

# The Methods of Ethics

Henry Sidgwick

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis . . . . indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are reported between brackets in normal-sized type.—The division of the work into Books, chapters, and numbered sections is Sidgwick's. —Cross-references follow this system:

‘chapter 3’ means ‘chapter 3 of *this* Book’.

‘chapter 4.2’ means ‘chapter 4, section 2, of *this* Book’.

‘II/3’ means ‘Book II, chapter 3’.

‘IV/3.4’ means ‘Book IV, chapter 3, section 4’.

An accompanying page-number refers to the page where the passage in question *starts*.—This version omits most of the 2,000+ cautions that Sidgwick includes, such as ‘I think. . .’, ‘I conceive. . .’, ‘it seems. . .’ and so on. Even with these out of the way, the work doesn't come across as bullishly dogmatic.—In this version, most notably on pages 166 and 196, the author addresses the reader (‘you’), but in the original it is always ‘the reader’ and ‘he’.—This version is based on the sixth edition of the work (1901), the last non-posthumous one. The first edition appeared in 1874, the year after Mill died.

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## Glossary

**affection:** Sometimes used here in its early-modern sense, covering every sort of pro or con attitude—desires, approvals, likings, disapprovals, dislikings, etc. Thus, the phrase ‘benevolent affections’ [page 23] isn’t pleonastic and ‘malevolent affections’ [page 154] isn’t self-contradictory.

**appetite:** A strong desire for some immediate end; perhaps a craving. Our narrower sense of the word is captured on page 21 by the phrase ‘appetite of hunger’.

**art:** Sidgwick sometimes uses ‘art’ in an older sense in which an ‘art’ is any human activity that involves techniques or rules of procedure—e.g. medicine, farming, painting.

**categorical:** Opposite of ‘conditional’. ‘If it won’t do anyone any harm, tell the truth’ is a conditional imperative; ‘Tell the truth!’ is a categorical imperative (see page 98; also page 4).

**crucial experiment:** Experiment that *settles* some question one way or the other.

**Dead Sea apple:** A disease-caused bulge on the bark of an oak, vaguely resembling an apple.

**desert:** Deservingness. The stress is on the second syllable, as in ‘dessert’ (the sweet course of a meal).

**disinterested:** This meant for Sidgwick what it still means in the mouths of literate people, namely ‘not *self*-interested’.

**duty:** Most English-language moral philosophers, Sidgwick included, speak a dialect in which ‘I have a duty to do A’ means the same as ‘I morally ought to do A’. That is not what it means in English, where ‘duty’ is tied to jobs, roles, social positions. The duties of a janitor; the duties of a landowner; ‘My Station and its Duties’ [title of a famous paper].

**expedient:** Advantageous, useful, helpful.

**expose:** In some parts of ancient Greece, unwanted babies were ‘exposed’, i.e. left out in the wilds to be killed by nature.

**extra-regarding:** This phrase uses ‘extra’ to mean ‘outside one’s own feelings’, and is contrasted with ‘self-regarding’. When you hang a picture, your immediate aim might be **(i)** the picture’s being on the wall or **(ii)** your enjoying seeing the picture on the wall. Of these, **(i)** is extra-regarding, **(ii)** is not.

**felicific:** happy-making.

**generous:** On page 157 Sidgwick uses this word in a sense that was dying in his day, namely that of ‘noble-minded, magnanimous, rich in positive emotions’ etc. In that passage he uses ‘liberal’ to mean what we mean by ‘generous’. Elsewhere in the work, it’s for you to decide which sense is involved.

**indifference:** Indifferent conduct is neither praiseworthy nor wrong; you are ‘indifferent to’ the pain of others if your thinking that a certain action would cause pain doesn’t affect your behaviour; ‘indifferent’ sensations are neither nice nor nasty.

**infelicific:** Not felicific.

**intuition:** Sidgwick uses this word in one of the two senses that it has traditionally had, in which it names the activity of (or capacity for) seeing or grasping something’s truth through a single mental act, in contrast with ‘demonstration’ which is getting there by following a proof of it. The moral position that he calls ‘intuitionism’ is the thesis that the truth or validity of some moral rules can be seen *immediately* rather than through any kind of demonstration; and thus that those rules are *basic*. See Sidgwick’s own explanation on page 44.

**jural:** Of or pertaining to the law.

**mental:** About half the occurrences of this are replacements for ‘psychical’; Sidgwick evidently treats the two words as synonymous.

**mutatis mutandis:** A Latin phrase that is still in current use. It means ‘(mutatis) with changes made (mutandis) in the things that need to be changed’.

**natural theology:** Theology based on facts about the natural world, e.g. empirical evidence about what the ‘purposes’ are of parts of organisms etc.

**positive:** This multicoloured word is used by Sidgwick in four of its senses. **(1)** Especially in Book II, in contrast with **negative**. **(2)** In the opening paragraphs and elsewhere, in contrast with ‘**practical**’ (with the latter including ‘ethical’): a ‘positive’ study is one that involves no value-judgments or moral rules. **(3)** On page 71 and elsewhere, the contrast is with ‘**relative**’: You measure a set of weights relatively if you get the facts about which is heavier than which; you measure them positively if you find out how much each weighs. Also:

**positive law:** On pages 8 and 15 and elsewhere this means the law of the land: a plain humanly established system of laws, in contrast with **divine law** and **moral law**. Also:

**positive morality:** This refers to ‘the actual moral opinions generally held in a given society at a given time’ (page 12). This may be a coinage of Sidgwick’s (see page 101).

**principles:** When on page 42 Butler is quoted as speaking of ‘the cool principle of self-love’ he is using ‘principle’ in a sense that it had back in his day, in which ‘principle’ means ‘source’, ‘cause’, ‘drive’, ‘energizer’, or the like. (Hume’s *Enquiry Concerning the Principles of Morals* is an enquiry into the *sources in human nature* of our moral thinking and feeling.)

**psychogenetic:** = ‘having to do with the origin and development of mental states and processes’. It replaces Sidgwick’s exotic ‘psychogonical’.

**realise:** When Sidgwick speaks of ‘realising’ a virtue he means ‘making it real’, ‘acting on it’, ‘exhibiting it in one’s actions’. He explains ‘self-realisation’ when he uses it.

**remorse:** In some places these days ‘remorse’ means simply ‘regret over something one has done’ [‘buyer’s remorse’]. In the present work it means what it once meant everywhere: ‘*guilty-feeling* regret over something one has done’—a sense of having acted in a morally wrong way. This is essential to an understanding of the important first paragraph of I/5.4.

**requital:** Pay-back: rewarding a good deed, punishing a bad one, paying a debt, etc.

**sophistication:** Deception by means of bad but plausible argument. So self-sophistication [page 30] is one kind of self-deception.

**sympathy:** From Greek meaning ‘feel with’: in its early modern sense, and still in Sidgwick’s use, you can ‘sympathise’ with someone’s pleasure as well as with her pain. It covers every kind of ‘echo’ of someone else’s feelings.

**tact:** ‘A keen faculty of perception or ability to make fine distinctions likened to the sense of touch.’ (OED)

**tautology:** A kind of circular truth that doesn’t convey any news. On page 166 Sidgwick says that a certain proposition boils down to ‘Immoral acts ought not to be performed’, which is a tautology because what it *means* to call an act ‘immoral’ is that it ought not to be performed.

## BOOK III: Intuitionism

### Chapter 1: Intuitionism

1. The effort in Book II to examine closely the system of egoistic hedonism may well have given you a certain aversion to that principle and method, even if you (like myself) find it hard not to admit the ‘authority’ of self-love, or the ‘rationality’ of seeking one’s own happiness. In considering ‘enlightened self-interest’ as supplying a *prima facie* tenable principle for systematically guiding conduct, I have kept my aversion out of sight, being anxious to learn with scientific impartiality the results to which this principle logically leads.

We recoil from egoism when we see its occasional practical conflict with common notions of duty [see Glossary]; but our sympathetic and social nature is more deeply offended when we discover—through a careful empirical examination of egoism—that the common precepts of duty that we are trained to regard as sacred must be regarded by the egoist as mere rules that it is usually reasonable to follow but under special circumstances must be decisively ignored and broken. Furthermore, we look to morality for clear and decisive precepts or counsels; and rules for seeking the individual’s greatest happiness can’t be either clear or decisive. The calculus of egoistic hedonism seems to offer nothing but a dubious guide to an ignoble end! Butler admits

(in the passage quoted on page 55) that the claims of self-love have *theoretical* priority over those of conscience, but the dictates of conscience are more certain than those of self-love, which is why Butler gives them *practical* supremacy.<sup>1</sup> A man knows for sure, he says, what he ought to do; but he doesn’t know for sure what will make him happy.

This seems to me to represent fairly mankind’s common moral sense, in our time no less than in Butler’s. The moral judgments that men habitually express in ordinary discourse mostly imply that it’s not usually hard for an ordinary man to •know what his duty is, though seductive impulses may make it hard for him to •do it. And such maxims as that

- duty should be performed, come what may,
- truth should be spoken without regard to consequences,
- justice should be done ‘though the sky should fall’,

imply that we can see clearly that certain kinds of actions are right and reasonable in themselves, apart from their consequences; or rather with a consideration from which *some* consequences—admitted to be possibly good or bad—are definitely excluded.<sup>2</sup> And most of the writers who have maintained the existence of moral intuitions have claimed

<sup>1</sup> It may seem, he admits, that ‘since one’s own happiness is an obvious obligation’, whenever virtuous action seems not to be conducive to the agent’s happiness he would ‘be under two contrary obligations—i.e. under none. . . But the obligation on the side of •self-interest really doesn’t remain; because the natural authority of the principle of reflection is. . . the most certain and best known obligation, whereas the contrary obligation can’t seem more than probable. No man can be certain in any circumstances that vice is in his interests in •the present world; much less can he be certain that it is in his interests in •another world. So the certain obligation would entirely outrank and destroy the uncertain one.’ (Preface to Butler’s Sermons.)

<sup>2</sup> I noted in I/8.1 [page 44] that in the common notion of an act we include a certain portion of the whole series of changes partly caused by the volition that initiated the so-called act.

that the human mind can do this; which is why I think I am justified in treating this claim as characteristic of what I call the ‘intuitional’ method.

But there’s a wider sense in which either egoistic or universalistic hedonism might be legitimately be called ‘intuitional’, if either system presents *Happiness is the only rational ultimate end of action* as a first principle that can’t be known in any way except intuitively. I shall return to this ·wider· meaning in chapters 13–14, where I’ll discuss more fully the intuitive character of these hedonistic principles. But adopting this wider meaning wouldn’t lead us to a distinct ethical method, so I have thought it best in my detailed discussion of intuitionism in chapters 1–11 to confine myself as far as possible to moral ‘intuition’ taken in the narrower sense that I have defined.

**2.** Someone might object as follows:

Your definition of *intuitionism* omits its most fundamental characteristic: the intuitionist, properly so-called, doesn’t judge actions by any external standard as the utilitarian does; he sees true morality as concerned not with •outward actions as such but with •the state of mind in which acts are done—i.e. with ‘intentions’ and ‘motives’.<sup>1</sup>

This objection is partly due to a misunderstanding. Moralists of all schools would agree that the moral judgments we pass on actions relate primarily to intentional actions regarded

as intentional. In other words, what we judge to be ‘wrong’ in the strictest ethical sense is not any of the actual effects of the muscular movements caused by the agent’s volition, but the effects that he foresaw in willing the act. . . .<sup>2</sup> So when I speak of ‘acts’, take me to mean—unless I say otherwise—acts presumed to be intentional and judged as such. I don’t think there needs to be any dispute about this.

The case of motives is different and requires careful discussion. In ordinary language the distinction between ‘motive’ and ‘intention’ isn’t very precise: we apply the term ‘motive’ either to •consequences of an act that the agent foresaw and desired or •to the agent’s desire for them; and when we speak of the ‘intention’ of an act we are usually thinking of desired consequences. But for purposes of exact moral or jural [see Glossary] discussion it’s best to include under the term ‘intention’ all the consequences of an act that are foreseen as certain or probable: you’ll agree that we can’t evade responsibility for any foreseen bad consequences of our acts by the plea that we didn’t *want* them for themselves or as means to some further end;<sup>3</sup> such undesired accompaniments of the desired results of our volitions are clearly chosen or willed by us. So the •intention of an act can be judged to be wrong though the •motive is recognised as good; as when a man tells a lie to save a parent’s or a benefactor’s life. Such judgments are made all the time in ordinary moral discourse. But this may be said:

<sup>1</sup> Some would add ‘character’ and ‘disposition’. But characters and disposition can’t even be *conceived* except in terms of the volitions and feelings that manifest them, so they can’t be primary ·or basic· objects of intuitive moral judgments. See chapter 2.2 .

<sup>2</sup> No doubt we hold a man responsible for unintended bad consequences of his acts or omissions, when they are ones that he might with ordinary care have foreseen; still, as I said on page 27, if we think about it we attach moral blame to careless acts or omissions only indirectly, and only if the carelessness results from some previous willful neglect of duty.

