

# Cullity on The Foundations of Morality

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## 1 Introduction

Cullity's *Concern, Respect, Cooperation* is an ambitious, wide-ranging book; there are few philosophy books from which one can learn so much. Every page contains important and original insights that range over almost every single topic in normative ethics. Cullity defends a Rossian pluralism that is an illuminating mix of more and less than what Ross had to work from. Instead of Ross's five basic duties, we have three foundations. In arriving at derivative duties, Ross allows only what Cullity calls 'subsumptive' form of derivation; that is, on Ross's theory "derivative prima facie duties are all explained as instances of more fundamental ones" [67]. Cullity, on the other hand, allows for significantly richer forms of derivations. Moreover the derivations are not 'algorithmic' (though I'm not sure they're supposed to be in Ross's case). However, this simple accounting hides some other important changes on the view that Cullity introduces. We start from presumptive fitness, rather than *prima facie* duty, and Cullity introduces also relations of undermining which will not allow us, in the most basic case, to move straightforwardly from presumptive fitness to fitness. The general outcome seems to me a much more nuanced and complex view than traditional Rossian pluralism. Although this complex machinery might make the derivations seem *ad hoc*, Cullity argues, mostly correctly in my view, that the added complexity sheds light on an intricate field, allowing us to

see important relations that a more spartan Rossianism might have missed.

Pluralism contrasts with “monism”, in which the foundations of morality are, in some non-trivial way, unified into a single principle or such, and particularism,<sup>1</sup> in which, roughly no attempt is made to provide this kind of finitary foundation of morality, or to reduce the many to the few. Rossianism seems to promise a golden mean to the extravagances of those who demand too much or too little from moral theory. But it’s exactly here that I want to raise some methodological concerns, or concerns about the ambitions of the book. I have doubts that there is much to be said for the golden mean, especially when we introduce all the complexities suggested by Cullity. A unified account shows what unites all of morality, but we do not seem to approximate this kind of explanatory achievement when we expand the foundations of morality: that there are three basic foundations of morality still leaves us with the question of what all those things have in common, or why they enjoin us to act in relevantly similar ways.<sup>2</sup> Of course, in bringing phenomena together and systematizing, we gain understanding and provide explanations of puzzling phenomena. But the explanatory doors are equally open to the particularist; after all, the particularist is not committed to saying that there is no interesting connection between different phenomena or that we cannot explain or justify the various moral verdicts we accept or reject. The particularist is just skeptical that we could bottom out at some kind of foundation from which, with the help of various principles of derivation, we could arrive at the content of all morality. And here the particularist might seem to have an advantage: not being constrained by a short list of basic sources in which everything has to bottom out, she can perhaps provide more illuminating explanations that go in other directions. In

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<sup>1</sup>Here I am not trying to pick out philosophers who go under the label, but just a more open-ended view regarding the foundations of morality.

<sup>2</sup>To be clear, Cullity does provide what seems to be an answer to this question in chapter 8, as he raises the questions of why these three foundations. I am not sure I am convinced by it, but I won’t have time to pursue this issue here

fact, much of the book's discussion of the various rights or goods, seems to be independent of the general foundations of concern, respect, and cooperation. It's worth noting in this context that in a sense these three foundations do not represent a reduction of the many to the few. If Rossian pluralism proposes a view in which any case of moral obligation is an instance of one of five types of prima-facie duties, its explanatory prowess is quite obvious: the many turn out *just to be* a few things. But the same explanatory advantage is less clear when we need to travel a complex explanatory route. After all, what is gained in having only three foundations is lost in needing more complex derivations to arrive at particular verdicts. Since in Cullity's theory the derivations are not subsumptive, the particularist can complain that providing a path from, say, a right to self-ownership to the foundations of presumptive fitness in relation to concern and respect is just an unnecessary appendage. Once we understand that this is a fundamental right, we gain nothing in simplicity or explanatory power by forcing this right into one of the patterns of derivations provided by Cullity. Or that's the worry.

It's worth noting that even if the worry is justified, it leaves intact much of the richness of Cullity's discussion of, in this case, the right to self-ownership. In fact, it does not even reject the general apparatus as useless or unimportant. At most, it cuts down on its ambition. If the worry sticks, then Cullity's derivations would be just one way to approach the moral landscape, and that other approaches might sometimes provide better, or not worse, understanding of the same territory. At any rate, I'll bring up a few areas in which I think the foundations seem distracting, misleading, distorting, or simply not particularly illuminating. These might be only a few bumps on the road, but my worry is that, in the end, the foundational structure of the theory is at best optional.

