EDITORS’ INTRODUCTION, STEVEN SCALET AND CHRISTOPHER GRIFFIN

ARTICLES

LINDA RADZIK
“Hampton on Forgiveness”

RICHARD DAGGER
“Jean Hampton’s Theory of Punishment: A Critical Appreciation”

DAVID SILVER
“Towards an Epistemology of Objective Normative Authority”
Edition in Tribute to Jean Hampton

Jean Hampton was professor of philosophy at the University of Arizona when, quite unexpectedly, she passed away while in Paris. That was 15 years ago. Nonetheless, despite a brief career, she was a philosophical force with a voice entirely in contrast with her diminutive stature. With a corpus of work outstanding in both depth and breadth, it is fitting that presented here are three essays addressing three different areas of her work. First, Hampton’s student Linda Radzik, author of Making Atonement: Atonement in Morality, Law and Politics, focuses on Hampton’s analysis of forgiveness. Radzik not only defends this analysis from criticisms, but finds in it seeds of a more expansive, and emotionally more realistic, analysis of forgiveness that transcends the traditional focus on victims’ responses to wrongdoing. Next, Richard Dagger, the E. Claiborne Robins Distinguished Chair in the Liberal Arts, University of Richmond, and author of the award winning Civic Virtues, offers an appreciative but critical examination of Hampton’s theory of punishment. Dagger argues that while Hampton was justified in abandoning the moral education theory of punishment as incomplete, the fair play theory of retributive punishment she rejected in favor of her own expressive retributivism is more resourceful than Hampton herself recognized. Indeed, Dagger argues, the fair play theory fares better than expressive retributivism precisely on grounds that Hampton herself endorsed when rejecting the moral education theory of punishment. Dagger offers a basis for theoretical unity that Hampton thought her own theory might not achieve as well as she’d have preferred. Finally, a second student of Hampton’s, David Silver, Chair in Business and Professional Ethics at University of British Columbia, addresses yet another central philosophical concern of his teacher: the normative authority of reason. Silver explores Hampton’s defense of ethics against naturalistic doubts accepting Hampton’s insistence that naturalists defend their metaphysical and epistemological credentials. Silver argues that establishing an adequate grounding for the authority of practical reason would be served by a postnaturalism that recognized a non-natural normative faculty capable of disclosing objective norms of ethics, which Silver sketches in outline. The analyses of forgiveness, punishment, and the authority of reason were central, though hardly exhaustive, areas of philosophical conversation. The three essays contained herein continue the conversations so fruitfully shaped by Hampton’s teaching and writing.

Christopher Griffin, Northern Arizona University
Stephen Scalet, University of Baltimore

Hampton on Forgiveness

Linda Radzik
Texas A&M University

Jean Hampton’s book Forgiveness and Mercy, which was co-authored with Jeffrie G. Murphy, is remarkable in a number of ways.1 Firstly, its format, in which Murphy and Hampton write alternating chapters, provides an exciting model for bringing philosophical debate and collaboration to print. Secondly, the timing of the book’s publication, in 1988, was fortuitous. Just one year later Nelson Mandela would be released from prison and South Africa would begin one of the most astonishing political transitions in history, a transition that would call for the prioritization of reconciliation over retributive justice.2 The South African case spurred an interest in the moral and political potential of forgiveness that continues today, and Murphy and Hampton’s book has played an important role in shaping that debate. Thirdly, for a book titled Forgiveness and Mercy, a surprisingly low proportion of the pages—especially those written by Hampton—actually mention forgiveness or mercy. Indeed, the majority of her text is dedicated to analyses of resentment, hatred, and retribution.

In the intervening years, Murphy’s analysis of forgiveness has come to be considered the standard view. His argument that forgiveness must be compatible with self-respect is one all writers on the topic must address. On the other hand, Hampton’s portions of the text are mostly cited within debates about punishment rather than forgiveness. In this essay, I will argue that Hampton’s contributions to the theory of forgiveness have been both misunderstood and undervalued. Her critics have misread the Kantian character of her theory. She has been accused of both oversimplifying Kantian principles and failing to appreciate the most basic of Kantian principles. I will argue that neither charge is justified. Furthermore, I claim that Hampton offers a distinctive account of the moral emotions and reactive attitudes that are central to forgiveness. What emerges is a view of Hampton as a theorist of forgiveness who does not merely offer amendments to Murphy but who interprets the issues in a way that leads to a fundamental re-thinking of forgiveness.

Given the dialogical structure of the book, it is helpful to introduce Hampton’s theory of forgiveness as a response to Murphy’s. According to Murphy, to forgive is to overcome or foreswear resentment over being wronged (15). Resentment, for both Murphy and Hampton, is a kind of emotional protest by victims against their mistreatment and the insulting messages about their value as persons that such mistreatment conveys (16, 54-55). In order to distinguish forgiving from merely...
forgetting, Murphy adds that resentment must be given up "for a moral reason" (24). In chapter 1, he defends a list of moral reasons to forgive that all amount to cases in which it is possible to separate the "sin" from the "sinner" (24). For example, a wrongdoer who repents in effect repudiates the wrongful act, thereby leaving the victim a way to forgive her abuser while maintaining her opposition to the act.

One important way in which Hampton's view of forgiveness differs from Murphy's is that it adds a relational dimension to forgiveness. For Murphy, forgiveness is a purely internal change in the victim: from a state of resentment, through the recognition of a moral reason, to a state where the resentment is either no longer experienced or at least no longer endorsed by the victim. But, according to Hampton, forgiveness "is a response that is centrally concerned with the forgiver's relationship to the wrongdoer" (37). Forgiveness is "bestowed upon" or 'offered to' the wrongdoer (37). Hampton associates forgiveness with a form of absolution, in which the wrongful act is removed or covered over so that it no longer forms a part of the relationship between the victim and the wrongdoer. When a person forgives, he] will not let the wrongdoing continue to intrude into his dealings with the wrongdoer in order that they can reestablish some kind of relationship—at the very least, the "civil" relationship that prevails between strangers in a human community. (37)

Hampton does not equate forgiveness with reconciliation, but instead claims that forgiveness requires some progress towards reconciliation. The forgiver need not be willing to reconcile the personal relationship (e.g., the marriage or friendship) that existed before the wrong, but he is defeasibly disposed toward renewing a "civil" relation. Actual reconciliation may not follow for a number of reasons, including the death of the wrongdoer and the victim's concern for his own well-being in resuming relations with a wrongdoer who continues to have a flawed character (42-43, 81, 85). Since actual reconciliation is not required, the victims can still count as forgiving in these cases.

Hampton further criticizes Murphy’s account of forgiveness for having too narrow a view of the emotional obstacles to forgiveness. Many theorists who are sympathetic to Murphy’s general approach to forgiveness have raised something like this point. Resentment is not the only negative reaction victims have towards wrongdoing. Rather than (or in addition to) resentment, sadness, disappointment, or anger may need to be overcome in order for the victim to forgive.1 However, Hampton's version of this criticism is distinctive in a couple of ways. First of all, most of these other commentators continue to agree that, wherever resentment is present and then properly overcome, we have a paradigmatic case of forgiveness. As I will explain below, Hampton de-centralizes resentment more radically. Secondly, although the critics widen the class of relevant emotions, they continue to focus on emotions that are still fundamentally personal. They are emotions that either defend the self (resentment, contempt, anger) or at least register the violations of expectations that have an intimate sort of significance for the self (as when mistreatment at the hands of a loved one is met with sadness or disappointment rather than an emotional form of self-defense). I will argue that, for Hampton, the emotions and attitudes that must be managed by forgiveness are not (or not centrally) personal but impersonal. They are emotions and attitudes that we form as loyalists to the cause of morality (to borrow some of Hampton’s martial imagery), rather than as vulnerable individuals enmeshed in the particularities of our own interests and relationships. I will go on to argue that these positions have some interesting implications for the ethics of forgiveness.

Hampton largely accepts Murphy’s interpretation of resentment as a moral reactive attitude that protests demeaning treatment of the self, that is, treatment that suggests that the victim's value as a person is lower than it really is (45). However, Hampton also sees in resentment a kind of weakness. Resentment is tinged with some degree of belief and fear that “the insulter is right to treat you as low in rank and value” after all (57). For Hampton, resentment is an emotional act of defiance against a view of oneself that one wants to reject as incorrect, but that one secretly fears might be true.5

In order to forgive, the victim will have to overcome resentment. But whereas Murphy and the theorists he has influenced identify the proper management of resentment as the main task of forgiveness, Hampton does not. Overcoming resentment is merely a “psychological preparation” for forgiveness, an internal, personal transformation that paves the way for the more relational transformation that is forgiveness itself (42).

Furthermore, for Hampton, the overcoming of resentment does not require a change in one’s view of the wrongdoer (as forgiveness does); it can be achieved merely by changing one's view of oneself. One can overcome resentment by “regaining one’s confidence in one’s own worth despite the immoral action challenging it” (83). This can often be very difficult psychologically. Indeed, it may require a lot of social support (58). But, from the point of view of morality, the resolution of resentment is a bit of a “no brainer.” Of course resentment should be overcome. Resentment is rooted in the victim’s fear that she has low value as a person, but she does not. No one does. Human worth is intrinsic and unalterable; it is the sort of value Kant refers to as “dignity.”6 If the choice to forgive were only the choice to overcome resentment, then it would always be appropriate and should always be encouraged.7 But, in Hampton’s view, forgiveness is morally (and not merely psychologically) complicated (11-12). The real obstacles to it are indignation and moral hatred, which are impersonal rather than personal reactive attitudes and which present moral issues that are much more difficult to resolve.

