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# Morality: Creating Right and Wrong

by

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Abstract

Gary Smith

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It is my objective, in this thesis, to present an imagined process by which the human species could have come to objectively value certain forms of moral principles from the ground of subjective self interest and thereby develop moral agreements. What could motivate us to reflect upon, and subsequently act, with goodwill towards others?

I have attempted not to presuppose or assume any natural inherent characteristic other than the limited desire for self preservation and standardly recognized cognitive capacities. In the cognitive context I suggest that most, if not all, would agree that we sense and thus perceive our world as do all other species. Further, I suggest that, although we may have developed our reasoning capacities to a substantially greater degree than other species, many other species reason to some degree. Consequently it would seem that neither senses nor reasoning nor both interacting are sufficient ground for constraining our actions in the interests of both ourselves and others. If they were, then one must ask why only our species has come to value moral constraints on the way we interact. The only cognitive process which seems substantially unique to our species is the capacity to imagine. It is with this capacity that we are capable of envisioning the perceived world to be otherwise and to apply our reasoning capacity to those alternative visions to determine whether they are possible.

I am, in this thesis, imagining a way in which the human species might have developed substantive concern for others. As this is a philosophical thought experiment, I have not researched either biological or anthropological evolution. Nor are any of my illustrations of circumstances or individuals based on actual, historical fact. I am simply suggesting that this is a process through which humans may have come to value each other through time and circumstance and holding that given the natural facts about us it is rational for us to have come to have such values.

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## Preface

This thesis resulted from my reflections on two apparently incompatible facts: the widespread belief that there are absolute moral requirements and the failure of philosophers to be able to account for the existence of such requirements. This thesis presents an imagined state of affairs through which humans may have come to create moral requirements. This is my attempt to make a contribution to the reconciliation between these two facts.

I would like to thank my thesis supervisor, Dr. Sheldon Wein, for his patience, assistance, and encouragement with this thesis. Further, I would like to thank Dr. Duncan MacIntosh and Dr. Chris MacDonald for their careful reading of my thesis and, consequently, the many valuable changes they both suggested. Finally, I would like to thank my daughter Emma, my partner Sherry, and my friend Paul for their respective support and contributions, particularly listening to me endlessly go on about one idea or another.

## Chapter 1

### Introduction

Morals, it is argued herein, are the most important consequence of man's capacity to imagine. Every higher animate species exhibits the desire to survive and each, to a greater or lesser degree, has evolved with physical and mental characteristics which enable it to satisfy that desire. Those species which lack the requisite capacities in sufficient quantity cease to exist as a species.<sup>1</sup> If there is one predominant characteristic of species in our world I suggest that it is the desire to eat and to avoid being eaten. It seems historically evident that all animate species spend their entire lives focused on these two activities. It is within this world, sometimes called the state of nature, that Thomas Hobbes claimed life is "solitary, poor, nasty, brutish, and short"<sup>2</sup>.

For nearly all species their physical characteristics seem to be the predominant capacities which determine their ability to survive. Every living organism, animate and inanimate, has some degree of capacity to respond to its environment. It is within these sensual capacities that instinct reigns supreme. Every species responds sensually to its environment in one of two ways, propensity towards, or aversion from, the existent state of affairs. This requires nothing more than a sensual capacity to respond with positive and negative sensation. There is no precedent right or wrong, good or bad, correct or

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<sup>1</sup> For a good pre-Darwinian statement of this and its role in our moral development see, David Hume, *A Treatise of Human Nature*, 3.2.2.

<sup>2</sup> *Leviathan*, Chapter 13, Section titled *The Incommodities of such a War*

incorrect; only antecedent consequences determine the success or failure of response. Purely instinctive response to an external environment through sensual capacity is the demarcation line between animate and inanimate living organisms.

A purely instinctive sentient being, a plant, is physically inanimate. It lacks the capacity to physically move from an adverse environment. It is capable only of sensual response; and its survival or failure depends entirely on the external conditions.

All animate species have the additional capacity to avoid or embrace their external conditions, to move towards or away from things based on data received by means of their sensory capacities.<sup>3</sup> For many animate species the propensity towards, or aversion to, a state of affairs is predominantly sensual; however they evidently develop some degree of preference. Even the lowly worm will, when given two edible substances, move towards one more frequently than the other; and it will seek protection in darkness when confronted with light. Some inherent instinctive response seems to evolve even in apparent lack of cognitive capacity. As the cognitive capacity of reasoning evolves in certain species the ability to judge the merits or demerits of sensual indicators becomes evident. No one could today deny, as a consequence of the studies of behavioural scientists, that many animate species apart from humans have the capacity to reason to some degree. It is clearly evident that wolves not only improved their chances of

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<sup>3</sup> This is not the way contemporary biologists draw the distinction between plants and animals. It is Aristotle's way of drawing the distinction.

success by hunting in packs, but also by communicating to determine individual roles during the hunt. As early as 1874, when Charles Darwin wrote *The Descent of Man*, it was possible to provide many examples of communicated cooperation between various members of the same species to secure protective or otherwise desirous outcomes. Although many prominent philosophers have suggested either the capacity to reason or highly evolved emotive capacities as the distinguishing characteristics which underlie the moral evolution of the human species, it seems historically evident that many other species exhibit these same capacities to some degree, and in some cases these capacities are fairly well developed. Members of these species exhibit preferences and act upon those preferences. Given that this is so, one must wonder if there is not some other characteristic, more developed in humans than in other animals, which provides the ground within which our morals evolve. Why don't the other species who exhibit both sensual and reasoning capacities also evolve moral evaluations?

The one area of activity which seems substantially unique to humans is the capacity to cause the existent state of affairs to change. Our sensual capacities, not unlike any other animate species, provide us with perceptions of our external world; and we share with other species the concurrent instinctive ability to respond to that world. Our reasoning capacities, again not unlike many other species, provide us with the ability to evaluate those sensual perceptions and to form judgements to direct our actions. It is with our imagination, however, that we have the capacity, unique to humans, to envision that the

perceived state of affairs might be otherwise.<sup>4</sup> Once the alternative state of affairs is envisioned our reasoning, correctly or incorrectly, advises us of the possibility or impossibility of achieving this altered state of affairs.<sup>5</sup> I suggest that, unlike other species, we create, through our imaginative capacity, alternative possibilities.<sup>6</sup> I submit that it is this capacity that provides our species with the ability to survive and flourish. Just as we imagined and created tools and weapons in our early development so we concurrently imagined and created rules of conduct. Today, as our creative capacities provide us with technological developments which would have seemed unimaginable only a century ago, we more than ever must realize the immense responsibility which accompanies the capacity to create. The ramifications of moral creationism go directly to the heart of survival, not only of our own species, but of all living species.<sup>7</sup>

Moral absolutism presupposes that there exist moral rules of conduct which we are obliged to obey in our conduct toward one another. These are objective, universal, and eternal rules which we discover a priori through our

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<sup>4</sup> Non-human species may have some degree of imaginative capacity. However, it is my view that no other species has evolved this capacity to anywhere near the capacity of humans.

<sup>5</sup> Our reasoning tells us other things, such as the means by which the state of affairs might be realized and the cost, in terms of other things we value, of making the effort to realize that imaginary state of affairs.

<sup>6</sup> Other animals rearrange materials to create things such as bird nests or beaver dams however none seem to alter the materials themselves.

<sup>7</sup> Moral Creationism is a term which I have coined to describe the process through which humans develop moral values. I clearly recognize that the term could be, in a traditional sense, confused with a morality emanating from theological belief. However, as I explicitly reject throughout the thesis any possibility that our morals emanate from a god, gods, or any other metaphysical force. I am satisfied that the term describes exactly that to which I refer. I am very simply stating, and arguing, that our morals and all of the values we attach thereto are created by humans through their unique capacity to imagine.

capacity to reason. Conversely, moral theorists influenced by David Hume presuppose that we respond, through our original passions, to the world as it is, and act towards those anticipated consequences which we deem to be attractive and away from those which are deemed repulsive.

If we adhere to moral absolutism we move into greater and greater moral conflict with the world we create. We have a rigid set of rules directing our actions which rules can become obsolete in an ever changing world. This rigidity is tantamount to adherence to a flat earth theory or an earth centred universe. Conversely, as the adherents of moral absolutism point out, if we adhere to a Humean account of morals then our morals may be nothing more than subjective responses to attractive or unattractive outcomes.

In this thesis I will argue that ethical principles and the moral codes of conduct derived from those principles are ever evolving. This process is due to the unique human capacity to imagine and thereby to decide to create alternative states of affairs. I will begin by examining the work of four important thinkers: Thomas Hobbes, Robert Nozick, Immanuel Kant, and David Hume. In each case my object is not to provide a detailed account of the views developed by the thinker I am examining. Rather, I use their works as a mine from which I draw various nuggets that are of interest to me. Other gems are ignored, not because they are of no philosophic value, but only because they play no role in the argument of this thesis.

I begin with an examination of Thomas Hobbes's *Leviathan* with the express objective of illustrating that his First laws are dependent upon

presupposed naturally constituted characteristics which are not unique to humans. One must then ask why, if other species share these same characteristics, did those other species not develop moral evaluations and conduct. I then examine Robert Nozick's views on justice found in his *Anarchy, State, and Utopia*. My purpose is to identify those aspects of his just entitlement theory which are of use to me. I will make no use of those parts of his theory which are built on presupposed natural laws delivered by God and articulated by John Locke.<sup>8</sup> (Such views have, in my opinion, no firmer ground than the Hobbesian first laws.) As I am unable to find any firm substantiation for moral conduct emanating from natural laws delivered by God in either of the preceding books, I turn to Immanuel Kant and his elaborate analysis of reason as the ground for moral conduct. I hold that Kant's view presupposes a design complete with designer intent in the natural constitution of particular capacities. However design with intent implies the existence of a designer, a designer which Kant not only fails to supply but specifically denies. Since Kantian reason will not serve as our moral ground I turn to Humean feeling as the influencing characteristic which directs our actions in the moral sense. Although Hume seems, in his consequentialist sense, to be much closer to how we actually respond, he presupposes that ideas and perceptions are somewhat synonymous. However, if an idea is little more than a perception, and if it is evidently clear that many other

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<sup>8</sup> It should be noted that I have not undertaken any analysis of the work of John Locke in this thesis. Any references to Locke's natural laws as prescribed by God were occasioned by Robert Nozick's reliance upon Locke's doctrine of natural law. I have taken away God in my argument for a human created morality. Consequently I have not included a careful account of Locke's work here.

species perceive, then why did the other species not develop similar morally evaluative conduct? Finally I present my own position that it is the concept of the idea developed in the imagination, as distinct from direct perception, which is the cognitive capacity uniquely evolved in humans. Because we can view the world perceived as otherwise and can then apply reason and desire to cause the imagined other state to obtain, the human can develop moral conduct. It is the confluence of our cognitive processes of sense perception, imagining otherwise, and reasoning that yields moral creationism. In this way humans develop meaning through evaluation in an otherwise meaningless world. We then come to believe in the values we have created in an intense way as the repetition of the beneficial outcomes prevail. Although these values evolve in different ways in different cultures and geographic conditions and consequently entrenched beliefs conflict, we know that we can mitigate the conflicts through this creative capacity.

The concepts of *intrinsic* and *instrumental* value and the related concepts of *objective* and *subjective* value play important roles in this thesis. Accordingly, it would be best if, at this point, I say something about how these terms will be used in this thesis. Something is of *intrinsic value* when it is valued for its own sake (rather than as a means to something else). Something is of *instrumental value* when it is valued as a means of obtaining something else. Of course, one and the same thing can have instrumental value for one person and intrinsic value for another. I value my daughter intrinsically, her existence matters to me for its own sake. But you may value her only instrumentally, as, say, someone who will

mow your lawn in exchange for ten dollars. This distinction between intrinsic and instrumental value, is not to be confused with the distinction between subjective and objective value. Something has *subjective value* when its value derives from the fact that somebody values it. Something has *objective value* when its value is not dependent on the fact that someone (indeed anyone) values it. So, whenever someone values something (whether they value it for its own sake, that is intrinsically, or as a means, that is instrumentally) that thing has subjective value. (At least it has subjective value as long as the valuer values it.) Besides subjective values, some people think that there are objective values. That is to say, they think there are things that are valuable and that this value inheres in them independently of whether or not anyone recognizes this fact. My thesis does not make the claim that there are any objective moral values. Nevertheless, I claim that *the belief* in such values serves important human purposes and that this belief arises in a way that can be explained by a simple evolutionary story. Thus, my thesis is that for imaginative creatures like humans, the belief in objective values is of great instrumental value to us.

The concept of an *agreement* is integral to the development of this thesis. As the use of this term has potential for confusion with the term *convention* I feel that it is essential to provide a clarification for the reader.

David K. Lewis, in *Convention: A Philosophic Study*, provides an exhaustive comparative analysis of the use of the terms *agreement* and *convention*. Lewis states, “construing agreement generously, maybe all

conventions could, in principle originate with agreements.”<sup>9</sup> The problem which emerges over time with the preceding generous construal of ‘agreement’ is that, after a few generations, none of the parties adhering to some substantive version of the original agreement participated in the making of the agreement.