<sup>3</sup> Think carefully about common usage and you’ll see that it fits this definition. Suppose a nihilist blows up a railway train containing an emperor and other people; it would be regarded as correct to say simply ‘*His intention was to kill the emperor*’; but it would be thought absurd to say ‘*He did not intend to kill the other people*’, even if he had no desire to kill them, and regarded their death as a regrettable by-product of the carrying out of his revolutionary plans.

‘An act can’t be right, even when the intention is what duty would prescribe, if it is done from a bad motive. To take an example of Bentham’s, a man who prosecutes from malice a person whom he believes to be guilty doesn’t really act rightly: it may be his duty to prosecute, but he ought not to do it from malice.’

No doubt it is our duty to get rid of bad motives if we can; so that a man’s intention can’t be wholly right unless it includes the repression, so far as possible, of a motive known to be bad. But no-one will contend that we can always suppress entirely a strong emotion; and such suppression will be especially difficult if we are to do the act to which the wrong impulse prompts. And if the act is clearly a duty that no-one else can perform as well, it would be absurd to say that we ought to omit it because we can’t entirely erase an objectionable motive. It is sometimes said that even if in doing our duty we can’t exclude a bad motive altogether from our minds, it is still possible to refuse to act from it—i.e. possible to perform the action without giving the bad motive any role in our doing so. But this is possible only if the details of the action to which a right motive would prompt differ to some extent from those to which a wrong motive would prompt. No doubt this is often the case. In Bentham’s

example, a malevolent prosecutor may be prompted to cause his enemy needless pain by well-aimed insults; and obviously he can do his duty without doing *that*. But when precisely the same action is prompted by two motives that are both present in my consciousness, I’m not aware of having any power to cause this action to come from one of the two to the exclusion of the other. . . .<sup>1</sup>

From all this I conclude **(1)** that while we commonly judge many actions to be made *better* or *worse* by the presence or absence of certain motives, our judgments of *right* and *wrong* strictly speaking relate to intentions, as distinguished from motives;<sup>2</sup> and **(2)** that while intentions affecting the agent’s own feelings and character are morally prescribed no less than intentions to produce certain external effects, common moral understanding holds that the *main* prescriptions of duty are addressed to external actions. How far this is true will become clearer in due course.

•**One extreme:**• Some influential moralists have maintained •that the moral value of our conduct depends on the extent to which we are actuated by the one motive that they regard as truly moral, namely *the desire to do what is right because it is right*, doing one’s duty for duty’s sake,

<sup>1</sup> A further source of confusion between ‘intention’ and ‘motive’ arises from the different points of view from which either may be judged. If an act is one of a series that the agent intends to do for the achievement of a certain end, we may have •one moral judgment on the intention of the particular act and •a different one on the intention of the series as a whole. Either point of view is legitimate, and often both are required, for we commonly recognise that of the series of acts that a man does to achieve some (e.g.) ambitious goal some are right or allowable while others are wrong; while the general intention to achieve the goal by wrong means if necessary—

Get place and wealth, if possible with grace;

If not, by any means get wealth and place [quoted from Alexander Pope]

—is clearly a wrong intention. Also, in judging a motive to be good or bad, we may consider it •simply in itself or •in connection with other balancing and controlling motives that are present or that ought to be present but aren’t. We don’t usually think that the desire for wealth or rank is bad in itself, but we think it bad as the sole motive of a statesman’s public career. It’s easy to see that either of these different distinctions is apt to blend with and confuse the simple distinction between intention and motive.

<sup>2</sup> The view that moral judgments relate primarily or most properly to motives will be more fully discussed in chapter 12.



being virtuous for virtue's sake;<sup>1</sup> and •that a perfectly good act must be done entirely from this motive. But it's hard to combine this view—which I'll label as 'Stoical'—with the belief that most modern orthodox moralists have maintained, that it is always a man's true interest to act virtuously. I don't mean that someone who holds this belief must be an egoist; but if he thinks that his own interests will be promoted by the act that he is undertaking, it seems impossible for him to keep a concern for his own interests out of the motives that are driving him. So if we hold

- that this self-regard impairs the moral value of an act that is otherwise virtuous, and also
- that virtue is always conducive to the virtuous agent's interest,

we're forced to conclude that

- knowledge of the true relation between virtue and happiness is an insuperable obstacle to the achievement of moral perfection.

I can't accept this paradox; and in later chapters I'll try to show that the Stoical view of moral goodness doesn't stand up to a comprehensive survey of common moral judgments, because some acts seem to be even *more* strikingly virtuous when performed from some motive *other than* the love of virtue as such. For now I merely remark that the Stoical doctrine contradicts •**the other extreme**, namely• the view that

- (i) the universal or normal motives of human action are either •particular desires for pleasure or aversions to pain for the agent himself, or •the agent's concern for his happiness on the whole ('self-love');

and that it also conflicts with the less extreme doctrine that

- (ii) duties can to some extent be properly done from such self-regarding motives;

to which I add that (i) or (ii) has frequently been held by writers who have explicitly adopted an intuitional method of ethics. We find Locke, for instance, stating without reserve or qualification that 'good and evil are nothing but pleasure and pain, or that which procures pleasure or pain to us'; so that 'it would be utterly pointless to set a rule for the free actions of man without annexing it to some reward or punishment to determine his will' (*Essay on Human Understanding* II/28.5,6). Yet he also, just as emphatically, expresses the conviction that 'from self-evident propositions, by valid inferences as incontestable as those in mathematics, the measures of right and wrong could be derived', 'so that 'morality might be placed among the sciences capable of demonstration' (*Essay* IV/3.18). The combination of these two doctrines gives us the view that moral rules are essentially laws of God that men are impelled to obey—solely or mainly—from fear or hope of divine punishments or rewards; and a view like this seems to be widely accepted by plain men without very refined moral sensibilities.

•**Between the extremes:**• For other examples of thinkers who •recognise in human nature a disinterested regard for duty or virtue as such, but still •think that self-love is a proper and legitimate motive to right conduct, let us look at Butler and his followers. Butler regards 'reasonable self-love' as not merely a normal motive to human action, but as being a 'chief or superior principle [see Glossary] in the nature of man' as much as conscience is, so that an action 'becomes unsuitable' to this nature if the principle of

<sup>1</sup> Many religious folk would probably say that *obedience or love to God* is the highest motive. But most of them would also say that obedience and love are due to God as a moral being, one who is infinitely wise and good, and not otherwise; and in that case •these religious motives seem to be virtually identical with •regard for duty and love of virtue, though complicated by the addition of emotions (•obedience, love•), belonging to relations between persons.

self-love is violated. Accordingly the aim of his teaching is not to •induce men to choose duty rather than interest, but to •convince them that there's no need to choose: self-love and conscience lead 'to one and the same course of life'.

This intermediate doctrine strikes me as more in harmony with the common sense of mankind than either of the extreme views I have contrasted. But each of the three positions is consistent with the basic assumptions of the intuitional method. Even those who hold that

human beings can't reasonably be expected to conform to moral rules from any motive except what comes from the sanctions God has attached to them usually think of God as supreme Reason, whose laws must be essentially reasonable; and if such laws are knowable by the 'light of nature'—so that morality may (as Locke says) be classified as a demonstrative science—the method of settling what they are will still be intuitional, and won't lose that status because the method is combined with the belief that God will reward the observance of the laws and punish their violation. As for those who hold that regard for duty as duty is essential to acting rightly would generally admit that •acting rightly is not adequately *defined* as acting from a pure desire to act rightly; that although a man who sincerely desires and intends to act rightly does in a certain sense completely fulfill duty, he may have a wrong judgment about the particulars of what his duty is, so that in another sense he acts wrongly. From this it follows that even if the desire or resolution to fulfill duty as such is essential to right action, two kinds of rightness must be recognised:

- (i) an act is 'formally'<sup>1</sup> right if the agent is moved by pure desire to fulfill duty;
- (ii) an act is 'materially' right, if the agent intends the right particular effects.

So there's no reason why the same method for determining material rightness shouldn't be adopted by thinkers who disagree widely about formal rightness; and obviously the work of the systematic moralist is mainly concerned with material rightness.

**3.** Formal rightness as explained here involves •a desire or choice of the act as right, and also •a belief that it is right. But you could have the belief without having the motive (though not vice versa); and there's more agreement among intuitional moralists about the moral indispensability of the belief than about the moral indispensability of the motive. I think they would all agree that no act can be absolutely right. . . .if the agent believes it is wrong.<sup>2</sup> Such an act could be called 'subjectively wrong' though 'objectively right'. A question arises. In a particular case, which of these is better?

- The man does what he mistakenly believes to be his duty.
- The man does what really is his duty except that he doesn't think so.

This question is rather subtle and perplexing to common sense, so it's as well to note that it can't have much practical application. It can't arise for anyone with respect to how he is going to act; we can only raise it in relation to someone else whom we might influence. If someone is poised to do something that we think wrong while he thinks it right, and we can't alter his belief but can bring other motives to bear

<sup>1</sup> I don't usually employ the obscure and ambiguous form/matter antithesis when I write philosophy. In the present case we can interpret 'formal rightness' as denoting both a *universal* and *essential* and also a *subjective* or *internal* condition of the rightness of actions.

<sup>2</sup> Not necessarily that the belief that it is right should be actually present in the agent's mind; it might be completely right although the agent never actually raised the question of its rightness or wrongness. See page 106.

on him that may outweigh his sense of duty, we must decide whether to do that. Ought we to tempt him to act against his own convictions by bringing about what *we* believe to be objectively right? The moral sense of mankind would say No, regarding the subjective rightness of an action as more important than its objective rightness—except in special cases where the evil of the act prompted by a mistaken sense of duty appeared to be very grave.<sup>1</sup> But however essential it may be that a moral agent should do what he believes to be right, *this* subjective condition of right conduct is too simple to be the basis for any theories; so our investigation here must relate mainly to ‘objective’ rightness.

But one practical rule of some value can be obtained by reflecting on the general notion of rightness, as commonly conceived. In I/3.3 I tried to make this notion clearer by saying that ‘what I judge to be right must—unless I am in error—be judged to be so by all rational beings who judge truly of the matter’. This doesn’t imply that what is judged to be right for one man must necessarily be judged so for another; ‘objective’ rightness may vary from A to B just as objective facts vary. But there’s a difference between our conceptions of ethical and physical objectivity, concerning how they relate to variations for which we can discover no rational explanation. Experience compels us to admit such variations in physical facts, but we commonly refuse to admit

them in moral facts. Physical facts involve an accidental or arbitrary element that we just have to accept. . . . Why does this region of space contain more matter than that? Physical science’s only answer brings in laws of change and facts about earlier positions of portions of matter, facts that equally cry out for explanation; and however far back we take our explanations, the fact at which we stop seems as arbitrary as the one we first asked about. But it’s generally agreed that we can’t admit a similar unexplained variation concerning right and wrong. We can’t judge an action to be right for A and wrong for B unless we can find some difference between the two agents—in themselves or in their circumstances—that we can regard as a *reason* for the difference in their duties. So if I judge any action to be right for myself, I implicitly judge it to be right for anyone else whose nature and circumstances don’t differ significantly from mine. Now, by making this latter judgment explicit we can protect ourselves against the danger of too easily thinking that we *ought* to do what we very much *want* to do. ‘Do I think that anyone like me in my circumstances ought to do A?’—the answer may clearly be No, and that may disperse the false appearance of rightness that my strong desire has given to doing A. . . . Indeed this test of the rightness of our volitions is so generally effective that Kant seems to have held that all particular rules of duty can be deduced from

<sup>1</sup> The decision would usually be reached by weighing bad effects on the agent’s character against bad consequences of a different kind. In extreme cases common sense would decide against the agent’s character. A statesman crushes a dangerous rebellion by working on the fear or greed of a leading rebel who has been rebelling on conscientious grounds—most of us would approve of this. See IV/3.3 .

<sup>1</sup> [The key to this footnote is high on the next page.] *Groundwork for the Metaphysic of Morals*, page 24 of the version at [www.earlymoderntexts.com](http://www.earlymoderntexts.com). Kant says: ‘There is only one categorical imperative, and this is it: Act only on that maxim through which you can at the same time will that it should become a universal law of nature. Now if all imperatives of duty can be derived from this one imperative as a principle, we’ll at least be able to show what we understand by *duty*, what the concept means.’ He applies the principle to four cases, selected as representative of ‘the many actual duties’; and continues: ‘If we attend to what happens in us when we act against duty, we find that we don’t (because we *can’t*) actually will that our maxim should become a universal law.’ And he sums up thus: ‘I have made clear—and ready for *every practical application*—the content that the categorical imperative must have if it is to contain the principle of all duty, if there is such a thing as duty.’

the one fundamental rule *Act only on that maxim through which you can at the same time will that it should become a universal law of nature.*<sup>1</sup> But this strikes me as an error analogous to that of supposing that formal logic supplies a complete criterion of truth. I agree that a volition that doesn't stand this test is to be condemned; but a volition that passes the test may still be wrong. Almost everyone who acts conscientiously could sincerely will the maxims on which he acts to be universally adopted; yet we find such people conscientiously disagreeing about what each ought to do in a given set of circumstances. If they all act rightly (in the objective sense) because their maxims all conform to Kant's rule, that obliterates the distinction between subjective and objective rightness; it implies that whatever anyone thinks to be right is so, unless he is in error about the non-moral facts of the case. That flagrantly conflicts with common sense. It would make it futile to try to construct a scientific code of morality, because the purpose of such a code is to supply a standard for correcting men's divergent opinions.

