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Mere Rules Do Not Morality Make

The flourishing field of the role of evolution in the development of humanity's moral capacity maintains that morality is the consequence of adaptation to a social environment. Whether or not its orientation is genetics (kin selection from Hawkins, Dawkins, and Dennett¹ or eucociality from Nowak, Tarnita, and Wilson²) or neuroscience, it takes as its definition of morality to be "right and wrong conduct," and argues that such a capacity can be seen as emergent across social species in the struggle to survive as a group or, especially in the evolutionary advantage that is humanity, as the evolutionary advantages that emerged with frontal cortex development, the amygdala, as well as the hormones oxytocin, arginine vasopressin, and dopamine.³ Frequently, the view of sociobiology contrasts its notion of morality as a natural, emergent characteristic with the notion that morality is a social construct, that is, a product only of culture. What follows proposes that there are serious grounds for questioning both options: evolution of morality and the social construction of morality. They both confuse social rules for moral principles and, as a consequence, presuppose the very capacity of autonomous (creative) freedom that is the condition of possibility for holding ourselves accountable for our actions. Morality, it will be claimed, is more than "living according to the rules." It is concerned with holding ourselves accountability to principles that, in turn, guide what we do "according to the rules." In short, moral principles are not explainable

¹ See Richard Dawkins, *The Selfish Gene* (New York: Oxford University Press, 1976), Daniel Dennett, *Consciousness Explained* (Boston, Little, Brown and Co., 1991), Mary Midgley, *The Solitary Self: Darwin and the Selfish Gene* (Dublin: Acumen Press, 1010), and Manfred Spitzer, *Das Wahre, Schöne, Gute. Brücken zwischen Geist und Gehirn* (Stuttgart: Schattauer GmbH, 2009),.

² See Wilson, Nowak, Tarnita, „The Evolution of Eusociality“ in *Nature* 466 (26 August 2010): 1057-1062.

³ See 3. Patricia Churchland, *Braintrust: What Neuroscience Tells Us about Morality* (Princeton: Princeton University Press, 2011).

by either physical laws or relative, social construction. Moral principles are entirely *internal* and *categorical* (i.e., *autonomously self-legislated*) and nothing *external* that could be imposed upon the individual either by nature or by groups, unlike physical laws and social rules/civic law, which are *hypothetical* (i.e., *heteronomously imposed* upon humanity).

Hypothetical *necessities* are demanded by an external, particular situation. Kant distinguishes between technical and pragmatic *necessities*. Technical necessities are the steps that one must follow to perform a task (e.g., build a house). Pragmatic necessities are the steps that one must follow to achieve one's personal welfare (e.g., negotiate a social world, pursue a career). Hypothetical, technical and pragmatic necessities are *heteronomous*. Categorical *necessities* are demanded by one's own, internal, creative freedom, and they are self-legislated because they must come from the self. They are moral principles that govern the exercising of one's creative freedom, and, hence, categorical necessities are *autonomous*.

There is nothing in what follows that claims that moral life has nothing to do with a biological fundament or that human behavior in social groups doesn't require conducting oneself according to physical laws and social rules/civic law. Humanity is an animal species, and there would be no autonomous freedom or moral principles without our biological and social condition. In other words, what is here proposed is not an alternative that denies sociobiology and neuroscience or denies the necessity of external rules for successful negotiation of the social world. However, the biological fundament and those social rules are not morality! One can follow all of the social rules and adhere to the civic law "properly" and still be immoral, unjust, and non-virtuous. Morality, in short, is "higher" than social rules and civic law not in a theological sense but in a purely hierarchical sense because it is *internal* (i.e., imperceptible) and not *external* (i.e., perceptible).

Just as moral principles are complementary to social rules and civic law in the sense that they add something to and can call for the creative change of social rules, so, too, the efficient causality to which moral principles apply (i.e., autonomous, creative freedom) is complementary to the efficient causality that is nature in the sense that autonomous freedom cannot contradict physical laws,⁴ but it can employ those laws in ways that nature on its own cannot in order to achieve things that nature on its own cannot accomplish.

⁴ What appears to be feared if one acknowledges more than one system of efficient causality is that the understanding and predictability of events would be eliminated because one could not be certain which system of efficient causality was in play in the event. There are at least three issues that need to be acknowledged/addressed by such a fear: 1) a system of efficient causality must *necessarily* conform to laws – otherwise, it is mere spontaneity and capriciousness; 2) if there were to be a system of efficient causality that could ignore the efficient causality of physical reality, then physical reality would be incapable of being understood much less events capable of prediction; but 3) a system of efficient causality that was complementary to, and required to always be in conformity with, physical efficient causality poses no threat to either understanding or prediction. We could understand and predict the physical dimension of experience according to physical laws, and we could understand

Morality's grounding in an internal capacity is what makes morality for all intents and purposes unique to humanity. This internal capacity of autonomous, creative freedom is not simply that we are able to make choices and take decisions. Other species, obviously, are able to make choices and take decisions. However, they do so instinctually (i.e., naturally). We can give "reasons" for their decisions just as we can give "reasons" for our own. However, a "reason" is no "causal explanation," and, to the extent that reasons are taken to be causes, we miss entirely the deeper dimension of freedom that is clearly human and only is hinted at in other species.