The distinction between personal and impersonal reactive attitudes goes back to P.F. Strawson’s seminal paper, “Freedom and Resentment.”8 The former are “essential reactions to the quality of others’ wills towards us, as manifested in their behavior: to their good or ill will or indifference or lack of concern.”9 Strawson’s primary examples of personal reactive attitudes are resentment and gratitude. On the other hand, the impersonal reactive attitudes “might be described as the sympathetic or vicarious or impersonal or disinterested or generalized analogues” of the personal attitudes.10 Indignation and approbation are his primary examples here. Yet he admits that labeling these attitudes “impersonal” may be misleading. “It is not that these attitudes are essentially vicarious—one can feel indignation on one’s own account—but that they are essentially capable of being vicarious.”11

In line with Strawson’s analysis, Hampton describes indignation as involving an impersonal form of protest, one that does not involve a sense of being personally threatened by the wrongful action (56). Whereas resentment is an emotion that defends the self, indignation is an emotion that defends morality (59-60). People who are mere witnesses to wrongs may be indignant, but resentment is, properly speaking, experienced only by victims. On the other hand, a victim who is secure in her sense of self-worth may be indignant yet not resentful. Hampton writes that the victim who regains her sense of self-worth may overcome resentment, but “that emotion will only be replaced by indignation if she nonetheless sustains her protest against (but not her personal defense against) the wrongdoing,
and this emotion can also block the offer to forgive” (79-80). Once resentment is taken care of, indignation may remain as an obstacle to forgiveness. The need to defend the self has receded, but the need to defend morality has not.

Overcoming indignation requires a change in the judgment that underlies the attitude. One judges the person to be the doer of the immoral deed. In order to forgive, one must find a new way to regard the wrongdoer. This cannot be done by denying that the wrong occurred, that it was indeed wrong, or that the actor was culpably responsible for it. While excuse and even condonation have a place in our moral lives (40), neither is equivalent to forgiveness. Instead, the forgiver will have to find a way to separate the wrong from the wrongdoer.

The forgiver who previously saw the wrongdoer as someone bad or rotten or morally indecent to some degree has a change of heart when he “washes away” or disregards the wrongdoer’s immoral actions or character traits in his ultimate moral judgment of her, and comes to see her as still decent, not rotten as a person, and someone with whom he may be able to renew a relationship. (83)

This change in one’s overall judgment of the wrongdoer can be achieved by recognizing repentance or by remembering past friendship (84). It can also be achieved by a generous leap of faith in the wrongdoer’s favor, by which the forgiver trusts that the wrongdoer is “still ‘good enough’ despite what he has done” (84).

Coming to this change in view will be more difficult when one feels not just indignation but hatred. Indignation is focused on wrongful acts (59), or perhaps it is better to say that one is indignant with a person because of his acts. One can remove the wrongdoer is “still ‘good enough’ despite what he has done” (84).

Hampton provides an extended analysis of different forms of hatred. She argues that malice and spite amount to irrational and self-defeating strategies for defending one’s self-respect (62-79). These emotions should be overcome in the sense that they should be repudiated as emotions one ought to not feel (83). Such a change does not deserve to be labeled “forgiveness.” But, Hampton claims that an emotion she calls “moral hatred” is “sometimes morally appropriate” (12). Malice and spite, like resentment, are emotions that attempt to defend the self; moral hatred, like indignation, is an emotion that defends morality. It is an emotion that judges its object to be someone who is not “decent” (83). “It involves believing, by virtue of the [wrongdoer’s] association with the evil cause, that she has ‘rotted’ or ‘gone bad’ so that she now lacks some measure of goodness or moral health” (80). Forgiveness will require the overcoming of any moral hatred that may be felt, and that will require a change in judgment of the wrongdoer as a person. The forgiver must come to see her as someone he can be “for” rather than “against,” in a way that is consistent with his commitment to morality (83). Only then can the victim consider restoring a civil relationship with his former abuser.

What does this change in judgment of the person involve? One might change one’s judgment of the wrongdoer’s character. For example, while the wrongful act may have suggested the wrongdoer has a deceitful character, one might come to see events differently. One may see that, although she told a lie on this occasion, she is not a deceitful person overall. But, in Hampton’s discussion of forgiveness, she brushes questions of character to the side (85). I think that this is not because a revision in one’s judgment of character is not a path to forgiveness. Instead, Hampton is interested in defending the possibility of forgiveness even in cases where one cannot revise one’s judgment of the wrongdoer’s character. For her, one can judge both the act and the actor’s character negatively, but still see the “person” as someone one can be “for.” We must ask, then, what is a person? At times, Hampton uses the word “soul” as an apparent synonym for “person” (86). But most of the time, a “person” seems to be conceived in Kantian fashion as one who has a capacity for agency. It is the thing in us that can choose freely, and even choose in opposition to our characters.

In overcoming moral hatred, we change our view of the person. We reject the view that she is rotten and instead come to see her as decent. Is this change in view simply a matter of seeing the Kantian dignity of the wrongdoer? Is it a matter of coming to judge that the wrongdoer continues to have the intrinsic value that comes with being a rational agent and that persists unaltered despite all her misdeeds? Michelle Mason reads Hampton in this way. In Forgiveness and Mercy and elsewhere, Hampton clearly accepts the Kantian theory of equal, intrinsic human value (53). And other Kantian theorists have suggested that this is the change in view that is central to forgiveness. So, is judging someone as decent and not rotten merely a matter of judging her to have intrinsic dignity?

This cannot be what Hampton has in mind. If moral hatred were associated with a denial of intrinsic dignity then moral hatred would be an impermissible emotion categorically. However, Hampton states very clearly that moral hatred is an appropriate emotion in some cases (12). Some people (her candidates include Augusto Pinochet, Ferdinand Marcos, and the Nazis) are justifiably judged to be rotten, though Hampton accepts that they are Kantian agents (80, 149). If they were not Kantian agents, after all, then they could not be held responsible and culpable for their wrongful deeds in the first place (146n). Furthermore, Hampton explicitly links the emotions of malice and spite to the denial of intrinsic dignity (145). Malice and spite are immoral emotions (and not merely imprudent ones) because of this denial. But, in making this critique of malice and spite she is drawing a distinction between them and the defensible form of hatred, moral hatred (146). Moral hatred denies the decency of the person, but it does not deny the Kantian dignity of the person.

As I have mentioned, Mason interprets Hampton as equating decency with dignity. She reads Hampton as saying that moral hatred is overcome when the victim comes to see that the wrongdoer is still a person who has the capacity for moral agency. This persuades Mason to describe Hampton as giving a “metaphysical argument against the propriety of moral hatred.” She reads Hampton as saying that moral hatred is always wrong (except in the puzzling case of the “morally dead,” which will be discussed below). Based on this reading, Mason classifies Hampton with other theorists who fail to grasp rather simple distinctions among the ways in which persons may be evaluated. Mason quite reasonably points out that one can regard a wrongdoer as “falling short of some legitimate interpersonal ideal of the person” while not denying basic dignity. But as I read Hampton, moral hatred is not always wrong and her defense of moral hatred rests on drawing precisely the sort of distinction Mason advocates.

What makes a person rotten rather than decent, according to Hampton, is not an absence of agency or intrinsic dignity. “Rottenness” and “decency” mark a different dimension of the value of persons, though one that Hampton does not define as explicitly as we might like. A clearer view can be gained by reading Forgiveness and Mercy alongside a pair of articles that Hampton published within two years of the book: “The Nature of Immorality” and “Mens Rea.”

— Philosophy and Law —
In these essays, Hampton works to articulate the state of mind that is characteristic of immoral action and that clarifies why such action is culpable. Hampton argues that many attempts to explain what one is doing when one acts immorally wind up inadvertently excusing immorality. Some explanations suggest that immorality results from a kind of ignorance of the good. But ignorance normally excuses. If I perform an action because I do not know that it is wrong, how can I be held culpable? Alternative explanations suggest that the wrongdoer knows his action is wrong but does not accept that morality is authoritative. Suppose he is mistaken and morality is, in fact, authoritative. Then this too looks like a kind of ignorance and so like a kind of excuse. Suppose instead that he is correct and morality is not authoritative for him. Then the actor has no real reason to refrain from immorality and so cannot be held culpable for acting immorally. It seems, then, that actions are culpable only when the actor knows the action is wrong, and knows that morality is authoritative, yet performs the wrong action anyway. But such an action looks incoherent. It looks irrational, and irrationality normally excuses. How then, is culpable action possible?

According to Hampton, culpable action can be characterized as a kind of defiance to the authority of morality. The actor is aware that the action would be classified as wrong according to moral norms. She is also aware that morality makes a prima facie plausible claim to authority over her. It is this claim that she resists, repudiates, fights off, as she chooses to do otherwise than it directs. It is not that the actor considers morality’s claim to authority and concludes that it is false. She simply defies it. She chooses to flout morality because she would have it that it were not authoritative. The immoral person is culpable for her act because the act is not caused by ignorance or some form of irrationality that is beyond her control. Her act is due to her free choice to defy morality.

The explanation of immorality as a form of defiance in these later essays helps clarify Hampton’s earlier characterization of the object of moral hatred as an “enemy of morality” (147). The person who defies morality is like “a political rebel in a civil war” who defies the authority of the state. Associating her account of immorality with the Biblical story of Adam and Eve, Hampton writes that the wrongdoer sets herself up to be a rival god, directing her own actions and taking orders from her own will. In just this way, immoral people see moral commands as the enemy of their interests...and such people expect that the authority of these commands is something they can successfully defy.

Adam and Eve were not ignorant of the authority of God’s commands or unable to obey them. Using their capacity for agency, they simply chose to defy them. A person who lacks decency, as Hampton uses the term, is not someone who lacks agency and the value that is intrinsic to agency. It is instead the person who, to a significant degree, uses her agency to oppose morality.

Now we can see how significant a problem the immoral person poses for the one who would forgive. How can one be “for” a person who freely and knowingly defies the authority of morality?

It seems to be the hallmark of a moral person that she commits herself to, and opposes any attack against, morality. Not to experience indignation at an immoral action, not to have moral hatred for the immoral cause upon which the wrongdoer acted, and not to feel this same aversion towards the wrongdoer himself if he thoroughly identifies himself with that cause, appear to involve giving up one’s commitment to the cause of morality. (148)

Forgiving, on this analysis, is in tension with one’s commitment to the moral cause. This marks a significant difference from Murphy’s conception. Murphy’s analysis portrays forgiveness as a lowering of one’s defenses around the self. The risk one takes in doing so is a risk to oneself, and individuals are generally permitted to accept personal risks. Just think of mountain climbers. But on Hampton’s analysis, to forgive is to lower one’s defenses around morality. The forgiver is not merely risking herself anymore. The analogy here is not the mountain climber but the soldier who lays down her weapon in the presence of a suspected enemy.