So we can conclude that the moral judgments that the intuitional method tries to systematise are primarily intuitions of the rightness or goodness (or wrongness or badness) of particular kinds of external effects of human volition, presumed to be intended by the agent but considered independently of his view about the rightness or wrongness of his intention; though the quality of motives, as distinct from intentions, must also be taken into account.

4. You may want to ask: 'Has it been legitimate for you to take it for granted that there are such intuitions?' No doubt there are people who deny that reflection shows them any such phenomenon in their conscious experience as the judgment or apparent perception that an act is in itself right or good—except in the sense of being the right means to some chosen end. But such denials are commonly recog-

nised as paradoxical and opposed to the common experience of civilised men—as long as we are careful to distinguish (a) the psychological question about the **existence** of such moral judgments from (b) the ethical question about their **validity**, and from (c) the psychogenetic [see Glossary] question as to their **origin**. Of these, (a) and (b) are sometimes run together because of an ambiguity in the term 'intuition', which has sometimes been understood to mean a *true* judgment. Let me be clear about this: by calling an affirmation about the rightness or wrongness of an action 'intuitive' I am *not* prejudging the question of its ultimate validity. . . . All I mean is that its truth is apparently known immediately and not as the result of reasoning. I admit that any such intuition may turn out to contain an error that we may be able to correct by reflection and comparison, just as many apparent visual perceptions turn out to be partially illusory and misleading. Indeed, you'll see later that I hold this to be to an important truth about moral 'intuitions' commonly so called.

Having separated (a) the existence question from (b) the validity question, we can see that obviously (a) can be decided for each person only by introspection. But don't think this:

Deciding (a) is a simple matter, because introspection is always infallible.

On the contrary, I find that men are often liable to confuse moral intuitions with other mental states or acts that are essentially different from them—

- blind impulses to certain kinds of action,
- vague preferences for such actions,
- conclusions from fast semi-conscious inferences,
- current opinions that familiarity has given an illusory air of self-evidentness.

But errors of this kind can only be cured by more careful introspection, aided by consulting with others, and perhaps by looking into the antecedents of the apparent intuition,

which may suggest possible sources of error. Still, the question of whether **(a)** a certain judgment presents itself to the reflective mind as intuitively known can't be decided by any inquiry into **(c)** its antecedents or causes. See I/3 at page 16.

But it's still possible to hold that an inquiry into **(c)** the origin of moral intuitions must be decisive in determining **(b)** their validity. And in fact intuitionists and their opponents have often assumed that if •our moral faculty can be shown to be 'derived' or 'developed' out of other pre-existent elements of mind or consciousness, that's a reason for distrusting •it; whereas if it can be shown to have existed in the human mind from the outset, that establishes its trustworthiness. Neither assumption has any foundation that I can see. . . . **On the one hand:** I'm sure that each of our cognitive faculties—i.e. the human mind as a whole—has been derived through a gradual process of physical change from some lower life in which cognition properly so-called had no place. So the distinction between 'original' and 'derived' comes down to that between 'earlier' and 'later'; and the fact that the moral faculty appears later in the process of evolution than other faculties can't be regarded as an argument against the validity of moral intuition! The discovery of the causes of certain apparently self-evident judgments can't be a reason for distrusting them. 'Well, those who affirm the truth of such judgments ought to show that their causes have some power to make them true'—I don't accept that either. Indeed, if that is where the onus of proof lies, philosophical certainty would be impossible: the premises of the required demonstration must consist of caused beliefs, which just because they are caused will equally stand in need of being proved true, and so on ad infinitum. The only escape would be •to find among the premises of our reasonings certain apparently

self-evident judgments that don't have causes, and •to argue that because they don't have causes they should be accepted as valid without proof—an extravagant paradox! And if it's accepted that all beliefs are effects of prior causes, this characteristic clearly can't on its own invalidate any of them.

So I hold that the onus of proof goes the other way: those who dispute the validity of •moral or other intuitions because of their derivation should show not merely that •they are the effects of certain causes but also that those causes are likely to produce invalid beliefs. Now, I don't think it is possible to prove by any theory of the derivation of the moral faculty that the basic ethical conceptions 'right' (or 'what ought to be done') and 'good' (or 'what it is reasonable to desire and seek') are invalid, and that consequently all propositions of the form 'x is right' or 'x is good' are untrustworthy. Why not? Because such ethical propositions can't be inconsistent with any physical or psychological propositions, since their subject-matter is fundamentally different from anything that physical science or psychology deals with. The only way to show that they involve error is to show that they contradict *each other*; and such a demonstration couldn't validly lead us to the conclusion that they are *all* false. Perhaps, though, we can prove that *some* ethical beliefs have been caused in a way that makes them likely to be wholly or partly false; and later we'll have to consider whether any of the ethical intuitions that we are disposed to accept as valid are open to attack on such psychogenetic grounds. My present point is just that no general demonstration of the derived status of our moral faculty can give an adequate reason for distrusting it.

**On the other hand:** If we are led to distrust our moral faculty on other grounds. . . ., it seems to me equally clear that our confidence in our moral judgments can't properly be re-established by a demonstration that they are 'original'.

I see no reason to believe that the 'original' element of our moral cognition can be discovered; but if it could, I see no reason to hold that it would be especially free from error.

5. Then how *can* we eliminate error from our moral intuitions? In chapter I/8 I suggested that to settle the doubts arising from the uncertainties and discrepancies in our judgments on particular cases, reflective people naturally appeal to general rules or formulae; and it's those general formulae that intuitionist moralists commonly regard as ultimately certain and valid. There are obvious sources of error in our judgments about concrete duty in particular cases that seem to be absent when we consider the abstract notions of different *kinds* of conduct. That is because in any particular case the complexity of the facts increases the difficulty of judging, and our interests and sympathies are liable to cloud our moral discernment. And most of us feel the need for such formulae not only to •correct, but also to •supplement, our intuitions about particular duties. Only exceptionally confident people think that they always see clearly what ought to be done in any situation they find themselves in. The rest of us, sure as we are about what is right or wrong in ordinary matters of conduct, quite often meet with cases where our unreasoned judgment fails us; and where we can't decide the moral issue in question without appealing to some general formula—just as we couldn't decide a disputed legal claim without reference to the positive law [see Glossary] that deals with the matter.

And such •general• formulae are easy enough to find. A little reflection and observation of men's moral discourse will enable us to make a collection of general rules that

- would be generally accepted by moral persons of our own times and our own civilisation, and
- would cover fairly completely the whole of human conduct.

Such a collection, regarded as a code imposed on an individual by the public opinion of the community to which he belongs, I have called *the positive morality of the community*; but when it is warranted as a body of moral truth by the consensus of mankind—or at least of the portion of mankind that combines adequate intellectual enlightenment with a serious concern for morality—it is more significantly termed *the morality of common sense*.

But when we try to apply these currently accepted principles, we find that the notions composing them are often unclear and imprecise. We all agree in recognising justice and veracity as important virtues; and probably we'll all accept the general maxim that 'we ought to give every man his own', but when we ask whether

- primogeniture or
- the disendowment of corporations [= depriving churches of their wealth] or
- the fixing of the value of services by competition

is just, we don't get clear and unhesitating decisions from that or any other current maxim. Again, we all agree that 'we ought to speak the truth', but when there's a question about whether and to what extent false statements are permissible

- in speeches of advocates,
- in religious ceremonials,
- when speaking to enemies or robbers, or
- in defence of lawful secrets,

we again get no help from that or any other general maxim. And yet such particular questions are just the ones that we naturally expect the moralist to answer for us. As Aristotle says, we study ethics for the sake of practice; and in practice we are concerned with particulars.

So it seems that if the formulae of intuitive morality are really to serve as scientific axioms, and to be available in clear and compelling demonstrations, they must first be

raised—by an effort of reflection that ordinary folk won't make—to a higher degree of precision than they have in the common thought and discourse of mankind. We have in fact to tackle the task launched by Socrates, of defining satisfactorily the general notions of duty and virtue that we all use in approving or disapproving of conduct. This is the task I'll be engaged on in the next nine chapters.

*Please* bear in mind that I shan't be trying to prove or disprove intuitionism, but merely to get as explicit, exact, and coherent a statement as possible of its basic rules, doing this by reflection on the common morality to which appeal is so often made in moral disputes—the one that you and I share.

## Chapter 2: Virtue and duty

1. Before trying to define particular virtues or kinds of duty, we should look further into the notions of *duty* and *virtue* in general, and into the relations between them. . . . Until now I have taken *duty* to be roughly equivalent to *right conduct*; but I pointed out that 'duty'—like 'ought' and 'moral obligation'—implies at least the *potential* presence of motives going the other way, so that it isn't applicable to beings who don't have such conflict of motives. Thus God is not conceived as performing duties, though he is conceived as realising [see Glossary] justice and other kinds of rightness in action. And we don't commonly label as 'duties' right actions of our own that we are strongly impelled to by non-moral inclinations; we don't usually say that it is a 'duty' to eat and drink enough, though we might say this to invalids who have lost their appetite. So we'll get closer to ordinary usage if we defined *duties* in a way that brings in 'the need for a moral impulse'. But the line drawn in this paragraph is vague and shifting, and it won't be necessary to draw attention to it in the detailed discussion of duties. . . .

This may be said:

You have overlooked another element in the meaning of 'duty'—one that its derivation and that of the equivalent term 'obligation' plainly indicates—namely that it is 'due' or owed to someone.

I agree that 'duty' comes from 'due' = 'owed', but this is a case where etymology doesn't govern ordinary usage. Most people would recognise that duties owed to persons. . . . are only one species, and that some duties—e.g. truth-speaking—fall outside that species. No doubt any duty can be seen as relative to whoever is immediately affected by it, as when truth-speaking causes a physically injurious shock to the person spoken to, but we don't even in these cases speak of the speaker's 'duty to' the other person. You *could* say that truth-speaking is ultimately good for—and therefore 'due to'—the community or to humanity at large; but that isn't how it is thought of in the intuitional view that 'truth should be spoken regardless of consequences'. Religious folk may think that the performance of duties is 'owed to' God as the author of the moral law. I wouldn't deny that our common

conception of duty involves an implied relation of •an individual will to a •perfectly rational universal will; but I'm not convinced that this implication is necessary—i.e. that this is an aspect of the *concept* of duty—and I shan't discuss it because that would lead to metaphysical controversies that I want to avoid. In what follows, therefore, I'm going to set aside relation of duty •generally to a divine will, and also •the particular 'duties to God' that intuitionists have often picked out and classified. If we regard the basic moral rules that we can know by moral intuition as ones that it is rational for all men to obey, then we see them as rules that a supreme Reason *would* impose, and it shouldn't make any difference whether we think that a supreme Reason *did* impose them. [That sentence is a rather free rendering of the complex thing that Sidgwick wrote.] So I shan't treat 'duty' as implying a relation either to a universal Ruler or to the individuals affected by the conduct in question, but will use it as equivalent to 'right conduct', while focusing on actions and inactions for which a moral impulse is thought to be required.

The notion of *virtue* is more complex and difficult, and needs to be discussed from several angles. Start by noticing that some particular virtues (such as generosity) can be realised in acts that are objectively (though not subjectively) wrong, through lack of insight into their consequences; and some (such as courage) can be exhibited in acts that the agent knows to be wrong. We have a quasi-moral admiration for such acts; but we wouldn't call the courageous act virtuous, and if we were speaking strictly we wouldn't call the generous act virtuous either. So I won't be significantly deviating from ordinary usage when, from now on, I apply 'virtue' only to qualities exhibited in right conduct.

How far are the spheres of •duty and •virtue co-extensive? To a large extent they undoubtedly are so in the ordinary use of the terms, but not altogether, because each term in its common use seems to include something excluded from the other. We would hardly say that it was *virtuous* under ordinary circumstances to

- pay one's debts,
- give one's children a decent education, or
- keep one's aged parents from starving;

these being duties that most men perform and only bad men neglect. And there are acts of high and noble virtue that we commonly regard as going beyond the agent's *duty*, because although we praise their performance we don't condemn their non-performance. But now a problem seems to arise: we wouldn't deny that it is in some sense a man's strict duty to do whatever action he judges most excellent, so far as it is in his power.

But can we say that it is as much in a man's power to realise virtue as it is to fulfill duty?<sup>1</sup> To some extent we would say this. No quality is ever called a 'virtue' unless it is thought to be something that any ordinary person could *choose* to exhibit when an opportunity arises. In fact virtues are commonly distinguished from other excellences of behaviour by their voluntariness: an excellence that we think isn't significantly under the immediate command of the will is called a gift, a grace, or a talent, but not properly a virtue. Writers who obliterate this line—as Hume does in *Inquiry Concerning the Principles of Morals*, Appendix 4—are obviously diverging from common sense. But it's plainly wrong to maintain that anyone can at any time realise virtue in the highest form or degree. No-one would say that any ordinary man can *at will* exhibit the highest degree

<sup>1</sup> In I/5.3 I have explained the sense in which determinists as well as libertarians hold that it is in a man's power to do his duty.



of courage—in the sense in which courage is a virtue—when occasion arises. So it seems that we can distinguish a margin of virtuous conduct which may be beyond the power of any individual and therefore beyond his duty.

