

## A Critical Review of *Natural Law and Practical Rationality*

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*Natural Law and Practical Rationality* by Mark C. Murphy. Cambridge University Press, 2002. Pp. xiv + 284. \$55.00

Mark Murphy, one of Alasdair MacIntyre's most accomplished students, is among the most original writers on moral theory working today. *Natural Law and Practical Rationality* is an important contribution to the debate on the natural law tradition that has taken place in the past decade, especially because its project is primarily constructive, like John Finnis's 1980 book. We have here a new foundation for natural law ethics that seeks to combine the strengths and to avoid the weakness of both the "new natural law" approach championed by John Finnis and Germain Grisez and the more metaphysical approach to natural law of traditional Thomism. Murphy's position is highly innovative in its basic structure, and the argument for it is worked out with such rigor that we can hope this work will gain serious attention in mainstream Anglo-American moral theory, and become a new focal point for the ongoing debate among the main contemporary approaches to a theory of norms.

### REAL IDENTITY BETWEEN METAPHYSICAL FACTS AND VALUES

Murphy begins by clarifying the two theses that are distinctive of natural law theories of practical reason: (a) the goods that provide the reasons for actions, or that make actions *intelligible* by giving them their point, are grounded in the nature of human beings; and (b) it is features of these goods that also determine the standards of *practical reasonableness* for actions. But Murphy argues that there are serious problems with both of the leading approaches to defending these theses. The "derivationalist" approach holds that the first principles in the order of practical reason are derived from metaphysical principles known by speculative reason. In its standard form this approach, which began with Aristotle's proper function argument and was developed in Aquinas's theory of our essential dispositional properties, falls prey to the objection that it involves an invalid fact-value inference (pp. 8, 14). On the other hand, the "inclinationist" approach developed by Grisez and Finnis holds that our grasp of the basic human goods begins within practical reason itself, and is not derived from prior metaphysical insights. Now Murphy

does not think that this account is just a simplistic "intuitionism." As he rightly points out, all accounts must stop at some point with "a simple insight into the truth of a principle" (p. 10). And he thinks that Finnis was on the right track in looking for a conception of goods implicit in our inclinations to pursue certain sorts of objects. For Murphy endorses what we may call the *transcendental method*: "First principles are often affirmed because their affirmation is necessary to make intelligible other claims that one affirms" (p. 11), and many of our practical decisions and choices do commit us to the value of these goods. The problem with Finnis's approach is that it does to theoretical reason what Hume does to practical reason, giving it no role at all in the grasp and judgment of intrinsic value (p. 13). Thus the inclinationist cannot affirm the "strong grounding thesis," which says that "facts about human nature explain why that which is a human good is a human good" (p. 16).

To avoid the problems of both these approaches, Murphy proposes his own third way, which he calls the "real identity thesis." The idea is that, while our first practical judgments about the human good are *not derivable* from theoretical judgments about human functioning and flourishing, nevertheless the truth-maker for both sets of judgments is the same underlying reality, just as related indexical and non-indexical judgments share a common truth-maker (pp. 18–19). And since we can know this relationship, our theoretical grasp of facts about the human function can help guide our practical assessment of the goods to be pursued. These practical assessments by themselves can be distorted by emotion and thus we can posit different and conflicting accounts of the goods to explain our inclinations; but the guidance we can gain by comparing them with recognized facts about our functioning (which we already know to be identical with facts about our goods) can help overcome these problems. We have the same items in two different "wrappers": theoretical evaluative judgments and structurally similar practical evaluative judgments (p. 41). The defense of this real identity thesis (which Murphy eventually attributes to Aquinas) is ultimately a kind of reflective equilibrium between the theoretical and practical standpoints, starting from some independent evidence about both functions and goods that turn out to correspond very tightly.

#### THE FUNCTION ARGUMENTS

This ingenious solution to the grounding problem for natural law theory is matched by the best reconstruction of Aristotle's function argument that I have ever seen. To provide a basis for the speculative and metaphysical side of his dual approach, Murphy argues (1) that an entity cannot be a unity unless the defining functions of its parts contribute to that entity's overall function. Murphy manages to make this look like a simple implication of natural semantics, but I still have some qualms. For example, might not the unity we often imagine to exist in a work of art be of some non-functional kind? And if Murphy is right, then I think Leibniz's claim will be vindicated that no amount of raw matter can constitute a unified object unless its parts are bound together by a function or substantial form. In any case,