Lewis addresses this problem when he states,

to say we act as we do because we once agreed to would be badly misleading. It suggests that our agreement continues to influence our actions directly, just as it did at first; actually its major effect is transmitted through a growing casual chain of expectations, actions and so on. The direct influence fades away in days, years or lifetimes.<sup>10</sup>

Over time we forget our agreement, we cease to feel bound by old promises, or we leave the population, and are replaced by heirs who are not party to the agreement. Conversely, the indirect influence of the agreement is constantly renewed and in time it comes to predominate.

Although there would seem to be an indefinite number of types of agreements in the broad sense, I am, in this thesis, referring to a particular class of agreements, those with normative influences. In this particular class we agree to conduct, or constrain, our actions so as to be in the hoped for best interest of all parties to the agreement. It is the constraint characteristic which is the important distinction. If each of the parties adheres to the constraint, willingly or through third party enforcement, then all will be protected from some perceived or actual harm. These normative agreements, constraining the conduct of all for the, at least theoretical, benefit of all, do not fit well into the distinctions

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<sup>9</sup> *Convention: A Philosophic Study*, David K. Lewis, page 88.

<sup>10</sup> *Convention: A Philosophic Study*, David K. Lewis, page 84.

presented by Lewis when comparing agreements and conventions. Essentially, and particularly if they serve their purpose through time, they are both, and therefore are agreements of convention. Initially we value the outcome of this type of agreement if the outcome is substantially as anticipated in the making of the agreement. Subsequently we come to value both the outcome and the agreement which ensures that outcome. Lastly, as we develop this type of agreement over time we refine and come to value the process which leads to the agreement as well as the agreement and the outcome.

I am not attempting to suggest that all such agreements survive through time and circumstance. What we come to value intensely are those agreements of this type which do survive through time and a variety of circumstance. Nor am I trying to suggest that this type of agreements stands unaltered through time and circumstance. We amend these agreements, but only under intense analysis and scrutiny, which is a testament to how much value we place upon them.

Consequently, the agreements to which I refer herein are agreements of a normative context which we may, or may not, amend through circumstance and over time. These amendments may be by tacit agreement or implicit evolution. In this context they take on the character of conventions and therefore I will consider them, herein, as normative agreements of convention. Perhaps nothing can illustrate this type of agreement better than a constitution amended over time and through circumstance.

As I am arguing herein that normative agreements of convention evolve, it is also necessary that I clarify for the reader the proper role of evolutionary

explanation. To this end I am deferring to an analysis of the evolution of normative capacities, specifically in humans, as presented by Allan Gibbard in *Wise Choices, Apt Feelings: A Theory of Normative Judgement*.

Gibbard specifically focuses on rationality as the primary capacity which allows us to make wise choices in the evolutionary context whereas I am focusing on imagining alternatives in the same context. However, Gibbard's analysis of the role of rationality is germane to the evolutionary explanation in my thesis. Gibbard states that, "The rational act is what it makes sense to do, the right choice on the occasion,"<sup>11</sup> and "To call something rational is to express one's acceptance of norms that permit it."<sup>12</sup> I am arguing herein that, in the Humean sense, reason and rationality, although inactive, inform our judgements when making choices from our imagined alternatives. Although most of our decisions to act or to agree with others to a mode of conduct are made without full information at the time, we revisit those decisions in an evolving way when substantive pertinent information becomes available, particularly when addressing normative agreements of convention.

Gibbard is searching, as I am, for a grounding for ethics.

Notwithstanding the brilliance of Kant's *Grounding for the Metaphysics of Morals* which I address later in this thesis, I must agree with Gibbard that, "No one has been able to show how the foundations of ethics can be laid a priori,"<sup>13</sup>

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<sup>11</sup> *Wise Choices, Apt Feelings: A Theory of Normative Judgement*, Allan Gibbard, page 7.

<sup>12</sup> *Wise Choices, Apt Feelings: A Theory of Normative Judgement*, Allan Gibbard, page 7.

<sup>13</sup> *Wise Choices, Apt Feelings: A Theory of Normative Judgement*, Allan Gibbard, page 25.

Nor, as Gibbard further points out, does reflective equilibrium which presupposes an ideal state wherein we can consider everything, ever fully obtain. It simply does not attach to the real world. We cannot know everything fully in any instance let alone every instance.

I hold that most evolutionary explanations do not attach to the world without the necessity of substantive presuppositions which are required both by Kantian ethics and by reflective equilibrium. As Gibbard points out, and as I argue herein,

Evolution has tended toward giving a person capacities that would best advance his reproductive prospects. Humanity evolved in groups, and anyone's reproductive prospects depended on bonds with others and on dealings with them. Here is a place to look for a story of human normative capacities, and the shapes they might take."<sup>14</sup>

However a quasi social contract view compatible with what is currently known about evolutionary theory can be developed which allows for the belief in morals. In this thesis this theory is presented as a thought experiment and is in no way intended to suggest that this is how humans actually did evolve but rather how we could have come to, and continue to, evolve morally.

Any references to anthropological or biological evolution are purely speculative and are not based on research in either of these disciplines. That research is for future work which the author intends to undertake.

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<sup>14</sup> *Wise Choices, Apt Feelings: A Theory of Normative Judgement*, Allan Gibbard, page 24.

## Chapter 2

### Hobbesian Presuppositions

In his greatest work, *Leviathan*, Hobbes envisioned a world in which there is no morality. That world has come to be called the state of nature. In the absence of agreements, each individual had a natural right to survive and to conduct themselves in any manner necessary to satisfy this individual requirement. In this context everyone is an egoist. Hobbes argues that, in such a world, it would be rational for each to fear each and, consequently, life in the state of nature is, as he described it, “solitary, poor, nasty, brutish, and short.”<sup>15</sup> He further recognizes that man has two types of motion, vital and voluntary. Whereas the former is automatic and instinctive the latter is a matter of choice. At this level Hobbes clearly recognizes the significance of our capacity to imagine; he states,

and because going, speaking, and the like voluntary motions, depend always upon a precedent thought of wither, which way, and what; it is evident that the imagination is the first internal beginning of all voluntary motion.<sup>16</sup>

It is this capacity for voluntary motion—which Hobbes calls “Endeavour”—which causes voluntary or wilful motion. Wilful motion towards something is called appetite or desire, while wilful motion away from something is called aversion. Desire is then synonymous with love and good whereas aversion is synonymous with hate and evil. If neither are present then Hobbes describes this

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<sup>15</sup> *Leviathan*, Chapter 13, Section titled *The Incommodities of such a War*.

<sup>16</sup> *Leviathan*, Chapter 6, Section titled *Motion Vital and Animal*.

as indifference. Each of these evaluative states of mind originate within the individual and not the objects themselves. Consequently neither good nor evil are objective characteristics but rather individual subjective evaluations.

I begin by summarizing the Hobbesian analysis of the cause of our moral conduct. Although there is much in Hobbes's account with which I am in substantive agreement, I believe he has failed to elaborate on the full extent of our capacity to imagine. When we perceive the world we tend to think about our attitude towards the way things are and the way things might become. We evaluate the existing state of affairs and compare it to other now only possible states of affairs. Sometimes, at least, we find that we desire the possible state of affairs and have an aversion to the actual state of affairs. We also, prior to our last appetite, rearrange those objects in many different ways. Many different species perceive different objects in an evaluative manner. Surely a deer, when encountering both another deer and a wolf, moves toward the former and away from the latter in a deliberate way. There is no evidence, however, of the deer imagining as many other alternatives as humans do, perhaps a fence around the wolf thereby eliminating the need of aversion. By contrast humans relentlessly rearrange the existing objects in the imagination and then act to cause those alternative circumstances which have the objects in the most attractive arrangement. It is this distinguishing characteristic that I suggest leads to the firm ground of moral creationism rather than the slippery slope of moral

realism.<sup>17</sup> Just as we can rearrange objects perceived in our mind, we can rearrange conduct perceived in our mind.

Hobbes views this process of mental evaluation as deliberation prior to acting. He rightly points out that we can neither change the past nor things impossible or thought to be impossible.<sup>18</sup> Consequently, according to Hobbes, we only deliberate on things thought to be possible. Our deliberation then ends either when we act upon the last act of deliberation or when we determine the thought to be impossible. The last act of deliberation then is our will; and this is the cause of our subsequent actions. This process, from the first deliberated thought to the final physical action, represents those of our voluntary actions which are wilful. They apply equally to good and evil and are only evaluative by virtue of the end consequence.

When the preceding process is considered in the moral context Hobbes observes that all mankind has a “perpetual and restless desire of power after power, that ceases only with death”.<sup>19</sup> This observation emanates directly from the fear of each man that he cannot assure himself of a continuous quality of life without the perpetual acquisition of more. It is this central inclination of all which causes the conflict between every man whenever there is insufficient of whatever is desired to satisfy all. Hobbes further argues that, although men have differing degrees of capability of mind and body, when all is averaged out these

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<sup>17</sup> At this point it might seem that a morality based on our capacity to imagine would lead to a slippery slope. One of the tasks of this thesis is to show why this not need be so.

<sup>18</sup> Of course we could change something we thought to be impossible if we discovered that we were operating on false belief about the change being possible.

<sup>19</sup> *Leviathan*, Chapter 11, Section titled *A restless desire of Power, in all men*.

abilities are substantially equal. He does however make a significant exception to his argument for substantive equality as he excepts the arts grounded upon words and the abilities necessary for scientific investigation, both of which he believes are limited to a few. These exceptions, although they may not have been overly significant at the time Hobbes wrote 'Leviathan', seem today to be much more significant than he allowed. Although I agree substantially with Hobbes that men are generally inclined to pursue power after power continuously, I suggest that the powers of the arts of words and of scientific investigation lie at the centre of the imbalances of power which give rise to much of what we deem to be moral injustice. The power of force has given way to the power of persuasion as democracy has evolved. We rarely threaten the citizens of a nation with physical force to ensure compliance but rather we attempt to persuade to gain political dominance. Equally the arts of science have increasingly become the generating force behind economic success. Those with this capacity and those with power over this capacity gain the greatest dominance in our evolving technological world. More physical strength means little in our evolving world. Prudence, which Hobbes sees as the faculty of the mind in which most men are equal over time, is also of less significance in a world of rapidly developing ideas realized through scientific investigation.

I suggest then, that the continuous pursuit of power by men unequal in the art of words and scientific investigations leads to substantive imbalances of power which then yield substantive inequity. Both the arts of words and the arts of science emanate, not from dealing with the world as it is, but rather from ideas

formed in the imagination as to how it could be rearranged. The use of the arts of science is to cause something many men want or need to exist through the rearrangement of our material world. When combined with the arts of words, which can be utilized to gain control over the products of science, the inequity of power emerges. I suggest then that it is not the substantive equality of man that leads to a need for a sovereign which leads to contractual equity. It is the inequality of the few, gaining control over the ideas of the imagination realized, through scientific investigation and the use of the art of words, that requires constraint to ensure just interaction between men.

Based on his arguments supporting his theory of substantive equality of ability which yields an equality of hope in attaining our desired ends, Hobbes concludes that, in an environment of scarcity, one person must subdue the other persons for desire satisfaction. As this state of affairs places each in danger from each and all from all, no man can find security for himself without a third party, whom Hobbes calls a Sovereign, to over-awe all. Inherent in the nature of each man are three characteristics; competitiveness, diffidence and the desire for glory. Each man invades in a competitive manner for gain, from diffidence to ensure his security and with the object of establishing his reputation.<sup>20</sup> However with the agreement to have a Sovereign, the state of nature ceases to exist and civil society begins. With the arrival of civil society comes justice. Whereas individual power in the state of nature is simply man against man wherein

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<sup>20</sup> *Leviathan*, Chapter 13, *passim*.

nothing can be unjust, common power vested in the state yields the artefact of justice.

Although Hobbes views the initiating point of all action as emanating from the imagination, at this point in *Leviathan* he seems to abandon that premise, and attributes man's capacity to leave the state of war and to secure a state of peace to man's passions and reasoning capacities. The passions which motivate this capacity are the fear of death, the desire of things necessary for survival, and the hope to attain those things. The reasons which motivate man are the laws of nature. It is difficult to understand, at this stage, how Hobbes would distinguish between man and beast since on this motivational point the beast has not historically been motivated to seek the state of peace, even though the beast has the same passions. Surely the dog exhibits the fear of death, the desire for things necessary for survival and gratuitously illustrates his hope of attaining those things. If both man and beast exhibit these same passions and the beast has not evidently been motivated by them to develop a civil society wherein all have peace then it would seem, according to Hobbes that the motivations must lie with man's capacity to reason. Hobbes calls these reasons the laws of nature. He suggests that the right of nature is the liberty each man has for self preservation; and he defines liberty as the absence of external impediments. If this right of nature exists for man, why then does not it exist equally for the beast? The beast seems equally desirous of self preservation.

The laws of nature, according to Hobbes, are discovered by man's capacity to reason, which capacity, presumably, the beast lacks. Whereas rights,

as defined by Hobbes, are the liberty to do or forbear, the laws of nature are general rules which specifically forbid man from certain actions.

It is evident then that both man and the beast have the liberty to do or forbear; but only man is subject to the laws of nature which forbid. Even if it is true that man alone has the capacity to reason through which he can discover the laws of nature and is thusly subject thereto, one must ask from whom these laws emanate and what authority determines these laws.