Can we then say that virtuous conduct, so far as it is in a man's power, coincides completely with his duty? Well, we would agree that a truly moral man can't say to himself 'This is the best thing on the whole for me to do, and I could do it, but it's not my duty to do it'; this would strike common sense as an immoral paradox.<sup>1</sup> And yet there seem to be actions and inactions that we praise as virtuous without imposing them as duties on all who are able to do them—e.g. a rich man lives very plainly and devotes his income to works of public beneficence.

Perhaps we could harmonise these inconsistent views by distinguishing the question 'What ought a man to do or not-do?' from the question 'What ought other men to blame him for not-doing or doing?', and recognising that the standards for answering them are different. The double standard can be partly explained by differences in our knowledge relating to the two. . . . I can easily assure myself that I ought to subscribe to a given hospital; but I can't judge whether my neighbour ought to subscribe—and so I can't blame him for not subscribing—because I don't know the details of his income and of claims that he is bound to satisfy. But that isn't the whole explanation for the double standard: there are plenty of cases where we don't blame others for not doing x although we are sure that we in their place would have thought it our duty to do x. In such cases the line seems drawn by •a sense of what counts as ordinary behaviour in such a case, and by •a belief about the practical

effects of praising and blaming: we think it best for moral progress if we praise acts that are above the level of ordinary practice and restrict precisely targeted blame to acts that fall clearly below this standard. This standard has to be vague, and to vary along with variations in the community's average level of morality. . . . So it isn't convenient to use it in drawing a theoretical line between virtue and duty; and I prefer to employ the terms so that virtuous conduct includes not only good actions that would commonly be thought to go beyond duty but also the less conspicuously virtuous actions in which the agent does his duty.

**2.** I have been considering 'virtuous' as applied to conduct. But this general word and the names meaning particular virtues—'just', 'liberal', 'brave', etc.—are applied to persons as well as to their acts; and the question arises as to which application is most appropriate or basic. Reflection shows that we don't think of these attributes as belonging to acts considered apart from their agents; so •virtue is primarily a quality of the permanent soul or mind rather of the transient acts and feelings in which •it is manifested. (It is widely held to be a possession worth aiming at for its own sake—to be indeed a part of the perfection of man that some regard as the sole ultimate good. I shall consider this view in chapter 14.) But although we think of virtues (and other habits and dispositions) as comparatively •permanent attributes of the mind, our only way of forming definite notions of them is by conceiving the •transient events in which they are manifested. What events? Obviously *voluntary actions considered as intentional* or, more briefly, *volitions*. Many moralists, perhaps most, would give this as a complete answer. If they don't affirm with Kant that •a good will is the

<sup>1</sup> A moral person who sincerely wants to do his duty might say that 'paradoxical' thing either **(i)** half-ironically—a nod to a customary standard of virtuous conduct that the speaker doesn't really adopt as valid—or **(ii)** loosely, meaning that the conduct in question would be best if the speaker were differently constituted.

only absolute and unconditional good, they agree with Butler that •‘the object of the moral faculty is *actions*, taking that word to cover active or practical principles—the principles from which a man would act if circumstances enabled him to’. And if it is urged that that isn’t the whole story for the Christian conception of the virtue of charity, the ‘love of our neighbour’, those moralists will join Kant in saying that this ‘love’ is not the *affectionate emotion* that goes by that name, but merely the *resolve to benefit* others, which alone has ‘true moral worth’.

But I don’t think that the common sense of mankind really does exclude every emotional element from the conception of *virtue*. In our common moral judgments certain kinds of virtuous actions are held to be, at least, adorned and improved by the presence of certain emotions in the agent, though the element of volition is doubtless more important and indispensable. Thus the highest form of the virtue of chastity or purity includes more than a mere settled resolve to abstain from unlawful lust; it includes also some feeling of repugnance to impurity. And we recognise that benefits arising from affection and lovingly given are more acceptable to the recipients than benefits given without affection, in the taste of which there’s something harsh and dry; and so the affection, if it is practical and steady, seems to be in a certain way *more* excellent than the mere beneficent disposition of the will. In the case of *gratitude*, even Kant’s rigidity seems to relax and to include an element of emotion in the virtue; and various other notions such as loyalty and patriotism can’t plausibly be •stripped bare of all emotional elements or •denied to be virtues.

We are now in a position to answer a question raised in chapter 1: ‘Does common sense hold that an act is virtuous in proportion as it was motivated by a concern for duty or virtue?’ The answer is No. A •courageous or •loyal or

•patriotic action isn’t made less praiseworthy by the fact that its main motive was natural affection rather than love of virtue as such. Quite often we attribute virtue to actions where there was no conscious thought of duty or virtue; think of a case of a heroic act of courage in saving a fellow-creature from death, done from an impulse of spontaneous sympathy. And when we praise a man as ‘genuinely humble’ we don’t imply that he is conscious of exhibiting a virtue by being humble!

With many important virtues we ordinarily see the person as virtuous without giving any thought to where his action comes from—whether from some emotional impulse or from a rational choice of duty because it is duty—but only crediting him with having a settled resolve to aim at external states of affairs of a certain kind. We call a man *veracious* if we see him as consistently trying to produce true beliefs in others, whatever his motive may be for doing this—a regard for virtue, a sense that lying is low, a belief that truth-speaking is the best policy, or a sympathetic aversion to the troubles that misleading statements cause to other people. It’s not that we regard these motives as of equal moral value; but the presence or absence of any of them is not implied when we attribute to someone the virtue of veracity. Similarly we attribute justice to a man who has a settled habit of weighing claims and fulfilling them in the ratio of their importance; we credit him with good faith if he has a settled habit of strictly keeping engagements; and so on. And when we clearly do take motives into account in judging how virtuous an action is, we are often thinking not of •what produced the action but of •what temptations had to be overcome for it to be performed: we see more virtue in just or veracious conduct when the agent had strong temptations to be unjust or unveracious. . . .

Admittedly common sense seems to be perplexed about how •virtue relates to •the moral effort required for resisting unvirtuous impulses. On the one hand:

We would generally accept that virtue is especially exhibited in a successful conflict with natural inclination; and perhaps even (more extreme) that there is no virtue in doing what one likes.

On the other hand:

We would surely agree with Aristotle that virtue is imperfect if the agent can't perform the virtuous action without a conflict of impulses. What makes it hard for us to do what is best is a wrongly directed natural impulse, and it seems absurd to say that the more we cure ourselves of this wrong direction the *less* virtuous we grow.

Perhaps we should recognise two distinct elements in our common idea of virtue: **(a)** the most perfect ideal of moral excellence that we can conceive for human beings, and **(b)** the effort of imperfect men to achieve this ideal. Then as a man comes to like some particular kind of good conduct and to do it without moral effort, we'll say not •that his conduct becomes less virtuous but •that it comes to be more in conformity with a true moral ideal. We'll recognise that in this department of his life he has less room to exhibit the other kind of virtue—the one shown in resistance to seductive impulses and the will's energetic striving to get nearer to ideal perfection.

Up to here I have been discussing the roles of •emotions and •volitions in virtuous acts, and haven't explicitly mentioned their •intellectual conditions of virtuous acts. When we call an act 'virtuous' we imply that it was voluntary, i.e. arose from a volition, and we imply that the volition was accompanied with a •thought about the particular goal of the action. But we don't imply that the agent also had the •thought that what he was doing was right or good. I don't think that common sense holds *that* to be essential for an act to count as virtuous; some kinds of virtuous acts can be done without any deliberation and with no moral judgment passed on them by the agent. . . . But an action can't count as virtuous if the agent has even a vague thought of its being bad. As I have already said, it's more doubtful how far common sense will go in judging an action to be virtuous if the agent thinks it is good but it isn't;<sup>1</sup> but if we restrict the term 'virtuous' to acts that we regard as right, it's obvious that the realisation of virtue may not be in the power of a given person at a given time because he can't satisfy the required intellectual conditions.<sup>2</sup>

To sum up the results of this rather complicated discussion: Virtue is a quality manifested in doing one's duty (or doing things that go beyond strict duty); it is primarily attributed to the mind or character of the agent, but is known to us only through how it shows up in feelings and acts. To get precise concepts of the particular virtues, therefore, we have to examine the states of consciousness they are manifested in. Examining these, we find that volition

<sup>1</sup> I said earlier that decidedly wrong acts often exhibit character-traits that would be regarded as particular virtues when exhibited in right acts—generosity, courage, patriotism, etc.—and this is especially true of acts that are bad through ignorance.

<sup>2</sup> Common sense on the whole accepts this conclusion, though the acceptance seems to be quite reluctant. The reluctance doesn't show in an inclination to regard as virtuous people who do clearly wrong acts, but rather in an effort to explain their ignorance as caused by some previous willful wrongdoing. We try to persuade ourselves that if, for example, Torquemada didn't know that it was wrong to torture heretics, he would have known if he hadn't *willfully* neglected some means of enlightenment; but in many cases this kind of explanation is unsupported by facts, and I see no ground for accepting it as generally true.

is primarily important, and in some cases almost of sole importance, but that common sense insists on bringing in the element of emotion. Focusing now on the volitional element: most of what we regard as manifestations of virtue are volitions to produce certain particular effects; the general resolve to do duty for duty's sake is indeed thought to be important as a **generally** necessary spring of virtuous action; but it's not thought to be indispensable for virtue in any **particular** case. Similarly with the emotional element: an ardent love of virtue or aversion to vice is in **general** a valuable stimulus to virtuous conduct, but it's not required for virtue in every **particular** case; and in some cases the presence of other emotions. . . . makes the acts better than if they were done from a purely moral motive. But such emotions can't be commanded at will, nor can the knowledge of what ought to be done in a particular case (knowledge that is obviously required to make conduct perfectly virtuous, if we are restricting the term 'virtuous' to right acts). From all this I conclude that although we distinguish virtue from other excellences by its voluntariness—it must be to some extent capable of being realised at will when occasion arises—this voluntariness is a matter of degree; and although a man can always do his duty if he knows it, he can't always realise virtue in the highest degree.

We recognise that even when we *can't* realise virtue immediately at will we have a duty to cultivate it and try to develop it; and similarly with all virtuous habits or dispositions that we are deficient in, so as to make ourselves more likely to perform the corresponding acts in future, however completely such acts are within the control of the will on particular occasions. Because acts of this latter kind are perfectly deliberate, you might think that they don't

need any special virtuous habits as long as we know what is right and want strongly enough to do it.<sup>1</sup> But that is wrong—good habits do have a role. In order to fulfill our duties thoroughly, we often have to act suddenly and without deliberation; there is *then* no room for moral reasoning, and sometimes none for explicit moral judgment; so that we need particular habits and dispositions that carry the names of the special virtues, and it's our duty to foster and develop these in any way we can.

The complicated relation I have laid out between virtue and duty must be borne in mind when I discuss the particular virtues in the following chapters. But we've seen that virtue is *mainly* manifested in voluntary actions, which any individual *can* do if he sees that they are right, and which therefore come within our definition of duty; so in most of the following discussion there will be no need to distinguish principles of virtuous conduct from principles of duty, because the definitions of the two will coincide.

**3.** I said in chapter 1 that the common notions of particular virtues—justice, etc.—are too vague to specify exactly the actions they cover. I was assuming there that rules of duty *ought* to be precisely statable in their full generality; and this assumption was right for the ordinary or jural [see Glossary] view of ethics as concerned with a moral code: if obligations are imposed on someone he ought at least to know what they are, and a law drafted indefinitely must be a bad law. But when we think of virtue as •going beyond strict duty and •not always achievable at will, this assumption is not so clearly appropriate, because from this point of view we find it natural to compare •excellence of conduct with •beauty in works of art. We commonly say that although rules and precise prescriptions can tell you a lot about a work of art,

<sup>1</sup> Hence the Socratic doctrine that 'all virtue is knowledge', on the assumption that a rational being must necessarily wish for what is good.

they can't tell you everything—that the highest excellence is always due to an instinct or tact [see Glossary] that can't be captured in precise formulas. We can describe the beautiful products and to some extent classify their beauties, but we can't prescribe any sure method for producing each kind of beauty. It may be said:

'That is how things stand with virtues; so it's not possible to state an explicit maxim by applying which we can be sure of producing virtuous acts of any kind. All we can do is to give a general account of the virtue—a description, not a definition—and leave it to trained insight to find in any given situation the act that will best realise it.

This view might be called 'aesthetic intuitionism'; I'll have something to say about in chapter 14.1. But our primary task is to examine the larger claims of the rational or jural intuitionists who maintain this:

Ethics is capable of exact and scientific treatment, having general rules as its first principles; so we have some hope of getting rid of the fluctuations and discrepancies of opinion that we accept calmly in aesthetic discussions but that tend to endanger the authority of ethical beliefs.