relying on Mark Bedau's analysis of function. Murphy next argues (2) that proper biological parts of animals do indeed have functions in the second of three distinct senses, since they do something that tends to produce an outcome that is in fact valuable (usually to the animal itself), and they operate in this way precisely because it will produce this outcome, although they cannot be understood as aiming intentionally at the outcome's value (pp. 26–27). It is crucial to note that functions (or teleology) of this sort involve evaluative concepts but do not conflict with a broadly mechanistic picture of nature or with natural selection and do not require a divine designer of animal kinds. This notion of something's function depends on associating the function with the concept of its kind, since only then can we make intelligible the notion of its malfunctioning. Now if the parts of a human animal each have such functions, it follows from (1) and (2) that (3) the human as a whole must have a single unifying function, which Murphy labels *H-ing*. He finishes this analysis by arguing (4) that something performing the function of its kind is identical with its flourishing, where flourishing is an intrinsically valuable state graspable as such by theoretical reason (p. 29). The key to this last argument is Murphy's claim that the defining goal of a global function like *H-ing* can be nothing other than the activity of *H-ing* itself, which would then be an intrinsic good and recognizable as such by the theoretical reason that discerns functions and other such metaphysical facts.

I think that Murphy's *tour de force* may break down in this last step (4). For while it is true that various activities, such as a child's playing, may not aim at any good other than the intrinsic good of such an activity itself, such activities do generally also function to produce other distinct or separate goods that are part of flourishing (such as mental development). And surely many activities that are part of flourishing might want to include as direct components of the human good—such as assisting friends—do aim at and function to produce other *product-like* intrinsic goods apart from the activity (such as the friend's well-being). So they do not function simply in order to produce the intrinsic value that the activity itself has as part of its agent's flourishing. And this is a deep problem for the kind of *eudaimonism* that Murphy is trying to defend. For why could the *H-function* not also have some product-like purpose distinct from its own value to the agent performing this function (such as, perhaps, helping to create a kingdom of ends)? Then the *H-function's value would not consist solely in constituting the agent's eudaimonia or flourishing*, but rather in realizing other morally valuable states.

Another problem is that any kind of activity contributes to itself and so could in principle be understood as its own end. Thus Murphy's transcendental function argument seems consistent with different groups of people—or even each individual person (as Leibniz suggests)—counting as a species or natural kind in their own right. For example, what if a particular individual named Alfred sees himself as unified by the function of eating donuts? He interprets all his other functions as instrumental to this end. If eating donuts is itself a good, then it can be an activity whose function is only to create this very activity (p. 30). So, what if Alfred is just the kind of person who eats donuts? This is what people of his kind do. Why not

say, then, that performing this function well is tantamount to the flourishing of Alfredean beings?

Murphy's answer to this sort of objection is that an understanding of overall human flourishing is implicit in the functions that we attribute to different parts of the body, including especially the brain. For example, he argues that our function must involve more than perpetuating our biological life and reproducing our genes, since our brain could do its part in these tasks but still be considered malfunctioning, e.g., if its workings "would prevent us from entering into friendships or any social relationships; or from appreciating beauty in any form; or from making practical judgments; and so forth" (p. 40). But a critic might see this as merely importing an already-moralized conception of *eudaimonia* into the determination of what constitutes our proper functioning. For it is on the basis of practical arguments that Murphy later rejects pleasure and brute preference-satisfaction (as in the donuts case) as constituting any objective good. Still, building on the sort of account MacIntyre has given in *Dependent Rational Animals*, Murphy can respond that we are clearly able to use theoretical reason to identify key elements of flourishing for other creatures, e.g., the good of dolphins. Since theoretical reason plays this role in non-human cases, there is no reason to think that it is helpless in the human case, or that we must rely on practical reason alone to identify the human good.<sup>1</sup> So, the real identity thesis is an important advance in the literature on natural law ethics, even if it does not solve all problems.

