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Five Laws of Ethics

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Five Laws of Ethics

L Tripodi

Introduction

Ethics must not shy away from the role of providing a non-trivial recipe unto ethical betterment. To wit, *something* must result from the ethicist's speculation so as to carry over to the ordinary-life domain. Bespeaking the crowd may not be the ethicist's business, but no ethicist is allowed to dismiss that *there is* a crowd whose existence is, to begin with, what justifies her very speculation. Ethics is at its best when, by resting its case on the lucubration of a scholarly few, it is able to serve each and every person; yet, it cannot do so unless it inquires into Moore's (1903, p. 37) question, "By what means shall we be able to make what exist in the world as good as possible?" rather than assume its role as merely being "to teach us our duty" (Hume 1751, p. 4). Let ethical speculation be the sketchy design and moral conduct, the final product; Then, she must be able to report their alikeness who takes note of both the final product, and the sketchy design. It is a sketch of this kind that I intend to provide here — one that, if I be apt, shall not be trivial; and that, if I be reasonable, may once

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properly developed translate into a recipe unto ethical betterment.

For the sake of clarity and readability, I will state a few definitions straightaway. 'Ethical action' is hereby defined as action influenced by resultant ethical motivation, whereas, 'ethical non-action' is hereby defined as a moral utterance influenced by resultant ethical motivation. By a 'moral utterance' is meant loosely any speech act neither accompanied of, nor followed by, non-speech action (e.g. an opinion, an order, a piece of advice, a promise, a threat, an act of preaching — in and of themselves). 'Resultant ethical motivation' is the sum-total of ethical motivation — accruing from the agent's bare moral evaluations or 'ethical assessments', as I shall call them — and a-motivation — accruing from co-obtaining ethical assessments. The cogency, or 'bidding strength', of ethical motivation does not inhere in ethical assessments; instead, it burgeons, as it were, in one's nerves — *when* ethical assessments obtain. Ethical assessments rely upon thin categories of ethical cognition. They syntactically take the form, *φ(-ing)* is good/not good/not bad/bad (right/not right/not wrong/wrong), where *φ(-ing)* is a hypostatic ontological state of affairs and 'good', 'bad', 'right', and 'wrong' (with negations thereof being included) or any '*μ(-μ)*' for short, are *the* — irreducible, unanalysable — categories of ethical cognition. (An ethical assessment is, therefore, *not* a command.) Ethical action results from the agent's judgement[1] made by reason under pressure of character; in passing ethical judgements, reason is influenced on the one hand by resultant ethical motivation and on the other, by 'non-ethical motors'.

Expendability of notions such as ends, motives or intention, for the purposes of

[1] The term *decision*, though it would square more closely with ordinary language, would I believe be quite less advantageous to use than the one *judgement*, for by a 'decision' one often means a more complex (therefore, less fundamental) commitment to action than I intend to do here. Using *choice* or *deliberation* would be no less disadvantageous as neither of these is a whit less complex than *decision*. I hereby refer to (practical, though the qualification be omitted) 'judgement' chiefly as the agent's simplest and most immediate commitment to action.

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explicating ethical action. A robust theory of Ethics must do without the notion of *ends*. The reason is simple: If where I act, I do have an end, I must be aware of it. Who is to guarantee, nonetheless, that we are aware of our ends where we act? If no guarantee can be given as to the fact that where we act, we are aware of our ends, then none can be done so that we have any of those in the first place. Yet most philosophers assume that, more than definite ends to ethical action, there are (and possibly, ought to be) also ultimate, universal ones. Such an emphasis on *ends*, such a veritable teleological obsession — epitomised by Kant when he says that "there can be no action without an end" (1797, p. 517 at 6:385) and that reason without ends "would not be practical reason" (1797, p. 526 at 6:395), but not circumscribed to him or pre-Freudian moral philosophy — is one of the most prominent pathologies impinging on ethical theories. But as misleading as the notion of ends is that of motives, and that of intention no less; I pride myself that, in presenting the following theory, no mention to any of those should be required[2].

Reason, in passing ethical judgements, does reckon with circumstances (consequences therein included), if only to the extent that it has information at its disposal at the time the reckoning is made, even if such information is unreliable or completely misrepresents the facts. Ethical assessments, nevertheless, *do not refer* to the consequences of actions — none of them, specifically, obtain because the consequences of ensuing action could, or would, be

[2] How is it possible indeed to deny that an end, motive or intention is in the context of ethical action *a thought one has in mind* while *effecting, considering, or contemplating to effect action*? It ought not to be ignored that, in being effected, ethical action sometimes has no end whatever: Where pressed to decide upon a relative of hers being euthanised, the agent is not supposed to conceive of an *end* or act upon a certain *motive* or *intention*; she will merely decide. Even Anscombe (1963, p. 73) recognises that actions of rational agents may be effected "for no particular reason". Yet, where action is effected, rational judgement is *always* passed, otherwise it would be pointless to speak of *action* — in the sense that "falling-off-a-tree-and-breaking-someone's-neck" is not an action where it "just happens"; the example being Geach's (1960, p. 222). Furthermore, an agent's intention may vary between her different, though similar, instances of φ-ing; whereas the relevant formal proceedings (i.e. those of her passing ethical judgements) may remain quite similar. Intention may also be reported in variable ways retrospectively, and the act of reporting it relies as a rule upon *interpretation*; wherefore it is indeed a part, not of any judging, but rather of narrating, proceedings.

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thus and so[3]; they are, instead, simple and bare. For ethical assessments to obtain, the agent must be presented with an 'ethical opportunity' — i.e. a set of factual circumstances whose presentation excites the agent's ethical faculty, sparking the obtaining of ethical cognitions and assessments accordingly, with rational proceedings of passing ethical judgements being thereby activated.

Confusion between Ethics and Aesthetics; critique of Egoism. All such things as generate pleasure or pain can do so but *aesthetically*, related as they are to the agent's naturalistic wants. Founding Ethics upon naturalistic wants precludes the establishment of boundaries between it and Aesthetics. It seems, however (to no small surprise) as though a great many ethicists have committed, more than a naturalistic fallacy, simply a *mistake* in their speaking of *good* — as if the latter were, at once, one and the same with pleasurable, utile, felicific, &c.; such a mistake has been for centuries and, despite all efforts to eradicate it, still is, out there (lately, it has been so to speak officialised, or confessed to, by so-called buck-passing theorists). This mistake has not escaped, however, a few great philosophers even before Sidgwick and Moore; most notably among them, Kant (see e.g. his 1788, p. 188 at 5:59-60), who prodigiously believed he could not be wrong in the matter as long as he kept writing in German — although he did his bit too to foment this very mistake, for he also often reasoned about "the Good" (reducibly) in terms of happiness and gratification (see e.g. 1790, pp. 98-ff.; he paved the way for this throughout his "Groundwork"). 'Good', the thin ethical

[3] While I, for the sake of brevity and simplicity, bother not to qualify reason here as 'practical', I do mean to refer to reason in its practical facet. As it will unequivocally emerge from my construct, I do assign reason an active role as the superintendent of ethical action, therefore as no "slave" constrained to the judgement of no more than causes and effects, as Hume would have it, though also not *alone* a cause for action. (The rejection at any rate is hardly warranted that reason has, at minimum, the disposition of issuing 'prudential halts', thereby undercutting the influence of pre-rational ethical subvenients and stopping the agent, on certain occasions, from entering into ethical action.) Exactly how rational (practical) judgements ripen into action is not, and could not be, this essay's concern. This much I can state, however: Quite a dispute arises concerning the theme as it is assumed that there is simply an 'I', who thinks and acts; whereas, in reality, there are both a 'thinking-I', and an 'acting-I'.

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good, because it is a *bare*, hence fundamental, category, extremely abstract and with no "facts which stand behind it" (Wittgenstein 1965, p. 10) is indefinable — without there following that "no term is definable" such as Frankena (1939, p. 473) goes on to contend.

Egoism, insofar as it is (in its psychological form, which nevertheless constitutes the basis for all its other ones, even if these were to vary, or so much as to deny, the former) observable *also* in other life forms, must be expelled from the commonwealth of Ethics. However it be that agents pass ethical judgements, and granted that any defensible moral theory should centre on such issue precisely, the passing of *better* ethical judgements calls for the exercise of certain features of character, which in turn entails the need *for one to tame one's ego*[4] — there being no contradiction in the assumption that untamed egos should rather exercise no features of character. Egoism is thus the very negation of ethical betterment; and, wherever the idea of a *duty* egoistically to act is spoken of, it is as though an invitation *against* ethical betterment were being issued (see Law No 1, below).

Ethics cannot bid us do whatever is not unmistakably human. Our being ethical means we must strain every nerve to liberate ourselves from the reins of brutishness and Nietzschean animalism; from naturalistic wants, and compulsiveness. For being ethical is what makes us human, and Ethics would err unpardonably in herding us unto that whereof it is supposed to steer us clear.