We can't evaluate this position without examining in detail the propositions that have been offered as ethical axioms, and seeing how far they prove to be clear and explicit and what clear and explicit rivals they have. The more judicious intuitionists wouldn't maintain that such axioms can always

be found, with proper exactness of form, merely by observing men's common moral reasonings. Their view is rather that the axioms are at least *implied in* these reasonings, and that when they are made explicit their truth is self-evident and must be accepted at once by any intelligent and unbiased mind. (Similarly: some mathematical axioms aren't and can't be known to the multitude, because only a carefully prepared mind can see their certainty; but when their terms are properly understood the perception of their absolute truth is immediate and irresistible.) If we can't claim for a precisely formulated moral axiom that it has the explicit actual assent of *everyone*, it may still be a truth that men have already vaguely grasped and that they will now unhesitatingly accept.

In this inquiry it doesn't matter much what order we take the virtues in. [Sidgwick explains that the so-called morality of common sense doesn't provide any clear basis for classifying the virtues; he'll discuss classification in chapter 7. In the meant time he proposes to] approach the topic empirically, as we find it in the common thought expressed in the common language of mankind. . . .

So it seems best to take the virtues in 'descending' order of importance. Some virtues seem to include, in a way, all or most of the others; it will be convenient to begin with these. Of these *wisdom* is perhaps the most obvious; in the next chapter, therefore, I'll examine our common conceptions of wisdom, and of certain other virtues or excellences that are related to it.

### Chapter 3: Wisdom and self-control

1. The Greek philosophers always put wisdom first in the list of virtues, and regarded it as including all the others, in a way. The post-Aristotelian schools, indeed, employed the notion of the *Sage* or *ideally wise man* to exhibit in a concrete form the rules of life laid down by each system. [Sidgwick distinguishes theoretical wisdom from practical wisdom, and suggests that in English when (say) a scientist or historian is said to be 'wise', this is usually because he has skills and habits that would also be of service in practical = moral matters, e.g. impartiality, breadth of view, etc. Anyway, Sidgwick's topic is solely practical wisdom.] How then shall we define practical wisdom? The most obvious part of its meaning is

a tendency to discern in the conduct of life generally the best means to any ends that the natural play of human motives may lead us to seek;

as contrasted with technical skill,

i.e. the ability to select the best means to given ends in a certain limited and special department of human action.

Such skill in the **special arts** [see Glossary] is partly a matter of grasping definite rules and partly a matter of tact [see Glossary] or instinct, depending somewhat on natural gifts and predispositions but to a large extent acquired through exercise and imitation. If practical wisdom were taken to be skill in the **art of life**, it would involve a certain amount of scientific knowledge, the parts of different sciences bearing directly on human action, together with empirical rules relating to the same subject-matter; and also the tact or trained instinct I have mentioned (it would even be more prominent here because the subject-matter is so complex).

But this analysis doesn't show why this skill should be regarded as a virtue; and the fact is that we *don't* ordinarily mean by 'wisdom' merely the faculty of finding the best means to any ends. We wouldn't hesitate to credit an accomplished swindler with cleverness, ingenuity, and other purely intellectual excellences, but we wouldn't call him wise! We call a man who skilfully chooses the best means to his ambitious ends 'worldly-wise', but we wouldn't call him 'wise' without qualification. Wisdom appears to me to imply right judgment in respect of •ends as well as of •means.

Now a subtle question arises. I am assuming in this treatise that there are several ultimate ends of action, all claiming to be rational ends that everyone ought to adopt. So if wisdom implies right judgment about ends then someone who regards some one end as the sole right or rational ultimate end won't consider as *wise* anyone who adopts any other ultimate end. [Sidgwick embarks on an *extremely* difficult account of a problem that might be thought to arise. We can safely slip through that and come out where he does:] Common sense seems to mean by 'a wise man' a man who attains at once all the different rational ends; who by conduct in perfect conformity with the true moral code attains the greatest possible happiness for himself and for the part of mankind that he can affect. But if we find this harmony unattainable—e.g. if rational egoism leads to conduct opposed to the interests of mankind in general, and we ask whether we are to call 'wise' the man who seeks his private interests or the one who sacrifices them—common sense gives no clear reply.

2. If wisdom, as exhibited in right judgment about ends, is in any degree attainable at will, that makes it a 'virtue'

according to my definition. At first sight, the perception of the right end seems to be involuntary, like the knowledge of any other kind of truth. Learning the truth requires voluntary effort in most cases, but we don't think that such effort by anyone is on its own enough for him to reach—even approximately—the right solution of a difficult intellectual problem. It is often said, however, that knowledge of moral truth depends largely on the 'heart', i.e. on our desires and other emotions; this seems to be the basis for regarding wisdom as a virtue; so we might count it as a virtue to the extent that this condition of feeling is attainable at will. But look closer! There's little agreement about what are the right emotional conditions for the knowledge of ends: some would say that prayer or ardent aspiration produces the most favourable state; others would urge that emotional excitement is likely to perturb the judgment, and would say that what we want is tranquillity of feeling; some would contend that the essential condition is a complete suppression of selfish impulses; others would regard this as chimerical and impossible (or, if possible, a plain misdirection of effort). Common sense won't settle this; but it would be generally agreed that •certain violent passions and sensual appetites pervert moral apprehensions, and that •these are to some extent under the control of the will; so that when a man who exercises moral effort to resist their influence when trying to decide on ends of action, he is to that extent voluntarily wise.

This also applies, to some extent, to the other function of wisdom, namely selecting the best means to the attainment of given ends. It seems that our insight in practical matters is liable to be perverted by desire and fear, and that this perversion can be prevented by an effort of self-control; so

that even here unwisdom is not entirely involuntary. In a dispute that may lead to a quarrel, I may be unable to show any foresight and skill in standing my ground while avoiding needless anger, and in that respect I may be unable to conduct the dispute wisely. But I always *can*, before taking each important step in the dispute, reduce the influence on my decisions of anger or wounded vanity, and in this way I can avoid much unwisdom. Notice that volition plays a larger part in developing or protecting our insight into •the right conduct of life than it has in respect of •the technical skill that I have compared with practical wisdom—because the reasonings in which practical wisdom is exhibited are less clear and exact, and the conclusions are inevitably less certain. Desire and fear could hardly make one go wrong in an arithmetical calculation; but in estimating a balance of complicated practical probabilities it's harder to resist the influence of strong inclination; and it's our awareness of the continual need for such resistance that leads us to regard wisdom as a virtue.

We can say then that the virtue of practical wisdom involves a habit of resistance to desires and fears—what is commonly called 'self-control'. But if a man has determined with full insight what it is reasonable for him to do under any given circumstances, there's still the question of whether he will certainly do it. Now I don't think that common sense takes wisdom to include the •choice of right ends, as distinct from •knowledge of what they are; but if a man deliberately chose—as the modern mind admits to be possible<sup>1</sup>—to do what he knew to be contrary to reason we wouldn't call him wise! It seems that the notion of such a choice is less familiar than either •impulsive irrationality or •mistaken choice of bad for good. [Sidgwick goes on to say that the 'mistaken

<sup>1</sup> I have noted the difference between ancient and modern thought in this respect. I/5.1, note on page 26.

choice' case counts as 'culpable unwisdom' if, but only if, the mistake arises from desires or fears that the agent could have resisted but didn't. It still wouldn't be as bad a loss of self-control as that of the man who 'deliberately chooses to do what he knows to be bad for him'.]

The case of impulsive wrongdoing is different. If I deliberate and reach a decision in accordance with my view of what is right, I shouldn't abandon or change this on an impulse, without fresh deliberation be allowed; and the self-control needed for resist such impulses—we could call it 'firmness'—is an indispensable aid to wisdom. But sometimes gusts of impulse sweep in so fast that the person doesn't remember the decision that they run counter to; and when that happens the required self-control or firmness seems to be not attainable at will, just when it is most wanted. Still, we can cultivate this important habit by engraving our decisions more deeply into our minds in moments of deliberation between the moments of impulsive action.

**3.** When we examine the functions of wisdom, other excellences come into view—partly included in our conception of wisdom, and partly auxiliary to it. Some of these are not what we would call *virtues*, for example

- sagacity in selecting the really important points amid a crowd of others,
- acuteness in seeing aids or obstacles that lie somewhat hidden,
- ingenuity in devising subtle or complicated means to our ends,

and other related qualities more or less vaguely defined. We can't be acute, or ingenious, or sagacious when we please, though we can become more so by practice. That holds

also for *caution*, i.e. taking into due account material [here = 'non-negligible'] circumstances that don't favour our purposes. We can't by any effort of will get ourselves to see what circumstances *are* material; we can only look steadily and comprehensively. But there's a sort of self-control that properly counts as a virtue and that can also be called 'caution', namely the tendency to go on deliberating for as long as we think is needed, although powerful impulses urge us to immediate action.<sup>1</sup>

Balanced against caution is another minor virtue, the quality of *decisiveness*, meaning the habit of resisting the irrational impulse that some men have of continuing to deliberate when they know that the time for that has passed and they ought to be acting. . . .

Why then should we classify such qualities as caution and decisiveness as •virtues and not merely as •intellectual excellences? It's because they are species of self-control—i.e. they involve voluntarily standing by rational judgments about conduct in spite of irrational motives pushing the other way. It may seem at first sight that

given perfect correctness of judgment and perfect self-control, duty will be perfectly done in all parts of life, and virtue will be perfectly realised (except when it demands emotions that can't be commanded at will; see chapter 4.2.)

No doubt a perfectly wise and self-controlled man can't be conceived as breaking or neglecting any moral rule. But even sincere and single-minded efforts to do what we see to be right can vary in intensity; and the tendency to manifest high intensity in such efforts is properly praised as 'energy' (if the quality is purely volitional) or as 'zeal' or 'moral ardour' or the

<sup>1</sup> There's also a third meaning for 'caution'. Of the various means to our chosen end, some are more certain than others, and some are less dangerous (in one way or another) than others; and 'caution' is often used to name the temperament that inclines to the more certain and less dangerous means. . . .



like if the volitional energy is traced to intensity of emotion, though not connected with any emotion more special than the general love of what is right or good.

**Note:** This chapter hasn't yet brought us to the question at issue between intuitional and utilitarian ethics. Granted

that we can by arrive at clear rules of duty concerning wisdom, caution and decisiveness, the rules are obviously not independent: they presuppose an intellectual judgment about what it is right or expedient [see Glossary] to do—a judgment that is or can be obtained in some other way.

\* \* \* \* \*

**Note:** Throughout chapters 4–10 I'll be primarily trying to pin down not •the true morality but •the morality of common sense. If any moral proposition is admitted to be paradoxical, that admission will exclude it—not necessarily as being false, but as not being what common sense holds.

## Chapter 4: Benevolence

**1.** We have seen that the virtue of practical 'wisdom includes all the other virtues, in that virtuous conduct in each part of life results from a clear knowledge and choice of •the true ultimate ends of action and of •the best means to get them. So we can regard the names of the specific virtues as denoting specific departments of this knowledge, to which I now turn.

But when we look into the specific virtues, we find other virtues that can also—in various ways—be regarded as no less comprehensive than wisdom. Especially in modern times, since the revival of independent ethical theorising, there have always been thinkers who have maintained some form of the view that benevolence is a supreme and structural virtue, including and summing up all the others,

and fitted to regulate them and settle their proper and inter-relations.<sup>1</sup> This widely supported claim to supremacy is my reason for taking benevolence, next after wisdom, in my examination of the commonly received maxims of duty and virtue.

The general maxim of benevolence would be commonly said to be 'We ought to love all our fellow-men' or '... all our fellow-creatures'; but we have seen that moralists don't all agree about the precise meaning of 'love' in this maxim. According to Kant and others, the duty of benevolence is not strictly the affection—with an emotional element—of love or kindness, but only the will's being set on seeking the good or happiness of others. I agree that it can't be a strict duty to feel an emotion that one can't call up at will.

<sup>1</sup> These days one usually meets this view in the form of utilitarianism, which I'll discuss more fully in Book IV; but some version of the view has been held by many who are nearer to the intuitional school.

Still (I repeat) it seems to me that this emotional element is included in our common notion of charity or philanthropy, regarded as a virtue; and it's paradoxical to deny that it raises the mere beneficent disposition of the will to a higher level of excellence, and makes its effects better. If this is so, it will be a duty to develop the affection as far as possible; and indeed this seems. . . .to be a normal effect of repeated beneficent decisions and actions. . . . This effect is admittedly less certain than the production of the benevolent disposition; and some men are so unattractive to others that the others can't feel affection for them though they may have benevolent dispositions towards them. Anyway, it seems to be a duty generally to do our best to cultivate kind feelings towards those whom we ought to benefit, not only by doing kind actions but by subjecting ourselves to influences that have been found to have a tendency to produce affection.