#### OBJECTIVE WELFARE AND THE BASIC GOODS

Let me turn to subsequent stages of the argument. In chapter two Murphy defends the claims that, on its practical side, natural law theory should be both "welfarist" (by asserting that the ultimate reasons for actions are "aspects of agents' well-being") and "formally objectivist" (by holding that the truth-maker for the claim "x is an aspect of A's well-being" does not include some mental state of A's). Much of this chapter is devoted to refutations of rival subjectivist views incompatible with formal objectivism about welfare, and in particular to showing that no more complex desire-fulfillment theory of well-being constrained by idealized information conditions can do better than the simple subjectivist theory of well-being as the fulfillment of actual desires (frightly understood). But simple subjectivism fails, because desires by themselves give us only disjunctive reasons either to pursue the desired object or to rid ourselves of the desire. This is a powerful argument, which we also find in the work of Gary Watson and even Robert Nozick. Murphy concludes that well-being must have the formal features of goodness, subject-relativity, and reason-giving status (p. 94). Formal subjectivist theories about the nature of well-being do not provide the kind of objectivity demanded by reasons for actions. The substantive account of the ingredients of well-being implied by a teleological version of formal objectivism can explain how well-being generates the kind of practical reasons we require to guide action.

<sup>1</sup> I am most indebted to Professor Murphy for some clarification on this and other points.

In chapter three, Murphy develops his objective list of goods that make up human well-being. His list is similar to John Finnis's; it excludes pleasure as a basic good and includes life, for which he mounts an interesting defense. But he is careful to note that this good "does not consist only in bare survival but also in overall physical integrity and health" (p. 101). Understanding it this way makes it easier for Murphy to refute objections to "life" as a basic good, but it also, I think, opens the door to an argument that intentional euthanasia can be an act consistent with the basic goods in certain extreme cases (although Murphy would certainly not grant this implication). In fact, from the metaphysical side one might argue that after some horrendous brain injury, proceeding to biological death would be consistent with the body's proper functioning, while being kept alive in an irreversible coma for many years would be contrary to its proper function. Nor am I persuaded by Murphy's argument that we are implicitly committed to the judgment that the body's animate functions have an intrinsic value of their own, in addition to their instrumental value in "supporting other human functions" (p. 105). This seems to require more evidence than Murphy gives. Be that as it may, I note that this whole discussion of life raises another larger problem for Murphy's theory: namely, why we should not include the natural values of plant and animal life, along possibly with the perpetuation and diversification of species and their ecosystems, as basic goods? This would, of course, mean admitting that some of the goods that give us valid practical reasons for action are not part of human welfare at all. Indeed, it seems to be a unique and distinguishing feature of human persons (and perhaps of all moral agents) that they can care about things that are not members of their own species for their own sake. (Of course, pursuing such natural goods might be part of our proper function, but its byproduct value to us could not be our reason for pursuing these goods).

Another interesting and innovative aspect of Murphy's list is his inclusion of "inner peace" and "happiness" as basic goods. Affirming the objective value of inner peace is crucial, Murphy argues, so that his formal objectivism about the nature of well-being can provide a place for the satisfaction of desires in the actual content of well-being, thus allowing for some variability in its content among individuals. Since inner peace is "the good of not having unsatisfied desires," we can see why both satisfying desires and ridding ourselves of unsatisfiable ones contribute to our welfare (p. 120). This is an interesting way of trying to accommodate subjective states in the content of well-being, and I think that Murphy is right that it does not involve any formal subjectivism. But it is problematic to make a negative state of affairs into a basic good, and the good of inner peace so conceived seems to provide *prima facie* support for the reasonableness of "adaptive preferences" in some cases: if I cannot reach the grapes, then I'll just stop wanting them. Murphy will then have to draw on other aspects of his account to show why adaptive preferences are not reasonable in particular cases (e.g., trying to erase my unsatisfiable desire that my friend's child will recover from cystic fibrosis) rather than ruling out all such preferences as suspect. As a result, I worry that giving too much emphasis to inner peace would tend to discourage agents from forming

commitments both to very demanding personal goals and to lofty moral ideals, such as global justice, and being willing to suffer the related sleeplessness.

Using "happiness" for a single basic good, rather than for the union or juncture of all the basic goods, is also strange at first glance. But what Murphy means by happiness is the rather Rawlsian notion of "the successful achievement of a reasonable life plan" (p. 133). The goods to be structured in such a life-plan are objective, but they are not already in themselves ordered hierarchically. This implies that "an agent may commit his or her life primarily to one of the goods, or some combination of them, without violating any natural hierarchy among the basic goods" (p. 134). The good of structuring the pursuit of first-order goods in a rationally coherent way is necessary for the realization of the first-order goods pursued to make their full contribution to well-being, or for the agent to fully enjoy them—as Murphy argues—even if they retain reason-giving force outside this structure.