## 2 Too Many? Respect vs. Concern

On Cullity's picture, the foundational norms of concern takes norms of presumptive fitness regarding responses to the welfare of others, while norms of respect are norms of presumptive fitness regarding responses to the self-expression of others. Cullity himself notes that concern and respect are connected: self-expression is part of one's welfare and Cullity seems to implicitly accept that respect might be at least *relevant* to my reasons to help someone. So why think that there are two, rather than one foundation here (especially given the rich machinery of derivation that Cullity provides us), or, in other words, why not think that one of the foundations is primary? Of course, one could pursue this question either by thinking that concern is the privileged foundation or that respect is the privileged one. As a somewhat committed Kantian, I take respect to be primary, and to the extent that concern for the welfare of others plays a role in morality, it does so only derivatively. It's difficult to compare Kant's understanding of morality, one in which fitness plays no role, and one in which morality is characterized by necessity and universality rather than our relationship to others, with a view that begins from a notion of presumptive fitness.

A quick aside: I am ashamed to confess that I have no pre-theoretic grip on a generalized notion of 'fitness' or 'calls for'. That is, I understand that it is fitting that we honour the general who saved us from the baddies, and that oppression calls for resistance, but I am not sure how to generalize the notion much beyond these cases. And this is made worse by the fact I am suspicious that the contemporary notion of welfare, the notion of what benefits someone, is one that can be so easily understood. So I am not clear on how to answer a number of questions using these notions. Does my neighbour's increased sexual pleasure (presumably part of her welfare) presumptively call

for its promotion (say, by, pardon my French, the purchase of a vibrator)? Or, to use a less contentious example, is it fitting to promote the well-being of a frail person by helping her cross the street? The first case leaves me at a loss, while the second seems to me a rather convoluted way of saying that I should, or it would be good, to help the frail person across the street. Cullity himself agrees that the notion he wants is not simply plucked from ordinary language; I don't think that much hangs on this. I think such notions are best seen as theoretical primitives and we can judge them by their theoretical contribution. But it does make us suspect that their explanatory contribution needs to be taken with a grain of salt. If we are understand what "fitness" and "calls for" partly in terms of their contribution to the theoretical claims of the theory, we need to be cautious in comparing the explanations provided in terms of fitness with alternative explanations, as the explanations in terms of fitness will be as much explanations of what the relation of fitness is in light of the purported *explanandum* as the other way around.

At any rate, it might seem obvious that we often care about other people's well-being not out of respect, and it's important to notice that Kant's view does not deny this. The sympathetic person is directly motivated for someone's well-being. Insofar, they're motivated this way, they do nothing wrong (*ceteris paribus*), but it's not the expression of a moral obligation. On this view, we have a duty to make the happiness of others our end, and that insofar as we act from the thought of this duty, our attitude is one of respect for others. So in a broad sense of 'calls for' we can say that respect calls for promoting the happiness of others in Kant's view. Of course, it would be most unfitting to take this opportunity to advance a defence of Kant's views on this duty. Instead, I'll present here briefly why I am not convinced by Cullity that we need both concern and respect at the foundations of morality and that a Kantian type

view might be preferable. So let us look what I take to be the important reasons why Cullity takes concern to be a different foundation. I take it that the most compelling case here against trying to understand the demands of morality with regard to concern in terms of respect is grounded on the claim that there is no ‘positive counterpart’ (49) to the claim that self-expression calls for non-interference, and, more particularly, the claim that self-expression does not call, at least on its own, for helping others:

A reason to help you ... need to come from elsewhere—for example from the fact that it does you some good ... If you have a capacity in a certain respect which is disastrous for you (spending large sums of money, say), I can have a reason not to interfere; but if you lack that capacity and acquiring it would be disastrous, there is no reason not to help you acquire it. [50]

But first, I don’t think that it’s always true that ‘a reason to help’ must come from the fact that it ‘does you some good’. If my daughter decides that she’ll pursue a career in filmmaking, I have reason to help her even if I think that she’s wasting her time. In fact, she would rightly think that I wronged her if, in noticing that she had forgotten to mail her letter of application, I decided against putting it in the mailbox myself. And this does not apply only to personal relationships. If a stranger whom I happen to know is unhealthily obsessed with punctuality asks me the time, I have a reason (possibly a decisive one) to tell her the time, even if I think it’ll do her no good. Similarly, even though I think most of my colleagues (and myself, of course!) would be much happier if they spent less time surfing the web, I often help them restoring their internet connection. Moreover, self-expression does seem to call for promotion or, at least, there is some positive counterpart: what Kant calls a ‘positive agreement’ with the ideal of humanity as end in itself. Suppose a parent is

