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Toward a Systematic, Rights-Based Moral Theory

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Abstract: The structural-systematic philosophy requires a moral theory. This essay seeks to determine whether either of two recent works, Joshua Greene’s *Moral Tribes* and Michael Tomasello’s *A Natural History of Human Morality*, should influence that theory. It first argues that Greene’s fails to make its case for utilitarianism over deontology. It then argues that Tomasello’s thesis that early humans developed moralities of sympathy and fairness, particularly when taken in conjunction with aspects of Alan Gewirth’s moral theory, fits well with the moral theory envisaged by extant works on the structural-systematic philosophy. The envisaged theory maintains the objectivity of human rights.

Keywords: Consequentialism, deontology, human rights, moral theory, realism, structural-systematic philosophy, systematic philosophy, utilitarianism, virtue ethics, Joshua Greene, Michael Tomasello, Alan Gewirth, Lorenz B. Puntel

1 The Structural-Systematic Philosophy

The moral theory envisaged in this essay is to be systematic in two ways: (1) it itself will be structured as a holistic network whose components are connected by inferential linkages of various sorts, and (2) it will be embedded within a systematic philosophy called the structural-systematic philosophy.

The development of the structural-systematic philosophy is an ongoing project to which, to date, the following works are devoted: Lorenz B. Puntel, *Structure and Being* and *Being and God*, and Alan White, *Toward a Philosophical Theory of Everything* and “Rearticulating Being.” Like much analytic philosophy, this philosophy aims to maximize clarity and logical rigor, but also like some continental philosophy, it aspires to cover the entire domain of philosophy. It thus resists the fragmentation into increasingly narrow subdisciplines that characterizes current analytic philosophy.¹

I aim here to contribute to the further development of the structural-systematic philosophy, but because of space constraints, I cannot present the project or the theoretical framework of this philosophy in significant detail.² Worth emphasizing, however, is that it makes no claims to be the perfect or ultimate systematic philosophy. It aims instead to be the best systematic philosophy that is currently available.

Both *Structure and Being* and *Toward a Philosophical Theory of Everything* commit the structural-systematic philosophy to a metaphysical realism about moral values, but neither of those works does more than sketch some features of the moral theory that this philosophy, to be completed, must include. This essay further develops that theory by considering two recent works on moral theory: Joshua Greene’s *Moral Tribes* and Michael Tomasello’s *A Natural History of Human Morality*. Both books provide sentences and arguments that could, with appropriate reformulations, be incorporated into the structural-systematic philosophy (*Toward a Philosophical Theory of Everything* Chapter 7 includes explanations and examples of such incorporations).

¹ See White, *Toward a Philosophical Theory of Everything*, 7.

² These are most concisely presented in White, *Toward a Philosophical Theory of Everything*, Chapters 1 and 2.

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It is important to emphasize that this systematic philosophy is structured not foundationally, but instead as a holistic network.³ As a consequence, its moral theory is connected to others of its components with inferential linkages of various sorts. Should further scientific investigations, for example, show some of its components (and, therefore, linkages) to be untenable, those components (and linkages) could be altered or abandoned without forcing it to relinquish its moral realism.

The structural-systematic philosophy recognizes both basal-ontological values and moral values, which also have full ontological status.⁴ Its ontology includes no things or substances; it recognizes instead processual facts identical to true propositions that are expressible by true sentences. The semantics of these propositions are most clearly linked to sentences having the syntactic form “It’s such-and-suching”; ordinary-language examples of such sentences include “It’s morning” and “It’s raining,” and non-ordinary language examples include “It’s Alan-Whiting” and “It’s Williams-Colleging.” All such sentences, and the propositions they express, articulate ongoing occurrences, and hence, processual facts. Expositions of the structural-systematic philosophy can, however, rely predominantly on sentences with the subject-precidate structure, because what is crucial is the sentences’ semantics, not their syntax. As *Toward a Philosophical Theory of Everything* puts it:

a presentation of the structural-systematic philosophy could include among its theses the sentence “All humans are mortal,” but would understand the sentence not as saying that every substance having the property is-human also has the property is-mortal, but instead as being a convenient paraphrase of the sentence “If it’s humaning then it’s mortalling.”⁵

The sentence “Receiving appropriate amounts of water and sunshine is good for tulip plants,” appropriately interpreted, expresses a proposition identical to a basal-ontological-value fact. Within the structural-systematic philosophy’s framework, this sentence is linked to (among others) the following theses: (1) For all organisms, it is good for them that they be; and (2) Any given organism is, to a greater or lesser but variable degree, good *at* being an organism of the kind that it is. Hence: it is good for tulip plants that they (continue to) be, and tulip plants receiving appropriate amounts of water and sunlight are better at being tulip plants than are their counterparts that receive inappropriate amounts of these resources.