Every individual is capable of initiating a sequence of events out of her/his own volition (i.e., a form of efficient causality) that nature cannot achieve on its own. To be sure, to create involves making choices and decisions, but creativity involves more than choosing and deciding among existing options: as in the case of choosing between a chocolate or a vanilla ice cream cone. We can give "reasons" for our choosing one ice cream cone over the other ("No ice cream tastes better than Tillamook's French Vanilla), but those reasons presuppose an extra-ordinary efficient causality that gets overlooked if we only focus on choice and decision. Someone had to create ice cream and ice cream cones. They do not happen *naturally*. Furthermore, as everyone knows from disappointed experience, we can make "good" and "bad" ice cream. In short, our creative efforts can be (precisely because it is free, our creative efforts don't have to be) guided by a desire to achieve excellence or not. As far as we know (and, of course, we cannot know), no other species chooses to do what it does by applying a standard of excellence to its efforts. Other species choose to do what they do out of instinct.

As a form of efficient causality (see the opening sentence of Section III of Kant's *Groundwork of the Metaphysics of Morals*) and not mere choice, autonomous freedom *necessarily* has laws. However, these laws cannot be the same as physical laws because then there wouldn't be freedom. The laws that govern autonomous freedom must be internally self-legislated (hence, auto-nomos: to give oneself the law). As the only form of efficient causality that can legislate its own laws, wherever we encounter moral principles, there we *necessarily* encounter autonomous freedom.

Because he apparently has no sense of the interrelatedness between autonomous freedom and moral principles, John Searle in *Freedom and Neurobiology* can say that, although he obviously wants to talk about freedom, he will have "nothing to say about moral responsibility" (Searle, 47) but will only speak about "deontic powers" associated with social institutions. He has succumbed to the same error as those who defend evolutionary morality and who engage in neuro-scientific reductionism. He defines "morality" only as a system of rules that enable

and predict autonomous freedom according to moral laws – yet the efficient causalities of autonomous freedom and nature would then be taken to be inseparable from and complementary to one another.

successful negotiation of a social world. In short, the error consists in substituting “hypothetical rules” of technical and pragmatic necessity for the “categorical rules” of morality.

Searle is concerned neither with autonomous freedom nor morality, and he (almost) silently presupposes autonomous freedom only to refer to it indirectly with the acknowledgement that humanity is concerned not merely with “social facts” (Searle, 85), a concern shared with other animals, but, when it adds (the term “creates” is absent here) “status functions” to its social world,⁵ with a world of “institutional facts” (Searle, 86-87) that provide “constitutive” rules that “create the very possibility, or define, new forms of behavior” (Searle, 88). Searle concludes: “... the powers that are constitutive of institutional facts are always matters of rights, duties, obligations, commitments, authorizations, requirements, permissions and [*sic*] privileges ... [S]uch powers only exist as long as they are acknowledged, recognized, or otherwise accepted. I propose to call such powers *deontic powers*.” (Searle, 93)

Searle assumes that there can be only one form of efficient causality, physical causality, and he is convinced that this causal system is *proved* (!) by a whole host of “basic facts” (Searle, 4) which allows of no gaps in causal explanation (Searle, 46, 50) so that we are justified in holding onto our sense of “free will” only so long as we have a “causal gap” between our 1st-person experience and 3rd-person, physical causal reality. In reality, our ability to choose and decide is an illusion. However, Searle not only has ignored the efficient causality of autonomous freedom but also has ignored the limits to any and all causal explanation. In the words of Leo Goldstein, a student in my freshman seminar in the Fall of 2014: Searle has ignored “... something that anyone who has taken statistics will know by heart, and that is that correlation does not equal causation.” We have the effects of causes, but they will forever remain inaccessible in the senses to us that would be required for their *proof* or *disproof*.

Morality is more than social rules. It consists not only of an extra-ordinary system of efficient causality (autonomous freedom to initiate a sequence of events that nature cannot accomplish on its own) but also of universal laws just as is the case with every system of efficient causality. However, morality (and the human species) is in an extremely precarious position with respect to this causality and its laws. Not only does our autonomous freedom in principle give us the power to destroy the world, but also, because causes and their systems of laws cannot appear in the senses, neither autonomous freedom nor the reality of moral principles is capable of proof (or disproof, for that matter!). Although this inability to prove or disprove

⁵ In “Part I: ‘I. Concerning the Original Capacity to Good in Human Nature’” of *Religion within the Limits of Reason Alone*, Kant speaks of three human capacities (*Anlagen*): animality, humanity, and personality. Animality is our capacity for a sensuous life of the appetites. Humanity is our capacity to seek status and prestige in the eyes of others. Personality is our capacity of autonomous freedom that allows us to “do the right things because it is right” and not act *merely* out of self-interest. What Searle describes as the world of “institutional facts” governed by “deontic powers” is what Kant calls our “humanity.” Entirely absent from Searle’s discussion is “personality” (i.e., autonomous freedom and moral responsibility).

causal systems or their laws seems to be not troublesome when it comes to our understanding of nature, it creates great difficulties for us when it comes to our autonomous freedom and its self-legislated moral principles – until we contemplate what the human species would be without them. We would be even less than animals because at least animals adhere to a lawful order if only out of instinct. Given the limitedness and radical insufficiency of humanity’s instincts and need for education to acquire the symbol systems it needs to understand and act responsibly in the world, our pursuit of our appetites would leave us worse off than in Hobbes “state of nature” where everyone is at war with everyone else.

An adequate understanding of the issues at issue as well as a sufficient appreciation of the precariousness of morality requires a Copernican Turn away from external effects and consequences (i.e., the hypothetical) to internal “origins” (i.e., categorical capacities and conditions of possibility), which evolutionary morality and neuro-scientific, moral reductionism have ignored. Biological morality can speak of “hypothetical” rules that govern our actions “if” we want to achieve goals and status in a social world, but it completely ignores the “categorical” efficient causality and moral rules that govern morality and that provide the standard for excellence when it comes to the pursuit of goals and status in a social world. Evolutionary morality and neuro-scientific moral reductionism are still living in the pre-Copernican universe.