correctly convinced that the happiest (i.e., with most well-being) life for his child is a life in which she is as good a pianist as she could be. He would still be at fault if he did not ‘expand her horizons’ and developed her other talents and exposed her to other possible ways of life. So expanding someone’s capacity for self-expression seems to be called for by their autonomy.<sup>3</sup> But once we overcome these objections, and are in a position to say that self-expression calls for favouring attitudes, (and thus is valuable), we can use some of Cullity’s machinery to expand it to include reasons to help. If self-expression has value, then we can derive subsumptively that instances of self-expression have value, and that such value calls for promotion. Thus a general attitude to help others is called for and from that we can derive that we have a reason to help others. How we derive more specific reasons from such a general reason is more complex; as Cullity correctly points out, given my position, I might have no reason to help someone in Colombia paint her fence, and given that we have limited resources, there’ll be a great deal of latitude about how much we must help others in expressing respect for them. Moreover, cases of self-destructive behaviour, or even in some cases of clearly misguided manifestations of this capacity, will plausibly be viewed of cases of content undermining. But these complexities are already present in Cullity’s unmodified view.

Taking this route has decided advantages. It explains why I might be obligated to help when I am the only one who can provide you with assistance that will save your left hand (say, I am the only person in a position to carry your severed hand to the hospital), but I am not obligated to provide you with similar assistance to save your (or to acquire a) Porsche even if you’d prefer to have the latter over the former (because you (correctly) judge the Porsche to be more important for your well-being). Your limbs are fundamental ‘tools’ in

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<sup>3</sup>I prefer ‘autonomy’ or ‘self-determination’ over ‘self-expression’, but I’ll try to stick to ‘self-expression’ unless it makes the sentence too awkward or unclear

expressing your autonomy, while having a Porsche is just a very specific way in which you realize this capacity. I think similar considerations apply to cooperation: respect for others call for trusting that we can join them and to share the burdens of cooperative activity.

Again, my aim here is not to defend Kantianism. I think analogous moves could be suggested by someone who took welfare to be primary. My main point is to raise a suspicion that, given the richness and non-algorithmic nature of the derivations allowed by the theory, the triple foundation suggested by Cullity might be arbitrary. On the one hand, it seems that similar relations can be found among these three foundations, then we found between the derivative aspects of morality and these three foundations. On the other hand, the same reasons we might have to keep these foundations separate, we might have to expand them even further. The ‘one hand’ was the subject of this section and the ‘other hand’ will be the subject of the next.

### 3 Too Few? Aspects of Welfare

Welfare is a catch-all phrase that includes very goods, such as “love, fellowship, enjoyment, achievement, understanding, and freedom” [45], and I take it that enjoyment, or some other aspect of it, will include freedom from pain. Cullity assumes that there is a ‘single topic’ here under the heading of welfare, and, even though I am skeptic about it, I do not want to challenge this assumption. But the worry in this section is related: that taking it to be a single foundation leaves a number of things potentially unexplained. As many philosophers recognize, harms and benefits can call for very different actions from you, and their demands seem to be different in content and structure. One might disagree whether the relevant distinction is really between benefits and harms, or, say, just between pains and pleasures, or between some two other things, but



it does not matter for my purposes, where the differences lie, as long as the differences are there. Ross seems to recognize two different fundamental duties: non-maleficence and the duty to promote the good, (Ross, 2002, p.21) while the latter one is weightier than the former. Cullity could similarly allow that reasons derived from norms of respect tend to defeat the reasons derived from the norms of concern. But this would not be enough: there are stronger reasons to avoid people's suffering than to promote their enjoyment that have little to do with Cullity's understanding of the norms of respect as founded on responses to self-expression. My reason to help you replace a flat tire is typically significantly weaker than my reason to to avoid causing harm to your tire (if, for instance, my car tends to leave little spikes on the road that will end up slashing one of your tires). Although the theory allows that different derivations will give rise to duties with different strengths, by doing this, we seem to be simply moving elsewhere the fundamental bits of the theory without gaining in explanatory power. Similar things can be said about partiality, say, to friends and relatives. While Ross has a foundational duty of fidelity,<sup>4</sup> Cullity needs different derivations to explain the different relations of fitness to valuable relationships (77).<sup>5</sup>

Moreover, in the case of friendship, for instance, the model runs the risk of not being able to explain phenomena, or at least force its explanation into a seemingly unsuitable framework. For instance, let us assume we agree with Stroud (Stroud, 2006) that friendship calls for epistemic partiality: that is, suppose it is fitting that good friends are slow to form unflattering beliefs about their friends and quick to form flattering ones. Is this instance of commitment to our friends derived from concern with their welfare or self-expression? How

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<sup>4</sup>Ross's duty of fidelity includes both relations of promisor and promisees, on the one hand, and duties to friends, families, etc., on the other (Ross, 2002, p. 21). Arguably these are fundamentally different. Of course, it does not matter to my argument which stand we take on this issue.