But we have still to discover in more detail what kinds of actions display this affection or this disposition of the will. They are described popularly as 'doing good'. Now, I noted in I/7 and I/9 that the ordinary notion of *good* includes the different conceptions—not harmonised with one another because not distinguished from one another in the first place!—that men form of the ultimate end of rational action. So there's a corresponding ambiguity in the phrase 'doing good': many would unhesitatingly take it to mean the promotion of happiness, whereas others, holding that perfection and not happiness is the true ultimate good, maintain that the real way to 'do good' to people is to increase their virtue or aid their progress towards perfection. But even among anti-Epicurean moralists there are some, such as Kant, who oppose this and contend that **(i)** my neighbour's virtue or perfection can't be a goal of mine because it depends on the

free exercise of his volition, which I can't help or hinder. But that would let us argue that **(ii)** I can't cultivate virtue in myself, but can only practise it from moment to moment. [Sidgwick is here assuming that **(i)** is supposed to hold not because my neighbour's volition is *his* but because it is *free*.] Yet even Kant doesn't deny that we can cultivate virtuous dispositions in ourselves, doing this in ways other than by performing virtuous acts; and common sense assumes that we can do this and prescribes it as a duty. And it's equally undeniable that we can cultivate virtue in others: that is clearly the object of education and of a large part of social action—especially our expression of praise and blame. And if our virtue is an ultimate end for ourselves, to be sought for its own sake, benevolence must lead us to do what we can to obtain it for our neighbour. . . .

So the common view of what benevolence tells us to promote for others seems not to include any clear selection between the different and possibly conflicting elements of good as commonly conceived. But the promotion of happiness seems to be in practice the chief part of what common sense takes to be prescribed as the duty of benevolence; and for clarity's sake I'll focus on this in the rest of the discussion.<sup>1</sup> By 'happiness' we're not to understand simply

the gratification of the actual desires of others,  
(for men too often desire things that would make them unhappy in the long run) but rather

the greatest possible amount of pleasure or satisfaction for them on the whole

—in short, the happiness that egoistic hedonism takes to be the rational end for each individual. *This* is what rational benevolence tells us to provide for others. If x loves y, and is led by affectionate sympathy with y's longings to gratify them

<sup>1</sup> A further reason for this focus will appear in chapter 14, when I survey the •general relation of virtue to happiness, as the result of the detailed examination of •particular virtues that is the main subject of Book III.

while believing that this will bring y more pain than pleasure in the long run, we commonly say that such affection is weak and foolish.

**2.** Towards whom is this disposition or affection to be maintained? and to what extent? Well, it's not quite clear whether we owe benevolence only to men [here = 'human beings'] or to other animals also. It's generally agreed that we ought to treat all animals with kindness by avoiding causing them unnecessary pain; but there's disagreement about whether this is directly due to sentient beings as such, or merely prescribed as a means of cultivating kindly dispositions towards men. Reputable intuitional moralists have maintained this latter view; but I think that common sense regards this as a hard-hearted paradox and agrees with Bentham that the pain of animals is *in itself* to be avoided. As for the question of how our benevolence ought to be distributed among our fellow-men, I'll make the intuitional view clear by contrasting it with utilitarianism. Utilitarianism is sometimes said to analyse all virtue into universal and impartial benevolence; it doesn't prescribe that we should love all men equally—only that we should

- aim at happiness generally as our ultimate end,
- consider the happiness of any one individual as equally important with the equal happiness of any other, as an element of this total, and
- distribute our kindness so as to make this total as great as possible,

in whatever way this result can be attained. [Regarding 'this total': *what* total? Sidgwick writes as though he had just used 'total' or something clearly equivalent to it, but he hasn't; that's a fact about the original, not an artifact of this version.] In practice, of course, any individual's services will be distributed unequally, even on this view, because obviously each man will promote the general happiness best by attending to a limited number of

people, and to some more than others; but on the utilitarian theory, this inequality is secondary and derivative. Common sense, though, holds that that we owe special dues of kindness to those who stand in special relations to us, and seems to regard this as immediately certain and in no need of supporting argument. So we face this question:

When there is doubt or apparent conflict of duties, what principles should we use to settle the nature and extent of the special claims. . . .that arise out of these special relations among human beings? Should we solve such problems by considering which course of conduct will do most for the general happiness, or can we find independent and self-evident principles that are clear and precise enough to guide us in such cases?

The different answers to this fundamental question constitute the main difference between the intuitional and utilitarian methods, in the context in which the 'good' that the benevolent man tries to give to others is understood to be happiness.

As we approach the question, we encounter a difficulty about how to *arrange* the topic. Like most problems of classification, this should be taken very seriously because it depends on important characteristics of the material that has to be arranged. Quite often 'benevolence' is taken in a narrower sense in which benevolence is distinguished from justice and even contrasted with it. We can of course be benevolent and just towards the same people, but we commonly assume that the special function of benevolence begins where justice ends. [In the rest of this difficult paragraph, Sidgwick sketches and criticises several attempts to demarcate benevolence from justice, and says that he will sort all this out in chapter 5.2. In the meantime, he says,] it seems proper ·in this chapter· to discuss separately all

duties that arise out of relations where affection normally exists and where it ought to be cultivated, and where its absence is deplored. Everyone agrees that there are such duties, the non-performance of which is a ground for censure, distinct from the obligations imposed by law or arising out of specific contracts. . . .

Beyond these duties, there's a region of performance—clearly belonging to benevolence and not to justice—where the services rendered can't be *claimed* as though they were owed, and where non-performance isn't felt to be *blameworthy*; and here again there's some difficulty in stating the view of common-sense morality. Two questions arise:

- (a) Should we count as *virtuous* services that are driven by affection over and above what strict duty is thought to require?
- (b) Should such an affection itself be considered worthy of admiration as a moral excellence and thus as a mental condition that we should try to achieve?

[The rest of this paragraph answers Yes to both questions in connection with **some ranges** of beneficiaries.] I think that common sense clearly regards as virtuous •the disposition to do good for men in general and to promote their well-being—whether •it arises from naturally kind feelings towards human beings generally or merely results from moral effort and resolve—provided it is accompanied by sufficient intellectual enlightenment.<sup>1</sup> This is true also of •the less comprehensive affection that leads men to promote the well-being of their community, and of •the affection that normally tends to accompany the recognition of rightful rule or leadership in others. In some ages and countries patriotism and loyalty have been regarded as almost the supreme virtues, and even today common sense ranks them high.

[Now we turn to the two questions in connection with **the remaining range** of beneficiaries.] But when we pass to more restricted and usually more intense affections, such as our feelings for relations and friends, it's harder to settle whether they should be considered as moral excellences and cultivated as such.

Love isn't merely a desire to do good to the loved one, though it always involves such a desire. It is primarily a pleasurable emotion that seems to depend on a certain sense of union with another person, and it includes a desire to be *with* the beloved; and this desire may predominate over the benevolent impulse and even conflict with it, so that the beloved's true interests may be sacrificed. In this case we call the affection selfish, and we blame it. Now, if we put this question to common sense:

Is intense love for an individual, considered merely as a benevolent impulse, in itself a moral excellence?  
it's hard to extract a very definite answer; but I think common sense inclines on the whole to answer No. We're generally inclined to admire any conspicuously 'altruistic' conduct and any form of intense love, however restricted in its scope; but we don't seem to regard the capacity for such individualised benevolent emotions as an essential element of moral perfection that we should try to have and cultivate. . . . Indeed, we seem to doubt whether such an effort is desirable in this case, except where the affection is required for the performance of recognised duties. [The next sentence is hard to sort out. Here it is, exactly as Sidgwick wrote it.] Again, we think it natural and desirable that—as generally speaking each person feels strong affection for only a few individuals—in his efforts to promote directly the well-being of others he should, to a great extent, follow the promptings of such restricted

<sup>1</sup> [Sidgwick has a footnote here saying that one is apt to get better results from thinking and planning than from acting on any impulse; but such thinking and planning tends to interfere with spontaneous kindly impulses; and common sense isn't sure which to prefer.]

affection: but we are hardly prepared to recommend that he should render services to special individuals beyond what he is bound to render, and such as are the natural expression of an eager and overflowing affection, without having any such affection to express; although, as was before said, in certain intimate relations we do not approve of the limits of duty being too exactly measured.

I conclude that—while we praise and admire enthusiastic benevolence and patriotism, and are touched and charmed by the spontaneous outflow of gratitude, friendship, and family affections—what chiefly concerns us as moralists, in this context of services and kind acts that we regard as morally obligatory, is to discover the right rules for distributing them. If a man fulfils these duties (and obeys the other recognised rules of morality), common sense isn't prepared to say *how far* it is right or good that he should sacrifice any other worthy aim—such as the cultivation of knowledge or any of the fine arts—to the claims of philanthropy or personal affection. There seem to be no generally accepted 'intuitional' principles for making such a choice of alternatives. I'll return to this question in chapter 14.

**3.** Then what *are* the duties that we owe to our fellow-men (apart from the ones that concern justice rather than benevolence)? It may not be hard to list them. We would all agree that everyone ought to be kind to

- his parents and spouse and children, and to other relatives in a lesser degree;
- to people who have rendered services to him,
- to any others whom he accepts as friends;
- and to neighbours and to fellow-countrymen more than others; and perhaps we may say
- to those of our own race more than to black or yellow men, and generally to human beings in proportion to their affinity [here = 'likeness'] to ourselves.

We think we owe the greatest sacrifices (when there's a need for them) to our country as a whole (but in a lower stage of civilisation this debt is thought to be due rather to one's king or chief); and a similar obligation seems to be recognised, though less definitely and in a lesser degree, in relation to guilds and societies etc. of which we are members. . . . These are generally recognised claims; but we run into difficulties and disagreements when we try to be more precise about how far each extends and how they compare in moral force; and the disagreements become indefinitely greater when we compare *our* customs and common opinions with those of other ages and countries. For example, the tie of hospitality used to be specially sacred, and claims arising from it were considered specially stringent; but this has changed as hospitality, in the progress of civilisation, has become a luxury rather than a necessity, and we don't think that we owe much to a man because we have asked him to dinner. Another example, where the change may be happening right now, concerns the claims of relatives on estates of someone who has died. These days we think •that a man ought usually to leave his property to his children and •that if he has no children he can do what he likes with it unless any of his brothers or sisters are in poverty. . . . But not so long ago a childless man was thought to be morally bound to leave his money to his collateral relatives; and it's natural to guess that in the fairly near future any similar obligation to children—unless they are in want or their education isn't completed—will have vanished out of men's minds. A similar change might be traced in what is commonly thought about the duty of children to parents.

It may be maintained that this variation in customs can be allowed for in the definition of duty, because we can lay down that

The customs of any society ought to be obeyed so long as they are established, just as the laws ought, although both customs and laws can be changed from time to time.

Conformity to established customs is indeed usually a good idea, but on reflection we see that it can't be an absolute duty. . . . Every progressive community has a settled procedure for nullifying •laws that are found to be bad; but •customs can't be formally abolished—the only way we can get rid of them is through individuals' refusal to obey them. So it must sometimes be right to do this, if some customs are vexatious and pernicious, as we frequently judge the customs of ancient and alien communities to be. And if we •weaken the above prescription by • saying that

Customs should generally be obeyed, but may be disobeyed when they reach a certain level of inexpediency,

this seems to come down to utilitarianism; for

**how Sidgwick completes this sentence:** we cannot reasonably rest the general obligation upon one principle, and determine its limits and exceptions by another.

**what he seems to be getting at:** What is being proposed here amounts to 'Obey established customs unless they are really bad', so the most *basic* way morality comes into this is in judgments about which effects of custom are bad, 'inexpedient', and the only basis we have for judging *that* is utilitarianism.

If the duties I have listed are governed by independent and self-evident principles, the limits of each must be implicitly given in the intuition that reveals the principle.

4. Let us examine in more detail what common sense seems to say about these duties. They seem to fall into four classes:

- (1) duties arising out of comparatively permanent relationships that haven't been voluntarily chosen, e.g. with relatives, fellow-citizens, neighbours;
- (2) duties arising from relationships that are like those except for being voluntarily contracted, e.g. friendships;
- (3) duties springing from special services received, i.e. duties of gratitude; and
- (4) duties that seem to be due to special need, i.e. duties of pity.

This classification will be a convenient basis for discussion; but it doesn't clearly and completely avoid cross-divisions, because (example) (3) the principle of gratitude is often appealed to as supplying the rationale for (1) the duties children owe to parents. But does it? There's a substantive disagreement and difficulty about what maxim—what basic moral principle—underlies this species of duty. It would be agreed that children owe to their parents respect and kindness generally, and help in case of infirmity or any special need; but how far is this based on services rendered by the parents to the child during infancy, and how far is it based on the child/parent relationship alone, so that it is due even to cruel or neglectful parents? It is not clear how common sense answers this. Most people might say that mere nearness of blood creates a certain obligation, but they would find it hard to agree on its exact force.<sup>1</sup>

But when parents *have* done their duty towards their children, there's great difference of opinion about other aspects of the children's duty to them. For example, when the offspring is no longer in his or her parents' guardianship

<sup>1</sup> It may be said that a child owes gratitude to the authors of its existence. But life alone, apart from any provision for making life happy, seems to be a gift of doubtful value, and one that hardly arouses gratitude when it wasn't given out of any regard for the recipient.

or dependent on them for support, how far does he or she owe them obedience? Is a son or a daughter morally obliged not to oppose a parent's wishes in marrying or choosing a profession? In practice, parental control is greater when the parents have wealth that they can bequeath to their children, but this is irrelevant to the basic moral question about the ideal of filial duty; for that is the question of whether the child is *absolutely* bound to obey his or her parents—absolutely and not as a *quid pro quo* for expected future benefits. . . .