In most cases, however, Hampton seems to believe it is possible honestly to change one’s judgment that the wrongdoer is not decent. One can stop seeing him as a committed enemy of morality and come to view him as something more benign. After all, defiance comes in different kinds and degrees. One who defies morality sheepishly or regretfully, only on rare occasions, or only in matters of lesser importance can be seen to be basically decent despite the transgressions. The rebellious act need not dominate one’s view of the person or the overall quality of his will. Other wrongdoers may simply be pathetic (150). Their opposition to morality can be seen to emerge from their own weakness and vulnerability. When this is understood, we cannot sustain our view of them as dedicated and dangerous opponents to the moral cause, but instead regard them with compassion and forgive. Yet, since the “inner moral state of a person is notoriously difficult to determine” (152), the judgment of the wrongdoer as a fundamentally decent person must often come down to a generous extension of faith (153). Such faith can be aided by the recognition of our own fallibility. I continue to believe that I am basically decent despite my misdeeds. We should also notice our tendency to let hatred blind us to the evidence of decency. Humility is, in these ways, an aid to forgiveness (149-150).

Hampton admits to the limitations on her own capacity for the faith forgiveness often requires. “Perhaps God can find enough good in certain highly immoral individuals I have known to forgive them...but I confess to finding it beyond me,” she writes (153). An inability to forgive may say more about the psychological or moral limitations of the victim than the rottenness of the wrongdoer (150). But, while admitting she may just be a flawed person, Hampton insists that sometimes the resistance to having faith in another’s decency is based on “moral reasons” (153). In these cases, as I read Hampton, moral hatred can be justified.

In the case of people who seem to be genuinely evil, “[w]illfulness to believe in their decency seems more like self-deception than a genuine change of heart” (154). Such a person is the General in Dostoevsky’s The Brothers Karamazov, who sets his hunting dogs to tear apart a child for the crime of injuring the paw of one of his dogs.

The General...seems to be not merely a performer of bad actions but himself a morally repulsive entity. How could one hate the sin but not the sinner in his case? One who would commit such a sin seems so intimately linked with the evil upon which he acts that he seems to be, in and of himself, a kind of sin, irredeemably “rotten.” One’s opposition to his crime, and the insulting message implicit in that crime, inevitably becomes opposition to him, and generates the desire to defeat him and his cause. (146)

The rebellion against morality here is so shocking that it dominates our view of the person. People whose lives or
personalities are shaped by such intense opposition to morality seem to deserve our moral hatred and may well be unforgivable. To forgive someone who one honestly and reasonably believes to be a committed and significant enemy of morality would be impermissible.

In her essay “Forgiveness and the Unforgivable,” Trudy Govier resists Hampton’s suggestion that some people are “rotten to the core.”25 Govier argues instead that all human beings are capable of moral change. We cannot label anyone, no matter what atrocities she has committed in the past, as absolutely unforgivable because the future holds the possibility of something better.26 This capacity for moral change is part of what it is to be an agent in the Kantian sense. Agency implies freedom and freedom implies the possibility of radical improvement. Govier’s critique of Hampton, then, turns again on the connection between forgiveness and the recognition of dignity. Govier seems to charge Hampton with failing to appreciate the significance of Kantian agency for the topic of forgiveness.

But I believe that most of what Hampton says is compatible with Govier’s claims about forgiveness. As I interpret the view, moral hatred need not dismiss the wrongdoer as permanently rotten, but as rotten now. Moral hatred is fitting for the person who is a committed enemy to morality. Were the wrongdoer to reform, she could be reevaluated as basically decent and forgiveness would become a possibility.27 On this interpretation, to use Govier’s helpful terminology, the worst wrongdoers need not be seen as “absolutely” unforgivable but merely “conditionally” unforgivable,28 where the condition that would need to change is their commitment to the immoral cause.

Yet Hampton does raise the possibility that “too much of the person is ‘morally dead’” (153). She even writes that, Jesus himself was prepared, on the basis of their behavior, to judge some people as “rotted” beyond hope and fit only for the fires of hell. And the idea that some people might be beyond redemption is certainly part of this religion’s tradition, even if it is not currently popular. (153)

This passage suggests that Hampton acknowledges the possibility of a wrongdoer who is irredeemably rotten and no longer capable of moral change. Presumably, the wrongdoer is culpable for her incapacitation, having freely chosen the acts that landed her in this state. To Govier, this may appear to be a denial of Kantian agency and so of the capacity for free will longer capable of moral change. Presumably, the wrongdoer is unforgivable because the future holds the possibility of something better. This capacity for moral change is part of what it is to be an agent in the Kantian sense. Agency implies freedom and freedom implies the possibility of radical improvement. Govier’s critique of Hampton, then, turns again on the connection between forgiveness and the recognition of dignity. Govier seems to charge Hampton with failing to appreciate the significance of Kantian agency for the topic of forgiveness.

But I believe that most of what Hampton says is compatible with Govier’s claims about forgiveness. As I interpret the view, moral hatred need not dismiss the wrongdoer as permanently rotten, but as rotten now. Moral hatred is fitting for the person who is a committed enemy to morality. Were the wrongdoer to reform, she could be reevaluated as basically decent and forgiveness would become a possibility. On this interpretation, to use Govier’s helpful terminology, the worst wrongdoers need not be seen as “absolutely” unforgivable but merely “conditionally” unforgivable, where the condition that would need to change is their commitment to the immoral cause.

Yet Hampton does raise the possibility that “too much of the person is ‘morally dead’” (153). She even writes that, Jesus himself was prepared, on the basis of their behavior, to judge some people as “rotted” beyond hope and fit only for the fires of hell. And the idea that some people might be beyond redemption is certainly part of this religion’s tradition, even if it is not currently popular. (153)
Should we wait for them to dissipate over time? Or can they be overcome by a morally permissible, and maybe even a virtuous, change of perspective on the wrongdoers?

Others may reject Hampton’s account of forgiveness as simply mistaken because it does not remain narrowly focused on the victim and his own particular point of view. But, I believe that the problems created by wrongdoing are broader than those addressed by that narrow perspective. Hampton offers a broader account of forgiveness that can help us think through these issues.32

Endnotes

1. Jeffrie G. Murphy and Jean Hampton, Forgiveness and Mercy (New York: Cambridge, 1988). Hereafter, references to this book will be given in parentheses.


3. In Chapter 3, however, Murphy abandons the claim that the moral reasons for forgiveness must meet this pattern. He decides that a victim’s overcoming of resentment for the sake of her own well-being may count as a moral, and not merely a prudential, reason (106n).


7. Of course, the resentment would have to be overcome in the right way. The victim would have to give up resentment because she felt more secure about her own dignity, not because she came to see her low treatment as fitting.


9. Ibid., 199.

10. Ibid.

11. Ibid., 200.


14. Mason, 261, n. 54.

15. Ibid., 241.


18. Ibid., 40.


20. In “Mens Rea,” Hampton also explains legal culpability and culpable irrationality in terms of defiance.


22. Ibid., 40.


24. Joram Haber accuses Hampton of falling afoul of the paradox of belief. One cannot simply decide to believe that p while recognizing that one lacks sufficient evidence that p is true. See Joram Graf Haber, Forgiveness: A Philosophical Study (Lanham, MD: Rowman and Littlefield, 1991), 14. Hampton herself raises this worry. She suggests the answer might lie in the difference between faith and belief. “[H]aving such faith allows us to admit that the behavioral evidence is against decency but to ‘believe in’ the wrongdoer’s decency anyhow. (After all, Scripture allows that faith is supposed to involve ‘unbelief’ as much as ‘belief.’)” (Forgiveness and Mercy, 155).


26. Ibid., 69-70.

27. For those who may worry that Hampton is too open to forgiving the perpetrators of atrocities, it is important to note that her account of forgiveness requires neither forgetting nor actual reconciliation. And forgiving is compatible with demanding punishment (Forgiveness and Mercy, 150).


29. See also Mason, 261, n. 54.


32. I would like to thank Christopher Griffin and Steve Scalet for inviting me to contribute an essay on Jean Hampton’s work. When the three of us were students of Jean’s, I discovered that the best way to earn the benefits of her attention, her intelligence, and her humor was by disagreeing with her as vigorously as possible. Left now without this selfish incentive for disagreement, I find much with which to agree.

Jean Hampton’s Theory of Punishment: A Critical Appreciation

Richard Dagger
University of Richmond, rdagger@richmond.edu

Jean Hampton’s work first came to my attention in 1984, when the summer issue of Philosophy & Public Affairs appeared in my mailbox. Hampton’s essay in that issue, “The Moral Education Theory of Punishment,” did not persuade me—or many others, I suspect—that “punishment should not be justified as a deserved evil, but rather as an attempt, by someone who cares, to improve a wayward person” (Hampton 1984, 237). The essay did persuade me, though, that moral education is a plausible aim of punishment, even if it is not the “full and complete justification” Hampton claimed it to be (Hampton 1984, 209). It also persuaded me that I would do well to keep an eye out for further work by this gifted philosopher.
That judgment proved thoroughly justified when I read Hampton’s *Hobbes and the Social Contract Tradition* (1986) and *Forgiveness and Mercy* (1988), which she coauthored with my then-colleague at Arizona State University, Jeffrrie Murphy. In those books, as in her earlier essay, I found a rare and admirable combination of lucidity, analytical rigor, and social engagement. Here was a philosopher who cared deeply about ideas and how they can help us to live well. The news of Professor Hampton’s sudden death in 1996 left me with a sense of personal loss, then, even though I had never met her. Like Jane Austen, from whose novels she drew examples, Jean Hampton died at the age of 41, leaving her admirers to regret, like Austen’s, the loss of what she would have written had she lived longer.

What makes the regret especially poignant is the knowledge that Hampton had not reached a fixed position in her thinking. She had strong convictions, to be sure, but one never had the sense that she had thought her last thought or said her last word on any subject. In the case of punishment, in fact, she was clearly moving away from the moral education theory when she and Murphy published *Forgiveness and Mercy* in 1988, and subsequent publications confirmed her adoption of what she came to call the “expressive theory of retribution” (Hampton 1992). This shift was in part a response to others’ criticisms of her attempt to justify punishment as a form of moral education, but it also reflected her own sense of the inadequacy of that justification. She was right to abandon the moral-education justification, in my view, and right to adopt a retributive theory in its place. There are two respects, though, in which I believe Hampton continued to be mistaken about punishment.