<sup>5</sup>Of course, given that for Ross prima-facie duties are basic, this might complicate the comparison. But we could also have among our norms of presumptive fitness something like 'Relationships of friendship (and others) call for loyalty.'

do our ‘internal’ beliefs affect in any way our friends’ welfare or constitute interference, directly or indirectly, with our friends’ welfare or self-expression.

I just want to make it clear that my claim is *not* that Cullity is in no position to accommodate these claims, but that the fact that all these aspects of concern for welfare enter the theory as constituents forces Cullity to search for a roundabout explanation of these facts, rather than the straightforward presumptive derivation proposed by the pluralist. Of course, Cullity may argue, as I think he sometimes does (see p. 46, for example) that relating everything back to these fundamental norms helps showing that there is something in common between them—showing how they form a cohesive whole or something like that. But if all that we want to say about concern for harm and benefits, friends and strangers, is that they are somehow connected, then I start to lose sense again of why shouldn’t we have fewer foundations. Cooperation and the presumptive fitness of joining in a worthwhile activity are also not unconnected to norms of concern or respect. Shouldn’t these norms then be derived (via, for instance, responsive derivations; isn’t joining in a fitting response to the goods promoted by a worthwhile joint activity?) from the norms of concern or respect?

## 4 Problematic Derivations

Finally I would like to raise a few doubts about particular derivations and some of the machinery made. Of course, these issues are relatively independent from my general concerns.

In the insightful chapter on paternalism, Cullity tries to show how his theory can explain when we accept paternalistic intervention and reject it. Cullity thinks that boundaries to freedoms, such as the one included in the right to self-determination are determined by answering the question: ‘Which allocation of freedom should we recognize, all things considered, as morally protected?’.

This seems correct and unobjectionable, but my question is whether trying to derive the relevant allocation from ‘reasons of concern and respect’ as Cullity understands those provide further illumination, or actually create problems for understanding our right of self-determination. The reasons of respect are supposed to come from the ‘norm that enjoins non-interference’, while reasons of concern are, among others, reasons that arise from our ‘dignitary interest’—our interest in ‘being *recognized* as the authors of our own lives.’ [179]

It’s this interest that Cullity uses to justify an important disanalogy in our thinking about paternalism. Our right to self-determination can be overridden in certain cases of ignorance. I can push you away from an oncoming car that is about to run you over and cause significantly bodily harm even if you’re telling me to ‘leave you alone’ (ignorantly; we’re assuming that this is not a case of desiring one’s own bodily harm). But Cullity correctly points out that ignorance cannot on its own explain why I am allowed to do this; I cannot interfere with your choice of partner even if I know that the marriage will be an unhappy one. The difference between the two cases, Cullity argues, is that:

Having the freedom to enter into an unhappy marriage is good for us because it makes a central part of our biographies ... our own. The same is not true of the freedom to get oneself ignorantly run over. [183]

But this cannot be the explanation of the difference, as the difference is not between the domains of decision, but the types of harm encountered (and I would to say the type of ignorance in question). For if you know that someone’s intention to marry someone else is part of an elaborate plot to cause them severe bodily harm during their honeymoon (say as revenge for the potential victim having broken the heart of the potential perpetrator’s best friend), then you’re equally permitted to interfere. And if I am confident that your purchase

of a new sports car will make you deeply unhappy (say, because it'll start to make you want more and more luxury goods that you cannot afford), I am not allowed to interfere with your purchase even though getting a sports car is not a central part of anyone's (well, almost anyone's) biography. The difference seems to lie on the fact that certain *judgments* of mine are protected (normative judgments, judgments about the constituents of my welfare, judgments about my character, etc.). But it's not clear that Cullity's theory makes room for this kind of protection.

Similarly, although the discussion of what counts as 'using others as means' provides a rigorous clarification of an often loosely used expression, I find the discussion has some limitations in, for instance, the discussion of the trolley problem. The difference between Pushing (the case in which I have the option to push the bystander) and Diversion (the case in which I can divert the trolley) are explained in terms of the context undermining nature of using someone as means in the former case. As Cullity puts it:

The usefulness of the fat man as a means of serving the bystander's end of saving the five is not available as a justification for doing that to him.

