind that one *ought* to be in for the purposes of cognition in general, what we find in a judgment of beauty is an intuition functioning as a form of judgment itself, albeit pre-discursive and devoid of an explicit determinate concept.

### *3.5 Concluding remarks*

The primary purpose of this last chapter has been to show that Kant's success in the third *Critique* is that he demonstrates disinterested pleasure to be the mark of an object's being brought under a faculty for concepts in general—an activity of the mind in "free play", *prior* to the discursive demands of any *determinate* concept in particular. And because this general act amounts to the excitation of cognitive capacities that ought to be shared by everyone who falls under the rubric of a rational 'human being', a pure aesthetic judgment brings with it an inclination to demand that anyone else who might find themselves in a similar situation *ought* to judge, and thereby feel, the same way with respect to the object that occasions my mental state. The experience of beauty in the Kantian sense of that term is thus a mark of the world being brought under the form of a shared faculty for concepts in general, and this

[170] Kant, 1998, A79/B105.

activity elicits a normative, rule-governed response to the world. The affective ground of judgment, in other words, encompasses the normativity of *all* judgments as disinterested pleasure prepares us for the normative demands of knowledge. Thus, what we find in the Kantian aesthetic is an affective basis for cognition that prepares us for the normative demands of objectively valid judgments that render knowledge of the world, including especially moral judgments which often make universal demands, thus ultimately giving credence to my thesis that moral judgments in particular have affective grounds.

With respect to the overarching theme concerning the grounds of moral judgment, what we find in the Kantian aesthetic is an argument for the affective basis of cognition that prepares us for the normative demands of objectively valid judgments that render knowledge of the world, regardless of the subject matter. It does so by being the self-regulated act of consciously reflecting into our experience the very harmony between our cognitive faculties endowed by nature and the empirical world we come to know. This suggests that we might have in fact turned the skeptical worries articulated at the start of this chapter up on its head—it's not that we should feel pressure to explain how we get values out of facts, but rather knowledge of the value of our humanity, as judged upon the affective ground of feeling disinterested pleasure in reflecting on the human form of life, and through living rationally as such in the same movement, is actually a precondition for any knowledge of a factual

representation of the world. And with this we now have in view an enchanted realm of nature which we call home and which we value greatly.

Thus, by the end of it all, by securing the affective grounds of all judgments, we secured the affective grounds for *moral* judgment without compromising the plausibility of its objective validity, unless of course we then wish to compromise the notion of objective validity all together for the same reason (which would be absurd…).

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