1. Difference Between Ethical Assessments and Ethical Judgements

The difference between ethical assessments and judgements will certainly become

[4] By 'character' I, instead of that which is usually implied in ordinary language, mean a mental subvenient endowed with certain features — a subject which, however, it will not be possible to dwell upon here. By 'ego' is not meant the Freudian one, but loosely the agent's drive arbitrarily to appropriate advantages to her own avail.

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clearer by our resorting to an example. Suppose *A* is a Jew and a person of average moral constitution. It is 1944. *A* dwells in a Nazi concentration camp on the verge of execution — believably, by gas chamber. *B* is a fellow prisoner of *A*'s. One day, with both of them still alive, *B* snaps, grabs a sentinel's weapon, and shots the concentration camp director, only to be gunned down straight off in response. Let us assume *B*'s act of shooting the director has not by the least bit improved any chances — which were already close to nil — of any prisoner getting to escape, or be released from, the camp.

How is *A* likely ethically *to act* in responding to the ethical opportunity raised by *B*'s shooting the director and being gunned down thereafter? The director's killing proved no use; *B*'s having been killed was hurtful and, indeed, every bit as worthless. At first, *A* feels good with reference to the director's being dead; after all, the latter had been responsible for a great many atrocities. Then *A* thinks afresh, and ratiocinates that no human casualty can, *per se*, be good. She then inquires *C* on how *C* felt; and learns that *C* had thought it was a good thing that the director had been shot — for that was his desert — and would have done the same as *B* if only she had had the chance. *A* then decides to talk to *D* and finds out *D* believes that *B*'s shooting the director was wrong in that no one should abase oneself so low as to be on a par with a Nazi. Finally, rabbi *R* becomes aware of *A*'s inquiries. *R* teaches *A* what a rabbi has to teach someone about such inquiries as *A*'s in such a condition as theirs. Before long, *A* concludes whatever *A* concludes about the director's klling, but does nothing.

A now starts to think about the murder of *B*. It so happens that *A* finds no need to discuss the matter with anyone. *A* concludes whatever *A* concludes about *B*'s having been murdered — only this time, *A* says a prayer in remembrance of *B*.

It is unmistakable that *A* has reached two contrasting ethical judgements — as no

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prayer was said for the Nazi director, yet one was said in remembrance of her fellow prisoner, *B*.

Any *bare* ethical assessments as may be attributed to a person of average moral constitution, such as the ones occurring to *A* amid the ontological state of affairs dealt with in this example, were probably kept intact throughout her passing from the first ethical judgement all the way to the second one. What, then, has made each of these different? On the present conception, three kinds of proceedings may have come to pass in *A*'s mind. First, it is possible, that in what concerns the director's killing, *A* has succumbed to non-ethical motors — i.e. to appetitive dispositions (if, technically, not appetites) which influence reason in passing ethical judgements — because one of such motors (arguably, anger) was so prevalent it took hold of *A*'s reason, thereby keeping resultant ethical motivation at bay. Secondly, it may have been that the influence of non-ethical motors was not so intense, but neither was *A*'s character so developed as to compel impersonality upon reason. The third possibility is, that *A*'s reason reckoned with circumstances and, even though the influence of non-ethical motors was mild and *A*'s character was pretty developed, *A* decided on rational grounds to refrain from saying a prayer for the deceased Nazi while taking a different course of action in respect of her fellow prisoner *B*.

We are just now in a position to pass on to the core formulation of the present theory.

2. Theory of Ethical Action

There is a wretched notion, which is false yet extremely pervasive, and that oscillates between bewildering sophistry and pesky cumbersomeness; such is the one that we are ethically *bound* — either, on most accounts, by a (right) rule, a principle or law, or — really,

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that which in effect is the same to say — a will, design or end[5]. The latter might be an end that nobody thought was an imposition, such as that we do whatever we want to please ourselves and avoid whatever causes us pain; yet, even this is still an end, and, by being placed under the aegis of an ethical doctrine, of necessity a binding one. But if we take note of ourselves whilst acting as ethical beings, we shall realise we only make piecemeal judgements (though we seem to *function*, ethically, in continuous fashion) many of which under feeble rationales and not infrequently, with haphazard results; so that under scrutiny, it proves foolish to say that we are *bound by* anything (at least, by something that we know what is) or that we generally ought to follow a certain fixed provision, abide by certain fixed standards, or consistently pursue one and the same — that is to say, *fixed* — end. A given agent will act, or not act, in a given way *Π* in circumstances *K*, and that is all; attaching to such fact a *claim* that acting according to *Π* in *K* IS right or wrong, IS binding upon the agent, &c., amounts to mere *opinion* — if "intimidating", "bullying", or "intrusive" (such words being Williams').

Ethical motivation. So far, I have defined ethical motivation in rather vague terms as a force of Nature (a "perfectly inexplicable" one, to quote from Hume) which burgeons in our nerves whenever ethical assessments obtain in the mind. It is important to state that ethical motivation cannot be equated with *will* or *volition*, let alone desire; for these are not *ethical forces* in the sense that having will or volition is not that which essentially differentiates us from other life forms (as to desire, a more complex analysis is required, one that certainly cannot be carried out *hic et nunc*). Neither is it the same as a belief (this very problematic and

[5] Though many a virtue ethicist could be eager to say the above does not hold good of Virtue Ethics, I would be unwilling to oblige; for, if asked about a certain set of *core* virtues (or about *reasonably* following the lead of a certain exemplar of "moral beauty") being either optional or of obligatory pursuance, no virtue ethicist credibly could side with the first alternative.

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taken-for-granted concept of which widespread use is customarily made in extremely neglectful ways and of which competent philosophical examination is conspicuously lacking[6]), nor does it shoot up from whatever beliefs appear to be. Thus, wherever I refer to 'ethical motivation' I mean that natural force which leads us to judge and, peradventure, act upon the basis of bare ethical assessments of μ(-μ) and which is *uncharacteristic of other life forms*; and, Which instigates reason to pass judgements that cannot but be defined as *ethical* (though they sometimes have to be defined as mixed); and, Which *competes against non-ethical motors* by pleading that reason heed it, instead of them.

Ethical motivation and a-motivation. Ethical action cannot be effected without the previous obtaining of at least one ethical assessment. It ensues only where reason, influenced by resultant ethical motivation, passes judgement that carries over to the external world. A certain ethical assessment may give rise to ethical either motivation or its opposite — namely, a-motivation. Ethical motivation totes positive bidding strength, while ethical a-motivation does negative one. Ethical a-motivation, therefore, instigates reason towards the passing of an ethical non-judgement, instead of judgement; or, of a judgement resulting in ethical non-action, instead of action; or, of a judgement resulting in ethical action, or non-action, whereof the intensity falls short of the one pertaining to a judgement instantiated by ethical motivation

[6] As it seems hardly permissible that I just say that which I have said above without backing it up with a tentative argument at least, I shall add that, whereas I find 'belief' to be an idea which gains a certain (if dispositional) stickiness or permanence in my mind, and to which in general I feel strongly about holding on to (though I may never produce any outer signs making room for ascription, like arguing in favour of my belief or killing someone just because I have it, for instance) I still think it very hard to explain this much: *(1)* Why does such an idea gain (if dispositional) permanence in my mind, while others do not; *(2)* Why do I feel (more or less) strongly about holding on to it (what does this 'feeling strongly' means at any rate)? And *(3)* Can an idea still gain (if dispositional) permanence in my mind, irrespective of my willingness to hold on to it or even against such willingness, and if so: How, why and in fact, does that idea qualify as a belief? I do not know of any (comprehensive, modern, compelling) studies which address these issues head on, which is why I say competent examination thereof is conspicuously lacking, though I know many studies addressing belief by taking it for granted or circumventing the problems associated with it or simply framing the concept 'belief' in ways not always quite acceptable.

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instead.

A developed character must be able to tell whether, as well as to what extent, the judgement passed and ensuing action stem prevalently from the agent's either ethical motivation or non-ethical motors. For example, if someone vex me to the point I want to punch him in the face, ethical assessments obtaining in my mind may a-motivate me to act; yet, I may act nonetheless. It is up to reason to judge that I hold back the blow; however, such a non-judgement (if it be not the result of a reason-issued prudential halt) will pass only if my character's pressure that reason ignore such non-ethical motors as, for instance, anger and abhorrence be strong enough to subdue the latter. Punching someone in the face is *ethical* action; we not always behave in brawls the way other life forms do, for ethical assessments obtain in our minds indicating that acting thus-and-such (e.g. dealing a punch to someone's face) is $\mu(-\mu)$[7]. On my theory, this means that I, upon harshly being vexed, *necessarily pass rational judgement before* either striking the person vexing me, or forbearing from doing so (which is why no crime committed from a fit of rage, be it as sudden and overwhelming as it may, is in any part *completely* excused). Thus, provided that the ethical assessments obtaining in my mind are such as to a-motivate me, I shall act in beastly fashion only where reason fails to ignore the nastiness of my non-ethical motors thereby frustrating their attempt to overrule resultant ethical a-motivation accordingly. My character's input to reason, if only it be developed enough, will in this case presumably be based upon its sense of restraint, which will endeavour to enforce the a-motivation arising in me. Reason shall also be influenced by deterring non-ethical motors, such as fear (of punishment, of being hit back and getting hurt or dying) and shame (aroused by the thought of subsequent adverse adjectivisation of my

[7] Reading an ethical opportunity as a *provocation* is entirely up to the agent and completely avoidable, although the same may not be said of a threat.