For human beings, who (according to the structural-systematic philosophy) are rational and free,⁶ to be good *at* being human beings requires that, up to a point that need not be specified here, they actualize their capacities for rationality and freedom, hence self-determination. It is thus also good *for* human beings to adequately actualize these capacities. These goods—like water and sunlight for tulips—are basal-ontological values rather than moral values because they are ones whose actualizations contribute to the flourishing of the relevant organisms. Whether human flourishing requires the acceptance of moral values is an additional question. The structural-systematic philosophy answers in the affirmative.

The structural-systematic philosophy’s moral theory is deontological in that it links its moral values to the capacity of human beings to be self-determining or, in the Kantian language used in *Structure and Being*, to the ontological status of human beings as ends in themselves.⁷ For this reason, this philosophy’s moral theory can include sentences articulating rights, e.g., every human being has the moral right to determine their own ends, and every human being has the moral duty to respect the moral rights of every other human being. These theses of course require extensive defense and elaboration, but their mere introduction is sufficient for the purposes of this essay.

³ See, e.g., White, *Toward a Philosophical Theory of Everything* 1.3.

⁴ This essay’s account of components of the structural-systematic philosophy’s moral theory closely, and in some cases exactly, follows White, *Toward a Philosophical Theory of Everything* 5.2.

⁵ White, *Toward a Philosophical Theory of Everything*, 34.

⁶ See *Ibid.*, Chapter 6.

⁷ Puntel, *Structure and Being*, 303.

2 Moral Tribes

Among the most central theses of Greene's book are that (1) its preferred form of utilitarianism or consequentialism provides either the only or the best resource for resolving current moral disputes, and (2) no deontological theory, and no talk of rights, can provide any aid in resolving such disputes.⁸ Incorporating these theses into the structural-systematic philosophy would, thus, require extensive changes to the moral theory envisaged by *Structure and Being* and *Toward a Philosophical Theory of Everything*. The central question for this section, therefore, is whether the structural-systematic philosophy should nevertheless incorporate these theses, and that depends on the strength of the argumentation in their favor.

A second central thesis of *Moral Tribes* is that intratribally *shared* values, including moral values, which enabled many distinct tribes to solve problems of selfishness ("Me vs. Us problems"), ultimately led to intertribal *conflicts* concerning moral values ("Us vs. Them problems"), including many that we continue to face. To overcome the intertribal conflicts, it argues, we need what it sometimes terms a "global moral philosophy," and sometimes a "metamorality." Whereas it might appear that a global moral philosophy would replace tribal values, the book holds, most frequently, that this is impossible. A metamorality would make no attempt to replace the tribal values; it would instead, ideally, enable members of different tribes to overcome their disagreements without abandoning those differing values.

As indicated above, Greene's preferred metamorality is a version of what is generally—but unfortunately, according to Greene—termed utilitarianism or consequentialism. Although *Moral Tribes* does regularly use the term "utilitarianism" for the metamorality it defends, it introduces, as preferable, "deep pragmatism."

The book is not fully consistent in the claims it makes for its preferred metamorality. One claim is that "utilitarianism is the native philosophy of the human *manual* mode,"⁹ but this is later weakened to the following: "I don't think [the human manual mode is] *inherently* utilitarian. Rather, I think that utilitarianism is the philosophy that the human manual mode is predisposed to adopt, once it's shopping for a moral philosophy."¹⁰ And this is yet further weakened to the following: "My claim is simply that [my version of utilitarianism] provides a good common currency for resolving real-world moral disagreements."¹¹ *Moral Tribes* provides no examples of real-world moral disagreements that have been solved by any version of utilitarianism.

What then of deontology and, more specifically, of reliance on talk of rights? Greene argues that such talk is the result of rationalization. "Our automatic settings give us emotionally compelling moral answers, and then our manual modes go to work generating plausible justifications for those answers."¹² Such "[r]ationalization is the great enemy of moral progress," because "[i]f moral tribes fight because their members have different gut feelings, we'll get nowhere by using our manual modes to rationalize our feelings."¹³ This applies to rights as follows:

If I'm correct, rights and duties are the manual mode's attempt to translate elusive feelings into more object-like things that it can understand and manipulate. Manual mode exists primarily to deal with physical things out in the world: actions and events and the causal relationships that connect them. Thus, the manual mode's native ontology is one of concrete "nouns" and "verbs." How, then, can it make sense of the outputs of automatic settings, mysterious feelings that come out of nowhere, protesting actions that otherwise seem perfectly sensible? (Or commanding actions that otherwise seem optional.) Answer: It represents such feelings as perceptions of external *things*. The feelings get *nounified*. An amorphous feeling of *not-to-be-doneness* is conceived as a perception of a thing called a "right," an abstract but nonetheless real thing that can be gained, lost, relinquished, transferred, expanded, restricted, outweighed, suspended, threatened, traded, vio-

⁸ Greene, *Moral Tribes*, 306–09, takes talk of rights to be appropriate only with respect to moral issues about which there should no longer be any conflicts, e.g., the right not to be enslaved.

⁹ *Ibid.*, 194. All that need be said at this point about Greene's "manual mode" is that it involves conscious reflection, and is thus distinct from the "automatic mode," which relies on what the book variously terms emotions, instincts, or gut feelings.