I agree that without some "unification" of the goods this way, it seems impossible to make sense of the idea of a human being as united by a single ultimate function (an idea that Murphy clearly endorses). As I myself argued (in *Kierkegaard After MacIntyre*), even if all the basic goods cannot fit in some structured way into a single embracing good, as classical eudaimonism demands, we must still be able to unify some subset of these goods if the pursuit and achievement of any of them is to be fully rewarding and not self-defeating for us. So Murphy is right to reject the "reductionist" conception of happiness as simply consisting in the mereological sum-goodness of the other various goods we can rationally pursue, or commit ourselves to. And he is right to reject the "unificationist" conception of happiness, according to which "the goodness of the goods that are the material of happiness is solely the result of their contributing to happiness" (p. 134). As Murphy says, these goods have to have force apart from our commitment to them or their place in our life-plan or even (citing Aristotle) their contribution to our eudaimonia (p. 135).

Nevertheless, I think that this crucial point raises a major problem for Murphy's theory. The problem is that happiness as Murphy rightly conceives it is not only a second-order good that should not be placed alongside other first-order goods, but also a *by-product good* that, as Joel Feinberg once famously argued, arises mainly from pursuing other basic goods for their own sake (rather than as a means to happiness). The same goes for "inner peace" rightly understood, which I think requires not the absence of unrequited desires but a sense that one's priorities are right and that one's world is as it should be, which surely depends to some extent on things beyond our control. As Jon Elster argued in one of his earliest and most famous books (*Sour Grapes*), there are states of affairs that it is self-defeating and pragmatically contradictory to will since, without self-manipulation, they can only happen to a person passively (like falling asleep or forgetting something) or result as by-products of the person pursuing other things without the (direct) intention to produce these states. Happiness and inner peace are probably in this latter category. But no basic good can be in this category if basic goods are those values whose realization we can have objective reason to will, or those goods that can inform our choices in such a way as to make them rational and reasonable.

In making this argument, by the way, I do not mean to be asserting that any second-order effort to shape one's commitments with the goal of producing a coherent "life-plan" in mind must constitute what Bernard Williams famously called "one thought too many." Rather, the process of identifying with certain desires and emotions rather than others and of forming the cares and commitments that require such identifications can be informed by *other* second-order considerations besides *eudaimonia*, which can help rationally guide our movement in one direction rather than another. Work is needed to spell out these second-order criteria, such as autonomy and authenticity, but Murphy leaves it largely open as to how we are to formulate our life-plans.

#### KANT AND MORAL THEORY

After spelling out his conception of human welfare, Murphy provides a novel defense of the welfarist approach to practical rationality against familiar objections, such as that welfarism leads to an overly narrow notion of what it is rational to pursue. Murphy argues that these objections apply only to inadequate conceptions of welfare and not to the general notions that "all reasonable action is ultimately grounded in well-being, [and] that rational action is action that constitutes an appropriate response to agents' welfare" (p. 139). On this basis, Murphy gives strong critiques of egoism and consequentialism, whose fundamental assumption of commensurability among the components of well-being leads them to maximizing conceptions of reasonableness that also implausibly reject the distinction between intended and foreseen results of action. Since I agree with this response to consequentialism, I will focus instead on Murphy's reply to Kant, which seems more problematic.

In explaining Kant's position, Murphy follows Alan Donagan's reading that, for Kant, the "fundamental reasons for action" are not states of affairs that count as "productive ends" but rather "humans themselves" (p. 169). This is intelligible, Murphy says, because sometimes we do take persons themselves to be reasons for action, as when our goal is simply to be loyal or committed to someone (p. 170). Against this, however, Murphy complains that Kantians would reduce the goods that fulfill persons to the value of these persons themselves, as if the latter were really distinguishable from the former. The natural law approach avoids this mistake by seeing the promotion of basic goods as simultaneously the promotion of the persons enjoying these goods (p. 189).

I have two brief criticisms of Murphy's response to Kant. First, there is good reason to be sympathetic with Murphy's criticism that Kant himself "requires a dualism between the person and the goods in which that person can participate, which strikes me as both implausible in itself and without foundation" (p. 188). But contemporary neo-Kantians have done a good deal in trying to address this genuine problem in Kant. In his original theory of political justice (before he went relativist), Rawls added his primary goods to Kant's thin model of the person, and similar moves have been made in Kantian theories of moral right in general. All

the Kantian needs to hold, I think, is that the inviolable value of a person still transcends all the value of the goods in which that person can participate and thus gives reasons for action over and above reasons flowing from the basic goods that constitute human welfare. These overriding reasons for action would hold, Kantians maintain, even for persons on other planets whose list of basic goods making up their welfare could be different from ours in some significant respects.