If these laws do not originate with a god, and Hobbes makes no claim thereto, then they must emanate from some other source.<sup>21</sup> These are not, according to Hobbes, antecedent laws enforced by a Sovereign. The only other type of law which could be equated to these laws of nature would be something like the laws of mathematics or physics. However these types of laws emanate from absolute definable characteristics of the manner in which matter and force interact. The problem of equating this type of law with interactions between living things is that the latter are subject to freedom of choice. One can choose to do *X*, not do *X*, or to do something else. This is completely inconsistent with the concept of a natural law construed as an absolute regularity in behaviour. The constraints upon freedom of choice are either the absolute circumstances of possibility or the existence of external constraint. However Hobbes cannot be speaking of either of these as his laws of nature surely apply to what is possible for one to do; and, by his own definition, they precede sovereign constraint. The

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<sup>21</sup> For a good discussion of the role of God in Hobbes's argument see David Gauthier's "Why Ought One Obey God? Reflections on Hobbes and Locke" in his *Moral Dealing*.

only alternative left would be laws determined by the power of one over the other within the state of nature. However Hobbes explicitly defines his laws of nature as individual rights existent irrespective of the state of nature. Consequently I can only conclude that Hobbes' laws of nature are not laws at all but rather identifiable capacities of man and beast which are not governed by anything other than the particular individual. I shall then want to rephrase Hobbes and submit that Hobbes' right of nature, the liberty for self preservation, has no basis as a right. Animate beings have the capacity for self preservation, which is a liberty only in the context of having the capacity. Hobbes steps from the right of nature, to liberty, to the laws of nature, a process which he claims as his ground supporting his general rules as discovered by reason. He makes the large step from can to may, or from is to ought, in the Humean sense.

I submit then that Hobbes' laws, which Hobbes argues are discovered through the capacity to reason, are not laws in any sense but rather rules of rational behaviour, and articulated to form the ground upon which to build a Sovereign state. Although this may represent an admirable undertaking to provide guidelines about what we ought and ought not to do, these laws stand solely as the Hobbesian particular interpretation. Hobbes claims that, by virtue of the law of nature, man is forbidden to be destructive of his life, to take away the means of preserving his life, and to omit that which best preserves his life. But, as there is none to forbid, it seems clear that man, as beast, is free to choose any or all of the preceding options. Hobbes' first law claims that every man ought to seek peace. Although it may well turn out to be true that every man can

best achieve his life plan, whatever that may be, within the context of peace, it could as well be true that some particular men can best achieve their life plans by subjugating others through war. History provides us with a continuum of power by the few over the many. Men are neither equal as Hobbes argued, nor do men, if historical evidence is a guide, seek equality.<sup>22</sup> Hobbes' own exceptions to the equality of men are the specific characteristics which allow the few to dominate the many. Those with less seek equality with those with more, but the converse is not true.

As it is not my object to assess the merits or demerits of the Hobbesian version of civil society, I will not continue to review his articulated laws and order of conduct. It is my object to attempt to determine the capacity by which men cause their world to be otherwise. As I can find no ground to support Hobbes' First laws as discovered by reason, I must return to Hobbes' initial but subsequently undeveloped premise that man's first acts emanate from imagination.

Men, not unlike beasts, sense the world around them, both differing only in their degree of capacity. Furthermore man evaluates the data received through his senses with his capacity to reason and develops inferences based on those evaluations. Beasts, it would seem, have this capacity as well, although to a substantially lesser degree than humans do; and many might want to call such

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<sup>22</sup> Hobbes does not argue that men are equal, only that they are roughly equal. He holds that each has (roughly) the same aspirations, each has (roughly) equal capacity to harm others (in the state of nature), and each has (roughly) equal inherent common sense. I do not challenge these claims nor Hobbes's arguments for them.

capacities in beasts instinct rather than reasoning. However there is little evidence to suggest that beasts imagine their world to be otherwise.<sup>23</sup> Although both man and beast live in substantially the same world, the state of nature, in the context of senses and reasoning, man has the distinctive capacity to both rearrange the perceived world in his imagination and the ability to cause that perceived altered state to obtain. This is the creative process realized. I submit that Hobbes's *Leviathan* illustrates, not a theory of civil society based on the laws of nature, but rather an imagined state of civil society based on altered states of affairs which seem preferable, perhaps even ideal to Hobbes. The distinction and subsequent ramifications of this are substantive. If, as Hobbes maintains, the principle of justice lies within the performance or non-performance of our covenants and if covenants are a product of civil society, and if civil society is an absolute result of natural law, then justice emanates from natural law and is immutable. However, if civil society is an imagined state of affairs realized, within which covenants are the predominant characteristic, then justice is a construct which is determinable in particular times and circumstances. The world in which we live surely suggests that injustice and inequality are the actual natural characteristics, rather than substantive equality and justice emanating from natural laws.

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<sup>23</sup> Some animals may have this capacity to some degree. All that is required for my purposes is the observation that humans have this capacity in a far greater degree than any other species.

## **Chapter 3**

### **Nozickean Assumptions**

In *Anarchy, State, and Utopia* Robert Nozick explores inequity and injustice with respect to minimal civil society, so I will now turn to an examination of his analysis.

Nozick acknowledges that he has not written a political tract but rather a philosophical exploration of issues which arise between individual rights and the state.

This section is a philosophical exploration which questions some of the underlying assumptions which seem to carry the weight of Nozick's arguments and subsequent entitlement theory of justice. I will begin by addressing the question of why anyone would think that there were any such entities as natural individual rights or moral obligations. I will argue that it is much more plausible to suppose all rights and moral obligations have emerged from rational agreement in order to satisfy natural needs and wants than that they have any other source or that they just exist without any cause or foundation. The state emerges as the enforcer of these agreements, which are always subject to review and revision.

Many philosophers and most theologians want it to be the case that some predestined or preordained set of rules of conduct exist as absolutes. However, it is very difficult, if not impossible, to ascertain any logical basis for this view.

My starting point is that individual humans do exist, have needs and desires, interact with one another, and have a rational capacity to pursue the satisfaction of those needs and desires both individually and collectively. If my conclusions are reasonably accurate then the human species evolves, through mutual rational agreements motivated by individual desires. Rights, obligations, moral musts and must nots, are consequences of this process and are only germane at a given time in a given set of circumstances. Those which prevail over a long period of time and through significant changes in circumstance become strongly entrenched but none is sacrosanct.

The individuals that I begin with have needs and wants, and varying degrees of capacity to achieve the satisfaction of those wants and needs. Each has at least a minimum rational capacity and all are faced with finite resources. None desire pain.<sup>24</sup> All desire the satisfaction of needs and wants generated physically, emotionally, and intellectually. All have differing interpretations of their most basic needs. All begin in the state of nature and all interact with all over time.<sup>25</sup>

Nozick begins with a circumstance which he refers to as a most favoured state of anarchy, wherein people generally satisfy moral constraints and generally act as they ought to act. According to Nozick, any improvement from this

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<sup>24</sup> I am intentionally excluding those few who in certain limited circumstances derive some satisfaction from pain.

<sup>25</sup> It should be noted that I am not describing any real people at any actual time and place but rather imagining a basic generic individual with identifiable human characteristics and capacities. The state of nature to which I refer would be equivalent to a Hobbesian concept of the state of nature.

beginning would provide a rationale for the state's existence if the improvement occurred in a just, legitimate way.

This starting point creates a very weak foundation for his subsequent arguments. Where did this optimized moralized anarchic state evolve from? Some grey primordial soup or some extremely opinionated god? It doesn't seem that difficult to imagine a small number of people faced with interacting in an anarchic state of nature of finite resources without Nozick's moral preconditions. If each killed each in the process of satisfying their basic needs it wouldn't take long for one to be the last man standing. Even if this occurred among several groups simultaneously in different locations and the last men subsequently came into interactive competition for resources, the ultimate outcome would be a numerically diminishing species, not an evolving, flourishing species. So it must be that either they had some form of preconditioned constraints or they rationally mutually agreed to collectively co-operate and to individually constrain. This co-operative state of affairs could yield the ultra minimal state outlined by Nozick without necessarily being reliant on either inherent natural laws or preordained mortality. Protection could be extended to members of a group who had mutually agreed to co-operate in exchange for some form of contribution to the group. This could constitute a rational exchange of capacities even though none would be equal in natural endowments. Although Nozick wants to imagine or define a state as being an entity which is open to all, it seems unlikely that any such state ever has or ever would exist. Membership to date seems to be by explicit agreement based on mutually agreed contribution, by explicit invitation

based on anticipated contribution, explicit permission extended to some rejected from another group, or by birthright. Perhaps, at some future date, we will have a one-world state, but even at that stage membership would not be by individual choice. All would be members by birthright, and would be unable to elect to be a non-member. One could elect to be a free rider, but this choice, even if successfully maintained, does not constitute non-membership, but rather clever manipulation of the state constraints to individual advantage. The state, even in its most ultra minimal status, as Nozick will argue, is legitimately required to extend protection to all within its territory, even to those who have not been invited to join the monopoly protective association.

Therefore, I will argue that the state, being any group of individuals minimally organized in order to ensure membership protection within a finite geographic area, necessarily arose through rational recognition of the need for co-operation in order to survive. Some members were so endowed as to be able to protect and some were so endowed as to be able to contribute in other ways. None were offered free membership: consequently, only contributory capacity or birthright made membership possible.

Neither myself, nor Nozick, nor John Locke, nor anyone else can do anything but speculate regarding what it would have been like to be in the original state of nature. The only factual evidence currently available is of a comparative nature, the manner in which other animal species interact with one another. The seemingly significant variable in this comparative is our capacity for rational analysis of our actions and the actions of others of our species, which

leads to a capacity to choose to constrain our actions for specific reasons. John Locke speculates that the state of nature, for our species, is distinct from the state of nature for other species, insofar as we are bound by the laws of nature, which required that one ought not to harm another in his life, health, liberty or possessions. Why would these constraints inherently exist for our species when they so obviously do not for other species? Either, it would seem, they must be pre-ordained from some external power—a God—or they must be absolutely constituted within our original evolution. The only other alternative would be that these natural laws would be equivalent to the laws of physics or mathematics. As no one to date has been able to offer conclusive proof of any god it seems fruitless to pursue this alternative. If we were absolutely constituted with these characteristics in the process of species evolution then three possibilities emerge. Either there was an original designer so constituting characteristics, or they were natural characteristics, or there were evolutionary forces which caused this constituted result. The original designer theory leads us directly back to the unprovable God and is therefore equally fruitless. The evolutionary force theory seems remotely possible; however, why would it be that we alone of all the species evolved with this capacity for natural constraints? As none of the other species appear to have the capacity for choosing reflective constraints it seems much more likely that we are, in our originating state, equally limited. The alternative of external natural laws equivalent to the laws of physics or mathematics seem to collapse quickly as the laws of physics and

mathematics allow for no exceptions, whereas not even our most powerful constraint is without allowable exception.

As most sentient species seem to have some degree of thought capacity, expressed either through their actions or their communicating capacities—the spider builds a trap for its prey and the wolf stalks its prey—it seems much more likely that the reflective thought process is a naturally constituted characteristic evolved to different degrees in different species. If this is so, then, the state of nature is without constraint. If so, then, there is no originating moral position; nor is there any such thing as natural law.<sup>26</sup> All are free to do all to all.

Natural law theorists, specifically secular natural law theorists, would claim that none are free to do all to all because of the existence of natural laws. The difficulty I have in accepting this claim is the absence of strong arguments to support this claim. Thomas Hobbes, in *Leviathan*, provides a specific distinction between that which he believes constitutes the right of nature versus a law of nature.

Hobbes states,

The Right of Nature, which Writers commonly call ‘*Jus Naturale*,’ is the liberty each man hath to use his own power as he will himself for the preservation of his own nature: that is to say, of his own life; and consequently, of doing any thing, which in his own Judgement and Reason, he shall conceive to be the aptest means thereunto.<sup>27</sup>

By contrast Hobbes states that,

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<sup>26</sup> For an argument that there might be no natural law in the state of nature but natural law within civil society see David Braybrooke, *Natural Law Modernized*, Chapter 4.

<sup>27</sup> *Leviathan*, Chapter 14, Section titled *Right of Nature what..*

A Law of Nature ( *Lex Naturalis*,) is a Precept or general Rule, found out by Reason, by which a man is forbidden to do that which is destructive of his life or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved.<sup>28</sup>

Both definitions are plagued by presupposition. In the former, the Right of Nature, what, other than Hobbes own determination, constitutes this as a right rather than just a natural reaction to circumstances encountered? In the latter, A Law of Nature, what substantiates this as a law other than, again, Hobbes's determination?

Furthermore, if there is no authority determining the law other than the individual's capacity to reason, then who or what is doing the forbidding? If an individual reasons that they would prefer to die rather than continue living, which some do, then reason is as responsible for both conflicting positions.

David Braybrooke, in his, *Natural Law Modernized*, suggests that Hobbes offers an a posteriori argument as proof of natural law. The argument is that,

A community cannot thrive – it cannot even be a community – unless the people belonging to it have peace and order, public goods that are ingredients of the Common Good as elaborated above, and necessary conditions for the further public goods and the private goods that sustain 'commodious living.' To have those things the people must have a community organised, so far as organisation is necessary, to maintain a set of moral rules: the natural laws.<sup>29</sup>

So, the argument implies that, because we do have organised communities that survive and thrive, moral rules are prerequisite. It further

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<sup>28</sup> *Leviathan*, Chapter 14, Section titled *A Law of Nature what*.