¹⁰ *Ibid.*, 198.

¹¹ *Ibid.*, 380.

¹² *Ibid.*, 300.

¹³ *Ibid.*, 301.

lated, and defended. By conceptualizing our moral emotions as perceptions of rights and duties, we give ourselves the ability to think about them explicitly, using the cognitive apparatus that we ordinarily use to think about concrete objects and events.¹⁴

Moral Tribes simply asserts, and makes no attempt to explain, its claims that the “[m]anual mode exists primarily to deal with physical things out in the world” and that “the manual mode’s native ontology is one of concrete ‘nouns’ and ‘verbs,’” and these claims are, at best, highly problematic. Physically—and concretely?—a ten-dollar bill is a piece of paper, but in our “manual modes”—and, presumably, in many “automatic modes” (insofar as such modes do not rely on conscious reflection)—we all understand that it’s money. In addition, it appears impossible to say what—for example—a government or a university *physically* is, if it is, physically, anything at all.

These considerations suggest that Greene is simply incorrect about our “native ontology,” but even if that is so, he could be correct about rights.

Greene acknowledges that, just as “we can rationalize our gut reactions by appealing to rights, we can ... make utilitarian justifications.” “The difference,” he says, “is that claims about what will or won’t promote the greater good, unlike claims about rights, are ultimately accountable to evidence.”¹⁵ Claims about rights are said not to be accountable to evidence because “we have, at present, no non-question-begging way to figure out who has which rights. If, someday, philosophers produce a theory of rights that is demonstrably true, then everything I’m saying here will go out the window.”¹⁶

By “demonstrably true,” Greene means relying on “a serviceable set of moral axioms, ones that (a) are self-evidently true and (b) can be used to derive substantive moral conclusions, conclusions that settle real-world moral disagreements.”¹⁷ A moral theory that was “demonstrably true” in this sense would be “like math,” although Greene also says that the axioms relied on in mathematics need only be “truths *taken as self-evident*,”¹⁸ and does not note that, according to the best currently available mathematical theory, there can be no proof that this theory is consistent. Thus, Greene places a burden of proof on the “demonstrably true” moral theory that is weightier than the burden of proof he places on math, and weightier than that currently satisfied by math.

Be that as it may, Greene simply asserts that a moral theory could be “demonstrably true” only if axiomatically structured; he makes no attempt to establish that this thesis about moral theories is itself “demonstrably true,” whether by proving it axiomatically or in any other way.

Greene also simply asserts that “[t]here are three major schools of thought in Western moral philosophy: utilitarianism/consequentialism (à la Bentham and Mill), deontology (à la Kant), and virtue ethics (à la Aristotle).”¹⁹ Of deontology, he asserts the following:

Kant’s fans are well aware of the flaws in Kant’s arguments, and they have their replies, but we can at least say this: After nearly two and a half centuries, no one has ever managed to transform Kant’s flawed arguments into rigorous moral proofs, and it’s not for lack of effort. Nor has anyone else managed to prove any substantive moral claims true. By this I mean, once again, that no moral controversy has ever been resolved with a proof.²⁰

Greene considers no work by any of “Kant’s fans.” He also says nothing of the work of Alan Gewirth, whom I take to have proved—albeit not axiomatically—the substantive moral claim that all human beings have moral rights to significant degrees of freedom and well-being.

The core argument Gewirth relies on is one of dialectical necessity. “Dialectical” here means, to put it one way, starting from one or more claims a human being accepts as true. “Necessity” requires that the claims providing the starting point be accepted as true not merely contingently—claims that some human

¹⁴ Ibid., 302–03.

¹⁵ Ibid., 304.

¹⁶ Ibid., 305.

¹⁷ Ibid., 184.

¹⁸ Ibid., 183; emphasis added.

¹⁹ Ibid., 329.

²⁰ Ibid., 333.

being just happens to accept as true—but necessarily—claims that *no* rationally competent human being *can avoid* accepting as true.²¹

Gewirth presents the first step of his core argument, “[r]educed to its barest essentials,” as follows:

Since freedom and well-being are the necessary conditions of action and successful action in general, no agent can act to achieve any of his purposes without having these conditions. Hence, every agent has to accept (1) “I must have freedom and well-being.” This ‘must’ is practical-prescriptive in that it signifies the agent’s advocacy of his having what he needs in order to act. Now by virtue of accepting (1), he also has to accept (2) “I have rights to freedom and well-being.” For if he denies (2), then, because of the correlativity of claim-rights and strict ‘oughts’, he also has to deny (3) “All other persons ought at least to refrain from removing or interfering with my freedom and well-being.” By denying (3), he has to accept (4) “Other persons may (i.e., It is permissible that other persons) remove or interfere with my freedom and well-being.” And by accepting (4), he has to accept (5) “I may not (i.e., It is permissible that I not) have freedom and well-being.” But (5) contradicts (1). Since every agent must accept (1), he must reject (5). And since (5) follows from the denial of (1), every agent must reject that denial, so that he must accept (2) “I have rights to freedom and well-being.” I call them generic rights, because they are rights to the generic features of action and successful action in general.