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action by myself and/or by third-persons).

Now, is it possible ethically to act *without any interference from non-ethical motors*? I should have to answer to this in the negative. Non-ethical motors are an integral part of our mental constitution, whence it is not possible for any of us to jettison them altogether from (any) judgement-passing proceedings. If one day, we become able to judge otherwise, it shall not be before major improvements to our mental constitution are introduced. A full-scale interdiction of non-ethical motors would strip our ethical cognitions bare as well as disencumber the functioning of reason in judging properly and lucidly (even that distant possibility, however, would not be apt to convert us into fully, or perfectly, rational agents; which is why one always has better things to think about than that which idealised reasoners in idealised conditions would ethically think or do). Now, what if, after judgement is passed, no action or non-action ensues? In such a hypothesis, one may simply say that the judgement was recalled, and that in lieu of it another one was passed — granted, however, that the latter is in fact a *non*-judgement[8].

Let us now go over a few examples. Assume I oppose the death penalty, and do the mere incarceration of human beings every bit as much, but cognise the latter as less bad than the former (with ‘less bad’ being understood in terms of the lesser intensity of my ethical motivation’s bidding strength). Then why do I not go about breaking into death rows, or prison cells, to set their inmates free? What is it to bar me, as an opposer of both such forms of punishment, from entering into ethical action in line with my ethical cognitions regarding the matter? What then explains that, while forbearing from setting inmates of the humdrum

[8] It would be absurd to suppose, given the premises of the present theory, that no change of heart is implied in the event that a judgement does not, even if eventually, convert into action, provided that the agent is otherwise not out and out precluded from acting.

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prison free, I also refrain from doing so death row inmates, although I do cognise their prospective punishment as worse? The answer reads as follows: That I 'oppose' φ means not (only) that ethical assessments obtain in my mind which are φ-adverse, it also means my character and non-ethical motors instil reason with tendencies which, each with its relative weight, influence my opposing of φ at time t; such that this mere *opposing* may (not quite constantly) translate into either non-judgements or judgements, the latter of which may result in ethical either action or non-action[9]. By the same line of reasoning, it is possible to think of a person who cognises stealing as wrong and yet sides with a fictional thief in a book or film; or, of a person of moral uprightness whom life leads to begging and stealing, whose barest ethical cognitions have remained unchanged in the course of such a downfall, but whose appetites and appetitive dispositions have taken over reason in the wake of a particularly distressful setting; or, of any person who refrains from supererogatory behaviour although not because she cognises it adversely. Ethical action, in sum, is far from being the product merely of our bare ethical cognitions of μ(-μ).

The following diagram summarises my contentions so far:

[9] It would be rather unwieldy at this point to explore all character features and non-ethical motors which might be of relevance to this particular example, let alone all pertinent rationalising possibilities.

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		Character	
		(With Its Features)	
		↓	
	→ **Ethical Motivation**		
Ethical Assessments		→ ***Reason*** ←	***Non-ethical Motors***
(*p*, *p'*, *p''*, &c.)	→ **Ethical A-motivation**	↓	Fear, Shame,
Deriving from Bare			Conceit, Anger,
Ethical Cognitions of	(With A Certain		Abhorrence, Rue,
μ(-μ)	Resultant Therefrom)		Fondness, Dismay,
			Craving[10]
		(Ethical Judgement)	
		↓	
		Ethical Action	
		(Non-Action)	

Diagram 1. *The proceedings of passing ethical judgements capable of engendering ethical action are quite intricate, the above being merely an outline. (Ethical availability and taste are in particular not depicted here for the sake of intelligibility.)*

As one may infer from Diagram 1, non-ethical motors, especially in less developed characters, *get in the way* of ethical assessments' becoming ethical judgements, which explains why we in our ethical judgements (more or less often) deviate from what we cognise as good or right, and instead embrace that which we cognise as bad or wrong.

By now it must be plain that laden ("thick") notions such as "approval" or "disapproval", as well as "just" or "unjust" correspond to *elaborate* judgements of reason

[10] Additional non-ethical motors may be singled out, such as anticipation, recklessness, inactiveness, haste, as well as complex (or composite) ones resulting from combinations of the foregoing. For instance, *deference*, where it must be analysed as a non-ethical motor, is based upon a combination of inactiveness and haste.

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reached by means of the above-described process, rather than to unreasoned bare evaluations; Whence, the silliness in the conception that assessing φ as good would be tantamount to saying "I approve of φ", or like conceptions; for a *judgement of approval or disapproval* is only laid down once reason is able to attend to the circumstances wherewith action is effected, by coping with the influence of non-ethical motors and under pressure of character (not to mention taste); while ethical assessments obtain well before reason is deployed[11]. The fact that μ(-μ) categories are used in verbalising ethical judgements — albeit with a thicker, more invested, meaning, to the point of irreverence and irony, instead of a bare one the like of 'positive' or 'negative' (or even fraught with aesthetic connotation deriving from the influence of taste) — makes mistaking elaborate judgements for bare assessments all the easier and more common[12].

As it turns out, exploring the problem of moral luck proves rather effortless on this conception. Say both *A* and *B* make an attempt on *C*'s life (to both of which I am a witness); whereas *A* fails due to chance developments, *B* succeeds. Suppose I pass *judgement of opinion*[13] on (rather than having a "feeling" or "mental attitude" towards, favourable or

[11] Let the above words 'approval' and 'disapproval' be understood in the Humean sense of *moral sentiments* (his words, "approbation" and "disapprobation"); then, by the venting thereof one is actually disclosing the arousal, and letting off in the form of aesthetic or mixed utterances, of such non-ethical motors as fondness, delight and abhorrence, upon one's coming into contact with a certain (either hypostatic or otherwise) state of affairs.

[12] I am not unaware that as my explanation relies upon four (both axiological and deontic) categories (alongside their negations, for a grand total of eight) it would be requisite also to mention 'not positive' and 'not negative' above. The point certainly deserves to be elaborated, but taking on that task right now would spoil concentrating on the essentials that constitute the subject-matter of the present essay.

[13] The ones which I call judgements of opinion or *of mere morality* (and around which Kohlberg's theory of moral judgement circularly revolves) are those that constitute, in Moore's words, "judgements of some different kind" (1912, p. 185). They may, and often do, harbour a claim to objectification and universalisability, a notion of oughtness, a certain normativity as well as the agent's (prescriptivistic) expectation of generality (i.e. any objective pretensions of the agent, put simply) which, as it is plain to see, are merely interpretative — more precisely, they reflect the agent's (mind-to-world-to-mind) *interpretative expectations*, which may nevertheless be tacitly embodied in ethical action proper as well. Kant conceives judgements of opinion as genuine moral judgements. Not only that, he also thinks schoolchildren should be taught, and perfected in the task of formulating, them (1788, pp. 263-4 at 5:154-5) even though he, on the other hand, showed rather scanty support for what he called the "mania for spying on the morals of others" (1797, p. 582 at 6:466).

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otherwise) *A*'s action, and then also on *B*'s, but differently in each case; with the upshot that, while I find both of them guilty, I also find *B* to be guiltier than *A*, for *B* has *fulfilled her design to kill*, whereas *A* has not. Why do I pass a different judgement of opinion on *A*'s action as opposed to *B*'s? Why does physical outcome influence my judgement? According to Diagram 1, it all starts with ethical assessments obtaining in my mind; which have, as objects, *different* hypostatic ontological states of affairs. It so happens that resultant ethical motivation proves weaker with reference to *A*'s action than *B*'s; for in the latter case, further obtaining ethical assessments alloy themselves with former ones, which results in increased bidding strength. Moreover, in the case of *B*'s action the influence of non-ethical motors is of greater import; anger and abhorrence kick in with soaring intensity. All told, it is but natural for me to pass a more exacting judgement of opinion in respect of *B*'s action, than in respect of *A*'s.

This, however, does not have to be so; there could be someone who cognised both *A*'s action and *B*'s on equal terms as if they were equivalent, and whose non-ethical motors acted rather evenly in both instances; whence she would judge *A* and *B* to be equally as guilty. Some other person might start out by having different ethical cognitions than mine altogether, which would result in different judgements still. And neither I nor the others will be able to skip the *aesthetic* cognition of each of these actions or shirk taste's input (which is characteristic of interpretative proceedings) completely. Hence, that which is called moral luck lies neither in the action, nor in the judged agent; instead, it corresponds to the adventitiousness inherent to *moral interpretation by the judging agent*.