Second, I think that the best understanding of Kant—or at least the best version of Kantian moral theory—is one that would construe the person who enjoys and pursues basic goods *not* as the “fundamental reason” for action in the sense of a single first-order good to which every other component of well-being is instrumental, but rather as the trump-like second-order reason that we have for *constraining* our plans of action in certain ways, whatever producible first-order goods we may pursue for their own sake. These first-order pursuits are constrained not to create some further producible good (even though such goods are indistinguishable from the development of the persons whose goods they are, as Murphy rightly says), but rather to directly respect a different and higher kind of value that is not conceivable in terms of welfare at all. Of course, this stance implies a major challenge to welfarism and, as I argue below, Murphy’s natural law welfarism manages to include non-consequentialist constraints or agent-centered restrictions on action only because it promotes all the basic goods that constitute human welfare to the inviolable status of Kant’s second-order end to be respected in all reasonable plans of action. The problem for Kantians is to fill out what this second-order value of persons is by giving it enough substance to constrain any plans of action without simply equating it with an inviolable set of basic goods. In working this out, Kantians would do well to admit that some norms of reasonableness will derive from the importance, or perhaps even inviolability, of various basic goods, rather than try to make their principle second-order value do *all* the work. But they must deny that the content of morality derives entirely from the practical rationality of promoting human welfare.

A similar and related problem for welfarism arises from the question, posed by Michael Stocker and Bernard Williams, of whether a substantial part of the meaning of our lives may depend on essentially particularistic care, that is, on loving particular persons precisely for their unique individuality (and not only for replaceable character-traits). Although this is a stronger attitude than Kantian respect for the individual, it too seems impossible to explain simply in terms of caring about the objective welfare of persons *per se*, which is indifferent to indexical references to particular persons. To explain the value of particularistic love as deriving simply from the subjective concerns of the lover seems to undermine the practical rationality of his or her emotional or volitional state. If there is value in particularistic love or care, it cannot be a welfare-value.

In deriving his own norms of practical reasonableness from his welfarist version of natural law theory, Murphy argues in each case that plans or agents that violate the norm will entail a performative contradiction because they presuppose something that is necessarily false, given the structure of agency and the basic goods.

The similarity of this method of argument to Jürgen Habermas’s way of developing a discourse ethics is interesting, because it shows that this method is not limited (pace many deontologists) to the determination of basic rights and the standards of fairness for interacting groups of agents. In addition to some direct requirements on the reasonableness of agents, Murphy defends four principles as governing plans of action, which I paraphrase as follows: (1) in deliberating about a rational life plan, we should not completely ignore or dismiss any basic good, even if we eventually see reason not to pursue it; (2) in forming plans of action involving agent-neutral ends, we should not ignore any person’s good or discriminate for or against that person; (3) plans of action should not intentionally destroy any basic good in order to promote some other; and (4) plans of action should not use limited resources in inefficient ways to produce basic goods.

There is something right about all these norms, but the fourth seems to be a principle more required in public life and in designing political institutions than in personal affairs, and it seems to require some threshold concept of adequate efficiency if it is not to become a maximizing requirement. The third, the welfarist version of the Pauline Principle, is of course crucial, but it seems to require not just that basic goods be both basic and incommensurable but also that they be *invulnerable*. For example, what Kant means to say about the intrinsic dignity of persons is not just that their existence as free agents is an intrinsic good (for some instances of intrinsic goods may have a final value that still ranks low in quantity or quality), but also that their status as free rational willers with objective interests is an *invulnerable good*, one we ought never intentionally to contravene. Murphy’s Pauline principle, like that of Finnis, seems to apply Kant’s claim about persons to every basic good involved in their welfare objectively understood. Now it has been difficult for Kantians to show that the inviolability of persons as agents freely exercising rational will can be defended as something to which they are implicitly committed in every free choice that makes use of their rational will. But even if Kantians can meet this burden, the difficulty is that much greater for anyone who would show that every basic good is also inviolable. This may be right, but it is a very strong claim, and one that does not follow from incommensurability alone.

By contrast, Murphy’s second principle, which is his version of the Impartiality requirement, seems too weak. As he admits, it does not rule out quasi-egoistic life-plans that are almost entirely focused on the agent’s own objective goods or on other agent-relative goods so long as the agent is impartial when cooperating with others (pp. 203–204). To this extent it is like Hare’s formal universalizability principle. But surely a natural law ethics should demand that an agent commit herself to pursuing a variety of broader shared goods and (arguably) that she should devote some significant portion of her time and energy to creating the good of others for its own sake, without insistence even on reciprocity as a pre-condition.