But this, at least in the absence of further analysis, seem to wrongly put Quinn's famous Rescue case (Quinn, 1989) on the side of Diversion rather than Pushing. On Quinn's case, in order to save five you need to drive the trolley over someone who is tied to the tracks on your way to a rescue mission. Rescue seems no different than Pushing and the same prohibition holds there.

Finally, in some places I am somewhat unconvinced by how Cullity defends his understanding of the preferability of his theoretical apparatus over others, arguably simpler, ways with coming up with the same results. For instance, I have doubts about Cullity's arguments favouring undermining over persistence

in various contexts. For instance, in explaining one's right to self-ownership, we must account for the fact that certain considerations do not even enter our deliberation. So the fact that your stepping on my back will help reach a library book your friend needs should not even enter in your deliberation as a reason for stepping on my back. Roughly, the context-undermining view claims that this is the case because the right of self-ownership undermines the presumptive norms that determine that you have a reason to help your friend here. The persistence view claims that the reason to help your friend persists in all contexts, but given that it's clearly outweighed by my right to self-ownership, it should not enter deliberation.

Cullity argues that this cannot be the correct explanation, and we can see that this is the case because the fact that you can retrieve the book for your friend makes no difference even in cases in which the reasons for or against stepping on my back are (nearly) tied. The persistence view seems to be committed that the reasons to help you should make a difference if the balance of reasons is (nearly) tied for or against stepping on my back. Cullity gives the example of a case in which you need to step on my back in order to prevent someone from receiving a painful electric shock. Whether you are allowed to do will depend on the details of the case (how bad the shock is, how painful it'll be to step on my back for how long, etc.). So we can imagine a case in which it is, if not a tie, at least hard to tell where the balance of the reasons lie. But even in such a case, the fact that you can retrieve the book at the same time will not make a difference; the reason to help cannot tip the balance in this scenario. But this, as well as other examples, seems to be a case of 'adding sugar' to incommensurable alternatives.<sup>6</sup> If Sartre's young man realizes that people who join the resistance get a free subscription to Netflix, this would not settle his decision one way or the other, and he'd have the same reason to exclude it from

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<sup>6</sup>For discussion see Hare (2010).

deliberation.<sup>7</sup> Cullity foresees this objection and here is his reply:

No matter how great the convenience to me, that goes no way towards justifying stepping on you; but if there is only a small change to ... the reason in favour of alleviating the other person's pain that would need to be attentively considered [203-4]

First let me register my disagreement that a very small change in the person's pain makes a difference. Suppose the person was going to get a 9 mA shock unless you climbed on my back. But because of slight increase in the electric current, you realize the shock will be of a 9.00001 mA electric current. Could this make a difference? Should you carefully consider this change? But more importantly, we are already committed to treat the reasons for avoiding pain differently than reasons for promoting pleasure or enjoyment and thus for providing for conveniences. One simple way to do it<sup>8</sup> is to give different weights to the reasons for avoiding pain and the reasons for enjoyment. Now, if we also have a relatively low upper bound for the value of enjoyment, then the Persistence view will have no difficulty explaining why small differences in pain could make a difference overall, but no amount of convenience could make a difference.<sup>9</sup>

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<sup>7</sup>I think this applies also to the other cases, but some of them have further complications. It seems clear to me that the case of considering the enjoyment of train rides in Sophie's Choice like scenarios would be something that Cullity describes as 'expressive disrespect', and it seems the obvious move here is to consider this a decisive reason not to include it in deliberation.

<sup>8</sup>I don't think this way of representing the difference will work in the end, but this particular issue is not relevant here.

<sup>9</sup>What if instead make it a greater convenience for one person, we add more and more people who will benefit from my reaching out to the book. Now intuitions will vary whether at some point, if, say, 1,000,000 people will be able to read the book if you step on my back. Insofar as the intuition that once we add enough people you would be permitted to step on my back is correct, this will speak in favour of the Persistence view. But suppose it is true that no amount of people who gain this small benefit can make it permissible to step on my back. This is *not* a problem for the Persistence view, as the Persistence view need not be committed to an additive view of the weight of reasons across persons.

## 5 Conclusion

As per tradition, I have focussed my discussion on the aspects of the book I disagree with. But the most important lesson one should draw from an article on this book is that they should rush to acquire a copy and read it immediately. This is an ambitious and far-reaching book, full of insights on every page; it is clearly among the most important books in normative ethics in recent years. Even if my doubts that these particular foundations are neither necessary nor sufficient are warranted, there's no question that the resulting edifice remains a major achievement in philosophical ethics. *Concern, Respect, Cooperation* is a truly outstanding book.

## References

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