As a consequence, it is possible to infer that: *(1)* States of affairs are not absolutely good or bad, or actions right or wrong; our judgements are *ours*, and not necessarily anybody else's; they are supremely atomistic, to the point where each agent considered singly is a

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source, so to speak, of Ethics; *(2)* A judgement of mine which purports to appraise a certain agent's conduct, by its being interpretative, bears aesthetic nature for in passing it, reason acts under eminent pressure of taste.

Hence, where I say "*C* was brave" (cowardly, evil, rash, fair, &c.; obviously, virtuous too belongs on this list) it is a *mixed* (aesthetic-ethical) judgement I am passing, even if the proceedings of passing it do not deviate quite a lot from the description of Diagram 1. Our *adjectivisation*[14] of conduct (whether the latter be actual, putative, fantasised or idealised — such as e.g. when we abstractly adjectivise classes or categories of actions) helps us come to terms with our drive aesthetically to appraise everything that we cognise ontologically, which has to do with the *immediacy* wherewith aesthetic cognitions obtain in us once ontological ones do.

Any descriptions involving ends, motives or intention, because they are not ethical, are also interpretative; proof thereof being that we can, and do, ascribe ends, motives or intention to other life forms, whereas we can only ascribe ethical cognitions, or character, to them where we resort to extreme fabrication (i.e. to the so-called pathetic fallacy). Motive may lead one to praise Robin Hood for stealing for the benefit of the poor, or to blame a certain agent for having stolen selfishly (or to excuse the same if she was hungry); it does, however, not explain why I, although empathising with Robin Hood, *act none the same as him*. Explaining *my* ethical action requires investigating how it is that *I* pass ethical

[14] By 'adjectivisation' I do not refer, specifically, to the use of adjectives as a class of words, but of any words broadly speaking that are able, one way or the other, to fulfil the role of qualifying conduct. As to the controversy whether this type of evaluation has descriptive meaning, its meaning is of course descriptive insofar as the hypostatic ontology is concerned (see fn. 15 at p. 19 below), yet in anything that *exceeds* the mere reference to brute facts — i.e. in that "extra bit of input that goes into the making of a moral statement" (Hare 1997, p. 52) — it is an offshoot of the ethical faculty (To put it this way: it is the ethical faculty speaking) and, indeed even more importantly, of *taste*. (Where framed otherwise, the said controversy is as insoluble as it is pointless.)

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judgements and act upon the basis thereof — which is exactly what the present theory strives to do.

Ethical action supervenes upon the resultant ethical motivation accruing from bare ethical cognitions and assessments and upon non-ethical motors alike; it does so also upon features of character and special qualities of reason. Out of all these, which one is it that the behaviour of other life forms *does not supervene upon at all* and which is unique, therefore, to the human mind? Is it understanding, or reason by any chance — or any of the special qualities of reason required for passing ethical judgements? Is it the capacity to set ends for ourselves, as Kant (1797, p. 522 at 6:392) has posited?

What other life forms *lack* is, I submit, the possibility of obtaining ethical cognitions that in turn produce ethical assessments, which assessments — in the human mind alone — are prone to turn into ethical judgements by dint of the deployment, under the influence of character, of certain special qualities of reason. I am thus prepared to state full clearly, that what *differentiates us* from other life forms is the fact that *we, alone*, are ethical beings. Other life forms *do not begin to have* an ethical faculty anything like ours, while they are not precluded from having faculties that begin to be like any of our other ones (that, in other words, are *prima facie* variants of their human counterparts). Wherefore, to think of other life forms in ethical terms is something none of them would be capable of doing with reference to us. Whence whenever we do so, we aver ourselves as ethical — ergo, human — beings.

As ethical assessments do not *stem from* reason, they are indeed *not rational* (nor are they syntactical in any way) though if we must speak of, there is no choice but rationally, and syntactically, to articulate, them. Such assessments do influence reason, but (as said before) are not *on their own* capable of propelling ethical action. It is thus mistaken to say that

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Egoism, for instance, is a "rational" ethical doctrine in the sense one ought to abide by it wherever acting rationally is that which one pursues; for egoistic action is based upon one's yielding to non-ethical motors (among these, especially conceit); any actions arising out thereof can only be labelled as rational insofar as it is for reason, under pressure of character, to decide whether to comply or not with those subvenients. *All ethical action is therefore rational in the most* (in fact, only) *fundamental sense of the word* (i.e. as an outcome of reason's being deployed) but does not supervene on rational activity alone; which also means that acting rationally, or doing more so, is not the same as, whereas it indeed falls short of, acting *in ethically better fashion*.

3. Cognition of Ethical Things; the Summum Bonum

Ethical assessments, as stated before, derive from ethical cognitions; now, what is meant by ethically *cognising* a certain thing? Where we cognise φ as $\mu(-\mu)$, is this a cognition of something other than φ — e.g. is it the cognition of a fact relating to φ —, or of one of φ's properties? It is undeniable that any cognition is the cognition *of something*. In the case of ethical cognitions, *what is this something*? It is no doubt a certain thing; hence, it can only be an *ethical thing*. Certainly, a few designations are conceivable for the objects of ethical cognition other than 'ethical things', but this one I believe is both fit and precise for it indicates above all that, though one be in the ethical domain, one still is dealing with *things-in-the-world — objective things*, which one cognises subjectively under one's own cognitive constraints (it being thus fallacious to speak of "fitting", or "appropriate", ways to do so, which reflects an attempt to objectivise a human activity which, by any standard, *is subjective*).

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An ethical thing must build upon an ontological thing or state of affairs (in other words, the 'brute facts' concerned) if one is to be able to cognise it. *Ethical things* are however reducible to neither ontological nor metaphysical ones; for, if ethical things were reducible to things either ontological or metaphysical, then Ethics would be reducible to either Ontology or Metaphysics; which, of course, is not the case. There would be no reason not to consider ethical cognitions independently of either ontological or metaphysical ones, except that the imperfectness of the ethical faculty — which, by far, is the least perfect, as well as ficklest, among human faculties, for it is capable of *bare cognitions* only, and quite often fails to engage — makes ethical cognitions *dependent upon ontological ones*, as already said[15].

It is not, however, from hence to be deduced that she who cognises an ontological thing also does all ethical ones to which the former can be a hypostatic ontological thing, either immediately, or necessarily, thereupon. Yet she who cognises an ontological thing also does it *aesthetically* immediately after ontologically cognising it. One must refrain, however, from confounding aesthetic cognitions with ethical ones; for the latter will obtain (if at all) only *further to* the former, and only where the ethical faculty happens to engage — which does not take place every time one comes into contact with an ethical opportunity, but only

[15] Many an itchiness may bug the reader as I speak of the ethical faculty. However, the reader is reminded that my doing so does not require her to fancy the existence of an organ, or even a definite chunk of the brain, entirely dedicated to performing such an ethical role. The ethical faculty, or so at least I submit, is merely a segment, or constituent, of our *cognitive faculties* in general; it being nothing more than a trope to speak of it as being separate, with no submission as to the existence (let alone the non-existence) of a corresponding *physical organ* being implied. By the same token, ethical things may be thought of as ontological ones *such as they present themselves to* our ethical faculty, with the hypostatic ontology being an arrangement, or composition as it were, of brute facts (for instance, *B*, *C*, a gun in *C*'s hand and the distance between *B* and *C*; scattered words, unruly glances, intermittent clatter, &c.) and the ethical thing being the (morally representational) *composition* originating in my mind as soon as ethically I cognise the ontology before me (i.e. once I realise I am about to witness *C*'s act of shooting *B*).

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on such occasions as where one is prepared to grasp the latter as *not ethically indifferent*[16].

Now, if one were to ask whether ethical things are not mere *properties* of ontological things, or states of affairs, I would answer as follows: To begin with, moral value is acknowledged as a category neither tributary, nor bearing any resemblance, to ontological ones such as extension, form or composition (those such as clearly are understood as correlated — not in relation to moral value, but merely amongst themselves). And, if someone were to argue that by positing the existence of ethical things I am bringing the naturalistic fallacy — understood (as indeed I do understand it) as the vice of failing to acknowledge the irreducibility of ethical categories — upon myself, for to assert as much would be the equivalent of identifying moral value with some, albeit "queer", elements *of Nature*, my answer to that would be: That, ethical things do not belong to ontological or metaphysical *Nature*; whence their nature is secondary not to that of ontological or metaphysical things; and that their irreducible character is what bestows autonomy upon Ethics in the first place, which is reason enough that they not be conceived as reducible; and that the fact that the cognition of ethical things happens with reference to ontological ones does not entail that ethical things exist *because* ontological ones do, or *because* a would-be metaphysical reality is there to countenance their existence[17]. They exist because we do.

