



DISCUSSION NOTE

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IT IS NATURAL TO SUPPOSE THAT IF AN AGENT is unable, due to features of human nature, to bring herself to perform some act, then this suffices to block or negate the claim that the agent *ought* or is *required* to act in that way. Call this the *Human Nature Constraint*. David Estlund (2011) has recently mounted a forceful attack on this apparent piece of commonsense.

First, Estlund suggests that there are cases in which agents are required to do things that they cannot bring themselves to do. In particular, he offers the case of Selfish Bill:

Suppose Bill pleads that he is not required to refrain from dumping because he is motivationally unable to bring himself to do it. There is no special phobia, compulsion, or illness involved. He is simply deeply selfish and so cannot thoroughly will to comply. Dumping his trash by the road is easier than wrapping it properly and putting it by the curb or taking it to the dump. He wishes he had more willpower, and yet he doesn't have it. Refraining is something he could, in all other respects, easily do, except that he can't thoroughly will to do it. It would be silly for Bill to propose this as requirement-blocking. This motivational incapacity is patently powerless to block the requirement in an individual case (220).

Next, Estlund suggests that there is no reason to alter our normative verdict in such cases even if the agent's inability to bring herself to do that thing is a matter of human nature. He writes:

[E]ven if the inability is not requirement-blocking in an individual case, what about if it is typical of humans, or even of humans as such? I see no reason to say anything other than that ... [i]f S's being unable to will $\emptyset$ is not requirement-blocking, then this is still the case if all humans are (even essentially) like S in this respect. ... [E]ven if the reason people will not comply with [some requirement] is because there is a motivational inability to do so that is part of human nature, this is not requirement-blocking ... [The] requirement ... would not be refuted (220-21).

So, it follows that there are cases in which agents are required to do things that they are unable, due to human nature, to bring themselves to do. But if there are cases of this kind, then the Human Nature Constraint is flat-out false.

Here is Estlund's argument:

- (1) There are cases in which an agent *S* is unable to bring herself to $\emptyset$ and yet is required to $\emptyset$.
- (2) Whether or not an agent *S*'s inability to bring herself to $\emptyset$ is a matter of human nature does not make a difference to whether or not *S*'s inability to bring herself to $\emptyset$ is requirement-blocking.

Therefore,

- (3) There are cases in which an agent S is required to $\emptyset$ even though she is unable, due to features of human nature, to bring herself to $\emptyset$.

Therefore,

- (4) It is not the case that if an agent S is unable, due to features of human nature, to bring herself to $\emptyset$, then this suffices to negate the claim that S is required to $\emptyset$.

I shall argue that Estlund's objection fails. Most of the critical attention has focused on premise (1) (see Gilabert forthcoming; Wiens forthcoming; Southwood ms). By contrast, I shall grant (1) for the sake of argument and focus instead on premise (2). In particular, I shall argue that premise (2) is false given a certain plausible necessary condition on what it takes for a feature of an agent to be a matter of human nature (section 1), and that it only seems plausible insofar as we accept a conception of human nature that we should reject (section 2). Finally, I shall suggest that appreciating where premise (2) goes wrong gives Estlund resources for a different way of resisting attempts to negate normative claims by appealing to the Human Nature Constraint (section 3).

1.

What does it mean to say that some feature of an agent is or is not "a matter of human nature?" I have no idea. But here is what I take to be a plausible necessary condition:

- (5) A feature F of agent S is a matter of human nature only if there is little or nothing that S could have done in the past to alter the fact that, now, S is F .

Call this the *inalterability claim* about human nature.¹ Consider our tendency to some measure of partiality toward our own children. This is at least a *candidate* to be a matter of human nature – in a way that, say, our unwillingness to turn up naked to the office clearly is not. The inalterability claim can explain why:

¹ An anonymous referee helpfully noted that (5) might seem to fail to capture an important aspect of facts about human nature – namely that they are supposed to be or depend on "population-level" facts. Of course, (5) only postulates a *necessary* condition for a feature to be a matter of human nature, so it is perfectly *consistent* with the population-level aspect. But I think we can say more than that. Plausibly, there is a population-level *analogue* of (5), i.e.:

- (5*) A feature F of agent S is a matter of human nature only if for all (or almost all) human agents a , there is little or nothing that a could have done in the past to alter the fact that, now, a is F .

There is at least some plausibility to the idea that there is little or nothing we could have done in the past to alter the fact that we are now disposed to be somewhat partial toward our own children. The psychological mechanisms that underlie our partiality toward our children might seem to run deep. Try as we might, our chances of achieving the same measure of regard for others' children would appear dim. Or so it might be claimed. Of course, if this turns out to be wrong – if instead we *could* have taken steps in the past to alter our motivational makeup in the present – then we should conclude that our tendency to be partial toward our children is not a matter of human nature. The point is that whether this tendency is a matter of human nature seems to turn, in part, on whether or not we could have taken steps to alter it in the past.