Thus the argument for the first main thesis has established that every agent, on pain of self-contradiction, must hold or accept that he has rights to freedom and well-being. The argument has been based on the point that if any agent denies that he has these rights, then he is in the position of holding that he need not have what, as an agent, he has to hold that he must have.²²

The next step in the argument may be put as follows: once I, as an agent, have accepted that I have rights to freedom and well-being *simply by virtue of being an agent*, I must also accept that *every other agent has those same rights*, and that I therefore have the duty of respecting those rights, at the very least in the sense that it is *prima facie* impermissible for me to interfere with the freedom or well-being of any other agent.²³

I have no space to further explain or defend Gewirth’s position here,²⁴ but worth noting is that Gewirth’s theory, although deontological, includes both a consequentialism and moral virtues. On the former:

For the deontological consequentialist, a violent action against other persons is justified not [as for utilitarianisms] if its consequences (or the consequences of a general rule upholding such actions) will serve to achieve more good than will any alternative action, but rather if the action, directed against the perpetrator of a severe injustice, will remove or remedy that injustice without leading to worse injustices, and only if it is quite clear that the severe injustice cannot otherwise be removed.²⁵

Virtues, according to Gewirth, are “deep-seated enduring dispositions that underlie and help to moderate actions,” and that thereby “contribute to [the agent’s] effectiveness in action to fulfill his purposes.”²⁶ Some of these virtues are prudential rather than moral, but all become moral, “in that sense in which ‘moral’ is opposed to ‘immoral’ as well as to ‘nonmoral,’ [in that] they must be guided by or at least subordinate to the other-regarding virtue of justice.”²⁷

Thus, even if Greene is correct in asserting that for the most part, virtue ethics, deontology, and utilitarianism/consequentialism are distinct “major schools of thought in Western moral philosophy,” Gewirth overcomes the division, albeit with a deontological rather than a utilitarian consequentialism.

²¹ In *Reason and Morality*, Gewirth characterizes the requisite degree of rational competence as “minimal,” and explains what it involves; see esp. 46.

²² Gewirth, “Rights and Virtues,” 744.

²³ The impermissibility is only *prima facie* because it may be overridden, albeit only by other moral considerations. For example, it is permissible for me to kill in self-defense if that is the only way I can keep myself alive; see *Reason and Morality*, 213.

²⁴ To avoid some possible misunderstandings, I note (1) that although Gewirth’s core argument is not coherentist, the structural-systematic philosophy’s methodology allows it to include non-coherentist arguments, and (2) that expanding upon the core argument requires arguments that, unlike the core argument, are *not* ones of dialectical necessity, and are best understood as coherentist. I develop this latter point in my currently unpublished manuscript “If You Can Understand this Essay, then You Have Moral Rights and Moral Duties.”

²⁵ Gewirth, *Reason and Morality*, 216.

²⁶ *Ibid.*, 242.

²⁷ *Ibid.*, 243.

Will the Gewirthian moral theory that is incorporated into the structural-systematic philosophy be the “moral truth” that Greene does not take his utilitarianism to be?²⁸ That depends, of course, on how we understand “truth.” According to the structural-systematic philosophy, truth is relative to theoretical frameworks, and this philosophy defends its theoretical framework as the best currently available framework for systematic philosophy. If, and for as long as, it remains the best available concretization of the best available theoretical framework for systematic philosophy, and a generally Gewirthian moral theory incorporated into that philosophy best satisfies its requirements of relatively maximal coherence and intelligibility,²⁹ that moral theory will be true.

At this point, readers might reasonably retain doubts about Gewirth’s moral theory. I therefore turn to a second argument against Greene’s claim that talk of rights is helpful only in relation to moral issues that have already been resolved.

The second argument can begin by noting that Greene approvingly refers to *The Better Angels of our Nature*, written by his Harvard colleague Steven Pinker.³⁰ The approving referral is ironic because Pinker, in his book, emphasizes the centrality of talk of rights to much of the moral progress that, he argues, has been made particularly since the Enlightenment. He writes, in one of numerous relevant passages,

in *Inventing Human Rights*, the historian Lynn Hunt notes that human rights have been conspicuously affirmed at two moments in history. One was the end of the 18th century, which saw the American Declaration of Independence in 1776 and the French Declaration of the Rights of Man and Citizen in 1789. The other was the midpoint of the 20th century, which saw the Universal Declaration of Human Rights in 1948, followed by a cascade of Rights Revolutions in the ensuing decades (chapter 7).