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[16] On my theory, therefore, two explanations are possible for the agent's retorting "So what?" upon being confronted with an ostensibly moral issue: *(1)* Her ethical faculty did not engage, as the agent did not grasp the opportunity as not being ethically indifferent; *(2)* Her ethical faculty did engage, but the cognitions she obtained on the matter were cast aside due to the influence of non-ethical motors and/or taste (with her character being unable to counteract those and/or with her ethical availability being of quite the exceptional kind — i.e. either poor, or sophisticated yet weary, nihilist, &c.). As a matter of principle, all explanations of so-called (in the literature, rather than common parlance) amoral, cynical, callous, quirky, deviant, eccentric, &c., ethical judgements follow a similar pattern. (The mere prevalence, however, of non-ethical motors over ethical assessments in no way should be identified with any moral, so to speak, *disorders*). I do not mean to imply that any of these explanations is simple: indeed both call for a lot of unpacking, which nevertheless is impossible to implement here as it would demand further and independent inquiries.

[17] Though it is not possible to provide a full account here of my dismissal of the idea of *moral properties*, I will provide two — underdetermination — arguments on its behalf: *(1)* If there were any moral properties, then there would (hypothetically) be the *possibility* that they came to be cognised by other life forms, in support of which

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It remains to be said a word on why ethical things cannot be referred to as (objective) *moral facts*. The reason is indeed quite simple: Because there is no *denoting* ethical things. These are non-denotational (with the sole exception of the Summum Bonum, which alone admits of definite description), ergo non-factual. Where I utter, "That apple is red" I am denoting, whereas I am also asserting; importantly, I may be inferring — say, whether I be a blind person in a position such as to infer as much. But where I utter "*Φ* is *μ*" I am not denoting, I am *expressing* (however emphatically do I do so) inasmuch as the ethical thing which I purport to denote is not liable *ontologically* to be cognised (proof thereof being that there is *no inferring that* φ *is* μ, unless this be inferred from a certain *γ* the agent already cognises as *μ*; see Law No 2 at *(a)*, below). Moreover, where I utter, "*It is true that* that apple is red" I am still denoting and asserting, if now twice as much: for, by adding to my former assertion the words "*It is true that…*", I am attaching to it an expectation of generality (in Wittgenstein's words, I am asserting that my assertion "stands fast for me and many others"; 1969, # 116 at p. 18/18e; see also ## 250-4 at p. 33/33e and # 481 at p. 63/63e); a move that might appear otiose, but at minimum conveys *an emphasis* which may intimate a certain privileged position of mine in bringing the assertion forth: I might be doing so perchance on account of the uniformity of nature, if so much as a comparison between similar instances is involved; or the assertion might embody an assurance or reflect a more substantial certainty, if at first I was inconsequently surmising or, say, frivolously guessing. However, owing to the non-uniformity of ethical cognitions, it would be quite unrealistic to attach any expectation of generality to moral utterances, there being no imaginable *privileged* (or neutral, ideal, &c.) position in the matter, and no guessing or surmising either. Furthermore, the proceedings of

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no evidence whatsoever exists; *(2)* If there were any moral properties, then it would (hypothetically) be *possible* for ethical cognitions to be naturally uniform, against which in turn plenty of evidence exists.

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passing ethical cognitions into moral utterances are greatly more complex, and lacking in transparency (see Law No 5, below, as to 'transparency' in the present context) than those of passing ontological cognitions into utterances accordingly, which means moral utterances are helplessly shrouded in uncertainty as to whether they are *true to* the agent's ethical cognitions; wherefore, it is by no standard possible to make sense of moral utterances as being *true* — neither as denoting (objective) moral *facts* nor as asserting any properties or relations between facts[18].

The Summum Bonum. When we consider ethical things, it seems not all of them are within the reach of our ethical faculty; for, neither all ontological things, nor all metaphysical ones (for those who stick with their existence), are within the reach of our faculties that, either actually or purportedly, are able to cognise them. Sense-perception can introduce us to neither the greatest of pleasures nor, arguably, the worst of pains; to neither the most exquisite delicacy, nor the most repulsive foulness; to neither the tiniest of particles, nor the Universe at full breadth. Reason can present us with neither the loftiest of arguments, nor the finest of cogitations, let alone the perfect comprehension of an idea. Our emotions can neither propel us to the apex of joy, nor plunge us into the deepest of griefs, and our creativity does not allow us to improve the works of our intellect *ad infinitum*. Neither speculation, nor faith, can lead us to contemplate a super-sensible reality, which one can only fancy to exist. It is rather natural, therefore, to assume that much the same is true of our ethical faculty; whence, even if we are to engage the latter, in addition to all our other faculties, we shall still not be

[18] It *is* possible to make sense of a moral utterance as 'true', though, in that it be *in line with* or sanctioned by trans-individual ethical availability. One would indeed be speaking of a denotation in this case, as the utterance actually points to a fact in the world, but it is not in this sense that many ethicists are interested in inquiring whether or not moral utterances are true. Trans-individual ethical availability *is a fact* (as is private individual ethical availability) but it is not *the kind of fact* many ethicists intend to refer to as moral facts. Generosity, piety, pride, jealousy, leniency, evilness, empathy are not ontological properties of human states, they are interpretative properties, if at all they are to be called *properties*.

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able to know *what the Summum Bonum is*. Put differently, the Summum Bonum is not only incognised to us — *it is absolutely incognisable*.

One must however admit that the Summum Bonum, in spite of its being absolutely incognisable, *cannot be just nothing*, wherefore it has to be an absolutely incognisable instance of non-nothingness; yet, this could still describe any number of things. Suppose we could name all ethical things of this sort $E_1,\ldots, E_n$. Is the Summum Bonum merely one such thing, or is it a special one? Of course it has to be a special one, for we would not otherwise speak of *the* Summum Bonum, which we do. The Summum Bonum is hence the loftiest one within the set of all ethical things constituting absolutely incognisable instances of non-nothingness. The best we can describe it, therefore, is as follows: *The loftiest, though absolutely incognisable, instance of non-nothingness among all ethical things*. But then, the Summum Bonum is *pure value*, wherefore it *refers to no ontological thing*; it is absolutely incognisable, and pure value is absolutely incognisable; and its most special (*loftiest*) status among all ethical things means it has to be supremely independent of all non-ethical ones.

Whereas, I have all along been referring to the non-uniformity of ethical cognitions; what specifically can be said about it? In this connection I take as apropos Anscombe's (1958, pp. 13-4) example of the person who decides to go by the customs of her ancestors. Should one decide to take such a course of action, one shall be required *repeatedly to overrule* one's own ethical cognitions, in the likely event that these should lead to different judgements than those one's ancestors passed when custom was established. One must not be taken aback if such a decision were not to last very long! "The son embraces a different system from the father", says Hume (1757, p. 152). Many opportunities wherein we refuse to abide by a law are likewise explained by the irreconcilable differences between our ethical cognitions and

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those obtained by she who gets to dictate the law. In fact, unless *I am* the legislator (not in the Kantian, but ordinary, sense) it is the case that all laws given me are the expression of cognitions foreign to my own; wherefore, one shall only behave in accordance with the law where one's judgements coincide with its provisions; wherever else, one shall disobey, or bend, them or search for loopholes, or by and large refuse to act (which fact, alone, was proof for Locke that there are no innate rules). For the same reason, we do not bother asking with respect to petty everyday actions whether they do, or do not, violate *some law* which, perhaps but not certainly, is out there — for we would too often be dashed and mystified by a host of trifling conflicts. We prefer to assume that those actions are rather legally indifferent (even if in fact they are not). This is also why it is impossible, as Anscombe rightly says, to reach a general account of the (I should add, substantive) concept of justice. If any such account were to be general, yet not constitute a mere matter of opinion, it ought to be based upon *collective* ethical cognitions, none of which, as is quite evident, are conceivable.

The non-uniformity of ethical cognitions does not fully account for interpersonal moral disagreement, as the latter refers to differences in judgement, rather than bare cognitions. Ethical judgements reflect the agent's *ethical availability*; which influences not only ethical cognitions — by helping shape the manner the ethical faculty works — but also affects the way reason elaborates on ethical assessments and passes judgement upon such a basis. Trans-individual ethical availability accounts, on my conception, for what Mackie (1977, p. 33) has dubbed the "apparent authority of ethics", which as far as ethical judgements are concerned *is* actually merely apparent or, to quote from him again, "fictitious" — to wit, the empirical part of ethical judgements. Two agents whose ethical availabilities scarcely overlap are liable to face harsher disagreement than two others whose

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ethical availabilities happen to be quite similar; but even in the latter case, disagreement may surface on account of disparate features of character, special qualities of reason and influence of non-ethical motors — in addition to mismatching ethical cognitions.

Now, would someone be warranted in submitting that I have just taken the non-uniformity of ethical cognitions for granted, whereas it is not corroborated, say, by what we know about the bulk of our sense-perceptual faculties? I shall have to admit, in the interest of honesty, that this *could be the case;* but I nevertheless should insist that the burden of proof (*viz*. that ethical cognitions *are* uniform, and that the responsibility for non-uniformity in judgement rests fully with mental subvenients other than ethical cognitions or assessments) is on her who claims otherwise.