I

The first and more serious of these mistakes involves Hampton’s criticism of an argument Herbert Morris advanced in his influential “Persons and Punishment” (Morris 1968). According to Morris, there is a close connection between the fair distribution of benefits and burdens in a rule-governed activity, on the one hand, and the justification of legal punishment, on the other. Someone who violates the rules, Morris reasoned, has something others have—the benefits of the system—but by renouncing what others have assumed, the burdens of self-restraint, he has acquired an unfair advantage. Matters are not even until this advantage is in some way erased. ...[H]e owes something to others, for he has something that does not rightfully belong to him. Justice—that is, punishing such individuals—restores the equilibrium of benefits and burdens by taking from the individual what he owes, that is, exacting the debt. (Morris 1968, 478)

One need only think of the criminal law as a rule-governed activity or practice, as Morris did, to perceive the connection between the fair (or unfair) distribution of benefits and burdens and the justification of punishment. Those who followed Morris thus came to be known as advocates of the fair-play theory of punishment.

Hampton was not one of those who followed Morris down this path. She must have found something attractive in his reasoning, however, for she deemed “Persons and Punishment” one of the two “most persuasive brief presentations of retributive thinking” she had encountered—the other was P. F. Strawson’s “Freedom and Resentment” (Murphy and Hampton, 95)—and she returned to it repeatedly in her writings on punishment. The attraction apparently resides in two features of Morris’s theory: first, that it is retributive; and second, that it is at least potentially expressive or communicative. For if criminals deserve to be paid back for the wrong they have done in taking unfair advantage of the law-abiding members of society, as Morris argued, then society has a right to express its disapproval of the law-breakers’ unjust conduct as it punishes them.1

These two features of the fair-play theory must have appealed to Hampton because they addressed what she came to regard as defects in the moral-education approach to punishment. One of these defects, as she said in acknowledging Joel Feinberg’s criticism, is that there are “too many criminals on whom such a [morally educative] message would be completely lost; for example, amoral risk-takers, revolutionary zealots, sociopathic personalities” (Hampton 1992, 21). If moral education provides the “full and complete justification” for punishment that she once sought, then it would seem that there is no good reason to punish such people, no matter how heinous the crimes they committed. A second defect is that the moral-education approach neglects the victims of crime. By focusing on the “wayward person” who is to be improved through punishment, in other words, the moral education theory deflects attention from those who suffered at the hands of the offender. As she admitted in the course of her exchanges with Murphy in *Forgiveness and Mercy*, there is a sense in which criminals seek to lower, demean, or degrade their victims, and the law ought to do something in response to reaffirm the victims’ human worth or value. She proposed, accordingly, that “retributive punishment is the defeat of the wrongdoer at the hands of the victim (either directly or indirectly through an agent of the victim’s, e.g., the state) that symbolizes the correct relative value of the wrongdoer and victim. It is a symbol that is conceptually required to reaffirm a victim’s equal worth in the face of a challenge to it” (Murphy and Hampton, 125-26).2

In contrast to moral education, then, “retribution isn’t about making a criminal better; it is about denying a false claim of relative value” (Murphy and Hampton, 133). Retribution is thus to be understood not only as a way of paying back the offender for the wrong he or she has done but also as an expression of society’s refusal to accept the wrongdoer’s implicit claim to be more important or valuable—of greater worth—than his or her victims. Hence Hampton’s theory of expressive retribution.

In developing this theory, Hampton found it necessary to distinguish it from Morris’s fair-play approach.3 In doing so, she developed two criticisms of Morris’s position. According to the first criticism, Morris’s theory is insufficiently retributive. That is, Morris’s reliance on the idea that punishment is a way of restoring the equilibrium between benefits and burdens upset by criminal wrongdoing leads him, and those who have followed, to a theory that “essentially makes retributive justice a species of distributive justice...” (Hampton 2007, 109). On such a view, punishment is nothing more than a matter of depriving people of undeserved advantages so as to return the benefits and burdens of social cooperation to their proper balance. Morris’s theory is headed in the right direction, Hampton says, in that it attempts to provide an account “of what it is that makes an action wrong”; but the attempt fails because Morris’s account “is simply incorrect” (Hampton 1991, 5; also Hampton 2007, 110).

This claim flows from Hampton’s second line of criticism, which she shares with other critics of the fair-play theory. Morris’s account of the wrongfulness of criminal actions is mistaken, Hampton argues, because it requires us to take an “odd, even disturbing view of crime” according to which rape, robbery, murder, and other criminal acts are nothing more than ways of gaining an unfair advantage (Hampton 1991, 4)—an advantage, moreover, that we would presumably wish to enjoy ourselves. Such a view is not only incorrect but “repulsive”; for “those who value right relationships with others do not find laws against extortion or rape or theft burdensome constraints that they would willingly throw off if only such constraints weren’t
collectively rational” (Hampton 1991, 4). The wrongfulness of crime must reside elsewhere; and on Hampton’s account, it resides in criminals’ attempts to degrade or demean their victims.

These are cogent criticisms. Nevertheless, I believe them to be mistaken. To begin with Hampton’s complaint that Morris’s approach is insufficiently retributive, it is easy to see why she thinks that Morris in effect reduces retribution to a matter of distribution. But there is more to Morris’s argument—and more that is helpful to Hampton’s position—than Hampton acknowledges. As Hampton herself admits, Morris’s approach more easily accounts for the wrongfulness of some crimes than her own theory does. It is much easier, for example, to conceive of tax evasion, shoplifting, and speeding as forms of free riding on the cooperative efforts of others than it is to see them as attempts to demean or degrade others. Yet Hampton tries to turn this difficulty into an advantage of her theory in the following way: “it is not so much the free-riding as what the free-riding symbolizes about the worth of the victim, that makes the tax evasion wrong” (Hampton 1991, 24, n. 11). In saying this, I take it, she means tax evaders and other free-riding criminals are doing something more, and worse, than simply seeking an advantage for themselves. They are also acting on the belief that they are of greater value or worth than those nameless, faceless people whose law-abiding cooperation makes it possible for them to enjoy the benefits of the legal order without bearing their fair share of its burdens. These criminals are not only free riders, in other words; they are wrongdoers who must be defeated in order to deny the false claims their actions imply about the relative value of the wrongdoers and their victims.

This position is, I believe, correct. But it is also, contrary to what Hampton says, substantially the same as Morris’s position. Hampton draws the contrast between her position and Morris’s in this way: “Morris thought that we objected to free riders merely because they got something for nothing and we did not. I am arguing that this situation bothers us in a morally significant way because of how it represents them as superior to us—with entitlements to goods and services that we cannot claim” (Hampton 2007, 130). To characterize Morris’s argument in this way, however, is unfair.

If Hampton were right, then Morris would be saying that criminals are on a par with the person who is simply lucky enough to enjoy a windfall, for both get something for nothing. But Morris says nothing of the kind. One need only look to the egregious crimes that bespeak, according to Hampton, contempt or disrespect for others, then it differs only in degree from the egregious crimes that bespeak, according to Hampton, a demeaning.

Hampton is wrong, then, to characterize Morris’s theory as insufficiently retributive. She could concede this point, however, while continuing to insist that her expressive retributivism is superior to the fair-play theory of punishment. All the same, it is much easier to conceive of tax evasion and other crimes of free riding as a kind of philosophical two-way street. That is, if Hampton can appeal to “what the free-riding symbolizes about the worth of the victim” to explain how the free riding is wrong (Hampton 1991, 24, n. 11), then Morris and the advocates of the fair-play theory can appeal to similar considerations when they apply their theory to murder, rape, and other crimes that are more than merely matters of free riding and unfair play. If free riding expresses a kind of contempt or disrespect for others, then it differs only in degree from the egregious crimes that bespeak, according to Hampton, a false claim about the relative value of victim and wrongdoer.

There is also the question—and this is my second point—of who is to do the punishing. As we have seen, Hampton holds that “retributive punishment is the defeat of the wrongdoer at the hands of the victim (either directly or indirectly through an agent of the victim’s, e.g., the state) that symbolizes the correct relative value of wrongdoer and victim” (Murphy and Hampton, 125). But what is it that makes the state the victim’s agent? To answer this question we shall need a theory of legal authority; and that is something Morris’s approach can supply by reference to the state as the agency that maintains the cooperative, rule-governed enterprise that we call the rule of law.

In my view, then, Hampton’s criticism of Morris’s theory rests on a misunderstanding of his enterprise—an enterprise that is grounded, like hers, in the idea of the equal worth of persons. Playing fair is in large part a matter of respecting the equal worth of others, and punishment is justified, for Morris as for Hampton, as a way of denying the wrongdoer’s implicit claim to superior status. Hampton’s theory of punishment would be stronger, therefore, if she had built on, rather than rejected, Morris’s insights. I shall try to substantiate this claim shortly, but it is necessary first to identify the second mistake in her writings on punishment.

This mistake occurs in the course of Professor Hampton’s movement from the moral-education theory of punishment to
expressive retributivism. I believe, as I have said, that she was wise to move in this direction, but I believe she erred in adopting a pluralistic approach to punishment as a result. In “The Moral Education Theory of Punishment” Hampton not only argued that moral education “can provide a full and complete justification” for punishment; she also criticized “patchwork” approaches to punishment that draw on more than one justificatory reason (Hampton 1984, 209). When she concluded that moral education cannot provide the “full and complete justification” for punishment that she was seeking, however, she apparently decided that no unitary justification is to be found. Retribution thus came to be the “primary justification” of punishment in a theory that also includes deterrence and moral education as “moral obligations of states”—obligations that “can affect, and sometimes override,” the obligation to inflict retributive punishment (Hampton 2007, 149, emphasis added).