As we shall see, the declarations were more than feel-good verbiage; the Humanitarian Revolution initiated the abolition of many barbaric practices that had been unexceptionable features of life for most of human history.³¹

Further:

During the Humanitarian Revolution ..., a cascade of reforms tumbled out in quick succession, instigated by intellectual reflection on entrenched customs, and connected by a humanism that elevated the flourishing and suffering of individual minds over the color, class, or nationality of the bodies that housed them. Then and now the concept of individual rights is not a plateau but an escalator. If a sentient being’s right to life, liberty, and the pursuit of happiness may not be compromised because of the color of its skin, then why may it be compromised because of other irrelevant traits such as gender, age, sexual preference, or even species? Dull habit or brute force may prevent people in certain times and places from following this line of argument to each of its logical conclusions, but in an open society the momentum is unstoppable.³²

In brief: it is extraordinarily ironic that Greene, an empirical scientist, ignores the empirical evidence provided by world history and presented in a book that he approvingly cites. This evidence establishes, beyond any reasonable doubt, that his central contentions about the inefficacy of arguments involving rights are false.

The considerations in this section make clear that the argumentation in *Moral Tribes* requires no changes to the moral theory for the structural-systematic philosophy envisaged in *Structure and Being* and in *Toward a Philosophical Theory of Everything*.

3 A Natural History of Human Morality

Tomasello attempts, in the penultimate section of his book, “to provide a very general explanatory account to show how genuinely moral beings, who are genuinely concerned about the well-being of others and who

²⁸ Greene, *Moral Tribes*, e.g., 380, note *** to 284.

²⁹ “[T]he relativity is both internal (the superior account is more coherent and intelligible than is any other available concretization of its own framework), and external (the superior concretization is more coherent and intelligible than are concretizations of competing theoretical frameworks that are available)” (White, *Toward a Philosophical Theory of Everything*, 26).

³⁰ Greene, *Moral Tribes*, 97–98.

³¹ Pinker, *The Better Angels of our Nature*, 134.

³² *Ibid.*, 381.

genuinely feel that the interests of others are in some sense equal to their own, could plausibly have emerged during the course of human natural history without violating any of the basic principles of evolution by means of natural selection.”³³ To do so, he examines extensive evidence of basic differences between the behavior of our nearest living relatives, the great apes, and our own behavior, including the behavior of young children.³⁴ He also considers hunter-gatherer groups anthropologists have been able to study. But developing his account also required him to rely on “an imaginative reconstruction of historical events many thousands of millennia in the past—with little in the way of artifacts or other paleoanthropological data to help.”³⁵ Given the paucity of such data, the reconstruction relies on “a fair amount of hand waving when we get down to the evolutionary details—and in some cases certain conditions (e.g., a biological market of a certain type) are basically assumed to make everything work.”³⁶ Given these qualifications, if the book contained important theses that conflicted with the moral theory for the structural-systematic philosophy envisaged in *Structure and Being* and in *Toward a Philosophical Theory of Everything*, those theses should not require changes to that moral theory. As it happens, however, all of the book’s major theses *are* compatible with that moral theory. Assimilation of them will therefore, to at least some degree, increase the coherence and intelligibility of this philosophy by increasing the density of its structural network. This section explains how.³⁷

Tomasello’s book identifies three components of the morality it attributes to “modern humans,” who are our earliest ancestors who lived in groups that were regularly in competition with one another.³⁸ The first component of their morality is (a) the morality of sympathy that, the book argues, is most plausibly based in feelings of sympathy for relatives and at least some others, feelings that we share with various other mammals,³⁹ including the great apes.⁴⁰ The second component is (b) the morality of fairness that emerged among ancestors of ours who were not ancestors of the great apes and who engaged in obligate collaborate foraging—that is, who were forced to work together to acquire food in order to survive. The third component is (c) the cultural moralities used by modern human groups to distinguish their members from the non-members who were their competitors.

(a) The first of these components is the simplest. Because sympathy is so widespread among mammals, it clearly appears to be natural to humans. The question is, how does it become moral? The book’s general explanation is that our sympathy is moral if we feel guilty or ashamed for not acting in what we take to be appropriately sympathetic ways; in cases where we believe instead that we have behaved only imprudently, we may feel regret, but we will not feel guilt or shame.⁴¹ Evidence that young children, but not great apes, feel shame is that the former, but not the latter, “modify their own cooperative and uncooperative behaviors depending on whether conspecific peers are watching (Engelmann et al., 2013).”⁴² Also cited is a study providing evidence that young children “feel guilt if they ... harm another (Vaish et al., in press...).”⁴³

³³ Tomasello, *A Natural History of Human Morality*, 154.

³⁴ On p. 41, Tomasello explains the relevance of evidence involving young children as follows: “although there are no beings alive today identical to the earliest moralists we are envisioning here, we may nevertheless cite as relevant various lines of empirical research with young children, mostly at or under three years of age. ... Children of this age ... have some species-unique skills and motivations for moral action and judgment toward individuals, but they are still not participating actively in the social conventions, norms, and institutions of their cultural group.”

³⁵ *Ibid.*, 154.

³⁶ *Ibid.*, 153.

³⁷ Given limitations of space, I cannot introduce the results of many of the fascinating comparative studies of great apes and human children relied on by Tomasello, but I am pleased to have this opportunity to publicly express my deep appreciation for his collecting and reflecting on those results, both in *A Natural History of Human Morality* and in his earlier *Origins of Human Communication* and *A Natural History of Human Thinking*.