<sup>29</sup> *Natural Law Modernized*, David Braybrooke, page 91.

implies that, as moral rules emanate from natural laws, communities exist because of the existence of natural laws. It may well be evidentially true that all surviving and/or thriving communities have some set of moral rules. However this fact does not necessarily connect in any way with the existence of natural laws.

It could as easily be argued that moral rules exist as a consequence of the evolution of communities. Humans interact, at the very least for procreation and, at a very primary level, for protection. It could very well be that the first moral rule, or natural law if one prefers the term, was developed to ensure continuous, successful interaction.<sup>30</sup>

Setting aside god, as I do in this thesis, I am left with the problem of finding a source for natural law. Braybrooke, in his exhaustive analysis of Hobbes's First law, is left with the same question. He asks,

But in what sense is even the two-branch First Law a law in the state of nature? Can it in this respect (and in respect to the coordination between the two branches) be understood as a law laying down a certain obligation even on a purely secular approach? But then, where is the authority that makes it a law?<sup>31</sup>

Unfortunately, neither Braybrooke nor Hobbes has an adequate answer.

Therefore I want to suggest that for each to survive, as all in all species seem to share the desire to survive, each individual had to develop ways to survive, and each originally had no interest in any survival other than their own,

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<sup>30</sup> It does not matter for my purposes whether this was a conscious collective decision or not.

<sup>31</sup> *Natural Law Modernized*, David Braybrooke, pages 99-100.

which would generally include their own offspring representing continuance of survival.

If that was the case and if we as a species were much weaker in physical capacity and attributes than most of our competitor species, then evolution of our rational capacity as a defensive/offensive tool seems logical.

If this imagined evolutionary account is reasonably accurate then individual self interest would require mutual cooperation to ensure self survival whether a threat came from other species or those physically stronger within our own species. We could have quickly developed minimum levels of cooperation, even between master and slave. Neither could one defend oneself nor could one kill a physically stronger prey for food with any continuity. Although I will not attempt herein to follow this line of reasoning to its exhaustive end as it is not the primary topic of this section, I will suggest that our species evolved in this cooperative manner both in conjunction with other species and within the competitive context of our own species.

If we did evolve in this manner then substantive amendments are necessary in our understanding of both political and ethical evolution. At our very first interaction of one with one, presupposing that neither killed the other and both undertook at least one joint activity each desiring to satisfy their own primary needs, both ethics and politics came into play.

If Nozick is right about natural endowments, and I believe he is, then each has different, unequal and legitimately acquired natural endowments. This being the case then even the first interaction described previously required

cooperation and an unequal division of power. If this interaction were in the acquisition of food then finite resource allocation could also prevail.

Consequently, from the first mutually cooperative interaction onwards the state of nature ceased to exist for at least those participants, and the embryo of the political state began. Size of the group would not be a necessary consideration of the very primary characteristics of protection, cooperation, distribution and monopoly; these things would be inherent in the joint action of two or more people. Complexity, as size increased, would evolve; but at no point would the basic characteristics of the political state vary. One might wish to object, at this stage, that justice as an inherent part of the political state would necessarily prevail; but, if Nozick is correct with respect to legitimate acquisition which obtains through entitlement theory based on unequal natural endowments, then this most primary basis of justice is inherent in that first interaction. Each freely chose to associate to maximize individual advantage. Unequal outcomes are not illegitimate outcomes.

Both Nozick and Locke suggest that we move from the state of nature to the state beginning with certain natural rights and obligations in the state of nature which become entrenched, protected and enforced within the state. The beginning of this process, according to Nozick, involves the emergence of a dominant protective agency to enforce prohibitions and compensations as they correspond to the natural rights. As the dominant protective agency would necessarily operate within a finite geographic area initially, Nozick reasonably

speculates that there would, at this stage, be both other weaker protective agencies and independents who freely chose not to join.

The evolution of numerous protective agencies at this stage of political evolution is not difficult to imagine, nor is the conflict of these agencies within any finite geographic area. Although, at this stage, Nozick presupposes either legitimate protective agencies or outlaw agencies only interested in pillaging both the legitimate agencies and independents, I doubt that this would have been the case. This theory of Nozick's is based on the assumption that legitimate protective agencies evolved based on inherent natural law. If the natural law assumptions are a weak, if not non-existent foundation, then associations would more likely be formed on rational cooperative agreements of contribution. Furthermore, I doubt that only or primarily protective services would be the medium of exchange. I suggest that both protective service and redistribution of finite resources within an association would be the more likely evolution on a concurrent basis. It is difficult to imagine, at this stage or nearly any other, that each individual or group would individually satisfy their resource needs. This concurrence of resource redistribution and protective service requirements is a significant difference from Nozick's position. First, as each member would have different natural endowments, each would have a greater or lesser ability to secure both necessary resources and protection. The most capable would generally secure the most of each requirement and the least the least.

Consequently, I submit, rational trade and hierarchal positioning would evolve with the strongest recognizing the need of a substantive number of

members to ensure protection from other agencies and the weakest associating for protection and a share of resource distribution, however meagre but not less than enough. If this were so then rational cooperative agreements with respect to rights, necessary constraints, redistribution within the group and agreement enforcement framework would be necessary. Each association within the finite territory would likely evolve similarly, albeit with different hierarchal arrangements. Outlaw agencies, as imagined by Nozick, with the primary intent of pillaging, would evolve; and I suggest that all agencies in their interactions with other competing agencies could be categorized as outlaw agencies.

Although territorial boundaries would evolve as dominant agencies emerged and coalitions formed, the state of nature would prevail to some fairly significant degree between dominant agencies. Although independent agents would exist outside of agencies but within their geographic territories, and although free riders would exist within the agency membership, neither would have as much significance as the strength of the dominant agencies increased. If all are to some extent outlaw agencies in their relations with other agencies and all are to some extent legitimate agencies within their membership due to rational agreement duly enforced, then we have emerging rights, obligations, compensations and punishments. These could develop as distinct systems based on rationality within certain circumstances and geographic areas rather than universal preordained rules of conduct or inherent natural laws. Each person within each group and each group among groups would have secured to their own best

interest as much as they can given the limitations of their natural endowments and finite resource availability.

I submit, then, that there are no natural rights, whether for individuals or for a group of individuals. Rather, there is only the universal natural desire to survive, accommodated by the variable natural endowments of each physically, emotionally, and intellectually, resulting in rationally constituted rights. Each individual rationally assessing whatever it takes to satisfy their own needs within their individual circumstances enters into cooperative agreements with others as circumstance and capacities dictate. Each agrees to act and constrain in order to achieve their individual objectives, thereby creating collective objectives and the means with which to achieve them within the agreed to prevailing conditions. It is not difficult to recognize the desire of each not to be killed evolving into a rational agreement that all within a given finite territory will refrain from killing one another. This is such a basic requirement of each that universality of a right to life nearly seems self evident. Nor is it any more difficult to imagine rational agreements to the legitimate acquisition, transfer and holding of property as each wants at least sufficient for survival; and all can agree to constraint for constraint if it accomplishes their minimum requirements.

Although, on the issue of property, the distributive and redistributive processes may vary according to different interpretations of justice, unequal natural endowments and unequal initial circumstances, minimum agreement could be reached rationally as all would want at least a minimum amount if they were in the least endowed category. Less than the least necessary would negate

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territory or one dominated the other, then the resulting monopoly would not have originated in a just manner. The final monopoly state could be internally just if, and only if, it restored all damages previously caused through any and all use of force in acquisition. It would be difficult, if not impossible, to find today one state which acquired its monopoly over a finite geographic area justly. Even in a state which evolved in as relatively benign a manner such as Canada did we face the injustice perpetrated on the native populations with respect to illegitimate acquisitions of resources.

I agree with Nozick that a state could arise from anarchy by a process which need not violate anyone's rights and that, if this were so, this would define the core requirement for the legitimizing of the state, that being intrinsic justice. Nozick argues that any Utopian ideal is generated as a particular individual's ideal. This is ultimately doomed as any other individual may have a different particular ideal each of which requires the other to embrace based on their particular set of characteristics which supposedly provide the foundation for the ideal world for all. Nozick states that "our subject here, however is the best of all possible worlds. For whom? The best of all possible worlds for me will not be that for you. The world, of all those I can imagine, which I would most prefer to live in, will not be precisely the one you would choose."<sup>32</sup>

The question which arises is why Nozick would think that it would be any more likely that a legitimate minimum state would arise from someone's

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<sup>32</sup>Robert Nozick, *Anarchy, State, and Utopia*, page 298.

particular set of values, be they Locke's natural rights or God's preordained morals, or some other set of utopian preconditions.

If the ultimate objective is a minimal state with a monopoly justly acquired with the minimum operating condition of intrinsic justice then the foundation must be just to all. This state of affairs would seem to provide the minimum framework necessary for each to pursue his own interpretation of utopia while being constrained to the least degree possible and constraining others to the least degree possible. How could it be achieved without, from the very first interaction, the requirement of mutual rational agreement? It is not only unnecessary to have a preset foundation, but, the very notion of such a foundation would seem to be contradictory. Is not the rational capacity we have, combined with our capacity to imagine that any state of affairs could be otherwise, sufficient to develop a just state?

If we start with the very basic claim that all want to survive and that all other desire satisfaction is conditional upon the satisfaction of survival then can we not interact rationally to at least the satisfaction of our minimum particular desires?

I do not refrain from killing another because of constituted law, natural rights, or moral requirements. I refrain because I recognize that I do not want others to feel free to kill me and I want the benefit of others existence. Surely while the ideas of moral prohibitions and natural laws serve to augment our constraint, they are not necessarily the base of constraint. This holds equally true of property rights. I do not steal from another because I do not want others to

feel free to steal from me. Many would argue that this represents an inherent belief or intuition that makes me feel that it is wrong to kill or steal; but neither can they offer any strong evidence for the justification for the belief nor the source of that intuition. We can logically argue that, although killing or stealing may be in our best interest in the short term, it is not so in the longer term due to the benefits to all of orderly interaction. If we rationally secure our existence by agreement to rationally secure others' existence, then we all benefit. Each can pursue their own ends without expending some of their resources on personal security. The reasoning is similar for every basic right we negotiate. Although it is evidently true that some others do not consistently practice the agreed to constraints, thereby necessitating a third party impartial enforcer which we call the state, these violations do not diminish the validity of the original rational agreements. Utopia can no more be founded upon the particular visions of individuals (as Nozick argues) than can it be founded upon the ideas of Locke or an assumed God. If there is such an entity as Utopia, and utopia would be each pursuing their own ends to the maximum degree possible without preventing others from doing the same, then rational mutual agreement is the only apparent foundation which rests on solid ground. For all do come constituted with rational capacity and desires.

Nozick has presented a strong case for the rational evolution of the minimum state, which state, if legitimately evolved, would provide the framework for each member to pursue their particular utopian vision. Nozick's foundation, some set of inherent natural rights, prevents the evolution of the

legitimate monopoly state. Very simply, his own arguments show how any particular utopian vision will fail as another may see otherwise; his own preconditioned set of values undermines an otherwise legitimate evolutionary process. His minimal monopoly state cannot be just unless it was developed justly, based on his own foundational requirements. The dominant protective agency which achieves monopoly status must accomplish this through legitimate acquisition, not coercion of any form. Competing protective agencies in a finite geographic area would have to rationally agree to merge in some composite set of values and would have to agree to the just enforcement thereof. The only possible legitimate alternative would be for all members of all agencies to unite in one agency, thereby eliminating all of the originating agencies. Nozick suggests that the dominant agency would ultimately gain a legitimate monopoly through an invisible hand process. However I suggest that the imbalance of power mitigates this possibility as a legitimate process.

I suggest that the horrendous conflict in which we are currently engrossed unfortunately illustrates the danger of evolving any system of state on presupposed beliefs. Surely the Americans and their allies are as illegitimate a state to their adversaries as their adversaries are to the Americans *et al.* Each side originates from a preconditioned value system rather than by rational agreement. Both could rationally agree to disagree and each maintain their finite monopoly; but neither can rationally agree legitimately because each violates the others' originating conditions so substantially. On Nozick's view, one cannot achieve a just end without both a just process and just originating conditions.

Originating just conditions are dependent upon both sides freely agreeing and consenting.

If, in neither the Hobbesian nor Nozickean arguments, is there a justification for the first laws, and if a just state cannot originate from injustice, then we must seek the ground of morality elsewhere.

Consequently I will now compare and explore the assumptions underlying the Humean thesis of the foundation of morals and the Kantian antithesis. In this comparison there emerges an originating point of similarity between Kant's idea of goodwill and Hume's idea of sentiment. Any similarity ends almost immediately as Hume views reason as the slave of passions and Kant argues that our passions ought to be directed by reason. I suggest that there is a third alternative grounded in our capacity to imagine, a capacity which is governed neither by a Kantian a priori categorical imperative nor a Humean sentiment.