It is interesting that, although Murphy rejects the thesis that there is any clear hierarchy of importance between the basic goods, his rejection is a good deal more sophisticated than that of Finnis or George. He does not think that the claim that there is no hierarchy follows simply from the incommensurability of the basic

goods themselves; nor does he think that in practical applications, recognizing the higher status of a good like religion, for example, would entail its crowding out the pursuit of every other good. But he thinks that to justify the idea that the pursuit of some lower basic goods should be "regulated" with respect to higher basic goods would require showing that there really is a broad tendency in people's purposive action to regulate some of these goods by others; and in his judgment, the evidence for this is lacking (p. 196). I think that Murphy is right, but this still leaves an enormous puzzle about how persons are to decide without sheer arbitrariness among rational life-plans that each respect the principles of practical reasonableness (a subject that he tries to address in his last chapter). I also note that allowing some basic goods to be violable in pursuit of others when certain exceptional conditions are met (e.g., intentionally violating the requirement of honesty, and hence acting against truth, for the sake of preserving life when no objectively better means of saving life is available) would suggest a hierarchy among the goods that is still compatible with their value not being comparable on a single cardinal scale.

Murphy's fifth chapter ends with an excellent critique of radical versions of virtue ethics that make aretaic judgments the sole possible source of all valid normative claims and hence that are incompatible with any recognizable version of natural law ethics. Murphy is emphatic in rejecting Slotte's agent-based version of virtue ethics, in which the judgment of the virtuous agent plays the metaphysical role of truth-maker for practical judgments (p. 213). In my view, this sort of virtue theory treats the judgments of the virtuous agent in the same way that the strongest versions of divine command ethics treat the judgments of God, namely, as literally constituting the right or the morally good, and hence not required to track any prior truths. Thus on Slotte's theory, as Murphy says, it is hard to see by what measure the virtues could count as excellences (p. 214). Murphy also rejects the strongest epistemic interpretation of the virtuous-agent-as-standard thesis, which holds that the virtuous person's decision is the ultimate epistemic standard for knowing the correct solution to any practical problem (a view we seem to find in Hursthouse). A natural law theory can formulate principles of action that are stable without reference to virtuous agents and whose warrant does not logically derive solely from being endorsed by virtuous agents (p. 215). Murphy instead proposes a weaker interpretation: "The virtuous person's decision is the ultimate complete standard for practical judgment," which allows that "there may be some standards for the correctness of practical judgments that can be stated in a way that does not logically depend on the decision of the virtuous agent" (p. 215). This view is compatible with natural law ethics, because it allows that the virtuous agent's judgment can include sensitivities that cannot be captured in terms of practical principles and that extend beyond the constraints of natural law by supplementing them with further non-rule-like "constraints of reason" on how our plans of action respond to the basic goods in our circumstances. In other words, the virtuous agent may be able to see the rational inappropriateness of certain responses, even when this inappropriateness does not follow from the action-plan's violation of any principles of natural law. Thus, as the complete standard, the ideally virtuous agent's judgment brings an element of moral particularism into the theory of practical reason (p. 216).

This is a very interesting proposal: as I understand it, virtuous insight extends the norms of natural law in a fashion analogous to the way in which revealed truth extends natural knowledge. In my judgment, however, it needs to be defended with a fuller account of the various virtues. Murphy should also consider whether, if virtuous motivation makes possible a judgment that one option is more practically reasonable than another, when both are indifferent with respect to the norms of reasonableness, this might constitute a problem for welfarism about practical reason. I think that it probably does, since the virtuous agent may well be responding to considerations other than welfare alone in making specificity judgments about how to apply the relevant norms to her situation.

I do not have the space here to treat Murphy's rewarding discussion of several remaining metaethical problems in his final chapter, such as the nature of the moral ought and the subject of moral dilemmas. But overall, what is most impressive about Murphy's achievement is the commanding and comprehensive account of theoretical divisions that underlies the architectonic of his project and allows him to place rival views in their niches, even while systematically defending the superiority of his natural law model before every major alternative. Although Murphy's theory still needs to be meshed with a full theory of virtues, and developed into a political philosophy that will give full recognition to the determining role of norms implicit in the practice of public political deliberation, he has made a very powerful start.