

ACTION AND ACCIDENT: ON THE RELATION BETWEEN RULES AND THEIR SUBJECTS

I aim to examine one aspect of the normativity of rules, namely, the notion of a subject to a rule, or what it means for someone (or something) to fall under a rule. I will examine the ways in which this idea is or is not related to the normativity of rules. I believe this question is often ignored in discussions about the normative force of rules, or else it is included as an unproblematic afterthought. It is often thought that questions about the normativity of rules can be resolved by inspection of the rules themselves, and once this has been resolved, it follows immediately or unproblematically what it means for something to be subject to a rule.

I will argue instead that the idea of being subject to a rule is inseparable from the normativity of the rule. Understanding the nature of the normativity of rules presupposes a notion of what it means to fall under, or be subject to a rule, and an understanding of in virtue of what one is subject to a rule can only be understood as part of the normative context of falling under a system of rules.

I explore this question by examining a debate in meta-ethics about whether human action bears an intrinsic relation to morality, or whether it can be understood independently of morality, and moral norms are derived from it. I argue that, so far as action (and actors) and morality are initially conceived as two distinct notions, understood in isolation from each other, this line of inquiry is ill conceived. It results in a conception of people's subjection to the rules of morality as either arbitrary and accidental, or else it is question-begging.

On the one hand, theorists have attempted to derive moral norms from a morally-neutral conception of action from a broad spectrum of approaches, and they have often arrived at opposing conclusions. Some such theorists are naturalists about action or morality, though this is not necessary. So, for example, Hume and his followers (e.g., Donald Davidson, Philippa Foot) argue that morality follows from facts about human nature. Michael Smith argues that it follows from human psychology. David Gauthier argues that it can be derived from egoistical or self-interested principles, and so on. On these views, people are subject to the norms of morality, but this is not because it is intrinsic to action. Rather, action can be understood based on facts about human nature alone, understood independently of morality, and morality is a happy consequent of this.

On the other hand, other theorists hold that morality is indeed an intrinsic feature of morality, and argue for the immediacy of morality in action. So, e.g., theorists like Thomas Scanlon argue that moral considerations are among those considerations that move people to act, and these are no less immediate than any other reason for which a person can act.

Both approaches provide answers to the question of the relationship between action and morality by developing theories of action, and illustrating the existence or lack of existence of an intrinsic connection to morality. In this respect, they are developing a notion of the subjects of moral rules independently from the nature and normativity of the rules, and seeking to explain the connection between these two ideas. This is a fruitful line of inquiry; it can illuminate basic features of human nature, and their relation to morality. However, by beginning with

conceptions of action and morality as conceptually independent of one another, and deriving conclusions about the existence or lack of existence of an intrinsic connection between them by considering the nature of action alone, both approaches make the ultimate relation between action and morality seem accidental, as if these two independent things happen, or don't happen to bear an intrinsic relationship to each other. This makes conclusions about people's subjection to morality seem arbitrary, on the first approach, or unearned, on the second.

I argue that the mistake lies in attempting to of this question as asking whether two conceptually distinct notions are intrinsically related. Attempting to determine the intrinsic relation between a subject and a rule, or action and morality by considering the subject – human action – in isolation from its place in a system of moral norms is like attempting to determine whether, e.g., bees are intrinsically such as to pollinate by inspecting the nature of bees, conceived on their own, without the concept of an ecosystem, and their place in it.

Morality consists in a set of norms governing the interaction between beings who are deserving of moral status. To have moral status is to be subject to this set of norms for interaction, and to have standing under them. Humans' capacity for action is central both to their subjection to these norms, and to their standing under them. This does not mean that we cannot understand human action in isolation from its place in morality and our subjection to this set of norms, or that there is nothing to be learned from such an inquiry. Nonetheless, the necessity of morality's force on human action is a central feature of it; we do not fully understand people's subjection to morality if we do not understand this aspect of it. My point is that in order to understand morality's necessity, one must begin with the recognition of the conceptual relation between the two. Otherwise one risks a theory on which, though action is or is not intrinsically moral, the fact that it is so is arbitrary, where this arbitrariness can infect people's subjection to morality all the way down.

More generally, I suggest, the notion of a rule presupposes a notion of that which can be made subject to it, and the idea that something can fall under a rule supposes something about the nature of the rule to which it is subject. A full understanding of the relationship between these requires understanding these things in relation to one another. A view which begins with the idea of a rule and the subjects to the rule as two distinct things is bound to make the relationship between these seem accidental, or mysterious. As I shall argue, it is only by beginning with an understanding of the rule and its subjects as systematically related that one can explain the distinctive aspects of the normative force of the rule on that which is subject to it, and on the nature of subjection to the rule.