In the next chapter I will summarize Immanuel Kant's position as detailed in his *Grounding for the Metaphysics of Morals*, placing specific emphasis on his underlying presuppositions.<sup>33</sup> It is these presuppositions that I question as they seem to be the actual and necessary foundation for his subsequent thesis with supporting arguments.

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<sup>33</sup> I am specifically focusing on Kant's *Grounding for the Metaphysics of Morals* and Hume's *Treatise of Human Nature* as the former takes an absolute position of reason being the ground for morality and the latter the absolute position that passions influenced by sentiment as the ground for morality.

In the chapter following the one on Kant I will summarize David Hume's position as stated in his *A Treatise of Human Nature*, again placing specific emphasis on his underlying presuppositions.

I will then compare both theories with the intention of illustrating their points of confluence. It is their meeting point of reason and the senses, combined with our imaginative capacity, that enables us to cause our world to be otherwise. I submit that it is from this triumvirate of capacities that our morals originate and evolve.

## Chapter 4

### Kantian Presuppositions

In the introduction of his *Grounding for the Metaphysics of Morals* Kant considers “Whether or not there is utmost necessity to work out for once a pure moral philosophy completely cleansed of everything that can only be empirical and appropriate to anthropology.”<sup>34</sup> He then responds to his statement with, “That there must be such a philosophy is evident from the common idea of duty and of moral laws. Everyone must admit that if a law is to be morally valid, i.e., is to be valid as a ground of obligation, then it must carry with it absolute necessity.”<sup>35</sup>

It is with this statement, the presuppositions inherent in his response and the assumption inherent in the following further claim, that I wish to take issue. Kant states, “In the natural constitution of an organized being i.e., one suitably adapted to the purpose of life, let there be taken as a principle that in such a being no organ is to be found for any end unless it be the most fit and the best adapted for that end.”<sup>36</sup>

Kant’s first statement assumes a pure moral philosophy which is a priori. His response to that statement confirms this assumption and further assumes both the idea of duty and laws of morality with the characteristic of absolute necessity. His further claim assumes that organic beings were devised for a specific purpose – life. This assumption implies that there was some entity, perhaps a God, or

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<sup>34</sup>Immanuel Kant: *Grounding for the Metaphysics of Morals*, Preface, page 2.

<sup>35</sup>Immanuel Kant: *Grounding for the Metaphysics of Morals*, Preface, page 2.

<sup>36</sup>Immanuel Kant: *Grounding for the Metaphysics of Morals*, Preface, page 2.

some being, perhaps Nature personified, which made the plan with a purpose.

Lastly, this principle implies that the design of the contriver was infallible.

In order to satisfy these assumptions and implications the laws of morality must then be a priori and cannot be found in the nature of man but rather must be found in the concepts of pure reason. Any being, therefore, with the capacity for rationality, would be subject to the laws of morality. The morality which originates in this way is, in the empirical sense, contingent. What is good is relative to practical circumstances, and therefore it is possible that, in different circumstances it might be bad. However, goodwill, by virtue of being a priori, admits of no exceptions and therefore must be the core characteristic of moral laws. Goodwill then is an independent entity common to all rational beings and analogous to a mathematical law. As these are analogous and can be discovered a priori, they represent absolute laws which we must obey in order to function successfully in the world. No more can we alter the speed of light than can we alter the ground of goodwill.<sup>37</sup>

We are, however, constituted as beings in such a manner as to make and act upon judgements which can be contradictory to the absolute principles which underlie morality. This constituted capacity does not change the facts that our moral duties are unconditional, universally valid and necessary, but rather distinguishes between that which is moral law and that which is contingent law.

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<sup>37</sup> Kant makes a very specific distinction between an act that has a good outcome and an act motivated by goodwill. Goodwill, in Kant's view, exists as an entity in the metaphysical domain, and is accessed by man's capacity to reason. Only an act motivated by pure goodwill counts as a moral act according to Kant.

Moral laws are therefore defined as categorically imperative based on two formulations. The first is, “Act only according to that maxim whereby you can at the same time will that it should become a universal law”.<sup>38</sup> The second is to, “Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end, and never simply as a means.”<sup>39</sup> As our passions can lead us to good or bad consequences, they must be governed by these maxims of pure goodwill, adherence to which makes us worthy of happiness in the eyes of an impartial spectator.

I have summarized Kant’s position in the preceding pages to illustrate that it must logically follow that, if one accepts his assumptions, then the components of morality must have his defined characteristics. Kant’s subsequent arguments seem to support the preceding summary of his theory, beginning with an argument to distinguish between rational beings and other organic beings. All rational beings have the capacity to reason, whereas presumably all others are limited to instinct. Kant’s argument for this latter group proceeds in the following manner. All organic beings are constituted by nature for a purpose. All non-rational beings are constituted without reason, but with instinct. The real purpose for all animals is self preservation. Self- preservation is equivalent to happiness. Therefore if instinctive response results in self preservation then nature has achieved its most appropriate end in these beings, happiness.

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<sup>38</sup>Immanuel Kant, *Grounding for the Metaphysics of Morals*, page 8.

<sup>39</sup>Immanuel Kant, *Grounding for the Metaphysic of Morals*, page 30.

Rational beings, however, are further favoured by the beneficent cause with reason which must be for a further purpose than happiness. Nature's purpose in constituting reason is to provide the capacity to discover goodwill. Goodwill is good in and of itself, a priori, absolute and necessary. As only rational beings are constituted with the capacity to reason, only rational beings can discover goodwill. Goodwill is absolute and necessary, and is discoverable only through the capacity to reason in rational beings constituted so as to obey the laws of goodwill. Reason, then, is a practical power which has an influence on directing the will to that which is the highest good. This can be in direct conflict with our inclinations or passions. However, as goodwill is a priori, absolute and necessary, whereas our inclinations are contingent and conditional, it must then follow that the natural and highest purpose of rational beings is the cultivation of goodwill through reason.

Kant develops the preceding distinction between rational beings and instinctive beings to illustrate the objective value of goodwill which represents, then, the objective foundation of morality. The laws of morality then necessarily have the characteristics of necessity and universality. If, in the moral sense, we are required to act in accordance with the will to an objective good, not from a subjective inclination to a relative good, then we have a duty to obey the moral laws which emanated from that goodwill. Kant states; "An action done from duty has its moral worth, not in the purpose to be attained by it, but in the maxim according to which the action is determined. The moral truth depends, not on the realization of the object of the action, but merely on the principle of volition

according to which, without regard to any objects of the faculty of desire, the action has been done.”<sup>40</sup>

Kant’s common idea of duty, that he presupposes we all have, emerges as a requirement within the context for his argument for adherence to his presupposed purpose of beings with the capacity to reason. He states, “This concept, already dwells in the natural sound understanding and needs not so much to be taught as merely to be elucidated. It always holds the first place in estimating the total worth of our actions and constitutes the condition of all the rest.”<sup>41</sup>

My concern does not lie with the logical procession of Kant’s arguments in the substantiation of his theory but rather with the initial assumptions. I cannot locate any arguments to support either the assumption that nature has a purpose or that, if it does, that the purpose is infallibly the most appropriate. Although each living organism obviously functions in a specific way, this does not necessarily imply that it has purpose. If I, as a creator, assemble inorganic material in such a way as to create a hammer, it is done with an intent, to create a device for the purpose of driving nails into boards. The purpose and the function are external to the hammer. It is simply an inorganic cluster of material in the absence of my intent. Similarly if I create a garden of organic plants in order to have food readily at hand, the garden and the components thereof have a purpose. But again, in the absence thereof, the garden is just a collection of organic plants.

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<sup>40</sup>Immanuel Kant, *Grounding for the Metaphysics of Morals*, page 13.

<sup>41</sup>Immanuel Kant, *Grounding for the Metaphysic of Morals*, page 9.

The question then is, how does Kant substantiate Nature having a purpose? The implications must be that there is a designer with intent or that Nature is an entity capable of specific intent. But Kant does not make an argument or provide any proof of a designer or of the intent capacity invested in Nature. It seems to be that because every living organism is as it is and cannot be any other, specific function then is the evidence of precedent design and intent.

Nature, according to Kant, is the source of this design and intent, which results in appropriate purpose. Satisfaction of this purpose is the evidence of worth as determined by the beneficent cause. But Kant seems to claim the opposite when he states, “But such a completely isolated metaphysic of morals, not mixed with any anthropology, theology, physics or hyperphysics, still less with occult qualities (which might be called hypophysical) is not only an indispensable substratum of all theoretical and precisely defined knowledge of duties, but is at the same time a desideratum of the highest importance for the actual fulfillment of their precepts.”<sup>42</sup>

When I create my hammer or my vegetable garden I do this with specific intent. Consequently there is a specific purpose which, if I have designed well, will result in optimum function. Both my hammer and my vegetable garden will function in all component parts and as a whole to maximally satisfy my original intent. But neither, without a designer, will have any purpose whatsoever. However, with a designer and the satisfaction of the intent thereof, I can evaluate

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<sup>42</sup> Immanuel Kant, *Grounding for the Metaphysic of Morals*, page 22.

what is required to be good. Kant's example of the rational being and the instinctive being are analogous, with Nature as the designer and the beneficent cause as the evaluator of worthiness. However this appears to be quite contradictory as he subsequently denies both designer and evaluator. Nature somehow has the capacity to cause specific design in organisms which then perform specific functions. These are then evaluated as to their worthiness in achieving their purpose originally intended by the beneficent cause, which is, presumably, Nature. Further, the laws of morality, based on their underlying principles articulated in Kant's maxims, can be discovered. Further again there is a duty, either inherent in the instinctive organism or to be obeyed by rational organisms to conform to the original purpose intended. Nature seems to have the characteristics of a God, cause, design and ultimate worth; and yet Kant denies this theological possibility.<sup>43</sup>

If one removes these characteristics and simply claims that living organisms exist and evolve, then all of Kant's arguments lose the ground upon which they stand. As first cause is not determinable other than through speculating a creator or from the accidental mixing of basic elements in some primordial soup, I will begin with the claim that living organisms exist. If they exist based on the primordial soup theory then their existence is without prior meaning or purpose. Further, their form is circumstantial. Whatever accidental recipe each species originated with determined its form and function thereafter. The form and function, as is obvious by empirical investigation historically,

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<sup>43</sup> Immanuel Kant, *Grounding for the Metaphysic of Morals*, page 22.

adapted to contingent circumstance. Their worth, if any, could then only be determined by their ability to survive as a species through adaptability.

Consequently there would be no laws of nature—in the very strong Kantian sense—with respect to organic beings, but rather only laws in the context of how inorganic material and forces interact.

Although Kant might wish to argue that the specific resultant design implies intent, there is no ground upon which this argument can rest. Arms would extend from the sides of our heads and teeth would reside in our navels if the contingent circumstances under which we evolved necessitated that form of development in order to survive. This is clearly evident when one looks at the myriad of existing species, their unique circumstantial characteristics, and their evolutionary transformation.

In the absence of design and intent there are no laws of nature – relative to organic beings. Species survive by responding and adapting to contingent circumstances. In the absence of laws of nature there are no laws of morality to be discovered by Kant as there is no end purpose to satisfy the requirement of design and intent. As there are no laws of morality, there is no inherent duty. To have a duty requires an obligation; and to have an obligation there must be an designer or purpose not just a function. Living organisms function; but, as the function has no discernible designer, there can be no duty to perform that function. The function of living organisms is to survive, period.

## Chapter 5

### Humean Presuppositions

David Hume does not attempt to ground morals in a priori laws but rather argues, in his *A Treatise of Human Nature*, that all of our actions are as a consequence of our passions and that reason is a slave of our passions. As our actions cannot be motivated by reason, our propensity to do good or evil must be influenced by something other than reason. This influence, according to Hume, is the internal feeling or sentiment of gratitude.

As Hume develops all of his arguments in support of this theory of the fact / value distinction I must begin by summarizing the latter. His initial claim, that reason is subordinate to the emotions, emanates from the understanding. He states “The understanding exerts itself after two different ways, as it judges from demonstration of probability; as it regards the abstract relations of our ideas, or those relations of objects, of which experience only gives us information.”<sup>44</sup> The presuppositions that our ideas are somehow an inherent part of our reasoning and understanding is implicit within the second way that Hume claims understanding exerts itself.

Hume’s arguments proceed based on the preceding definition of how our understanding works with specific emphasis on the implicit assumption about our ideas. He states, “its proper province is the world of ideas, and as the will always places us in that of realities demonstration and evolution seem, upon that

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<sup>44</sup> David Hume, *Treatise*, 2.3.3, paragraph 2

account, to be totally removed from each other.”<sup>45</sup> Hume’s first argument begins with the assertion that we have the prospect of pain or pleasure from an object which results in the feeling of an emotion of aversion or propensity. We are thusly moved to either avoid or embrace the object, but not without first viewing the object to comprehend whatever other objects are connected to it by cause and effect. We then apply our reasoning to determine the relations between these objects. We then, based on our understanding of the relations, form a judgement which directs our impulse to avoid or embrace. The impulse has not arisen then, from reason and understanding, but is only directed by it. Hume concludes, therefore, that reason can neither propel nor oppose and that there is no combat between reason and passion.