By contrast, it is clearly not true that there is little or nothing we could have done in the past to alter the fact that we are now unwilling to turn up naked to the office. This is because unwillingness to turn up naked to the office is (largely) due to existing social norms. While such social norms undoubtedly exert powerful motivational effects (see Southwood 2011; Brennan, Eriksson, Goodin and Southwood 2013), their grip on us is plausibly something that we can alter by concerted effort. Thus, for example, we could have made a concerted effort to become sufficiently comfortable with the idea of appearing naked in public by consorting with naturists, or to become relatively indifferent to the disapproval of others or whatever.

If the inalterability claim is correct, then it seems that we have what we need to show that premise (2) of Estlund's argument is false. Return to Estlund's example of Selfish Bill. Being a lazy and selfish good-for-nothing, Bill is unable to bring himself to refrain from dumping his rubbish. Estlund claims that Bill is nonetheless required to refrain from doing so; Bill's inability to bring himself to do otherwise is not requirement-blocking. Let us concede that this is so.

Next, imagine – implausibly, to be sure – that Bill's inability to bring himself to refrain from dumping his rubbish is a matter of human nature. Given the inalterability claim, this means that Bill's dumping proclivities run deep – so deep that there is little or nothing Bill could have done in the past to alter the fact that, now, he is unable to bring himself to refrain from dumping his rubbish. Even if he had made a concerted effort to change his motivational makeup – enrolling in anti-dumping classes, reading up on the environmental costs of dumping and so on – he would have been virtually certain to remain just as unable to bring himself to refrain from dumping as before. In such (admittedly rather far-fetched) circumstances, it seems far from obvious that we should say that it remains true that Bill is required to refrain from dumping, that he acts wrongly when he dumps.

But this means that premise (2) is simply false. It is simply not true that whether or not an agent's inability to bring herself to $\emptyset$ is a matter of human nature does not make a difference to whether or not *S*'s inability to bring

herself to $\emptyset$ is requirement-blocking. It does make a difference. Bill is a case in point.²

2.

I have argued that premise (2) of Estlund's argument is false. But we might wonder: Why might it have seemed plausible?

The answer, I believe, is to be found in the following passage:

Suppose people line up to get your moral opinion on their behavior. Bill is told that his selfishness is indeed a motivational incapacity, but that it does not exempt him from the requirement to be less selfish. But behind Bill comes Nina with the same query. Again, we dispatch her, on the same grounds as Bill. Behind Nina is Kim, and so on. Since each poses the same case, our judgment is the same. The line might contain all humans, but that fact adds nothing to any individual's case. I take this to show that even if the reason people will not comply with [some requirement] is because there is a motivational inability to do so that is part of human nature, this is not requirement-blocking ... [The] requirement ... would not be refuted. (220-21).

Estlund's idea seems to be as follows. First, whether or not an agent's inability to bring herself to do something is *typical of humans* surely does not make a difference to whether or not it is requirement-blocking. This seems right. If Bill's inability to bring himself to refrain from dumping is not requirement-blocking in the initial case, then it would be quite bizarre to suggest that it could be requirement-blocking simply because all other humans happen to share his objectionable motivational makeup. Second, Estlund "take[s] this to show" that whether or not an agent's inability to bring herself to do something is *a matter of human nature* does not make a difference to whether or not it is requirement-blocking.

² Here is the argument:

- (6) Whether or not Bill's inability to bring himself to refrain from dumping is a matter of human nature is, in part, a matter of whether or not there is little or nothing that Bill could have done in the past to alter the fact that, now, he is unable to bring himself to refrain from dumping.
- (7) Whether or not there is little or nothing that Bill could have done in the past to alter the fact that, now, he is unable to bring himself to refrain from dumping makes a difference to whether or not his inability to bring himself to refrain from dumping is requirement-blocking.

Therefore,

- (8) Whether or not Bill's inability to bring himself to refrain from dumping is a matter of human nature makes a difference to whether or not his inability to bring himself to refrain from dumping is requirement-blocking.

Notice, however, that the second claim appears to presuppose a certain conception of human nature, namely that:

- (9) A feature F of agent S is a matter of human nature if (and only if) F is typical of humans.

Call this the *typicality conception* of human nature. Given the typicality conception, premise (2) of Estlund's Human Nature Argument follows straightforwardly. Here is the argument:

- (10) Whether or not an agent S 's inability to bring herself to $\emptyset$ is typical of humans does not make a difference to whether or not S 's inability to bring herself to $\emptyset$ is requirement-blocking.
 (11) An agent S 's inability to bring herself to $\emptyset$ is a matter of human nature if (and only if) the inability is typical of humans.

Therefore,

- (2) Whether or not an agent S 's inability to bring herself to $\emptyset$ is a matter of human nature does not make a difference to whether or not S 's inability to bring herself to $\emptyset$ is requirement-blocking.