Now what about the duty of parents to their children? This too we might put partly into a different category, namely duties arising out of special needs; for the helplessness of children makes them natural objects of compassion, and not only for their parents. But they also have another kind of claim on their parents, arising from the duty—everyone recognises this—of not directly or indirectly causing pain or harm to other human beings, except in the way of deserved punishment; for the parent is a cause of the child's existing in a helpless condition, and would be indirectly the cause of the suffering and death that would result if the child were neglected. But this doesn't fully account for parental duty as recognised by common sense. We commonly blame a parent who leaves his children entirely to the care of others, even if he provides for their being nourished and trained up to the time when they can become independent. We think that the parent owes them •affection (as far as this can be said to be a duty) and •the tender care that naturally springs from affection and •something more than the necessary minimum of food, clothing, and education (if he can afford it). But it's not clear *how far* beyond the minimum he is bound to go. It's easy to say sweepingly that he ought to promote his children's happiness by all means in his power. . . .but it seems unreasonable to require him to purchase a small increase in their happiness by a great sacrifice of his own;

and also there are other worthy ends that can (and do) come into competition with this. Consider these two cases:

- A parent is led to give up important and valuable work that no-one else can or will do, in order to leave his children a little more wealth;
- A parent brings his children to the verge of starvation in order to conduct scientific research.

We condemn both extremes; but what clear and accepted principle can be stated for determining the true mean?

As I have pointed out. some people think that a parent has no right to bequeath his inheritance away from his children, unless they have been undutiful; and in some states even *that* is forbidden by law. Others hold that children don't have claims to their parents' wealth just by being their children; they have such claims only if •there's a tacit understanding that they will succeed to it, or •they have been brought up with habits of life and social relations that would make it difficult and painful for them to live without inherited wealth.

Our conception of the mutual duties of kinsmen becomes vaguer as the kinship becomes more remote, and it would tedious to go into all that in detail. Among children of the same parents, brought up together, some level of affection grows up so naturally that we regard those who feel no affection for their siblings with aversion and moral contempt, as somewhat inhuman; and we think that, whatever the circumstances, the services and kind acts that naturally spring from affection ought to be rendered to some extent; but the extent seems quite undefined. Even towards more distant relatives, we think, men of good dispositions will have a certain flow of kindly feeling. . . . Some people still think that *cousins* have a moral right to a man's inheritance in default of nearer heirs, and to assistance when they are in need; but it seems equally common to hold that cousins

can at most claim to be selected 'other things being equal' as the recipients of bounty, and that an unpromising cousin shouldn't be preferred to a promising stranger.

**5.** In speaking of those who are thought to have a certain claim for services, I included not only relatives but also neighbours. Probably no-one thinks that merely living-in-the-same-locality is a ground of duties; it seems rather that neighbours naturally feel more sympathy with one another than with strangers, because the tie of common humanity is strengthened even by such relations as living-close-together and meeting-on-the-street (without cooperation or friendship), and a man in whom this effect is not produced is thought to be somewhat inhuman. [Sidgwick goes on to say that this doesn't work in large towns where one has too many 'neighbours' to sympathise with them all. In that case, help for fellow-townsmen belongs to a different category. There are minor helps that it is thought all right for anyone to ask of anyone in time of need, and very slight factors may give *direction* to such appeals for help, making it seem more natural to appeal to folk who live in the same neighbourhood or town as oneself than to appeal to others; and preference is also given to those of the same age, sex, rank, or profession as oneself, the basis for all of this being a presumption that where any of those relations obtains there is likely to more sympathy. Sidgwick sums up:] The duty towards one's near neighbours seems to be only a particular application of the duty of general benevolence. The claim of fellow-countrymen is of the same kind; but only if they are taken •as individuals, because one's relation to one's country •as a whole is thought to involve much stricter obligations.

But the duties of patriotism are hard to formulate. Morality requires all a country's inhabitants to obey its laws, but that isn't patriotism because it applies equally to aliens living in the country in question. And in most of men's

social functions [here = 'most of the things men do in the government service'] patriotism isn't involved, or anyway isn't a prominent or indispensable motive; for men do these things primarily for the sake of payment; and having undertaken them they are bound by justice and good faith—not by patriotism—to perform them adequately. If any of the functions of government are unpaid, we think that men exhibit patriotism in performing them. It's plausible to say that they do get paid, namely in social distinction, but on reflection that doesn't seem right: social distinction is meant to express honour and respect, and we can't come up with these feelings as part of a bargain—they're a tribute paid to virtue or excellence. But it's not clear how far anyone is obliged to do such work; and the question is usually decided on grounds of expediency, except when duties of this kind are legally or constitutionally imposed on all the citizens in a free country. . . . The duty of fighting the nation's enemies is a prominent example in many countries; and even in countries where the army is manned by paid professional volunteers, such service is often felt to be in a special sense the 'service of one's country', and we prefer it to be performed with feelings of patriotism, because we are repelled by the idea of a man's slaughtering his fellow-men for hire. And when a nation is in danger patriotic feelings are naturally intensified; and even in ordinary times we praise a man who serves his country beyond the common duties of citizenship. But whether a citizen is ever *morally* bound to more than certain legally determined duties isn't clear; and there's no general agreement on the question whether by voluntary expatriation he can clear himself of all moral obligations to the community he was born into.

Nor does there seem to be any consensus as to what each man owes to his fellow-men, just as fellow-men. The utilitarian doctrine. . . . is that each man ought to regard anyone else's happiness as being *theoretically* on a par with



his own, and only of less importance *practically* because he can be more efficient in making himself happy than in doing this for anyone else. And this stern utilitarian doctrine *may* be the principle of general benevolence that common sense recognises. But admittedly there is also some acceptance of a lower and narrower estimate of the services that we are held to be strictly bound to render to our fellow-men generally. This lower view seems to recognise

- (1) a negative duty to abstain from causing pain or harm to any fellow-man except in the course of deserved punishment; which immediately implies the duty of making reparation for any harm we have done anyone;<sup>1</sup> and
- (2) a positive duty to give services that require little or no sacrifice on our part.

And a general obligation to be 'useful to society' by some kind of systematic work is vaguely recognised; rich persons who are obvious drones are criticised by most thoughtful people. Beyond this somewhat indefinite limit of **duty** extends the **virtue** of benevolence without limit; for there's no such thing as going too far in helping others unless it leads us to neglect definite duties.

The notion of benevolence as I have defined it covers the minor rules of gentleness, politeness, courtesy, etc. because these require •the expression of general goodwill and •avoiding anything that may cause pain to others in conversation and social demeanour. But one part of politeness deserves separate treatment—the duty of showing marks of reverence to those who are entitled to them.

We can define *reverence* as the feeling that accompanies the recognition of superiority or worth in others. It doesn't

have to be benevolent, though it is often accompanied by some degree of love. But its ethical characteristics are like those of benevolent affection in this: it's a feeling that isn't directly under the control of the will, yet we expect it under certain circumstances and morally dislike its absence; and it seems that we sometimes think that a person has a duty to express reverence even if he doesn't have the actual feeling.

But there's a great divergence of opinion on this last point. The feeling seems to be naturally aroused by all kinds of superiority—not merely •moral and intellectual excellences, but also •superiorities of rank and position—and it's to •the latter that men more regularly and formally give this tribute. And yet it's often said that reverence is more properly due to •the former, because they are more real and intrinsic superiorities; and reverence towards men of rank and position is seen as servile and degrading; and some people even dislike the marks of respect that official superiors demand from their subordinates in most countries. . . .

A similar but more serious difficulty arises over the question: How far is it a duty to develop the affection of *loyalty*?—meaning by this ambiguous term the affection that a well-disposed servant or official subordinate normally feels towards a good master or official superior. It is widely thought that the duties of obedience that belong to these relations—like the duties of the family relations—will be better performed if affection enters into the motive. But it seems to be a tenable view that orderliness and good faith—ungrudging obedience to law and fulfilment of contract—is ordinarily enough, without personal affection; and a disposition to obey superiors beyond the limits of their legal or contractual rights can easily be harmful in its effects if

<sup>1</sup> How far are we bound to make reparation when the harm is involuntary and couldn't have been prevented by ordinary care on our part? It's not clear what the answer to this is; but I'll postpone discussion of that until chapter 5.5, because the whole of this department of duty is usually classified as pertaining to justice.

the superiors have bad characters. It's clearly a good thing if inferiors are disposed to obey a wise and good superior beyond these limits; but it doesn't follow that we have a *duty* to cultivate this disposition in cases where it doesn't result from a sense of the superior's goodness and wisdom. And I don't think that common sense has anything firm and clear to say about this.

**6.** I now turn to the duties of affection that arise out of voluntarily acquired relationships [this is number **(2)** of the four on page 117]. The most important of these is the marriage relation. First question: Is it the duty of human beings generally to get married? It's normal to do so, of course, and most people are prompted to it by strong desires; but common sense doesn't seem to prescribe marriage as an independent duty but only derivative from and subordinate to the general maxims of prudence and benevolence.<sup>1</sup> And in all modern civilised societies, law and custom leave the marriage union perfectly optional; but there are carefully devised laws about the conditions under which it may be formed, and some of the mutual rights and duties arising out of it; and many people think that this branch of the law ought to be especially strongly governed by independent moral principles. . . . What are these principles? Common sense in modern European communities seems to answer that the marriage union ought to be

- (i)** exclusively monogamous,
- (ii)** at least *designed* to be permanent, and
- (iii)** between persons who are not too closely related.

But I don't think that any of these propositions can, on reflection, be claimed to be self-evident. Even against **(iii)** incest we seem to have an intense feeling rather than a clear intuition; and **(i)** it is generally recognised that the only *reasons* for insisting on monogamy are utilitarian ones.<sup>2</sup> As regards **(ii)** the permanence of the marriage-contract, no doubt everyone would agree that fidelity is admirable in all affectionate relationships, and especially in such a close and intimate one as the marriage relation; but we can't tell in advance how far love can be maintained in all cases; and it certainly isn't self-evident •that a marriage ought to be maintained when love has ceased, or •that if the spouses have separated by mutual consent they ought to be prohibited from forming fresh unions. . . .

And in considering what can go wrong in a marriage, people differ widely over what kind of feeling they think is morally indispensable to this relation. Some hold that marriage without intense and exclusive affection is degrading even though sanctioned by law; while others consider this a mere matter of taste, or at least of prudence, provided there's no mutual deception; and there are various intermediate views between these two.

Nor is there agreement about the external duties of the marriage relation. Everyone will agree on two things: •sexual fidelity, and •mutual assistance. . . . But beyond this opinions diverge: some say that 'the marriage contract binds each party, whenever individual gratification is concerned, to prefer the happiness of the other party to its own' (Wayland,

<sup>1</sup> I raise this question because if the rule of 'living according to nature' were really adopted as a first principle, in any ordinary sense of 'nature', it *would* seem to be the duty of all normal human beings to enter into marriage relations; but this very instance shows that the principle is not accepted by common sense. See I/6.2.

<sup>2</sup> The prohibition of polygamy is sometimes said to be implied by the numerical equality of the two sexes. But this presupposes that all men and women ought to marry; and who would explicitly affirm *that*? In fact, many remain unmarried; and there's no evidence that in countries where polygamy is allowed, a shortage of available women has ever made it practically difficult for any man to find a mate.

*Elements of Moral Science*); while others would say that. . . .as a mere matter of duty it is enough if each spouse considers the other's happiness equally with his or her own. As for the powers and liberties that ought to be allowed to the wife, and the obedience she owes her husband, I don't need now in 1874 [the date of the first edition] to waste space proving that there is no consensus of moral opinion!

**7.** The conjugal relation originates in free choice; but once it has been formed, the duties of affection arising out of it are commonly thought to be like those arising out of blood-relationships. So it has an intermediate position between these latter, and ordinary friendships, partnerships, and associations that men are free to make and equally free to dissolve. Most of men's associations are for certain definite ends, fixed by explicit contract or tacit understanding; so the duty arising out of them is merely that of fidelity to this contract or understanding, which I'll deal with later under the headings of justice [chapter 5] and good faith [chapter 6.5]. But this seems not to be the case with *friendships*;<sup>1</sup> for although •friendship frequently arises among people who have come together for other purposes, yet •the relation is always thought of as being its own purpose, and as being formed primarily for the development of mutual affection between the friends and the pleasure that comes from this. Still, it is thought that once such an affection is formed it creates mutual duties that didn't previously exist. Let us see how far this is the case, and on what the principles are that create the duties.

Now we encounter yet another difficulty in trying to formulate common sense. Some people say that it's essential to friendship that the mutual kindly feeling and the

conduct arising from it should be spontaneous and unforced, neither the feeling nor the conduct should be required as a duty—and that this part of life should be fenced off from the intrusion of moral precepts, and left to the free play of natural instinct. Perhaps everyone would agree that there is something in this; and we have accepted it with regard to all the deeper flow and finer expression of feeling even in the domestic relations; for it seemed pedantic and futile to prescribe rules for this, or. . . .to delineate an ideal of excellence for everyone to aim at. Still, there seemed to be an important sphere of strict duty—however hard to define—in the relations of children to parents etc., and common sense seems to recognise some such sphere even in friendship, because it often enough occurs to us to judge that one friend has behaved wrongly to another, and to speak as if there were a knowable code of behaviour in such relations.