The problem here is not that Hampton tried to find room for considerations of deterrence and moral education in her theory; the problem is that she did not try to integrate them into the kind of unitary or unifying approach she had endorsed in “The Moral Education Theory of Punishment.” As a result, her theory offers no clear way of accommodating the sometimes conflicting demands of retribution, moral education, and deterrence. Hampton has not been the only philosopher to take a pluralist approach to punishment, of course, and it may be that some kind of awkward, ad hoc juggling is the best we can do when these considerations seem to be at odds with one another. Relying on juggling of this kind is not the most elegant or desirable theoretical posture, however, and Hampton would have done well to look for a way to provide greater unity to her theory. Had she lived longer, I suspect that she would have done so. But she had already dismissed, as we have seen, the theory that I believe can bring retribution, deterrence, and moral education into harmony—that is, the theory of fair play.

In brief, the fair-play theory conceives of the legal order as a cooperative enterprise in which the members have a duty to one another, ceteris paribus, to do their part in the enterprise by obeying the law. Punishment under law serves as a means of ensuring the law-abiding members of the enterprise that those who would take advantage of their cooperation by breaking the law will be subject to sanctions if they do. Those who do not play fair thus open themselves to punishment. In this way the fair-play theory incorporates both forward-looking and backward-looking point of view characteristic of retributivism. Fair-play punishment is backward-looking, or retributive, in that it is to be imposed only on those who have committed an offense; no other consideration, such as deterrence, is a sufficient warrant. But punishment on the fair-play account is also forward-looking in two respects. First, it aims to deter the commission of crimes, thereby providing a measure of assurance to those who are willing to obey the law that others will not take unfair advantage of them. And second, fair-play punishment looks to the future by aiming at the reform or moral education of those who break the law. One of the purposes of punishment, in other words, will be to support the cooperative enterprise by helping those who have not played fair to see the error of their ways. By doing so, punishment can help to secure the cooperative enterprise as it pays back wrongdoers for actions that, in one way or another, to lesser and greater extents, have failed to respect the equal worth of other members of the enterprise.

Such an approach to punishment will not eliminate the occasional tensions that arise when considerations of retribution, deterrence, and moral education pull in different directions. Fair play is not a unitary theory in the sense that classical utilitarianism is, with a single, (supposedly) simple principle supplying the standard according to which all judgments and decisions are to be made. But neither is it a theory that requires independent and rival considerations to be patched together, case by case; nor does it provide a “primary justification” for punishment that other considerations may “sometimes override,” as Hampton’s expressive retributivism does. When the tensions do arise among retribution, deterrence, and moral education—and perhaps other considerations—the fair-play theorist will have resources for reconciling the tensions. In the case of the desire to enhance the deterrent or educative effect of punishment, fair-play theory requires us to look for ways in which greater deterrence or better moral education can strengthen the cooperative enterprise by bringing the benefits and burdens of the enterprise into a better balance. Perhaps stricter sentences will reduce the number of certain offenses, for example, and thus provide greater assurance to law-abiding people that their cooperation is not in vain; or perhaps efforts to promote repair and reintegration will contribute to this assurance by leading to a decline in recidivism and a rise in the number of law-abiding members of society. Cooperative enterprises are not static, after all; they require adjustments and adaptation. But if investigation reveals that enhanced deterrence or improved moral education are only to be achieved at the expense of the fairness of the enterprise, then those demands must be rejected; they cannot override the basic commitment to fair play. Whether such demands should or should not be rejected will not always be easy to determine. Judgments will differ, and debate may persist. Even so, fair-play theory offers valuable guidance in these matters, including standards that set the terms of the debate. In this respect, it is clearly superior to a patchwork approach to the justification of punishment.

III

I have argued that Jean Hampton was mistaken when she rejected the fundamental insight of Herbert Morris’s “Persons and Punishment” and mistaken when she gave up her attempt to develop or discover a unitary rather than a pluralist justification of punishment. I do not mean to suggest, though, that Hampton’s writings on punishment are fundamentally misguided or unworthy of serious consideration. On the contrary, Hampton’s writings on punishment, as on other subjects, are rich with insight and far more often right, in my view, than wrong. To illustrate this point—and to indicate how Hampton’s theory of punishment would be strengthened by grounding it in fair play—I shall turn in conclusion to an essay published two years after her death.

This essay, “Punishment, Feminism, and Political Identity: A Case Study in the Expressive Meaning of Law” (Hampton 1998), is a product of the invitation Hampton received in 1995 to testify as an expert witness in a case in Canada. The case involved the Canadian practice of suspending voting rights of prisoners serving sentences of two years or more—a practice that some prisoners challenged as a violation of their rights under the Canadian Charter of Rights and Freedoms adopted in 1982. Hampton accepted the invitation, testified on behalf of the government, and subsequently elaborated her reasons for doing so in this fascinating essay.

These reasons, not surprisingly, are drawn from her theory of expressive retributivism, with nods to deterrence and moral education. In particular, she argues that Canada is justified in denying voting rights to serious offenders during their prison terms as a form of expressive punitive response. It is justified because those who commit crimes that damage their victims’ ability to live as free and equal members of the political society are in a sense attacking the core political values of a democratic society. It is fitting, then, that society respond with an expression
of its refusal to countenance such actions by, among other things, disenfranchising these offenders. As Hampton puts the point,

“...When we vote, we do something. ...Our hands are on the levers of political power. Now we would not give that lever to an enemy of our state—someone who would want to destroy it, or who wants to undermine the values animating it. We would not do such a thing because it would be a betrayal both of our country and of the values we believe it stands for, especially the values of freedom and equality. (Hampton 1998, 41)”

Because serious offenders have acted in ways that “undermine the values animating” the democratic state, it is entirely proper that their punishment include disenfranchisement while they are imprisoned.

Hampton also appeals to moral education and deterrence to support this conclusion. In the former case, her claim is that “[e]xpressive punitive responses, such as the suspension of voting rights, have the potential for provoking thought that can bring about a change in the wrongdoer’s way of thinking about himself and his society” (Hampton 1998, 43). Moreover, this policy has the salutary effect of telling not only offenders but every member of the society that “this law links the exercise of freedom with responsibility for its effects” (Hampton 1998, 43), thereby extending its value as a form of moral education to the entire population. With regard to deterrence, Hampton acknowledges that the standard arguments are not likely to apply, for there is no reason to believe that the prospect of losing one’s right to vote by itself would deter anyone from committing the kind of serious offense that leads to a sentence of two years or more in prison. Still, she argues, the policy of disenfranchisement “hopes to achieve an educative deterrent effect, based upon its ability to make us think. Whether or not prisoners in penitentiaries reflect on what this law means, perhaps the rest of us will, reaching conclusions about what society expects of us in our conduct and attitudes toward others that will make us better citizens” (Hampton 1998, 43-44, emphasis added).

In addition to these appeals to the three considerations she identified in her earlier essays as the elements of a satisfactory justification of punishment—retribution, moral education, and deterrence—Hampton also draws on two other considerations important enough to feature in the title of her essay: feminism and political identity. Feminism is important to her position here largely as a means of countering an argument made by expert witnesses who testified on behalf of the plaintiffs in this case—that is, on behalf of the convicted offenders who were seeking to have their voting rights restored while serving their sentences. According to Hampton’s account, these witnesses maintained that the offenders were themselves typically the victims of oppression and abuse, so that suspending their voting rights amounted to adding insult to the injuries they had already received. In response, Hampton argues that serious offenders are overwhelmingly male and many of their offenses have been directed against women. In these cases, their crimes are “forms of hate crimes—ways not only of hurting particular women but also of subordinating women as a whole. To hand the levers of political power over to someone whose behavior manifests an intention to accomplish the subordination of women to men undermines not only the democratic value of equality but the status and safety of women in that society” (Hampton 1998, 41-42). She thus links feminism to “political identity,” and particularly the identity of a polity committed to democratic values, which “not only helps to hold the pluralist society together but also helps people to have a sense of themselves as members of that political community” (Hampton 1998, 23).

Is Hampton right to defend laws that suspend the voting rights of serious offenders? I believe so. But I believe that the position she defends would be even stronger were it couched in the terms of the fair-play theory of punishment. For one thing, as I indicated in the previous section, these terms would provide her with a more coherent basis for her arguments than the various considerations she invokes. For another, fair-play theory points to a second conclusion about the voting rights of felons that I am confident Hampton would want to endorse—that is, the conclusion that these offenders must regain the vote when their sentences come to an end. Once the debt to society has been discharged, it is only fair that the ex-offender be restored to full membership in society. Finally, fair-play theory provides a firmer basis for Hampton’s position than does her appeal to “political identity.” Law, as she says, can be “a significant expressive force” in a community by “symbolizing the community’s sense of its values and (what I will call) its ‘political personality’” (Hampton 1998, 23). This appeal to political identity or personality, however, will produce the results Hampton wants only when the values of the community are democratic values that respect everyone as a free and equal citizen. In a thoroughly hierarchical and highly traditional society, Hampton’s attempt to link concerns about the domination and oppression of women to the society’s “political personality” would be a nonstarter. What she needs is a conception of the political and legal order that is grounded not in identity or personality but in the conviction that the properly functioning order is a cooperative enterprise in which the members enjoy rights and incur duties to one another as free and equal citizens. Such a conception is at the heart of the fair-play theory of punishment.

IV

How would Jean Hampton respond to the points I have raised in this essay? I like to think that she would recognize their merits and conclude that the fair-play theory draws together and harmonizes all of the elements that she thought necessary to the justification of punishment. But even if she were to grant this much, I suspect that she would also insist that the advocates of fair-play theory have paid too little attention to the sufferings of victims and the moral improvement of offenders. And she would be right.

References

Towards an Epistemology of Objective Normative Authority

David Silver
The University of British Columbia

I am grateful for the opportunity to reflect on the work of Jean Hampton, who was my dissertation advisor and mentor. Before her sudden and untimely death she was completing what she regarded as her most important work, *The Authority of Reason* (Cambridge 1998). I have two main aims in this reflection on that book. First, I will critically assess the main themes of the work. Second, I will sketch an answer to a philosophic challenge that she so profoundly raised, but left unanswered.