³⁸ Tomasello, *A Natural History of Human Morality*, 5.

³⁹ *Ibid.*, 1.

⁴⁰ *Ibid.*, 3.

⁴¹ See *Ibid.*, 73–74.

⁴² *Ibid.*, 77.

⁴³ *Ibid.* As Amishra Vaish confirmed in an email response to my query, the study cited as “Vaish et al. in press” has a title slightly different from the one given in Tomasello’s bibliography. The published study: Vaish, Carpertner and Tomasello, “The Early Emergence of Guilt-Motivated Prosocial Behavior.”

(b) The morality of fairness is more complex. To succeed in their obligate collaborative foraging, Tomasello argues, our ancestors had to develop

a new kind of cooperative rationality in which it made sense to recognize one's dependence on a collaborative partner, to the point of relinquishing at least some control of one's actions to the self-regulating "we" created by a joint commitment. This "we" was a moral force because both partners considered it legitimate, based on the fact that they had created it themselves specifically for purposes of self-regulation, and the fact that both saw their partner as genuinely deserving of their cooperation.⁴⁴

An example clarifies. If in order to survive I must, say, kill an animal I cannot kill by myself, I will have to have, at a minimum, a partner.⁴⁵ Assuming—as Tomasello does—multiple potential partners, I will want to pair up with the best available partner. For that to happen, (1) I must be able to distinguish better from worse partners, presumably on the basis of their past performances, and (2) I must be a good enough partner that others will choose me over my competitors. We may also assume that to kill the animal I want to kill, I must be either a chaser or a stabber, and I must have a partner who will fill the role that I do not. Clearly, the likelihood of my surviving long enough to reproduce is increased if I am adept at both roles, because if no desirable chasers are available I will need to chase, and if no desirable stabbers, I will need to stab. In addition, it is best for me if my services are desired by both chasers and stabbers. All of this is known both to me and to my potential partners, and we all know that this is known to all of us.

I thus have several values I share with all desirable potential partners. For us to be successful, the chaser must chase, and must chase sufficiently well, and the stabber must stab, and must stab sufficiently well. If chaser or stabber fails to perform at all, or performs incompetently, then we fail, and perhaps starve. So we share the values of chasing and stabbing well, and also that of partnering well: the good partner must perform well in whichever role the partner is to play in a specific hunt.⁴⁶ In addition, in the case of any successful hunt, it is in the interest of both partners to fairly share the kill: if I don't share with my partner, then either they die or, if they live, in the future they will prefer other partners—and, of course, vice versa. And, again, this is known both to us and to all other potential partners who have any significant chance of survival.

Along with these values, Tomasello argues, the ancestors we are considering must have developed an understanding of self-other equivalence. The requirements for chasing, stabbing, and partnering well are the same for any and all potential partners. This helps to explain the "we" perspective referred to in the passage quoted above. If *we* fail because one of us fails, then I will use the same standards of judgment no matter which one of us does the failing. If either of us fails to *try* to play their role, then unless they provide a satisfactory explanation—with a "language" involving only pointing and pantomiming, according to Tomasello,⁴⁷ but helpfully supplemented by signs of genuine guilt—their partner-status will plummet.

⁴⁴ *Ibid.*, 4–5. This argument appears to be accurately interpretable as dialectical (although not dialectically necessary) in Gewirth's sense. To put it one way: those of our predecessors at this time who did *not* recognize that they had to cooperate in order to survive did *not* survive, and therefore did not pass along their genes, whereas those who *did* recognize the necessity of cooperation would have tended to survive long enough to produce offspring *only* if they *also* recognized the requirements of successful partnership, articulated in what follows in the main text.

⁴⁵ Tomasello hypothesizes that the foraging activities that were the origin of the morality of fairness were activities of pairs. An important reason for this hypothesis, he informed me in an email message, was to provide an evolutionary explanation of the particular importance of one-on-one, as opposed to larger-group, relations among human beings. When, via email, I asked anthropologist Mary Stiner—one of Tomasello's sources regarding our Middle-Paleolithic ancestors whom he takes to have developed the morality of fairness—about this, her response included the following: "I do not see any reason to believe that [Middle-Paleolithic] collaborative foraging (which I am sure occurred) was limited to two people at a time. I think that [...] collaboration of the complete group or a high proportion of the group is far more likely, such as in large game hunting (some focus on dispatching prey, others driving them or limit[ing] escape, others butchering or carrying meat and bones back to the residential site, where yet others maintain fires, etc.). [Middle-Paleolithic] hunting was accomplished with fairly simple weaponry which generally means that tag-team cooperation [was] also needed." It would not be difficult to adapt Tomasello's account of the origin of the morality of fairness to this alternative scenario.

⁴⁶ On p. 52, Tomasello notes that "in a recent study three-year-old children first played one role in a collaborative activity and then were forced into the other role. Their performance showed that they had learned a lot about this other role already, since they were much more skillful at it than were naive children. This 'value added' from playing the opposite role did not hold for chimpanzees."