Hume’s second argument supports the preceding conclusion that there is no combat between reason and passion. A passion is an original existence , or modification thereof, which we possess. It is originally possessed without any reference to any object. Conversely, truth and reason pertain to the disagreement of ideas which are, according to Hume, copies of the objects they represent. But as nothing can be contrary to truth and reason except that which has reference to it, our judgements with respect to objects or ideas of objects, our passions cannot be contradictory to truth and reason except when our judgements are based on false suppositions. Our passions which motivate us to act cannot be in error but only our judgements which we utilize to direct our passions. Reason then is simply our capacity to determine relations between objects or the ideas of

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<sup>45</sup> David Hume, *Treatise*, 2.3.3, paragraph 2

objects. This understanding leads to our judgements, which we utilize to direct our passions to avoid or embrace. Therefore, whereas our reason can admit to truth or falsity, our passions are not concerned with relations and so do not admit of truth or falsity.

Good is a feeling we have with the satisfaction of a passion upon which we have acted, and bad is the converse. As passions do not admit of truth or falsity, neither do the feelings we have in their satisfaction or dissatisfaction. Good, then, is a judgement we make based on a perception and thus is not in the domain of reason but rather the domain of passion. This is equally applicable to these judgements by which we determine good and evil; as these moral judgements have an influence on our actions and affections, they cannot be derived from reason which is inactive. Whereas morals excite the passion, thus producing or preventing actions, nothing from the domain of reason could have this active consequence. The inactive principle upon which reason rests goes only to determination of the real relations of ideas or to real existence and matters of fact. This results in a judgement of agreement or disagreement through which something can be determined to be true or false. As moral judgements are not of this inactive domain but rather the active domain of passions, they cannot be determined to be true or false but rather determine approval or disapproval. Morals are within the active domain of passion and, as an active principle, cannot logically be derived from an inactive principle; that is, they can neither be contrary nor conformable to reason.

The feelings we have which influence our passions and thus cause us to act in accordance or constraint to the satisfaction of our passions are not evidently present in inanimate objects. Hume draws an analogy between an inanimate tree and a human to illustrate that will, or the absence thereof, cannot be the determining characteristic of our actions. The sapling eventually destroys its parent just as a child who murders his parents. Although the causes of each respective action differ, the relations between child and parent are the same. Consequently the having of a will cannot be the determining characteristic of our actions. He further provides the example of incest. Whereas incest among humans is deemed to be criminal, it is not among animals. Although some might argue that incest provides an example of moral turpitude in humans, Hume rightly points out that, for reason to discover this relation, the relation must already exist. Morality therefore cannot be a consequence of reasoning but rather must be about the object upon which the will, as directed by reason, acts. If will, as directed by reason, were the determinant of good and evil then every animal with sense and appetite would be subject to the moral laws. The fact of animals with insufficient reasoning capacity to discover the distinctions between good and evil would not diminish the existence of the laws of morality; it would affect only the capacity of animals to access morality. If moral laws, then, are not to be discovered within the relations between inanimate things and animals, nor between animate and animate, other than humans, then they are not the object of reason. Vice and virtue, therefore, if not the properties of external objects or the relations between those objects, must necessarily be within the domain of

perceptions. We have a feeling of approval or disapproval which influences our actions generated by our passions.

As with Kant, I am not concerned with the validity or strength of Hume's argument, but rather with the presupposition which directs it. Hume claims that perceptions are of two types: impressions and ideas. Impressions are the emanating ground of morality, according to Hume, as ideas lie within the domain of reason, which he has elaborately ruled out as the domain of morality. It is these latter perceptions, that is the ideas, which are of concern here. It appears that Hume is relegating the concept of an idea to that of a mere perception. I have the idea of a tree and another idea of a river both present in my mind through my perceptual capacity. My reasoning can discover relations between these two perceptual ideas and thus determine truth and falsity relative to these objects. This does not seem to me to be an idea at all but rather a perceptual image, a photograph in my mind. I suggest that this very narrow description or definition of an idea as an image we form in our mind is a view of the world other than that which we have perceived. This cognitive capacity recreates the world we perceive into relationships between both objects and circumstances which could be caused to exist. Ideas then are the product of our capacity to rearrange the perceived world into alternative possibilities. These occur in our imagination I suggest that it is from these alternative possibilities that our moral evaluations are derived.

To imagine: *The Oxford English Dictionary* defines this capacity "as the ability to form a mental image or concept, to picture to oneself something non-

existent or not present to the senses.”<sup>46</sup> I will argue that it is within our imaginative capacity that we form our ideas; and that they are neither a type of perception, as Hume would suggest, nor an ideal form in our mind, through which we access the a prior laws of morality, as Kant would suggest.

*The Oxford English Dictionary* defines ideas “as concepts or plans formed by mental effort as an archetype or pattern as distinguished from it’s realization in individual cases.”<sup>47</sup> An ideal then, is the ultimate conceptualization of an idea.<sup>48</sup>

Plato postulated ideals as perfect forms of which the actual world represented imperfect copies. Aristotle saw the idea as the first cause in his explanation of change. Hume asserted that, “The mind can never exert itself in any action which we may not comprehend under the term of perception.”<sup>49</sup> Perceptions, according to Hume, are of two types, impressions and ideas. With this assertion he relegated ideas to a substratum of reason which was a necessary presupposition in order to dismiss reason as the discoverer of moral laws. As ideas were thusly placed in the domain of reason they became as inactive as reason itself, slaves of our passions. Kant, conversely, elevates the idea to the status of the ideal and postulates the “Idea of the absolute value of a mere will.”<sup>50</sup> This idea becomes the channel through which our capacity to reason discovers

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<sup>46</sup> *The Concise Oxford English Dictionary*, (Ninth Edition-def.1)

<sup>47</sup> *The Concise Oxford English Dictionary*, (Ninth Edition-defs.1,4)

<sup>48</sup> My disagreement with Hume is not over the proper use of the term “idea” but rather with the whether ideas are in the domain of reason or in the domain of the imagination. Hume holds they are in the former domain and I hold they are in the latter.

<sup>49</sup> David Hume, *Treatise*, 3.1.1, paragraph 2

<sup>50</sup> Immanuel Kant, *Grounding for the Metaphysics of Morals*, page 8.

the a priori laws of morality and thus enables Kant to develop his categorical imperatives.

It is from this point of confluence of Kant and Hume, the idea, that I imagine developing a third alternative. Traditional philosophy has navigated along the two great rivers of rationalism and empiricism while simultaneously exploring all of the interconnecting tributaries. I imagine a third river of equal significance. When all three reach a confluent point we have a realizable idea which is the Platonic ideal, the Aristotelian seed of change, the Humean influenced impression and the Kantian categorical idea.

We have three primary cognitive capacities, senses, reason and imagination. In the absence of our senses we can know nothing of the world, we cannot even know if there is a world or if there is an "I" to exist in any world. Descartes could not begin his meditations from the absence of senses as he was already invested with the material of his senses, even if he were successful in voiding any subsequent sensual input. Consequently any idea in his mind must have emanated from precedent input.

The senses provide us with perceptions of the world which we inhabit but these perceptions are inanimate photographs with accompanying characteristics of smell, sound, and feel. Whether the image is of an animate or inanimate object the sensual photograph is static. It is as it is and not otherwise. A tree is a tree and not a wooden house. The senses do not reconfigure. If the object sensed reconfigures, as a candle melts, we sense the reconfigured object, a blob of wax, but not any other possibility. In this capacity we can come to know forms and

alternative forms thereof but nothing more. A wolf can learn to distinguish between a rabbit and a carrot through his senses and can develop both a knowledge of and a preference for the former, but there is no evidence to date to illustrate that the wolf has a capacity to combine both in the idea of a rabbit stew. Our senses provide the individual ingredients for stew but not the idea of stew.

Reason, as Hume and Kant have abundantly illustrated, provides us with the ability to determine truth and falsity. Through reasoning, applied to the perceptions generated by our senses, we can discover the relations between objects and between the inferences we make in our minds about the objects. We can determine that X is larger than Y, and we can infer that if Z is smaller than Y then Z is smaller than X, but at no point in this process does reason combine X, Y, and Z and yield B. If X is onions, Y is carrots, and Z is water, then reason does not yield B which is soup. As surely as both wolves and humans sense but with differing sensual degrees so the wolf evidently reasons. The wolf perceives a moose and learns over time that, to kill such a large entity, the co-operation of several wolves will succeed where individual action may fail. Consequently the wolf forms an alliance, a pack, and a plan with which to attack the moose. Surely this activity is an example of reasoning in the wolf as purely sensual knowledge would result only in individual attack. The relationships between the objects, the wolves and the moose, as well as the necessary inferences in the plan of attack, signify the exercise of the faculty of reason. But at no point has it ever

been evident that, once the moose is secured, the wolves carve it up and combine it with other ingredients in a tasty stew.<sup>51</sup>

I submit, then, that, apart from differing degrees of development in the sensual and rational capacities, there is little to distinguish the wolf from the man in these two cognitive realms. The senses provide us with data and reasoning provides both relations and inference; but neither provide either with the world other than as it exists. Each has passions, as Hume points out, and each is motivated to satisfy those passions. Each, in the context of both of these capacities, is indifferent to any concept of good or evil, and determines good or bad solely as desire satisfaction or dissatisfaction.

It is only within the capacity to see the world otherwise than as perceived and reasoned that man differs from the other animals. I am not herein suggesting that this third capacity is entirely lacking in all other animals, but rather that there is extremely little evidence to indicate that it has evolved to any substantive degree in any other animal.

If I envision a world devoid of the capacity to form ideas representing the world as otherwise, I then have the world of animal species, one of which is man. All of the species are invested with one primary desire, to survive, and all are indifferent in this context to everything except that which satisfies or dissatisfies this desire. Each has differing degrees of sensual capacity and reasoning capacity. All have different physical characteristics which enable them to

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<sup>51</sup> I submit that the ability to go beyond reconfiguration to the creation of new alternatives is that which distinguishes humans from other species.

achieve survival. As each species has evolved each has developed particular strengths in certain characteristics. Man appears to be woefully inadequate in two primary areas. He is neither as physically adept as most of his adversaries nor is he as sensually adept. He can claim to have evolved his reasoning capacity to a far greater degree. It is difficult, however, to envision how this capacity to determine the relations between objects and the inferences thereby associated would contribute to successful survival. However man has not only survived but has gained dominance over all of his adversaries in this eat or be eaten contest.

If reasoning itself cannot generate ideas, and if it could would not every animal that reasons also generate ideas, then ideas must emanate from another capacity. Tools are perhaps the best initial illustration of this capability.

Although human teeth are quite inadequate to tear apart or cut a large carcass, the idea of something like a tooth, only larger, sharper, and not located in the mouth would yield something similar but much more effective. Through our senses we can identify that which cuts, teeth, and through our reasoning we can determine their degree of effect. If we now imagine them as previously described we can emulate teeth with independent objects, sharp hard stones. If these stones are still inadequate as they are too thick, we can imagine the stone split in two and apply both our sensual and rational capacities to the achievement thereof. Prior sensual experience in our memory can bring forth the knowledge of stones breaking in some other context and reason can measure their width.

Consequently, when the idea is combined with the data and executed to the requirements of reason we can create the idea, the knife.

Humans have the capacity to create. This capacity is a consequence of having developed, through evolution, the cognitive functions of imagination, reasoning and the senses. Just as we take our perceptions of teeth, amend the images to envision the idea of a knife, and apply reasoning to determine actual validity of the idea, so we apply the same process to circumstances of interactions. If I encounter another person who has an object I desire, I have either the option to overpower him to acquire the object or the option to create an alternative situation whereby we cooperate in some exchange for the object. It is from the capacity to form ideas and to bring them to fruition, whether it be object or circumstance creation, that design, intent and eventual optimum satisfaction of purpose that the evaluation process originates. Just as we come to value the effectiveness of a well designed knife, so we come to value the success of a well designed agreement. It is upon the agreements over time that we form, and come to value, our principles of interaction from which we determine moral laws.

Traditional moral theories originate from the presupposition that life has meaning and, as a consequence of this, value. Whereas this would certainly seem to be true with respect to each individual being, in and of themselves, it does not appear to be substantively true between most living beings. In the case of each individual animate being it is clear that the being values itself by virtue of the instinct for self preservation. In the case of interaction between animate living beings, with the only evidential exception being progeny and very close associates, there is negligible concern for the welfare of others. Human beings seem to be the only species that enters into considerable reflection and

subsequently alters their actions, at least some of the time, with respect to their concern for others. However, even the claim that humans do exhibit concern and act upon that concern may be a misrepresentation of the actuality of what is occurring. Perhaps the expression and subsequent actions toward other beings are simply elaborate mechanisms developed over time to maximize self preservation and the myriad of values we attach thereto. If this speculation warrants serious consideration then one must look to self preservation and the values associated therewith as the originating force behind the evolution of ethics and morals, rather than to other interest. One must then ask how one would best maximize ones own interests through ones conduct with others.