We thus arrive at the issue how institutions influence ethical action. Mackie's (1977, pp. 67-ff.) explanation is, I believe, not quite wrong, considering how much his premises differ from those of the present theory. On my account, the influence of institutions upon ethical action ought to be explained as follows:

> *(1)* Institutions elicit such non-ethical motors as fear (of threats, actual or putative), which may pair up with abhorrence (of being punished, or held responsible; here I recall that 'having responsibility' means the possibility of one's being held responsible; where thought of otherwise, such notion becomes indistinguishable with the one duty, which, on my account, pertains to the agent's ethical availability), shame (concerning the opinion of others, which may hurt conceit), fondness (which in the case of institutions, is wrought into more complicated psychological motors such as

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solidarity, love of country, &c.), craving (fuelled by the prospect of gratification), anger (instigated by the weight of domination) all whereof combined often get the best of ethical assessments or, not quite seldom, harmonise with them;

(2) By pertaining to trans-individual ethical availability, institutions influence the shaping of: *a.* the agent's ethical faculty; *b.* the way ethical assessments obtain in the agent's mind; *c.* the agent's features of character and special qualities of reason; and *d.* the way the agent deploys reason in passing ethical judgements. Such an influence derives also from *example* — for, as has been repeatedly pointed out, humans are creatures of habit as much as imitation.

Above at *(1)*, the influence of institutions concerns non-ethical motors, whereby we are speaking of an only improperly ethical kind of influence; above at *(2)*, institutions act upon other ethical subvenients — those as we may call *ethical subvenients proper*, thus exerting a properly ethical kind of influence. That the influence above at *(1)* is only improperly ethical emerges from the fact that other life forms may be burdened with similar kinds of influence — if by rather primal means[19].

One must observe that *(1)* and *(2)* above are not mutually exclusive, wherefore the influence of institutions upon human agents is usually both improperly and properly ethical at the same time.

Definition of ethical availability. I am finally in a position to define ethical

[19] Of course, primal means may be pressed against humans as well, such as in the case of torture and abuse; whereas, means that are less primal (while still being essentially non-ethical) may not be as effective in that which concerns other life forms — I doubt my cat would be tempted to "desire a saucer of mud" if I were to threaten her with severe physical punishment (the phrase in double quotes being Roger Crisp's).

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availability. An agent's ethical availability is the set of ethical references the agent's reason is able to take into account in passing ethical judgements. It is constituted by: *(a)* the set of all the agent's past ethical cognitions (as reflected in the assessments deriving thereof), whose echoes or effects more or less lively linger in the agent's memory; *(b)* the effects of all her past ethical judgements upon her current state of reason, in that these help shape the special qualities of reason involved in passing ethical judgements; and *(c)* the agent's dialectical acquaintance with trans-individual levels of ethical availability — i.e. those shared by more or less extensive groups of individuals, all the way up to the highest level thereof which is that of *general ethical availability*.

Ethical availability provides justifications or reasons for action which (despite not being essential in order for ethical action *to be explained*, see Diagram 1) are instrumental for the pursuit of reasonableness in judgement as well as ethical betterment (see Law No 4, below). The fact that the role it plays in the delicate unfolding of ethically judging proceedings is an ancillary one explains why the *mere thought of duty* by the agent (i.e. the agent's mere believing that a certain level of ethical availability *requires* the performance of such-and-such action under such-and-such circumstances) *does not suffice* to lead her to effect ethical action accordingly.

How is it possible to formulate a concept of *general ethical availability* while still avoiding the risk of showing support for moral dominance? The only way to do so that I can think of is to define general ethical availability as *the status of human good*; or, in other words, as the collection of all known answers to the question, *How to do good, and to avoid evil*? at a given time *t*, and of all previous moral experience leading to the improvement of those answers; and, of all principled studies in Ethics; and, of all principled studies in other

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disciplines, that have lead to an improvement of Ethics. It is easy to note how the idea of this *disorderly, anarchic* repertoire (this "jumble", the word being Sidgwick's) differs from a *moral system* — *viz*. by the lack of any properties that would allow the comparison between it and a system. Yet it *contains*, in a way, all moral systems with their canons, standards, principles, teachings, the works. (All levels of) Trans-individual ethical availability accounts for the historical element of ethical judgements, which undergoes interminable change as human experience unfolds[20].

The above contention that we cannot know pure value leads to the conclusion that we can effect no *perfectly ethical* action. Even if we *were* allowed to know pure value though, perfectly ethical action would still remain an impossibility. The demonstration is simple indeed: Suppose we knew pure value; suppose a perfect ethical assessment (i.e. one based on pure value as the underlying ethical cognition) were such as to satisfy a given combination of moral criteria $S = \{C_1, C_2, C_3, \ldots, C_n\}$ (if the criteria corresponding to pure value are infinite, it suffices to drop the nth term in curly brackets as well as the comma to the left of it); which assessment, of course, would be independent from whatever ontological states of affairs. Following the obtaining of such a perfect ethical assessment by the agent, the latter's character would have to pressure reason into preventing non-ethical motors from fiddling with it; thereby enforcing a judgement which is *identical with the pure ethical assessment* in question; moreover, such identity would have to be preserved under any possible

[20] I must stress that my concept of general ethical availability does not in any way correspond to the notion of universal morality, though one might (if for the sake of understandability) associate it with that which is often described under the heading of *general constraints* (because it contains these, not because it limits itself thereto). As to the possibility of claiming trans-individual ethical availability to correspond to a certain idea of *common ground* or *shared moral understanding*, that seems to be no more than a choice of words (it ought to be no more than a choice of words, for she who grasps what I mean by trans-individual ethical availability) which does not mean, nevertheless, that by trans-individual ethical availability I am merely rephrasing those concepts in my own words.

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circumstances. However: In passing ethical judgements reason does, and has to, take account of *certain* (if sometimes merely fancied) circumstances — for *we do live under circumstances* — wherefore no judgement can be expected to pass identically where a change of circumstances is in place. *Circumstance-independent* ethical judgements are humanly inconceivable. That it is impossible to act in perfectly ethical fashion follows straightaway.

The question, however, arises: Can we nevertheless get *ethically better* (i.e. less imperfectly ethical)? It does not take much to press the point (the running theme in the Meno), as I have already approached the main shortcomings making us less than perfectly ethical. Therefore, one *can* get ethically better, provided that: *(1)* One seek to perfect one's ethical faculty by mitigating the interference pre-existing ethical availability exerts upon it — with there being no hope that complete uniformity be ever achieved (with the same holding true as to "convergence" in ethical judgements and the "univocal" understanding of moral concepts) and certainly, without pre-existing ethical availability *being brushed aside*; *(2)* Non-ethical motors be kept under control wherever one be in the proceedings of passing ethical judgements, which also may be put thus: One let character, instead of non-ethical motors, preside over the passing of ethical judgements; *(3)* One pursue one's coming closer to pure value which — given that the Summum Bonum, if it only were cognisable, would *uniformly* be so — means one seek to mitigate the indexicality of one's ethical judgements[21]. This may be done by making sure one seeks to reach non agent-indexed judgements while shunning agent-indexed ones. This shall lead in due course to the fight against 'slanted ethe'.

The above enthymematically conceals an assumption we by all means ought to bring out in the open: That one may only speak of better — and accordingly, worse — but not of

[21] It is precisely insofar as an Ethics of betterment is founded upon an idea of *growing uniformity* that it cannot be termed 'egoistic' — not even in the sense the term is applied to Spinoza.

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best, or *worst*, ethical judgements, or actions; and that the notion of intrinsic value in action is only sound where used to compare between actions — not to ascertain the absolute intrinsic value of an action which is, on this account, unascertainable[22]. For this reason, all attempts at establishing definite criteria for the (norms-, reasons-, or properties-based) moral evaluation of actions, or things, even if only to compare these later upon the basis of such very evaluations — which is done usually in order to *steer* and *regulate* conduct by means of the establishment of moral *requirements* and *demands* — have failed their claim to pre-eminence; and, if one has paid attention to the theory that has just been presented, one should have no difficulty understanding why that turned out so, for Ethics is not *all about* anything, except perhaps being human[23]. It is of lesser importance, in point of fact, what Jim ought to do than that which Jim *will do*; and there is no figuring out what that is going to be unless one understands how Jim *works*. Wherefore, the fact what Jim *does* is more fundamental than the one what he *ought to do*, which means the former must more tenaciously be the object of philosophical inquiry than the latter.