I. Hampton on Naturalism and Normative Authority

Let me begin with Hampton’s main points in *The Authority of Reason*:

1. Naturalism has been the guiding creed of Anglo-American philosophy. This does not simply mean that most analytic philosophers have accepted naturalism. It means that naturalism has been the intellectually acceptable view within the profession. As Jaegwon Kim notes: “If current analytic philosophy can be said to have a philosophical ideology, it is, unquestionably, naturalism. Philosophical naturalism has guided and constrained analytic philosophy as its guiding creed for much of the twentieth century.” (83)

2. While one can give a naturalistic account of aspects of morality or ethics, naturalism is incompatible with the idea that there are norms that all people at all times have reason to act upon. Hampton refers to these norms as having *objective normative authority*. I will also speak of them as *being objective norms of ethics* in order to emphasize the necessary connection between these norms and practical reasons.

3. There are no practical reasons without objective norms of ethics.

4. Partner-in-Guilt: Our commitment to science is based on a belief that scientific norms have objective normative authority.

5. Traditional naturalism is “self-refuting” because it is committed to objective norms of ethics, but is itself incompatible with such norms.

6. We should thus embrace a form of “postnaturalism” that maintains a commitment to science but is compatible with objective normative authority.

7. Hampton’s Challenge: How can we be postnaturalists without licensing “metaphysical flights of fancy”? Hampton’s official strategy for defending objective norms of ethics from the charge of being naturally unacceptable is to identify science itself as being a partner-in-guilt.²

     Hampton acknowledges two weaknesses with the partner-in-guilt strategy. First, she recognizes that she has not demonstrated that naturalists must see scientific norms as having objective normative authority.

     The second weakness is that by abandoning traditional naturalism postnaturalists will possibly introduce an “anything goes” approach to metaphysics. She concludes her book with what I am calling Hampton’s Challenge: how can one be a postnaturalist but “stay well away from metaphysical flights of fancy”? (291)

     The partner-in-guilt strategy leaves Hampton without the theoretical resources to meet this challenge. The point of the strategy was to make a commitment to objective normative authority as intellectually respectable as a commitment to science. But it is another matter altogether to show that either sort of commitment is defensible and, if so, why other epistemic approaches (such as provided by astrology) are not.

     I will develop another critique of naturalism that Hampton hints at but which is not prone to these weaknesses. She repeatedly expresses frustration that ethicists in the analytic tradition have been asymmetrically called upon to provide a justification for their work. She turns the table by demanding that naturalists provide a justification of naturalism.

     I agree with Hampton that we should place no greater epistemological demands on ethics, or lesser ones on science. This leads me to explore a commonsense approach to epistemology that does not presuppose either the truth of naturalism or the existence of objective norms of ethics. I will use this approach to propose a postnaturalist epistemology that (a) respects the role of science in describing the natural order, (b) leaves open the possibility that there is a special nonnatural normative faculty which informs us of objective norms of ethics, and (c) has the resources to avoid “metaphysical flights of fancy.”

     This framework will draw inspiration from Alvin Plantinga’s defense of supernatural faculties that inform us of religious truths. Let me be clear here that I am only endorsing Plantinga’s approach to finding an alternative to naturalism. I do not accept his resulting epistemological theory, or think that his defense of supernatural faculties has successfully met the demands of his own approach.

     After presenting this postnatural approach to epistemology I will lay out what I see as the main objections to a nonnatural normative faculty. I will then provide sketches of replies to these objections in order to make the case for the plausibility of the existence of a nonnatural normative faculty.

II. Naturalism and Intellectual Acceptability

Hampton begins her book quoting the Cambridge wunderkind Frank Ramsey, who in 1925 wrote:
Theology and Absolute Ethics are two famous subjects which we have realized to have no real objects.\(^3\)

Shortly before these lines Ramsey proclaimed the naturalist slogan that “there is nothing to know except science.” In reading his essay I am struck how at this formative stage of analytic philosophy Ramsey confidently presumes the truth of naturalism without seeing the need to defend it. This confidence both contributed to, and expressed the reality of, naturalism being the intellectually acceptable view that (as Ramsey put it shortly later) “most of us” would agree upon.

It is interesting to wonder how naturalism became the intellectually acceptable position for Ramsey, as well as for generations of analytic philosophers and other members of the academic and intellectual community. If Hampton is right it is not due to a compelling philosophical argument in favor of naturalism. She draws here from a closely related observation by Hilary Putnam. Writing about Bernard Williams’ *(Ethics and the Limits of Philosophy)* (Harvard 1986) Putnam argues that it is:

> not a serious argument for ethical relativism, but rather an expression of a mood. Reading Williams’s book, one gets the feeling that one is being told that ethical relativism is the “sophisticated” point of view, the “modern” point of view, and that what is being offered is a sophisticated reflection of the consequences of this presupposition. But the presupposition itself does not stand up to any kind of examination—or at least, the way Williams defends the presupposition crumbles the moment one tries to subject it to any sort of careful examination.\(^4\) (176)

Putnam does not presume here that there are no worthy arguments against objective values. His point, rather, is that the denial of objective values as the intellectually acceptable position is not explained by the widespread acceptance of such worthy arguments. The explanation will appeal to extra-rational factors.

Hampton speculates a bit on this topic. She suggests that some might be susceptible to this “mood” since they find this way of thinking about the world liberating (34). (But what do they feel liberated from? If it is liberation from traditional social and moral orders then this suggests a link between one’s views on metaethics and one’s basic political inclinations.) If this is right, I would ask how it is that such “liberated” people were able to set the intellectual constraints of Anglo-American philosophy.

Regardless of the explanation, naturalism became entrenched as the intellectually acceptable position within the community of analytic philosophers. While members of this community certainly continued to do work in ethics and theology it was either work on the margins of the profession, or pressed to fit within a naturalistic framework.

Hampton fits in this story as a student of Rawls. While Rawls did so much to establish the intellectual acceptability of normative ethics within the analytic community he nonetheless felt pressure to naturalize what he was doing; he came to argue that his view of justice was an articulation of the principles underlying shared views, rather than an insight into some nonnatural moral truth. Hampton rejected this development within Rawls’ thought arguing that justice was “metaphysical” and not merely “political.”\(^5\)

This sort of thinking laid the foundation for her to later challenge naturalism directly. She was not the only one within the analytic community to do so. At roughly the same time she was arguing that naturalism was self-defeating due to its rejection of objective normative authority, Alvin Plantinga was arguing that naturalism was self-defeating due to its rejection of God.\(^6\)

This shows that naturalism’s status within the analytic community had become vulnerable, and it is interesting to wonder how that came to be. Perhaps Hampton’s ability to reject naturalism was internal to analytic philosophy and generational. As a student of Rawls she did ethics throughout her career without embarrassment or shame. She thus would not have felt the same need as an earlier generation to presume the truth of naturalism when she was engaging in metaethics.

Plantinga’s efforts to re-establish the intellectual acceptability of traditional Christianity can be seen as part of a larger movement to give traditional moral and religious views social and political force. Hampton also self-identified as a Christian philosopher. In contrast, she was not committed to literal understandings of traditional Christian creeds if they conflicted with an Enlightenment understanding of reason (see pp. 9-10). Instead, I presume that she identified with that part of the Christian tradition that challenged the justness of existing social power structures. It would thus be fair to call her an Enlightenment Christian Feminist philosopher.

### III. What is Naturalism?

Hampton considers two related understandings of naturalism:

- **Methodological Naturalism:** we “must pursue knowledge via empirical methods exemplified by the sciences, and not by a priori or nonempirical methods” (20).
- **Substantive naturalism:** “a given domain of inquiry can only yield true or false judgments if those judgments are identical with, reducible to, or supervenient on, factual statements of the sort that are normally allowed by our best scientific theories” (20).

I think that these two positions can be more fruitfully characterized as epistemological and metaphysical doctrines. Since the first one concerns the appropriate *methods to pursue knowledge* I propose that it be referred to as *epistemological naturalism*. Likewise, I propose that we identify the second position as a version of *metaphysical naturalism*.

There are other closely related positions that count as versions of metaphysical naturalism. Plantinga, for example, treats naturalism as the denial of the existence of supernatural Beings. A more general view holds that the natural world is coextensive with the real (Kim, 88).

In contrast, consider these metaphysical positions that posit a weaker connection between the natural and the real:

- **Weak metaphysical naturalism:** the only real entities are those that (a) (idealized) science recognizes, or are reducible to or supervenient upon those entities, or (b) are required to validate scientific practice.

This suggests, in turn, a weak version of epistemological naturalism.

- **Weak epistemological naturalism:** we must pursue knowledge via empirical methods exemplified by the sciences, or by other norms that undergird those methods.

By parity one could call the prior formulations strong *epistemological and metaphysical naturalism*. Whether one is a strong or weak naturalist will plausibly determine how one thinks of mathematical objects and mathematical reasoning. Must mathematics be understood empirically to be real, or is it enough that mathematics plays an essential role in science?\(^7\) One could pursue either route and still plausibly lay claim to the title of “naturalist.”

Things would be different, though, if Plantinga is right that a commitment to science requires something like a belief in God.
The resulting “weak naturalist” position would require theistic belief. As such, however, the view would be so disconnected from a commonsense understanding of naturalism that it would be more felicitous to call it a scientifically informed form of supernaturalism rather than a very weak form of naturalism.

Hampton describes her own position as a form of postnaturalism. As we shall see there is a general consensus that strong naturalism is incompatible with objective normative authority. Hampton claims, however, that our commitment to science presupposes a kind of normative authority. If she is right a weak naturalist will recognize the existence of such norms. If the only such norms were the ones that established the authority of scientific norms, then the resulting view still may plausibly be called a form of naturalism. However, if it also accommodated moral norms as authoritative then it would be best to follow Hampton in calling the view a form of postnaturalism.

IV. Objective Norms of Ethics, and Why They Aren’t Naturalizable

Objective norms of ethics, or norms which have objective normative authority, are norms that all people, at all times, have reason to follow regardless of their individual psychologies or motivational sets.

Hampton identifies three aspects of objective normative authority that are objectionable from the point of view of strong naturalism: “that there are reasons with objective authority, about which we can know, and for the sake of which we can act” (115).

Mackie’s arguments from queerness may help explain why these are objectionable. The metaphysical version of the argument notes, “[i]f there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe” (38). Underlying this argument is a form of strong metaphysical naturalism that holds that the natural world encompasses all of reality. As such, though, Mackie fails to explain why objective values are not part of the natural world.