I have attempted to show that, as a consequence of certain presuppositions and assumptions, our dominant traditional moral theories either do not attach, or attach weakly, to our actual circumstances of life. Hobbesian First laws make a large and unsubstantiated leap from what we can do to what we may or may not do. The Humean argument that our actions are influenced by our feelings clearly recognizes that one cannot get an 'ought' from an 'is,' but do not deal with the interminable problem inherent in consequentialism; the slippery slope. We are incapable of imagining all of the possible or even probable outcomes of contemplated actions, and as our feelings are influenced by a myriad of factors, our actions, no matter how well intended, can often result in a harmful outcome. Kantian moral absolutism, no matter how appealing it may be in its clarity, has little or no force and thus does not attach substantially to our actual lives. We rarely act with Kantian purity of goodwill, but often act to cause

instrumentally good outcomes. Nozick presupposes an originating ground somewhat akin to Hobbesian First laws and subsequently presents an elaborate analysis of a minimal constraint society. But if one removes his First laws as ground, the evolution from anarchy to state to utopia leaves unanswered the question of why we would so act. In each of these preceding theories it is evident why the weaker wish to constrain the stronger but never evident why the stronger would constrain themselves for the weaker. The historical facts are clear; we are always governed by the stronger. In the end we are left with the seemingly slippery slope of moral relativism. Each individual does make his or her own choices which are informed by past learning, cultural characteristics, circumstantial conditions, and personal beliefs. Moral relativism does in fact apply directly to what we do and do not do in the daily conduct of our lives. However, it is true that it may also be a moral quicksand.

Consequently I am offering my arguments for what I believe to be a firm ground for a form of moral relativism which, if somewhat sound, would lay a groundwork for a moral theory which is continuously evolving. Morality then becomes a constantly evolving process grounded in the desire for self preservation. Rather than a static set of principles which become rocks upon which we flounder as circumstances change, we embrace our ever evolving cognitive capacities to cause our world to be otherwise each for each, each for all and most for most. None, on the basis of self preservation, would prefer a poisoned air or water supply. Thus each would act for themselves in a way that helped all to preserve themselves.

Although the scope of my argument encompasses all sentient animate beings, I will be primarily dealing with rational human beings. This is primarily because I do not have the capacity to understand the cognitive processes of other sentient species.

## **Chapter 6**

### **The State of Indifference**

I begin with an imagined past world substantially similar to the Hobbesian state of nature. There is no moral context in this state as each has the instinct of self preservation and varying capacities to maintain this status. All are indifferent to all, other than the instrumental use each may perceive in the other. Every sentient animate being acts in his/her own best interest with the only exception being their respective progeny. It is the caring for progeny that initiates a distinction of other interest and, as progeny represent an extension of self in self preservation, it is not inconsistent that the capacity for caring for others initiates at this point.

Caring for progeny, whether instinctive or intentional, as it is common among many species, is vested, but not exclusively to, the birth parent, usually female. This seems logical irrespective of whether the birth parent is physically feeding the young as the young emerge both actually and perceptually from the body of the birth parent. Consequently, by virtue of direct perception, the feeding and caring for the young is tantamount to the same acts for any part of oneself.

In an associated context it would seem that, in some species, through sexual union the partners develop an associative concern for their partner, particularly when nurturing of the offspring by both is necessary over time. The point is that an instinctively necessary interaction had occurred which, in some cases, leads to concern for another. Indifference diminishes.

If, in certain circumstances, the advantages of association become perceptually evident, then repetition of interactive concern would be repeated to sustain mutual advantage. Non sexual association, such as protective associations, whether among humans or wolves or deer, may become a learned activity contributing to self and species preservation. For most species it would seem evidently clear that progeny and pack association was sufficient to sustain self and species preservation. There is little evidence to suggest that association evolution progressed any further in most animate, sentient species.

Humans, unlike most other species, evolved well beyond this associative level of progeny and pack. I suggest that, as an apparently inadequate species in any comparative contest of physical prowess or protective capacity, humans evolved cognitive capabilities to a substantively greater degree than other sentient animate species. This cognitive evolution was as contributory to human self preservation as were powerful jaws in the wolf or speed and camouflage in the deer. As the cognitive capacities of senses, reasoning and imagining developed, so the advantages of interaction with others became apparent, but within a limited context. Whereas sense developed to a substantially greater degree in other species, as the capacity to respond to the immediate circumstances was directly related to self and pack preservation, the senses became less significant to humans as reasoning and imagination were more valuable attributes contributing to self and tribe preservation.<sup>52</sup>

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<sup>52</sup> In the *Treatise*, 3.2.2., Hume has an illuminating discussion of these points.

I suggest then, and evolutionary history would seem to support the view, that the cognitive capacities of reasoning and imagining developed to a substantially greater degree in humans than in any other species. Our reasoning capacity provided us with the capacity to differentiate beyond immediate preference. The wolf, for example, might well differentiate to a limited degree, recognizing that a slower moving disabled prey was easier to kill than a faster; but wolves never evolved beyond this level as their natural abilities were sufficient for self preservation in these circumstances. Humans, however, developed substantially greater capacities for reasoning, inference, and problem solving. If there was insufficient food available in an area, humans could recognise through their senses the food source (say, a particular edible plant), identify the conditions under which it flourished and, by inference, determine that replication of those characteristics may result in an expanded food supply. This capacity to cause a set of circumstances to occur contains identifiable value. Our wolf can discover the deer which exists in a given place and perhaps kill it to eat on a purely circumstantial basis. But the wolf cannot cause the deer to be available; therefore any value is purely circumstantial. The capacity to imagine a non-actual set of circumstances and then to cause those circumstances to exist, differentiates in, a value-based way, humans from other animals. However, because simply imagining a non-existent state of affairs does not by itself cause any changes in the actual world, humans have also the evolved capacity to reason and make inferences about what can, and what cannot, be done to change the

world to make it more to our liking. If humans have the information and knowledge then they can also secure the advantage of the altered state of affairs.

I suggest, then, that through our evolving capacity to reason we determined objective value concepts from subjective desires to preserve ourselves and our immediate associates, particularly progeny. Both the alternative food supply and the other humans who caused it to occur had identifiable objective value. Simultaneously, many others, including ourselves, had particular differing skills which could cause other preferable states of affairs, from protective services to pleasurable activities. Each then could objectively identify these capacities in each; thus all could objectify instrumental value opportunities.

Concurrent with this evolution of objective valuation process our imaginative capacity evolved. We sense our world and have perceptual images of that world in our minds along with associated sensual characteristics, such as smell or heat, not unlike any other animal except in degree. We reason about our sensual perceptions and thereby determine measurable and inferential characteristics from which we can make judgements such as warmth versus burning. Although this is less similar than sensual capacity when compared to many other animate species it is evident that many other species also reason, only to a much lesser degree. Humans have the further evolved capacity to envision the world perceived and reasoned, then to imagine it as otherwise. When we encounter another animal which we desire to eat and apply reasoning as to how to capture that animal we also have the further capacity to imagine a state of

affairs wherein that animal could not run away. We can further imagine sticks reconfigured as a fence. It is this capacity that seems to be substantially unique to humans. There is extremely little evidence to indicate that any other animate species imagines their perceived state of affairs to be otherwise and then causes it to occur.

Birds surely build nests and beavers build houses and dams; but neither alters the material used. They collect and reconfigure but they neither alter nor do they utilize tools. It is true that certain primates reason sufficiently to both carefully crack open shells to acquire the interior seed and teach their young the process. However I know of no evidence to indicate that any species has imagined intentionally growing the plant to acquire the seed bearing shell.<sup>53</sup>

I submit then that the cognitive process of imagining that the world might be otherwise than it is, is unique to humans. When this capacity is combined with our reasoning and perceptual abilities we then have the capacity to cause the world to be otherwise. In the context then of evaluation we move from subjective consequential to reasoned objectivity to imagined re-creations. Our sensual value is purely instrumental, as it is for other species. Each is indifferent other than to the immediate and direct value realised. But our capacity to value through reasoning allows us to identify external value capacity in others and to objectify that value to ourselves and others.

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<sup>53</sup> Even if there is such a species, we can be sure that they lack some other capacities humans have. For, if they did not, that species would be challenging our own in many obvious ways.

At this level we can establish instrumental value relationships and thus enter into associative agreements of trade. However, in this associative agreement of trade we can further recognize that one object or state of affairs is preferable to another, not only to ourselves but to many. It is within this context of comparative value that we come to view all objects, including ourselves, and therefore gain an overview. Our subjective capacity to value in direct relation to ourselves, combined with our capacity to imagine ourselves as objects in context with other objects, yields an objective standpoint somewhat analogous to watching a movie in which we are one of the actors.

This does not eliminate our subjective interest but rather expands it to recognize the subjective interests of others in the similar circumstance. Furthermore we realise that we, as each of the others involved, can cause the movie to change to maximize our own preferred outcomes, either through overpowering the other actors and taking control of others, or by agreement with those others. As long as the use of power is successful we utilize this process as we maximize our own outcomes.<sup>54</sup>

However, as all would prefer to maximize their positive outcomes, conflict becomes a mitigating factor in self interest satisfaction. As this often involves diminishing returns we enter into agreements wherein the conflicting parties can each gain more than the power relationship yields. As these

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<sup>54</sup> In recent years much of this has been illuminated by the use of game theory. See David Lewis, *Conventions: A Philosophic Study*, for a good account of these and related matters.

agreements are a much more complex process than overpowering processes we not only come to value the outcomes yielded but also the agreement itself.

Furthermore, just as we could objectify ourselves within the movie example, so we can objectify the agreement; for it is an entity in and of itself affecting the objects in our movie. The effect of the application of the agreement causes the movie to be otherwise and, as we with others are the creators of the agreement, we come to realise that we are the creators of the circumstances which we and others value.

We envision our arm attached to a rock to break open shells and thusly imagine a stick replacing our arm thusly creating a hammer. Subsequently we re-envision the created hammer with more effective attributes in the same way that we re-envision our agreements developing in a similar process. This process brings us, through the recognition of preferred outcomes, to the recognition that we are the creators of objects, tools, and agreements, which change our circumstances in a manner which we value. Generally, then, our quality of life improves only when we arrange things so that the quality of life of those with whom we are interacting also improves.

We further recognise that there are three primary potential inhibitors to the process. Firstly we must have something that is collectively and objectively valued at least as much as anything else is valued. (This is to ensure that we have a salient end for our actions.) Failing this our joint efforts may be uncoordinated. Secondly we each must have some type of power or control over those things desired. Thirdly, it is often the case that not all come to understand or value the

process simultaneously. A consequence of this is that some will have no reason to share in the effort to attain our joint projects. Furthermore, as our capacities and our circumstances are often unequal, some will come to have more of that which is objectively valued. Similarly, due to the same inequality of capacities, some will be able to establish more power over that which is objectively valued than others. Lastly, due to unequal power, agreement adherence may not be enforceable by ourselves. These three primary issues must be overcome to maximize our self preference outcomes, one of which is the continuous creation process resulting in value enhancement which expands our quality of life.

As each has individual inherent talents which allow them to perform best in particular circumstances, we cannot equalize our natural capacities. However, we can amend the circumstances to a state of (roughly) equal conditions.

Although this will not equalize outcomes due to unequal talents it does provide a trade agreement possibility wherein each can recognize their own area of strength and weakness and thereby agree to an offset trade off. This will not yield equality, as some will, through their talents, acquire much more than others but the talented will still provide some value to the outcomes of the weaker.

Arrangements which grant power or control over our creations - in effect, which grant physical, intellectual, and emotional property rights - become attractive to us all as each desires power and control over their own creations.

However, an agreement to grant each person exclusive control over his/her own creations is extremely difficult to enforce as many desire to have that which another has created. This substantive imbalance of just creation

acquisition (in the Nozickean sense) presents a substantive dilemma. Power or control over that which is justly acquired can be maintained only by way of extreme protective measures or by some version of the Hobbesian sovereign. As the former is rarely, if ever, sustainable over time, the latter, as long as that Sovereign is impartial, is preferable as it yields justice. Although this does not mitigate the apparent injustice of substantive unequal distribution realised through just acquisition, it does provide just protection.

At this stage we have moved from an initial state of indifference to others, or pure self interest satisfaction wherein all others have purely instrumental value, to the recognition of other value, further recognizing that oneself is also an other. Imbalance of natural talents to create that which each desires has led to a circumstance of exchange between those who have created X and Y, each desiring the alternative. As the exchange requires agreement we come to value not only the object but also the agreement. As the agreement requires sustainability we come to value impartial enforcement. As impartial enforcement yields justice we come to value the concept of justice.

Consequently, through our capacity to imagine an alternative state of affairs, and by realizing that we can cause that alternative state to obtain through the application of our reasoning to information we have acquired through the use of our perceptual capacities, we develop a value system, not only of instrumental value but also of intrinsic value. Our capacity to envision ourselves as objects or actors in the movie in our heads provides us with the vision of ourselves as objects among objects all with both similar and differing desires.

Although we cannot be the other, we can transfer our value system to the other. If we have come to value justice we can, in our envisioning, apply this value to others and then, when entering into actual agreements, overlay that on the agreement. Of course it may turn out that our value transfer assumptions are not actually shared by the particular other in this agreement. However, through this process we can determine common values over time in particular circumstances. As these prevail over time in a consistent format we can objectify these values and thusly come to value them in and of themselves.