For the purposes of what is left of this essay, I should like to introduce the following

[22] It might strike one as odd to speak of *absolute* intrinsic value, as *intrinsic* value may already (although not necessarily) be understood as absolute. The latter conception of intrinsic value is, in my opinion, out and out untenable; for to say that something has absolute value means the thing in question has value in spite of there being any experients to evaluate it. But anything which is taken to be valuable can only be done so *humanly*; so how could it still be valuable if *humanly* were not a thing? Nothing as such is important to the Universe, says Williams (1985, p. 182); man is the measure of *all ethical things*. I hold no objection to saying that a thing, or action, has *relative* intrinsic value; that is, a *value of comparison* endowed with intrinsicality, or "internality" to use Moore's word (though not in his meaning); I, above, speak of intrinsic value precisely in this sense. Such a conception must not be understood as being at variance with the postulate that all human beings have absolute, in addition to intrinsic, *Wurde*: So long as it be clear this is a *postulate*, if a very important one. I would venture say this is *the most important postulate of general ethical availability*, and must be considered as its capital element if ever a theory of general ethical availability were to be sketched out.

[23] To the blatant, notorious failure of all (first-order) moral constructs' claim to pre-eminence the fact bears witness that the lot of them (with the inclusion of eclectic ones, which because of their eclecticism have no less of a claim to pre-eminence) lend themselves to being sorted out by extensional equivalence and taxonomised in a multitude of fashions. These novel taxonomies, though clever as they be, aim no less (or maybe they do so even more) at achieving an "algorithmic ideal" (Berlin and Williams' expression) for practical decision than the very constructs that they taxonomise.

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notation which applies to comparisons between actions, states of affairs, or whichever other comparisons: *(+)ethical*, by which I mean 'more perfectly ethical'; *(z)ethical*, by which I mean 'zero change to ethicality'; and *(-)ethical*, by which I mean 'less perfectly ethical'. Furthermore, in what follows by 'ethos' I mean a chain of judgements which habit leads the agent to pass, characterised by a certain pattern according to which the agent, more often than not, passes ethical judgements.

4. Five Laws of Ethics

'Laws', where the term is applied in a discussion about Ethics, means one of at least three things. In the first instance, 'laws' means institutions — whatever their origin (secular, mystical, &c.) — such as *permit*, *compel to*, or *forbid*, ethical action. In the second instance, 'laws' means acts of the will imposed by the agent upon herself — this obviously being the Kantian sense. Both these kinds of laws rely either "on the human will" or "on the will of some being" (Moore 1912, p. 149). In the third and last instance, 'laws' stands for established theoretical relations sewing ideas belonging to a theory together. It is in this latter sense that I mean to utilise the term; wherefore, the laws presented below are not meant as go-by dictates, whence no one can conceivably choose to obey them. They follow from the theory just expounded and may be thought of as another way — a simpler, naiver one — of presenting it. At the same time, their unravelling conveys something that said theory does not, in and of itself, do.

(1) *No chain of agent-dependent ethical judgements can deliver ethical betterment*.

Insofar as one abides by ethical judgements that either give way quite amply to non-ethical motors, are secondary to private individual ethical availability only, or reflect

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the rationalising of circumstances in a way that highlights one's very condition, *(z)*ethicality alone can ensue. Such chains of judgements most clearly illustrate the confusion between the roles of Ethics and Aesthetics; *(z)*ethicality follows as ethical judgements tend to degenerate into indifference wherever taste is to defeat character. In this connection it must be noted that all judgements of opinion or of mere morality bear either (where they refer to third persons) aesthetic nature or (where they refer to the agent herself) quasi-aesthetic one. Such judgements are fundamentally agent-dependent, wherefore chains thereof are *(z)*ethical.

(a) Should one stand by any *pro se* ethos, one shall have to give assent to the hypothesis that an unacquired perfect ethos (i.e. one that is innate and yet does not deserve, or call for, ethical betterment) can exist; for, if one were to stand by a *pro se* ethos, yet contend that all individual ethe admit of ethical betterment, one shall be conceding that no *pro se* ethos can be perfectly sound, and shall not therefore be able to stand by one.

(b) *Pro se* (also, "proper-name-based"; "incoherent"; or "biased", as they have been called) ethe are characteristically *slanted*. Three sorts thereof may be identified: *i.* the 'allegiance-based' ethos, which arises in connection with chains of *preferential judgements* benefiting the agent's allies; *ii.* the 'warrior' ethos, which is connected with chains of *polarising judgements* directed towards constituents of an *us group* as opposed to a *them group*; and *iii.* the 'queen's' ethos, under which the agent passes *solipsistic judgements* in her own favour by failing to have regard for *non se* agents.

(2) *Moral utterances can be made sense of only* de dicto, *not* de re, *as they have no trans-*

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world identity. No ethical judgement is constant over all relevant possible worlds. While character and non-ethical motors are necessary, ethical cognitions, assessments and ultimately actions are, unquestionably, accidental[24].

(a) The content of moral utterances is such as to beg its truth conditions and is, therefore, not truth-apt. Moral utterances may be made sense of (if at all) intensionally, but not extensionally. Such a syllogistic assertion as, "*Φ* is good for *(a) γ* is good and *(b) φ* is sufficiently similar to *γ*" *is* analysable and may be made sense of intensionally. However, the truth conditions for *γ* being good remain unanalysable; any *truth* therein belongs to the agent and to the agent alone[25].

(b) Elements of trans-individual ethical availability may be of old, or new, force. *Time* puts elements of trans-individual ethical availability to the test and is thereby capable of rendering them *(+)*ethical; so that if, in time, a certain such element is retained as part and parcel of trans-individual ethical availability, it is then likely closer to the Summum Bonum than another one which at some point *got revised away*. Trans-individual ethical availability elements of older force are thus *(+)*ethical than those of newer one. If this however would seem to strike a chord

[24] It might be objected that as the ethical faculty is immanent to the agent, ethical cognitions too are, at least in a sense. This is not however what experience teaches us: We are often plagued by a certain ethical delusionality in certain matters, concerning which our ethical assessments seem to bounce back and forth, especially where a certain ethical opportunity presents itself to us entirely *de novo*, and no references matching it seem to be retrievable from our ethical availability.

[25] Again (as said before at fn. 18 on p. 22) if someone were to argue that it is a truth condition for *γ* being *μ(-μ)* that *γ* be in line with some level, even if merely individual, of ethical availability (e.g., 'Murder is wrong because it is forbidden at law' or '...because I always thought it was wrong'), I would hold no objection against that, but it is not this kind of claim that the controversy about truth conditions of ethical assertions really revolves about. It really revolves about the possibility, to quote (or more precisely, misquote) Hare's words, of making ethical assertions that are able not to enclose any "substantial moral claims" and yet not merely "signal…moral standards" (1997, p. 54). Now, if one were to accept that moral utterances do provide their own truth conditions, yet allege that where a moral utterance changes it is merely a matter of its truth conditions having changed (as Hare 1997, p. 59 suggests) then I must confess that I am baffled at whatever one means by 'truth conditions' in the first place.

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on behalf of moral conservatism, quite the contrary: all I am saying is, certain reiterated, interpersonally-reinforced ethical cognitions end up transmuting into elements of trans-individual ethical availability and accrete over time onto what we call *civilisation*; whence it is both time-honoured, and progressive, to oblige to them.

(c) As the Summum Bonum is independent of any ontological states of affairs, *endless conviction* would be required for a *perfect* ethical assessment to obtain. By a reference to 'endless conviction', the following is meant: That, if one were to pass ethical judgement on the same ontological state of affairs, again and again for an infinite number of times; and if, on all such occasions, the same judgement exactly were passed, no matter how much the circumstances changed; then one *would have achieved* endless conviction, for one's judgement would then have become independent of any ontological states of affairs.

(d) It is plain that endless conviction is unachievable; therefore, no promise of an ultimate moral equilibrium or state of coherence can ever be fulfilled. So, even where I act *with conviction* (let it be as strongest a one as I can have), I still do so, for I have also judged, upon the basis of *imperfect* ethical assessments; and where I act with certainty, let it be reminded me that "this certainty is my own" (Wittgenstein 1969, # 174 at p. 25/25e).

(e) Although it is possible to assert no falsehood of ethical judgements, it *is* possible to do so incongruousness. Ethical incongruousness, as a rule, is time-dependent, for ethical availability is changing, rather than fixed. The time-dependency of ethical incongruousness brings itself to the fore in the inconstancy of moral

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standards; the notion that paying a bribe to secure a business contract in a Third-World country was acceptable belonged to trans-individual ethical availability in the 1960s, whereas it no longer does in 2018[26]. An example of timeless ethical incongruousness is, "Killing an elf is wrong"; whereas, "Tightening a screw is not wrong" would be an example of ethical over-assessmentality, as the prospective action of tightening a screw, in and of itself, is not ostensibly an ethical opportunity upon which ethical judgement is supposed to be passed and is, therefore, *per se* expected to kindle no one's ethical faculty (one should not, however, conclude that such an action is altogether indifferent until one is presented with the full facts of the case).