⁴⁷ Tomasello, *A Natural History of Human Morality*, 59.

This cooperative rationality was the source of “[e]arly humans’ sense of mutual respect and fairness with partners.”⁴⁸ Tomasello elaborates as follows:

If we assume, for example, that in some species collaborating with others to obtain food brings mutualistic benefits to all involved, then one can imagine a biological market based on partner choice and control in which what is being socially selected is the characteristics of good cooperators, for example, tolerance for partners in feeding situations, skills at coordinating and communicating with partners, propensities for helping partners as needed, and tendencies for shunning or punishing free riders—and what is being selected against, of course, are the characteristics of cheaters and incompetents.⁴⁹

The selection here is social in that if cheaters and incompetents are excluded from collaborative foraging and then, as would-be free riders, given no share of the food, then they will die, at least often without having been able to reproduce.

Important to emphasize is that, if Tomasello is correct, when collaborative foraging became obligate, only, or at least predominantly, those early humans who were sufficiently rational to recognize the demands of the morality of fairness would have survived long enough to transmit their genes. Assuming that the traits they passed along would include whatever neural structures may underlie this rationality, then, over time, an increasingly high percentage of humans would have the rational capacity to recognize these demands. For this reason, it makes sense to term the combination of the morality of sympathy with the morality of fairness our *natural* morality.⁵⁰

(c) Cultural moralities are among the characteristics that begin to appear when, in Greene’s terminology that is appropriate here, tribes begin to form. This happens when (1) human groups become so large that members cannot all be personally acquainted with one another and (2) distinct human groups are in competition with one another. When this happens, it becomes vitally important for members of each tribe to distinguish members from non-members, because members need to cooperate with one another in order to out-compete rival tribes. As Tomasello puts it,

In a hostile environment with competitor groups always lurking, and with subsistence activities requiring significant specialized knowledge and tools, the individual was basically totally dependent on the group. Given this dependence, the two most immediate and urgent challenges for individuals were (1) to recognize, and to be recognized by, all of their many in-group compatriots, even those they hardly knew; and (2) to help and protect, and to be helped and protected by, all of the in-group compatriots with whom they were interdependent, which meant, especially as division of labor increased, basically everyone in the group.⁵¹

To meet the first of these challenges, and thereby to become able to meet the second, tribes began to develop distinctive ways of, for example, dressing, marking their bodies, and, eventually communicating via spoken languages. These distinctive practices differed from the relatively ad hoc collaborations in foraging in that, “for modern humans[—for tribe members—], the largest and most important collective commitments of their culture [or tribe]—its conventional practices, norms, and institutions—were things that individuals did not create for themselves; they were born into them.”⁵²

In addition,

For these early modern humans, “we” in this group are humans, and the other similar-looking creatures that we sometimes see in the distance—or interact with cautiously and with little comprehension—are barbarians and so not really humans at all. “We” know the right way to do things; “they” do not. It is in this sense, from this internal perspective, that a cultural, group-minded way of thinking is “objective.”⁵³

⁴⁸ Ibid., 4.

⁴⁹ Ibid., 20.

⁵⁰ Ibid., e.g., 128.

⁵¹ Ibid., 88.

⁵² Ibid., 86.

⁵³ Ibid., 87.

Moreover,

This objective perspective on the correct and incorrect ways to do things is further fortified by a historical dimension. Cultural practices are not just how we Waziris do things now but how our people have always done them. Net-fishing in this way is not just what we in our group do, and so what you should do, but what our venerated ancestors have done forever. It ensures our survival as a people, and it distinguishes us from the barbarians across the river.⁵⁴

When cultural practices are connected with the moralities of sympathy or fairness shared by all, they too became moral; “if everyone comes to think that wearing shabby clothes to a feast shows disrespect for the chief, and they resent it, then what was previously only a conventional norm becomes moralized.”⁵⁵ Tribes thus develop distinct moralities, and these moralities can conflict.

As indicated above in note 37, it is not possible in this article to do justice to the wealth of evidence and argumentation in Tomasello’s book; fortunately, neither is it necessary. Most important to the structural-systematic philosophy is the extensively supported thesis that ancestors of ours who were not also ancestors of the great apes, in order to participate successfully in obligate collaborative foraging, required cognitive resources that included interwoven moral components. These ancestors, having had no verbal language, would of course have had no moral vocabulary, but Tomasello presents a powerful case for the thesis that we not only may but indeed must use moral vocabulary in order to understand them. The core of the morality of fairness he attributes to them is deontological, and it is wholly appropriate to use the language of rights to aid us in articulating it. In terms of the example introduced above: the chaser and stabber understood themselves to have duties toward each other, and correlative rights with respect to each other; these latter included rights to fair shares of what was gained in any successful foraging attempt.⁵⁶

Looking back to Greene, we see an important point of agreement with Tomasello: cultural or tribal values solve me-vs.-us problems, but introduce us-vs.-them problems. But Tomasello, unlike Greene, sees our natural morality as an important resource for playing the role for which, according to Greene, we need a metamorality. Of our current moral disagreements, or dilemmas, Tomasello writes the following:

our claim, perhaps hope, would be that there are resources for resolving these moral dilemmas, by coming to common-ground agreements on (1) what does and does not constitute sympathy/harm and fairness/unfairness in particular situations, and (2) who is and is not in our moral community. This then grounds our moral discourse in the natural morality shared by all of humanity.