In the preceding section I argued that our value systems are artefacts which have evolved as a consequence of our desire for self preservation, a desire best realised through our cognitive capacities, including our capacity to imagine. In this process, which is a perpetual series of interactive agreements with others, we create the concept of objective agreements with others, we create the concept of objective value and ultimately come to objectify and value the agreement which causes the desired outcome for the participants. As each wishes to maximize their own positive outcomes in each interaction, and as each recognizes this desire in the other, the concept of reciprocity gains credence. It is within this context of reciprocity objectified that rights, duties, and obligations evolve concurrently.

The very basic question of what it would be to have a right must be asked. From an initial standpoint it would seem that there are two possible types of rights, both of which have the criterion of protecting or maintaining that which one values. The most basic right, which we seem to presuppose, is that of the

right to life. The view seems to be that, given that one is alive, one therefore has a right to sustain that state. If one does not view this as a right but rather only as a capacity, then the conclusion of the right to sustain does not obtain, only the ability to sustain obtains.

We, as humans, do not in any way recognize the capacity to survive as a right to survive for any other animate species. If we did we would neither hunt nor farm other species to eat. We would all be vegetarians. Consequently, if rights do not emanate from the capacity to survive then they must have some other originating basis.

It might be argued that the capacity to exercise free will results in the capacity to make a preferential choice and, in so doing, one values X more than Y and consequently has a right to act on the preference. On the comparative level with many other sentient animate species this is not stronger than the capacity equals right argument; for many species, not just humans, identify preferences and act on those preferences. Yet we as humans do not accord rights to those other species even though we celebrate the unconstrained free will of wild animals while simultaneously slaughtering and enslaving them.

I submit then, that what we actually value is our capacity to create and the subsequent outcomes which obtain because we can cause our state of affairs to be otherwise. Simply stated we, alone among species, have the capacity to create.

If one has created X, be it a garden on a particular piece of land or a pathway across the land, we value the capacity in ourselves and the subsequent outcome which facilitates that process. Further, just as we objectified the

capacity to enter into and enforce in a just manner our arrangements for interaction, we objectify the process and outcomes of actions. This objectification leads to the concept of reciprocity. If I have a right to X because I have created X then you have a similar right to Y if you have created Y. Other interest emanates from mutual regard for self interest. I agree to constrain myself from interfering with your creations as long as you do the same for my creations. Non-interference or negative rights therefore evolve. It is not a necessary condition of this type of right that we interact, only that when we do interact we limit the ways in which we interfere with others. In particular, we do not interfere with them whenever they have a negative right not to be interfered with.

When we seek something another has created we can acquire it through three means. First, they might give it to us without expectation of return or recompense. Second, they might trade what we want from them for something we have which they want. If we trade then each must provide that which was agreed upon for just rights to obtain. Finally we might simply steal what we want. If we steal then the person from whom we stole has a legitimate claim on the goods stolen.

Rights then rest entirely with the creator and the subsequent legitimate transferee. As we each desire the concept of reciprocity to obtain for ourselves so we extend or objectify the concept to others. Duty becomes a natural evolution from rights in the same reciprocal context. In the case of giving, if I have agreed to give you X, I have a duty to give X to you. Similarly if I agree with you to trade X for Y, I have a duty to keep that promise. The duty

originates, not with you but with me in the reciprocal context. I have come to value the concept of reciprocity as it sustains my created rights, thereby maximizing my self interest. I value your rights in order to cause reciprocity. Other interest then is motivated by the anticipated satisfaction of self interest.

However, we are not so constituted as to automatically maintain these created values and the rights which emanate as a consequence. We can also imagine a state of affairs where we benefit from the other keeping their promise while we do not deliver on ours. Consequently we lie, cheat and steal. It seems true that, if you agree to give me X and I to give you Y in return and you do give me X prior to my giving you Y, I am better off with both X and Y. If there is no manner in which you can enforce our agreement, and if you do not have an effective third party enforcer, then I realize X and Y and you realize nothing. I then have maximized my self interest as a free rider. However, a type of invisible hand would seem to be at work to mitigate free riding. In a small population most would become aware of the free rider and cease to interact. Thereby, his short term gain would be mitigated by long term lost opportunity.

However as populations become so large that the visibility of the free rider becomes less and less likely it would seem that the free rider could operate with impunity. But, ironically, the act of free riding can have the effect of increased valuation of the agreement process and compliance. The offended parties become acutely aware of the value of reciprocal compliance by virtue of the damage which has been inflicted upon them. They have two alternatives; to become free riders themselves or to create improved compliance mechanisms.

As it is their self interest which has been damaged and as the future loss opportunity to the free rider with whom they associated is clearly evident to them, future self interest over time through compliance is evidently the rational course. Consequently they create more elaborate enforcement conditions which constrain free riders and, furthermore, they then come to value the agreement compliance process intrinsically. The free rider, then, by his own actions, inadvertently contributes to the intrinsic valuation of adherence to agreements. If we value our creations and consequently want rights to those creations and the transference process thereto in the interest of our self maximization, then we must value reciprocity both actually and conceptually. We have a duty, not to others, but to the concept of reciprocity, in order to realise reciprocity to maximize our own self interest. The communities which develop enforcement mechanisms to limit free riding are more likely to survive than those which do not develop such mechanisms. Since objectively valuing the rights of others reduces the likelihood of free riding, communities which develop and use the capacity to objectively value basic rights will have a better chance of self preservation than those which fail in this task.

I have, in the preceding material, attempted to illustrate a theory of moral evolution and to state a few of the reasons why we come to objectively value the manner in which we interact. Morality, on this basis, becomes a living, evolving entity entrenched in reciprocal self interest maximization. Although it originates at the individual subjective preference satisfaction level, it evolves through agreement creation and adherence therein to a valuable objective artefact.

## **Chapter 7**

### **Ramifications**

When morality is viewed as an evolving entity, rather than as a fixed set of rules, principles, or prescribed responses to consequences, it attaches to our evolving realities in a much more direct manner. Cultural, conditional and generational distinctions become valuable assets in the evolving agreement process. Conflicts between contradicting theologies or a particular theology and a secular interpretation can be resolved when, and if, both parties will enter into an agreement process acknowledging that their positions are not cast in stone.

At one point in history it was functionally necessary, for non-theological reasons, for a couple to produce many children. This both offset the high infant mortality rates at the time and provided someone to care for the parents as they aged. Self preservation and generational self continuance were logical notions behind large families. Religions, such as Catholicism, required their practitioners, on a moral basis, to procreate repeatedly within the construct of marriage, supposedly to satisfy the commands of the bible. Birth control was *held to be* immoral. It is now possible, if not probable, that at some foreseeable date, we as a species will overpopulate this planet. This may occur from a combination of excessive birth rates and the success of medical science in sustaining individual lives. It might even result from extensive human cloning. Consequently it may well become immoral to sustain random procreation. If one of the most common human preferences underlying any evolving morality is the preference neither to be harmed by others nor to cause harm to others, and I

suggest it is, then random procreation in an overpopulated world would be directly contradictory to this preference and the moral code which resulted thereof. Neither a theological nor a secular belief system could justify its continuance with any legitimacy. Whereas we currently entrench the right to practice a religion within our constitutions in a democracy it may become morally necessary to constrain particular religious practices.

The concept of substantive territorial sovereignty has substantive moral ramifications. If most parents, irrespective of sovereign, cultural, or theological beliefs, prefer their children not to be abused, and if that preference has evolved as a moral precept as a child's right not to be abused, then how can anyone justify a right of sovereignty which allows this practice? This difficulty, and others which hide behind sovereign lines, seem to be the crack in the wall of Nozickian protective association arguments.

Nozick effectively argues the process of just acquisition through natural talents yielding unequal but just outcomes. He further presents effective arguments for the subsequent evolution of protective associations which eventually obtain as sovereign states. Even within the context of a sovereign state he successfully argues that all have shares in all by a reciprocal agreement process in order to secure individual rights for all within the state. However, he justifies neither the actual state itself, nor interactions between states.

Humans, distinct from other species, have a highly evolved imaginative capacity. The unique characteristic of this capacity is the ability to envision alternative possible state of affairs when confronted with the perceptual world.

Within this context of envisioning alternatives resides the recognition that, with the application of our reasoning capacity, we can cause our state of affairs to be other than the perceived state. Consequently when we perceive a state of affairs and desire it to be otherwise we can envision that state which we desire. Having envisioned the preferred alternative we can apply our reasoning to determine the possibility of causing that alternative state to obtain. Given that we have acquired the necessary knowledge to cause that alternative state we can form a judgement of probability. We can then act on the most probable preferred alternative to cause the actual circumstances of our preferred alternative.

When humans undertake the preceding process and cause the preferred alternative to obtain, they come to value the capacity which makes this possible as well as the intended outcome. Within the same imagining capacity humans can envision themselves as one of the actors or objects. Subjective desire satisfaction is then objectified within the envisioned state. Each human is conscious of this capacity in and of themselves and thus assumes that every other human has a similar capacity. The assumption is verified when humans observe others altering their states of affairs.

When humans interact with other humans, each wishing to satisfy their own desires, it is often then apparent to each that their desires are conflicting. If humans lacked the evolved imaginative capacity to envision and subsequently cause an altered state of affairs, then each, in the circumstances of desire conflict, would attempt to overpower the other, as do other animal species, to satisfy their individual desire.

However, as each human has the capacity to envision and cause an altered state, each can present their alternative vision to the other and both can agree to some alternative version wherein both achieve some degree of desire satisfaction. Each then comes to value the immediate outcome, the process which made that alternative state possible, and the 'other' which contributed to the mutually advantageous outcome.

I suggest, then, that it was through this preceding process, that humans evolved from subjective consequential evaluation which was purely instrumental to an objective evaluative process. Subsequently, because over time humans learned that mutual advantage obtained frequently when this interactive process was adhered to by all participating parties, humans came to value themselves, others, and this human capacity as more than just objects in the process. Subsequently the maintaining of the argument itself then evolved as an object of value. It became evident that promise keeping maximized self desire satisfaction for all participants over time. Consequently objective value evolved from subjective interaction to achieve mutually advantageous states of affairs as envisioned and agreed to.

If, as I have argued, our evaluative capacities evolved in this manner, from subjective to objective and from instrumental to intrinsic, then the concepts of good and bad would align respectively. As each could envision both in the alternative state of affairs and as each came to realise that their own preferred outcomes were frequently obtainable through recognition of and agreement to a state of affairs which satisfied both participants, each could objectively value the

overall outcome. Concern for others, then, within the context of reciprocal concern, becomes more valuable than pure self interest. Consequently these outcomes can be objectively evaluated as good and bad in relation to the mutual advantage obtained over time.

When most prefer, over time, a particular outcome, such as the state of not being harmed by others, each can come to value this preference in an objective context. Then, through the preceding cognitive process, most can agree with most to constrain themselves from harming each other. As all can also observe that some are either not willing to enter into the agreement or not willing to keep the agreement, then most can then agree to measures of impartial enforcement.

Whether it is an agreement to keep from harming others or an agreement to keep promises, I suggest these issues that pertain to individual self preservation, which require compliance from all others to obtain, evolve as our moral rules. Morality, then, is a continuously evolving entity to ensure self-preservation for each by all. As circumstances change in a substantive way which can seriously threaten substantive self preservation, morality must evolve through agreement to mitigate the threat. If we as a species continue to overpopulate then the moral belief in the right to procreate may well require substantive modification through necessarily imposed and enforced constraining. If a particular religious belief results in substantive threats and actions which cause harm then it may be necessary to challenge the right to practice that particular belief. If a sovereign state perpetrates and commits substantive

harmful practices on some segment of its citizenry then it may be necessary to evolve and enforce moral rules which constrain the power of cultural sovereignty.

My objective, in this thesis, was to illustrate the process by which our species could have come to objectively value certain forms of moral principles from the ground of subjective self-interest and thereby develop moral agreements. I have not presupposed or assumed any natural inherent characteristic other than the limited desire for self-preservation and standardly recognized cognitive capacities. In the cognitive context I suggest that most, if not all, would agree that we sense and thusly perceive our world, as do all other species.

Further, I suggest that, although we may have developed our reasoning capacities to a substantially greater degree than many other species, many other species do reason to some degree. Consequently it would seem that neither senses nor reasoning nor both interacting are sufficient ground for constraining of actions in the interests of both ourselves and others. If they were, then one must ask why only our species has come to value interactive constraint. The only cognitive process which seems particularly unique to our species is the capacity to imagine. It is within this capacity that we are capable of envisioning the world perceived to be otherwise and to apply our reasoning capacity to those alternative visions to determine possibility. As a consequence of this process we can then cause alternative, preferable states of affairs to obtain. Further, within this same capacity, we can envision ourselves as one of the objects among many and

therefore evaluate collective consequences. Objective value then evolves from subjective value envisioned collectively. In this context of envisioned objective value we have the capacity to recognize mutual value by agreement as often preferable to individual value through domination. Consequently we enter into agreements which require both or all parties to constrain and to maintain the agreements. As the outcomes are often preferable over time we come to value, not only the outcomes, but also the agreements themselves. In this way we establish principles of conduct which we value in and of themselves. Further we establish specific rules to ensure adherence to those principles; and, lastly, we establish impartial enforcement to maintain both the principles and the rules.

Although the entire evaluative process is constantly subject to consequential change, we have come to value the entrenched principles very substantially; therefore change must be a very slow, cautious, intentional evolution. Thus the process by which we make our agreements, and the agreements themselves, are the evolutionary ground of morality.

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