(3) *Moral uncertainty is of the essence of Ethics*. Given that the possibility of cognising the Summum Bonum is "absolutely hopeless", to use Wittgenstein's (1965, p. 12) words in a similar context, ethical likelihood alone is humanly achievable. As ethical cognitions are not uniform, no claim to the objectivity of moral judgements is tenable. Wherever one thinks that a certain *φ(-ing)* is *μ*(*-μ)*, an *it-might--be-otherwise* clause is rather involuntarily implied. The *unlikely fraction* of each and every ethical judgement is cemented with, and inseparable from, its very *likely fraction*. This, precisely, is why the rationalising of circumstances is relevant to ethical judgements: by rationalising circumstances, one is given the chance *to abridge indexicality*[27]. The

[26] As the Fregean definition of 'thoughts' is on all fours with the notion of *standards prone to be passed forward*, his green leaves example (1918-9, pp. 309-10) and his explanation of the time-dependency (if also timelessness) of 'thoughts' (again, on his definition) square particularly well with the above reasoning.

[27] As Frege (1918-19, p. 306) says, "contrary to widespread views, we find certainty in the inner world while doubt never altogether leaves us in our excursions into the outer world". Considering that ethical judgements draw from, whereas they also end in, the outer world, it is but natural they be surrounded not by certainty, but instead by doubt.

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uncertainty of ethical judgements means that multiple judgements are *compossible under any given set of circumstances*, for "[n]o state of affairs has, in itself…the coercive power of an absolute judge" (Wittgenstein 1965, p. 7). One may thus speak of a L_E (likely ethical) zone of action as well as of an U-L_E (unlikely ethical) zone of action, within either of which human agents find themselves often in turn, but scarcely never — let alone all the time.

(a) It is, therefore, silly to praise a given ethical construct on account of its either furnishing definite — let alone definitive — answers to moral questions or providing irrefutable (even objective) moral standards or principles. All kinds of fanaticism, bigotry, moral fetishism and obsession, and even heated moral debate may on the same ground not unjustly be tallied as silly. Ultimately, no one can be morally *right* about anything[28].

(4) *Afortioriness is the foundation of ethical betterment*. Betterment is, as the name indicates, a dynamical idea; it amounts, therefore, to a kind of movement. Betterment does not obtain, it *is obtained*. As (per above) no such thing as perfectly ethical action exists, it is inconceivable for human agents, let alone in any aprioristic way, to be(come) ethically perfect; wherefore, the idea of afortioriness — understood as a mixture of posterity, forward pace and evolution — must needs be brought into play if the one ethical betterment is to be correctly framed[29]. Afortioriness manifests itself

[28] I gather how fishy and treacherous statements like the above one can be; sometimes however, even fishiness and treacherousness are worth putting up with — as when Wittgenstein says, "Doubt itself rests only on what is beyond doubt" (1969, # 519 at p. 68/68e); 'Well then, Professor, now — Is *that* beyond doubt?' — the sophistic smarty-pants. Such an obnoxiousness is part of the language-game; one's failure to condone however, on complaint of raw paradoxicality, a clear affirmation as to the overwhelmingness of uncertainty in (moral) life simply reflects one's putting the rules of the language-game ahead of one's interlocutor's speculative freedom.

[29] Though I, above, implicitly allude to aprioriness, which makes it seem as though I am running counter to Kant (which I am), it remains to be noted that he himself maintained (in his doctrine of the "Methods of Ethics" — his phrase, not Sidgwick's) that virtue can be *taught* by means of dialogue and "catechising" (Kant 1797, pp.

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primarily by means of the *expansion of ethical availability*; which can be achieved, *inter alia*, by one's devoting oneself to the study of ethical doctrines and theories. But apart from that, one at some point shall have to resort to *second-guessing*.

(a) Second-guessing, on my account, is the chief a fortiori tool (the studying of ethical doctrines and theories not being exactly a 'tool') that services the idea of ethical betterment. It functions as a bridge to the *(+)*ethical realm, for it contributes to the agent's circumventing non-ethical motors in the search for purer ethical judgements (i.e. such as are more faithful to the agent's bare cognitions). The modus operandi of second-guessing is characterised by the stretching of ethical judgements thin so as to reveal the ethical assessments upon which they were based, for an ethical assessment is the thinnest an ethical judgement can be stretched into without becoming devoid of moral content. Second-guessing is therefore only effective as an a fortiori tool towards ethical betterment where it is able to expose the purity of an agent's ethical cognitions, thereby helping to assuage the influence of non-ethical motors, and taste, upon reason.

(b) Second-guessing may be either monologic or dialectical. Self-second-guessing ('SSG') is of the first kind, while third-person second-guessing ('TPSG') is of the second. SSG is primarily geared at helping improve the agent's ethical faculty; TPSG will do much the same for her special qualities of reason (especially, those involved in taking account of circumstances), as well as in order to improve the agent's awareness about trans-individual ethical availability — by conveying the agent elements thereof of which she is potentially unaware. Both tools may act

538-9 at 6:411-2 and p. 591 at 6:477-ff.) without caring to point out that such idea is completely at odds with his submission that the moral law is aprioristic and, therefore, cannot be apprehended from experience.

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interchangeably: SSG may help improve the agent's special qualities of reason, whereas TPSG too may help her sharpen her ethical faculty. The most precious form of second-guessing an agent can cultivate is precisely SSG in its double capacity, be it because it enables the agent to work on her own ethical betterment, or tends to ameliorate her ability to exercise TPSG to the avail of others. None of the above, nevertheless, implies that second-guessing is an infallible tool; and where misused, for example at indoctrination, it can give rise to the very opposite of ethical betterment. Second-guessing can still be used misleadingly, while it can also act putatively — such as where agent *A* assumes that agent *B* has indeed suggested *A* a course of action whereas *B*, in point of fact, has made none such suggestion.

(c) By deploying reason in passing ethical judgements, one at most can aim at achieving what is reasonable. Although this seems circular, it is not so; for, by 'reasonable' is meant the *ὀρθὸς λόγος*, which Anscombe (1958, pp. 15-6) associates with that which today is meant by reasonable. A general account of 'reasonable' is, *That which satisfies reason* — i.e. whatever pleases reason at a certain time under a given set of circumstances, or in other words the *persuasion that works for the moment being*. No persuasion shall work permanently, for what is reasonable or unreasonable is changing, rather than fixed (Wittgenstein 1969, # 336 at p. 43/43e; see also # 612 at p. 81/81e).

(d) It is by (self-)persuasion alone that such interpretative notions (belonging to ethical availability) as obligation, duty and responsibility or, on a parallel account, reasons and/or justifications for action (especially, such as are the contents of

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urgings, recommendations and caveats) can penetrate into ethical judgements — considering how immaterial they are within the fabric of pre-rational ethical subvenients (see Diagram 1).

(5) *The strengthening of features of character conduces to ethical betterment*. It constitutes part of character's role to enforce the agent's bare ethical cognitions in the face of non-ethical motors — and indeed, to *chaperone* the passing, by reason, of ethical judgements, so as well to counteract the pressure of taste. The specific features of character which lead to the fulfilment of such a role, as well as their detailed functioning, cannot be scrutinised here. Suffice it to say that the law may be clearly stated that, as character is brought to a more prominent role within the proceedings of passing ethical judgements, ethical betterment shall of necessity ensue. The aptness of ethical judgements to be faithful to the agent's ethical assessments and the respective underlying cognitions and, accordingly, the agent's minimising the influence non-ethical motors and taste exert upon reason within the relevant proceedings are indicative of what I hereby name *ethical transparency*.

It follows from Laws No 2 and 3, above, that all philosophical attempts at justifying or vindicating morality are doomed to be unsuccessful, whence anyone concerned with such attempts ought in earnest to either abandon, or refrain from entering into, them. And it follows from Law No 4, above, that moral conservatism is unfit to deliver ethical betterment. Moral conservatism, therefore — in all its forms, including (and especially) the one of immutable custom — is irremediably *(z)*ethical. The expansion of (trans-)individual ethical availability both involves and requires moral experimentation. Endorsing moral experimentation thus reveals itself as a priority for any political societies looking forward to

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their ethical betterment. Wherefore, the importance of promoting *the Alternative*, as a first step towards *the Diverse*[30].

Conclusion

The above theory concerning ethical things and ethical action, together with the Five Laws that append to it, has the potential to clear the air from much senseless disputation. Its strong points are: *(1)* It worries not how human actions *ought to* be judged, it worries how an agent judges and acts upon the basis of her judgement; and, in thus worrying, it forfeits all reference to intention or the ends of action; *(2)* It does not resort to empirically assorted values and is not culture-specific, whence it sits rather badly with moral dominance; *(3)* It breaks down ethical judgements into what are likely their most elementary bits and pieces; *(4)* It refrains from overemphasising the role of reason in passing ethical judgements, while still according it an active role; *(5)* It is particularly unaffected by such notions as duty, obligation or virtue; *(6)* It has no theistic appeal whatever.

The theory is thoroughly incomplete as it stands, but time permitting, its development should materialise without much difficulty.

[30] It would be impossible, at such a preliminary stage, to give a full theoretical account of whatever is meant by 'moral experimentation', '*the Alternative*', or '*the Diverse*', although I believe I have said enough already in order to situate these ideas with reference to the ones I have effectively dealt with in this essay.

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