As indicated above, in section 3, Pinker provides extensive evidence for the theses that, since the Enlightenment, these resources have indeed been effectively used to overcome a great many moral conflicts, and that expanding our previously limited moral communities (a development of Tomasello’s [2], just above) has been centrally important in this process.

Within the structural-systematic philosophy’s structural network, Tomasello’s natural morality coheres tightly with Gewirth’s argument that every sufficiently rational human being has compelling reasons for attributing rights to all other human beings who are recognized as agents. If Tomasello is correct, then ancestors common to all human beings had inklings of those rights that were sufficiently developed to enable them to survive when, without those inklings, they would have starved. These ancestors predate the later division into cultures having what Greene terms tribal values.

⁵⁴ Ibid., 97.

⁵⁵ Ibid., 99.

⁵⁶ For a fuller explanation why it is, in Gewirth’s terms, often accurate to attribute a concept of rights even when the language of rights is not found, see *Reason and Morality*, 100–01, and notes 19–26, pp. 372–73. Gewirth refers to these passages in his—in my view wholly successful—response to Alasdair MacIntyre. See MacIntyre, *After Virtue*, 64–68, and Gewirth, “Rights and Virtues”; the point about the language of rights is on p. 747.

4 Afterword

As indicated above, the structural-systematic philosophy aims to be the best currently available systematic philosophy. Attaining that aim can involve revisions to previous presentations of it. An example: *Structure and Being* includes (in 4.4, The Aesthetic World) an account of beauty. I did not consider that account to strengthen the structural-systematic philosophy but, as of the time of my collaboration with Lorenz B. Puntel on that book,⁵⁷ it was not clear to me how it could be improved. I therefore began reading extensively on the topic and, after encountering a great many accounts lacking helpful resources, I came across Francis J. Kovach's *Philosophy of Beauty*, which was published in 1974 and had been virtually universally ignored since its appearance. I took it to provide sentences and arguments that, if resituated within the theoretical framework of the structural-systematic philosophy, would contribute centrally to an account of beauty superior to that of *Structure and Being*. That account became Chapter 7 of *Toward a Philosophical Theory of Everything*, and Puntel agreed⁵⁸ that it indeed improves the coherence and the intelligibility of this philosophy.

The openness to improvement evidenced by these two conflicting accounts of beauty is, I submit, a great strength of the structural-systematic philosophy. The improvement to its moral theory to which this essay is a prolegomenon is in one important way different from *Toward a Philosophical Theory of Everything's* alternative to *Structure and Being's* account of beauty, and in one important way similar. The important difference is that this moral theory will expand the structural-systematic philosophy without replacing an already articulated subtheory. The important similarity is that, as with *Toward a Philosophical Theory of Everything's* account of beauty, it will rely heavily on available works that I take to be seriously underappreciated; as indicated above, these are works by Alan Gewirth. Those works, unlike Kovach's *Philosophy of Beauty*, have not always been simply ignored. Instead, for roughly twenty years following the 1978 publication of *Reason and Morality*, Gewirth's work received significant attention, including a symposium in a journal⁵⁹ and two books⁶⁰ containing objections of others and Gewirth's responses. The objections, in these sources and elsewhere, are surprisingly varied—that is, despite the agreement among objectors that Gewirth goes wrong somewhere, there is virtually no agreement concerning just where he goes wrong—and the responses are, in my view and (to my knowledge) in the view of relatively few others,⁶¹ successful. And yet, at least for now, Gewirth appears to be languishing in the dustbin of history. I hope that my reliance on his work, here and elsewhere, may at least contribute to restoring to him the credit I take to be his due.⁶²

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⁵⁷ See Puntel, *Structure and Being*, xix.

⁵⁸ White, *Toward a Philosophical Theory of Everything*, x.

⁵⁹ Bond and Gewirth, "Symposium on Reason and Morality."

⁶⁰ Regis, *Gewirth's Ethical Rationalism*; Boylan, *Gewirth: Critical Essays on Action, Rationality, and Community*.

⁶¹ Important defenses of Gewirth include the following: Beyleveld, *The Dialectical Necessity of Morality*; Spence, *Ethics Within Reason*; Steigleder, *Die Begründung des moralischen Sollens*; and Walters, "MacIntyre or Gewirth?"

⁶² I appreciate comments and suggestions on earlier versions of this essay made by Melissa Barry, Jane Nicholls, and Niko White, as well as the comments and suggestions of the anonymous reviewers for *Open Philosophy*.

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