The epistemological version of the argument is fleshed out better. It notes that if we were aware of objective values:

it would be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else. …When we ask...how we can be aware of this authoritative prescriptivity of the truth of these distinctively ethical premises...none of our ordinary accounts of sensory perception or introspection or the framing and confirming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer. (39)

Note that Mackie’s enumeration of the “ordinary ways of knowing” looks exactly like the ways that are available to the epistemological naturalist. So, Mackie’s claim is that we cannot learn about objective norms of ethics using naturalistic means.

While I agree with Mackie here his account of why this is so points us in the wrong direction. He objects to objective goodness, in part, because it must provide the knower “an overriding motive” to do something (41).

As Hampton argues there is no requirement that objective values be inherently motivating (see ch. 2). What is the case is that one ought to be motivated by objective values. It is their inherent prescriptivity, rightness, necessity, authority that is objectionable from a naturalistic point of view. To use one of Mackie’s terms, it is their “to-be-pursuedness”. (41) But what is problematic about these things?

One understanding of Hume’s is/ought fallacy provides a good account. It holds that the empirical methods of science can tell us where things are and the regularities by which they behave. However, they do not have the ability to detect how something must behave, let alone how it ought to behave.

In sum, then, strong naturalists will reject objective norms of ethics, and weak naturalists will only be able to admit them if they are needed to validate scientific practice or to undergird scientific ways of knowing.

V. Hampton’s Criticisms of Naturalism

Hampton has a two-pronged attack on naturalism. One claims that the subjective theories of practical reason that are supposedly naturalistically acceptable actually presuppose the existence of objective norms of ethics. This includes theories that appeal to instrumental rationality, hypothetical imperatives, or expected utility maximization.

The crux of her argument is this: the naturalist can identify means to various ends, but has no resources to accuse anyone who fails to take the necessary means to achieve her ends of any kind of practical mistake. Indeed, Hume well recognized this point when he argued that “[T]is as little contrary to reason to prefer even my own acknowledge’d lesser good to my greater, and have a more ardent affection for the former than the latter” (II, iii, 33).

Properly speaking, according to Hume, passions are never reasonable or unreasonable. (A belief that informs a passion can be unreasonable, but strictly speaking it is the belief and not the passion that is unreasonable.) A similar category mistake holds with respect to a naturalistically acceptable hypothetical imperative—one can be under no rational obligation to take the means to one’s ends unless there is an objective norm of ethics which requires all people at all times to take the necessary means to their ends.

Strong naturalism thus “exacts a high price from us. It robs us not only of the objective normative authority of moral imperatives, but of any imperative, even imperatives of instrumental reason” (212). At the very least this high cost should spur further reflection on whether naturalism is justified.

This dovetails with the second prong of Hampton’s attack on naturalism. She argues that naturalists “regard science as universally valid, and its method compelling for all” and that this betrays “a commitment to the idea that the rational methods of science rely on norms that are objective” (213). She concludes that strong naturalism is self-refuting, since it must presuppose that which it finds to be metaphysically or epistemologically unacceptable.

I believe that Hampton’s argument here fails because it conflates two senses of objective authority. The naturalist is committed to the idea that science is the “correct” way to learn truths about the world. However, this notion of “correctness” need not have any connection with practical reasons. The universe need not care, as it were, whether we pursue the truth; however, naturalists can use the ways of knowing associated with science to show that science is the route to truth and astrology is not. They can thus maintain the astrologer is incorrect, albeit not as having made a mistake of practical reason. This recognizes objective norms, but does not find any “to-be-pursuedness” within them. This strikes me as an internally coherent and thus not self-refuting position.

Hampton complements the “self-refuting” argument by noting that if naturalists could establish that only the methods of science were a reliable way of establishing the truth, and could do so without relying on objective normative authority, then their view would give us:
This ratchets up the high cost of naturalism. Naturalists, with their strong commitment to science, have no resources to accuse astrologers of making a mistake of practical reason. There is no special obligation to use science as a route to pursue the truth, because there are no practical obligations at all.

As Hume shows us naturalists are able to assume this cost. This leaves Hampton with one final line of attack on naturalism and one seemingly friendly suggestion. The friendly suggestion is that naturalists could re-constitute their position by embracing objective norms of ethics, but showing that "all and only the norms posited by science have objective authority for human beings, and not the norms posited by morality." This would yield a weak form of naturalism that would still plausibly count as a form of a naturalism. Hampton takes it to be significant, however, that "no such argument has even been suggested, much less fully formulated" (214).

The final line of attack is to press the naturalist to answer this central question: “What is the ground of your position, such that any of us should be taken to believe it?”

I believe this is the best strategy to defend the existence of objective norms of ethics. Hampton’s partner-in-guilt strategy starts from a presumption of naturalism, and then argues out from there. In this way Hampton betrays the grip that naturalism has on her even as she tries to escape it. A philosophically liberated approach will insist on an epistemology that does not presume the truth of naturalism.

I will proceed with a commonsense approach to epistemology that addresses another weakness of the partner-in-guilt strategy. By linking science and ethics in "guilt" one might drag science down to the unacceptable level of ethics rather than raise ethics up to the level of science. This skeptical threat can be met by finding an epistemological approach that supports both ethics and science.

VI. An Alternative to Naturalist Epistemology

While it is beyond the scope of this paper to fully defend a particular approach to epistemology I will present an approach that I think is plausible on its own merits, and which holds open the possibility that we have a nonnatural faculty which informs us about objective normative authority.

Alvin Plantinga provides an alternative approach to naturalist epistemology in his defense of supernatural faculties that inform us of religious truths. In the remainder of this paper I will investigate what Plantinga’s approach can say about the existence of a nonnatural faculty that informs us of objective norms of ethics.

Apart from the plausibility of Plantinga’s approach, his philosophical work is interesting to compare with that of Hampton’s. He defends the possibility of being a Christian theist who has properly reflected on the best available scientific information and philosophic argumentation. In so doing he rejects the naturalist dogma that theism is not an intellectually respectable position. This complements Hampton’s argument that naturalists have illegitimately claimed the mantle of intellectual respectability for themselves.

I think Plantinga’s defense of supernatural religious faculties fails, although in edifying ways. The failure shows that the epistemological bar that he sets is not trivially cleared; it does not allow just any “metaphysical flights of fancy” to pass over. But it also sets the bar so that we can evenhandedly assess whether the methods of science, or a nonnatural normative faculty also clear it.

Plantinga’s general approach to epistemology

Plantinga maintains that a belief is warranted for an agent just in case she arrives at that belief in accordance with her epistemic design plan in a suitably congenial environment. It is part of the human design plan, Plantinga maintains, to form perceptual beliefs on the basis of percepts. For example, one might form the belief "There is a red truck in front of me" on the basis of a perceptual image of a red truck. A percept does not serve as a premise in an argument for a perceptual belief. Nonetheless, the perceptual belief is warranted since it is arrived at in accordance with the human design plan that includes forming beliefs on the basis of perception.

Plantinga aims to show that theistic and Christian belief, like perceptual beliefs, can be warranted. He defends belief in two religious faculties: (i) a sensus divinitatis that produces belief in God, and (ii) a faculty that produces specifically Christian beliefs in response to the internal instigation of the Holy Spirit.

The sensus divinitatis, if it exists, is a cognitive faculty placed in human beings by a benevolent God for the purpose of detecting God’s existence. It operates through an experience such as one might have after gazing at the Grand Canyon as the early morning fog melts away. The numinous experience occurs, and the person is occasioned by a belief that God exists. A benevolent God would also plausibly create human beings with the ability to learn some more precise divine details. Plantinga suggests we humans have a faculty that is sensitive to the internal instigation of the Holy Spirit which “causes us to believe these great truths of the gospel” (245).

Plantinga defends these faculties by showing how potential defeaters do not neutralize his belief in them. These include skeptical challenges from Freud and Marx, and traditional problems such as those posed by the problem of evil, or the challenge of religious diversity.

Stepping back from the details of Plantinga’s actual theory of epistemology, we can describe his approach to epistemology as follows:

- Provisionally accept the reliability of cognitive faculties (including perceptual, religious, and normative ones) that purport to issue noninferential, trustworthy beliefs.
- Address known possible defeaters to having such a faculty.
- Affirm as reliable any faculty which survives that process of reflection in the light of the best arguments and information available to the intellectual community.

In the next section I will both assess how the religious faculties actually fare under this epistemic approach, and how to apply this approach with respect to a nonnatural normative faculty.

Before proceeding let me be clear which aspects of Plantinga’s epistemology I am embracing. First, I accept that the full epistemic justification is a matter of forming and maintaining beliefs in the right sort of way, via a chain of cognitive faculties that is responsibly believed to be a reliable way of forming beliefs. Second, I embrace his commonsense approach that rejects general skepticism and leaves open the possibility of a variety of reliable cognitive faculties, such as perceptual, religious, or normative ones.

VI. How Religious Faculties and a Normative Faculty Fare Under this Approach

Plantinga dispenses with a number of objections to supernatural religious faculties by noting they object to the justification of
relies upon dependent evidence in his response to the problem
independent evidence that does not derive from the very beliefs
may rely on our own resulting beliefs only if we can appeal to
one.

I will make an analogous claim for several well-known
objections to the existence of normative truths—they show
that belief in a normative faculty is unjustified premised on the
belief that naturalism is true. Put another way, they argue from
the truth of naturalism and not to it.

Failure of the cognitive faculty sensitive to (IIHS)
Plantinga acknowledges that he lacks arguments to prove the
truth of Christian doctrine, and that others who are his moral
and intellectual peers may have religious experiences that
produce beliefs that conflict with it. Plantinga argues that he may
be aware of this fact but nonetheless affirm his own religious
beliefs given that he has had basic religious experiences
supporting them.

I have argued, however, that this response involves an
illegitimate circularity.16 When religious experiences conflict, we
may rely on our own resulting beliefs only if we can appeal to
independent evidence that does not derive from the very beliefs
in dispute. I have argued, however, that Plantinga critically
relies upon dependent evidence in his response to the problem
of religious disagreement. I have also argued that Plantinga’s
defense of the sensus divinitatis fails because it involves the
very same kind of illegitimate circularity.17

Let us now apply Plantinga’s epistemological approach to
normative beliefs. When we observe a group of kids setting a cat
on fire it seems wrong to us even without any reflection on our
part. The belief is noninferential and thus purports to come from
a normative faculty. But are we justified in believing we have a
reliable normative faculty? According to the approach laid out
above we need to examine potential defeaters to determine
whether this is the case.