The problem, of course, is that the typicality conception of human nature is false. It is presumably typical of humans that we are unable to bring ourselves to turn up naked to the office. That does not mean that it is a matter of human nature.³ Rather, it is due to the existence of social norms.⁴

³ An anonymous referee noted that it is open to Estlund to insist that the typicality conception only postulates a necessary condition for a feature to be a matter of human nature. However, as the referee also noted, this does not ultimately help Estlund. For it would be palpably fallacious to infer from the claim that satisfying one of the necessary conditions for human nature is not requirement-blocking to the claim that being a matter of human nature is not requirement-blocking.

⁴ It might be objected that it is unfair to Estlund to claim that he is presupposing such a manifestly implausible conception of human nature. For recall his claim that "[i]f S 's being unable to will $\emptyset$ is not requirement-blocking, then this is still the case if all humans are (even essentially) like S in this respect" (220). The "(even essentially)" suggests that he takes premise (2) to be true even if we accept the following alternative to the typicality conception of human nature:

- (12) A feature F of agent S is a matter of human nature if (and only if) F is essentially typical of humans.

Call this the *essentialist conception* of human nature. In other words, Estlund is claiming that:

- (13) Whether or not an agent S 's inability to bring herself to $\emptyset$ is essentially typical of humans does not make a difference to whether or not S 's inability to bring herself to $\emptyset$ is requirement-blocking.

3.

I have suggested that Estlund's objection to the Human Nature Constraint fails. I now want to conclude in a more constructive and friendly vein. For I believe that the considerations adduced above that show that Estlund is wrong to reject the Human Nature Constraint can be mobilized to help show that he is nonetheless *right* to be skeptical about the mode of argumentative strategy in which the Human Nature Constraint gets deployed.

Recall the inalterability claim about human nature, i.e.:

- (5) A feature F of agent S is a matter of human nature only if there is little or nothing that S could have done in the past to alter the fact that, now, S is F .

This means that in order to refute some normative theory, T , on the basis of its violating the Human Nature Constraint, it would have to be shown that:

- (14) T requires that some agent S performs some act $\emptyset$ such that i) S cannot bring herself to $\emptyset$ and ii) there is little or nothing that S could have done in the past to alter the fact that, now, she cannot bring herself to $\emptyset$.

I shall now suggest that salient cases of this kind will be vanishingly rare.

Consider a theory that requires us to be considerably more altruistic and less selfish than most of us are disposed to be: say, a theory that requires that we spend 25 percent of our leisure time helping the less advantaged. Suppose that most of us are such that we could not bring ourselves to comply with the demands of this theory. Even if this is right, it is surely not right that there is little or nothing that we could have done in the past to alter the fact that, now, we cannot bring ourselves to comply with the demands of the theory. Think of Dickens' Scrooge. Selfish people are not inalterably selfish. They can change, even if, as a matter of fact, they rarely do so.

The problem is that Estlund does not present any *argument* for (13). Here is what he says instead concerning the essentialist conception:

What would it mean for selfishness to be not only typical but essentially typical of humans? One possibility is that an agent does not count as human if her motivations are otherwise. There are historical examples of people who were extremely unselfish, such as Mother Theresa [sic]. The objection we are considering is this: a theory that requires people to be as unselfish as Mother Theresa [sic] is false because anyone who is that unselfish does not count as human. But this is absurd (221).

This may well be true but it is clearly irrelevant to the truth or falsity of (13) – and indeed, more generally, to the truth or falsity of the Human Nature Constraint interpreted in light of the essentialist conception. Estlund's remarks bear, not upon the truth or falsity of the Human Nature Constraint, but rather upon its *applicability*.

What about the case of parental (or some other kind of) partiality that might be thought to run deeper? Even if there is little or nothing we could have done in the past to alter our tendency to have partial *attitudes* toward our own children – say, a special kind of love and concern – it is quite another thing to claim that there is little or nothing we could have done in the past to alter the fact that we cannot now bring ourselves to avoid *acting* partially toward them.

Perhaps the most plausible cases will involve phobias of various kinds: fear of heights, snakes, sharks and so on. Even here, we may question whether altering our motivational makeup is really beyond our control. People do, after all, sometimes manage to overcome their phobias. But even if this is wrong, and cases of phobias really do fit the bill, it is not clear that they are really matters of human nature. Nor are they especially salient. Normative theories rarely require acrophobes to scale cliffs, ophidiophobes to caress dugites and so on.

Early on in his article Estlund writes:

I will grant for the sake of argument that it is in the nature of humans to be more selfish and partial than socialist or egalitarian (or whatever other) theory would need them to be. I deny, however, that this refutes any such normative political theories. Far from taking a stand on the content of human nature, it would be open to me to deny that there is such a thing as human nature at all. But I will grant it for the sake of argument. Some have suggested that philosophical criticism is often in one or the other of two categories: “Oh yeah?” or “So what?” When a political theory is alleged to violate the bounds of human nature, many have responded with “Oh yeah?” My response, by contrast, is “So what?” (209).

I think that Estlund should side with the “many” after all. The Human Nature Constraint, even if true, lacks salient application. The best response to the charge that a particular normative claim is contrary to human nature is “Oh yeah?” rather than “So what?” Getting clear about human nature helps to see why.⁵

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