I will consider four sets of possible defeaters. This list
is not exhaustive but in replying to these I hope to provide a
framework for addressing others that may arise:

a) Objections that assume the truth of naturalism.

b) The problem of normative disagreement

c) The connection problem

d) The problem of embodiment.

Objections that assume the truth of naturalism
Consider again Mackie’s epistemological argument from
queerness. It holds that objective values cannot be known
provided that we only admit naturalistically acceptable ways
of knowing. But this presupposes that there is not a distinctive
nonnatural normative faculty without demonstrating this to be
the case.

A similar problem holds with the Harman/Gibbard line
that we do not need to refer to normative facts in our best
explanations of normative judgments, and thus we should not
posit their existence.18 Notice, however, that the explananda
for Harman and Gibbard are moral beliefs and judgments, and
not moral facts themselves. They do not, for example, seek to
explain why it is wrong to torture animals. This explanation
will appeal to normative facts and it reveals that Harman and
Gibbard are arguing from a naturalistic point of view and not
to one.

The problem of normative disagreement
Another reason to deny that we have a reliable normative faculty
is that people have systematically incompatible intuitions about
what is normatively right or wrong. The most prominent of
these differences concerns the normativity of morality. Some
people have the intuition that all people are rationally bound
by morality, and others intuit the opposite. When faced with
such a conflict on intuitions we must set aside all the disputed
issues until we have some independent way to help resolve the
matter. I will suggest here, however, that both moralists and
anti-moralists share an important set of normative intuitions,
and that this shared set can help support the idea that we have a
reliable normative faculty.

Before sketching this account it is important to distinguish
the problem I am addressing here from others that might also
lay claim to being a “problem of normative disagreement.”
One such problem concerns differences among those who
agree that we are rationally bound by morality. Consider, for
example, the difference between utilitarians and Kantians.
These two camps largely share a set of normative intuitions
but disagree about how best to organize them into a theory.
Their disagreement thus does not directly undermine the
presumption that we have a reliable normative faculty, but
rather challenges who has the better theory for systematizing
the largely shared set of normative intuitions.

Another “problem of normative disagreement” concerns
the nihilist who acknowledges that certain things appear to
us as normatively right or wrong but maintains that those
intuitions are not to be trusted. This nihilist might provide an
argument that purports to show that naturalism is true and that
a normative faculty is naturalistically unacceptable. This sort
of disagreement is met by providing counterarguments. If the
nihilist’s arguments can be successfully rebutted, then the fact
that such nihilists continue to exist does nothing to undermine
the position that we have a reliable normative faculty; on the
flipside, if their arguments cannot be successfully met then we
are not entitled to maintain that we have a reliable normative
faculty, even if all nihilists were somehow to disappear.

I have suggested elsewhere that the fact that people have
incompatible religious intuitions demonstrates that we are not
entitled to believe that we have specifically religious faculties.
This is, in part, because there is no shared core among these
incompatible religious intuitions that might help settle the
difference.

Things are different though in the case of normative
disagreement. Moralists and anti-moralists can often agree that
“I have reason to X” and that you do not. For example, I have
reason to take my kids to school tomorrow. You do not. This
point is not in dispute.19

According to Hampton anyone who agrees with this has
already accepted an objective norm of ethics, viz., something
like the hypothetical imperative that all people at all times have
reason to act for the sake of their own ends and goals. Thus, both
moralists and anti-moralists can agree that we have a reliable
normative faculty at least with respect to certain normative facts.

One might go further to argue in favor of the objective
authority of morality. This is because the fact that I have reason
to act for the sake of my ends and goals, and that you do not,
calls for explanation. (Of course, this calls for a normative and
not a causal explanation.)

Let me suggest that this can be explained by the fact that
rational agents as such are valuable, and that there is a special
value attached to a reflective agent pursuing her own goals and
ends. Here we are inferring from the best explanation of what
makes it valuable for me to pursue my goals, interests, etc.,
and you to pursue your own. We reason from an undisputed
value set to a view of what grounds those values. Once we see
rationality as the underlying value, then we ipso facto
recognize the rationality of morality, since morality just is the articulation
of what it is that we owe each other as rational creatures.20
To summarize this sketch: even against pervasive normative disagreement there are enough shared intuitions to support the hypothetical imperative, and perhaps enough material to support the normative authority of morality.

The connection problem
There is a causal story to tell with regard to the connection between physical objects and perceptual beliefs. What accounts for the connection between normative facts and our normative beliefs? If normative facts do not have a causal influence on normative beliefs, what is the connection between the two?21

There is a fairly short answer to this problem: normative beliefs and normative facts are “connected” through an isomorphism. There is a structural relationship among normative facts, and our normative faculty is constituted in a way that generates intuitions that mirror that same structure.

One will object that this short answer leads directly to another pressing objection:

The problem of embodiment
Why think natural creatures like us have a faculty that reliably tracks normative truths?

Plantinga raises this as a problem for atheistic naturalism. Plantinga contends that the likelihood that undirected evolution would lead to our having generally reliable reasoning capacities (of the kind that underlies the methods of science) is either low or unknowable. Plantinga argues that if we believe that we are the products of undirected evolution then this undermines the trust we may have in all of our other beliefs (227-40).

Notice the implicit demand here that for any given cognitive faculty that one relies upon, one must explain why it is reasonable to expect that faculty to be reliable. (This is not a demand that we prove the reliability of a faculty in advance of depending on it. This would immediately condemn us to skepticism.) Plantinga’s ready answer to this demand is that we were created by an omniscient and omnibenevolent Creator.

What can the naturalist say about the reliability of our cognitive faculties? She can believe that our possession of reflective capacities is a contingent outcome of an undirected evolutionary process; but, she can simultaneously hold that our accidental status as reflective creatures explains and does not undermine the fact that we can distinguish correct from incorrect norms of belief formation. Indeed, in reflecting on what we should believe we are already in the space of reasons.

Our status as reflective creatures does not guarantee that our cognitive faculties are reliable; but, their accidental nature does not, as it were, kick us out of the space of reasons. An analogous point holds for a nonnatural normative capacity. When we reflect on what we should do, we inhabit the space of practical reasons. The fact that we possess this ability accidentally, or that we are unable to prove that it is reliable does not undermine our reliance on that faculty.

Of course, this is only the barest gesture towards a reply to the problem of embodiment; but, if it is not adequate does the naturalist have any reply available that is not also available to the nonnaturalist?

This leads me back to echo Hampton’s essential complaint. We cannot make any epistemic demands on a nonnatural normative faculty that we do not also make on our naturalistically approved cognitive faculties. This provides a first response to further objections to our having a nonnatural normative faculty. One should always check that arguments against objective norms of ethics do not hold with equal force against objective norms associated with science.

Conclusion
I shall conclude with two points. First let me suggest that Hampton’s strategy to defend normative authority by showing naturalism to be self-defeating is generational. It reflects a mindset that one must leverage the existing intellectual standing of naturalism to establish the intellectual standing of normative authority. But having been philosophically raised by those who rejected the special status of naturalism, it is more open for my generational cohort to treat naturalism just like any other proposed metaphysical or epistemological position.

Finally, let me summarize my answer to Hampton’s challenge. We can responsibly be postnaturalists by provisionally accepting our commonsense beliefs including normative ones. We can avoid metaphysical flights of fancy by only affirming those faculties that survive challenges in light of the best available scientific information and philosophical arguments. Hopefully, I have increased the intellectually acceptability of the idea that a nonnatural normative faculty would survive such a process.22

Endnotes
2. This strategy is derived from a friendly suggestion from J. L. Mackie. See p. 39 of Ethics: Inventing Right and Wrong (Penguin Books, 1977).
6. His claim is that naturalism combined with evolutionary theory is self-defeating: we are not entitled to rely on cognitive faculties which are the products of undirected evolution since any cognitive faculties produced by such a process would either have a low or unknown rate of reliability. See Warranted Christian Belief (Oxford, 2000).
8. Hampton provides an alternative account in which the objectionable aspect is an appeal to the “compelling rightness” inherent in final cause explanations (111). This account is less continuous with the rest of the book as it does not make clear the connection between final causes and reasons.
9. A Treatise of Human Nature (1739) (Ill, i, 1)
10. It might be the case that the naturalist cannot justify naturalism using only the methods of naturalism. For an example of this charge see Barry Stroud’s “The Charm of Naturalism” in the Proceedings and Addresses of the American Philosophical Association 70, no. 2 (1996): 43-55. If this charge is accurate one must still address what, if anything, provides the justification for belief in science or in objective values.
11. The key epistemic notion for Plantinga is that of warrant, which is the property which transforms a true belief into knowledge. See Plantinga’s Warrant and Proper Function (Oxford 1993), ch. 1 & 2.
12. This reference to the internal instigation of the Holy Spirit is drawn from Calvin’s development of an idea from Aquinas: see p. 249. The reference to the sensus divinitatis also derives from Calvin.
13. The attendant experience has the phenomenology of conviction. Plantinga illustrates: “We read Scripture....What is said simply seems right; ...one finds oneself saying ‘Yes, that’s right, that’s the truth of the matter; this is indeed the word of the Lord’” (250).
14. A faculty is a cognitive power that may be fallible. It can also be embodied in a non-localized way; there is no requirement that one be able to point to a particular area of the brain and say “that is where the faculty is located.”

15. I don’t follow Plantinga in the use of “warrant.” I also eschew talk of “design plan” since it so strongly suggests the existence of a designer without first establishing that fact.


19. Even a nihilist will agree that this seems to be the case. Her argument is that we should not trust any of our normative intuitions. The argument does not depend on the claim that we have conflicting normative intuitions.

20. This idea is made explicit in Scanlon’s contractualist work. See What We Owe Each Other (Harvard 1998)

21. Mackie may have had this objection in mind on pp. 40-41.

22. I would like to thank an audience at the University of British Columbia for helpful discussion on this paper, with particular thanks to Matt Bedke and Doran Smolkin.