Perhaps we can say that all clear cases of wrong conduct towards friends are instances of *breach of understanding*. . . . All love is understood to include—among other things—a desire for the happiness of the loved one, so announcing one's friendship for someone seems to bind one to seek that person's happiness. . . . Now, common benevolence (see section 5 above) prescribes that we should at least give other men such services as we can give without any significant sacrifice on our part. And declaring someone to be one's friend—even with all the ambiguity of that term—at least implies a greater interest in his (or her) happiness than in that of men in general, so it must announce a willingness to make some real sacrifices for him (or her) if there's an opportunity for that. So if we refuse to make such sacrifices, we do wrong by failing to fulfill legitimate expectations. Up to here there's no difficulty except what comes from the great

<sup>1</sup> I'm using that word in a narrow sense in which it implies a mutual affection more intense than the kindly feeling that a moral man hopes to have towards everyone he is frequently in contact with through business or otherwise.

ambiguity of the term 'friendship'. But further questions arise because of changes of feeling: •is it our duty to resist such changes as much as we can? •and if this effort fails and love diminishes or departs, ought we to maintain a disposition to render services corresponding to our past affection. Moral and refined persons don't agree in their answers to these questions. **On one hand**, we naturally admire fidelity in friendship and stability of affections, and we commonly regard these as important excellences of character, which we try to imitate; so it seems strange not to aim at them. So many people would rule that we *ought not* to withdraw affection once it has been given, unless the friend behaves badly, and some would say that even then we oughtn't to break the friendship unless the friend's crime is very great. Yet **on the other hand**, we feel that affection produced by an effort of will is a poor substitute for the affection that arises spontaneously, and most refined persons would reject friendship on those terms such a boon. Also, to continue a friendship in that way you would have to conceal the change in your feelings, and that seems insincere and hypocritical.

A refined person wouldn't accept help from a former friend who no longer loves him, unless he was in extreme need. . . . So *perhaps* there can't be a duty to offer such help when the need is not extreme; but it's not clear that this follows, because in relations of affection we often praise one person for offering something that we rather blame the other person for accepting. Delicate questions of this kind seem to have more to do with standards of good taste and refined feeling than with morality. . . .

Summing up: the chief difficulties in determining the moral obligations of friendship arise from •the indefiniteness of the tacit understanding implied in the relation, and •disagreements about how far fidelity is a positive duty. The latter difficulty is especially prominent in respect of those

intimacies between persons of different sex that precede and prepare the way for marriage [that sentence is from Sidgwick verbatim].

**8.** I turn to the third item, *gratitude* [i.e. third of the four on page 117]. I have already noted that the obligation of children to parents is sometimes based on this; and in other affectionate relationships gratitude often blends with and strengthens the claims that are thought to arise out of the relations themselves; though none of the duties I have discussed seems to come down to nothing but gratitude. But where gratitude is due, the obligation is especially clear and simple. Indeed it seems that every community that has *any* morality recognises the duty of requiting [see Glossary] benefits, and intuitionists have reasonably taken this as an instance of a truly universal intuition. Still, though the general force of the obligation isn't open to doubt. . . .its nature and extent are not equally clear.

First question: If someone does something kind and helpful for me, how am I *obliged* to respond? Do I owe him only some repayment or requital, or do I owe him the special affection called *gratitude* which seems to combine •kindly feeling and eagerness to requite with •some sort of emotional recognition of superiority—as a benefactor is in a position of superiority to the beneficiary. On the one hand we seem to think that if any affection can be a duty then kindly feeling towards benefactors must be such; yet someone might find this feeling hard to attain because he dislikes the position of inferiority; and we somewhat approve of this feeling and call it 'independence' or 'proper pride'. But this feeling and the outpouring of gratitude don't easily mix, and the moralist can't recommend a proper combination of the two. Perhaps it makes a difference whether the service was lovingly done: if it was, it seems inhuman not to respond with affection; whereas if the benefit was coldly given, it seems enough

to recognise the obligation and have a settled disposition to repay. And 'independence' alone would prompt a man to repay the benefit in order to escape from the burden of obligation. But it seems doubtful whether we are morally satisfied with this as the sole motive for requital, whatever the spirit in which the original help was given.

It's partly this dislike of obligation that makes a man want to give more than he has received; for otherwise his benefactor has still the superiority of having taken the initiative. But the worthier motive of affection urges us in the same direction; and here we don't like too exact a measure of duty—a certain excess falling short of extravagance seems to be what we admire and praise. But when a conflict of claims creates a need to be exact, we think perhaps that an equal return is what the duty of gratitude requires, or rather willingness to make such a return, if it be required, and if it is in our power to make it without neglecting prior claims. [Sidgwick devotes a whole page to variations on the theme of 'equal return'—equal in the amount of sacrifice involved or equal in the amount of benefit conferred? One example: 'a poor man sees a rich one drowning and pulls him out of the water'—we approve of a requital somewhere *between* an amount commensurate with the size of the benefit (the beneficiary's life) and one commensurate with the benefactor's sacrifice (a few minutes of physical effort), but, Sidgwick says, there seems to be no clear accepted principle that settles *where* between those extremes the requital/repayment/reward should be.]

The last claim to be considered is that of *special need* [this is number (4) of the quartet on page 117]. I have substantially dealt with this already when investigating the obligation of •general benevolence or •common humanity: we owe to all men (I said back there) any help that we can give through a sacrifice that is small in comparison with the help; so the

more urgent the needs of others are, the stricter our duty is to relieve them. But I bring this duty up again here because the specific emotion of pity or compassion prompt us to fulfill it. There seems to be a doubt concerning how far it is good to develop and encourage •this emotion as distinct from •the practical disposition to give prompt help to those in distress whenever such help is judged to be right. On the one hand, the emotional impulse tends to make the helpful action not only easier for the agent but more graceful and pleasing; on the other hand, it's generally recognised that mistaken pity is likely to do harm. It is in this respect worse than (for example) mistaken gratitude—because it's more likely •to interfere with the penal system required for the maintenance of social order, or •to weaken the motives to hard work and thrift that are necessary for economic well-being.

To guard against that last-mentioned danger, we try to define the duty of relieving want; and this brings us face-to-face with a serious *practical* perplexity—not a mere theoretical problem—for most moral persons at the present time. Many people ask:

Isn't it our duty to refrain from all spending on things that we don't *need* until we have removed—as far as money can do this—the misery and want that exist around us?

In answering this, common sense is led to consider the economic consequences of trying to provide a sufficient income for all needy members of the community, either by •taxation and public expenditure or by •the voluntary gifts of private persons; and thus it comes to replace the intuitional method of dealing with such problems by a different procedure that is, to put it mildly, very like the utilitarian method. (See IV/3.3.)

So it must be admitted that although common sense unhesitatingly lays down some broad and fairly indefinite

rules regarding benevolence, it's hard or impossible to extract from them any clear and precise principles that pin down the extent of the duty in each case. And yet we *need* such particular principles telling us how to distribute the services that good-will prompts us to. It's not merely a matter of theoretical completeness; we need them also to get our *conduct* right, because the duties we have been considering are liable to come into apparent conflict with each other and

with other prescriptions of the moral code.

Here's something that might be said in reply to this:

If we want exactness about what our duty is, we have started in the wrong place: we ought to be examining *justice* rather than *benevolence*.

Well, perhaps the exactness that we sometimes need in practice *can* be found under the heading of *justice*. I'll examine this contention in the next chapter.

## Chapter 5: Justice

**1.** In mapping the outline of duty as intuitively recognised, we have been forced to give some common words a definite and precise meaning. This process of definition always requires care, and is sometimes very hard to do. But there's no word for which the difficulty is greater, or the result more controversial, than the word 'justice'.

Remember what we have to do. We're not going to inquire into the derivation of the notion of justice: our topic is the actual state of our ethical thought, not its history. And we don't aim to provide a definition that will correspond to every part of the common usage of the term 'justice'—there's too much vagueness and looseness in current moral language for that to be feasible. But the intuitional method does assume<sup>1</sup> that the term 'justice' denotes a quality that it is ultimately desirable to realise in the conduct and social relations of men; and that this can be given a definition that all competent judges will accept as a •clear and •explicit version of what

they have always •vaguely and •implicitly meant by 'justice'. In seeking such a definition we may trim the ragged edges of common usage but we mustn't cut out any considerable portion of it. [Sidgwick here has a footnote about Aristotle's point that the Greek word for 'justice' has two meanings, one covering much of the territory of virtue generally. This wider meaning is one that the English 'justice' doesn't have, Sidgwick says, and he will use the word only in its 'more precise' (he means 'narrower') meaning.]

When we think about justice, the first point that strikes us may be its connection with law. *Just* conduct is certainly to a great extent determined by *law*, and in some contexts the two terms seem interchangeable. We speak indifferently of 'law courts' and 'courts of justice'; and usually when a citizen demands 'justice' or his 'just rights' he is demanding that law should be carried into effect. Still reflection shows that by 'justice' we don't mean merely 'conformity to law'.

<sup>1</sup> I'll consider in IV/1 what need the utilitarian method has for an independent principle of justice.

(a) We don't call *all* the violators of law 'unjust'—e.g. we don't say this about duellists or gamblers. (b) We often judge that some actual law isn't completely just; our notion of justice provides a standard by which we judge actual laws and pronounce them just or unjust. (c) Thirdly, some aspects of just conduct lie outside the sphere even of law as it ought to be; for example, we think that a father may be just or unjust to his children in matters where the law rightly leaves him free.

So we must distinguish •justice from what has been called the virtue or duty of •law-observance. If we examine the ·three· points of divergence listed above, perhaps we'll be led to the true definition of *justice*. [In fact, this whole long chapter falls within the scope of point (b). Material relevant to (a) and (c) comes in only incidentally.]

It is generally thought that the observance of *some* laws is a realisation of justice—what kind of laws are these? Most are laws that define and secure the interests of specific individuals; but that doesn't cover them all, because justice is involved in the assignment of punishments to offenders, but we wouldn't say that a man had an interest in the adequacy of his punishment! Well, then, let us try this:

The laws in which justice is or ought to be realised are laws that distribute to individuals either

- objects of desire, liberties and privileges, or
- burdens and restraints, or even pains,

with the burdens etc. being allotted by law only to persons who have broken other laws.

All law is enforced by penalties, so this definition lets us view the administration of law generally as the administration

of justice—not because all laws are primarily intended as distributive, but because applying the law generally involves (or *should* involve) the proper assignment of pains and losses and restraints to those who violate it. What conditions, then, must laws fulfill to be just in their distributive effects?

You may think that I'm crossing the line that divides ethics from politics; because ethics primarily concerns the rules that ought to govern individual conduct, and it's commonly thought that individuals ought to obey all laws established by lawful authority, even ones they regard as unjust. But some people question this in the case of laws that seem extremely unjust—such as the Fugitive Slave law in the United States before the rebellion [= the civil war]. Anyway, I think I should here digress somewhat into political discussion—•to elucidate the notion of justice, which seems to be essentially the same in ethics and politics, and •because when individuals are regulating their conduct in areas that don't involve law-observance, they *need* to know whether the laws and established order of their society are just or unjust. [This political 'digression' runs to the end of the chapter, it seems.]

Now we all think of just laws as *equal*; and in at least some branches of legislation the common notion of •justice seems to be equivalent to that of •equality. It is commonly thought that a perfectly just system of taxation would impose exactly equal burdens on all;<sup>1</sup> and though this notion of 'equal burden' is hard to define precisely enough for practical application, we can say that justice is here being thought to come down to a kind of equality. But we can't say that *all* laws ought to affect all persons equally; because some laws assign special privileges and burdens to special classes of

<sup>1</sup> This, in my view, doesn't apply to •payments by individuals for services they have received from government. For •them, justice is held to lie in duly proportioning payment to the service received. Some writers have held that *all* payments made to government should be based on this principle; and this seems to be consistent with the individualistic ideal of political order, which I shall presently examine; but, as I have tried to show in *Principles of Political Economy* III/8, there's an important part of governmental expenditure to which this principle isn't applicable.

the community, and we don't think that such laws must be unjust. For example, we don't think it unjust that

- only persons who have been appointed in a certain way should share in legislation, or that
- men but not women should be forced to fight for their country.

So some have said that for a law to be just, all it needs—so far as 'equality' is concerned—is to affect *equally* all the members of any class specified in the law. This does indeed exclude a very real kind of injustice: it's vitally important that judges and administrators should never be persuaded—by money or otherwise—to show 'respect of persons' [i.e. 'to single out some individuals for special treatment']. But that much equality is automatically embodied in any law that is stated in general terms; and obviously laws can be equally applied and yet unjust—e.g. a law compelling only red-haired men to serve in the army and applied with strict impartiality to all red-haired men. We must therefore conclude that, in laying down the law no less than in carrying it out, all inequality<sup>1</sup> affecting the interests of individuals that appears arbitrary, and for which no sufficient reason can be given, is held to be unjust. But we have still to ask: What kind of reasons for inequality does justice allow, and from what general principle(s) can such reasons be deduced?

**2.** As an aid to answering this question, let us examine the notion of justice as applied to the part of private conduct that lies beyond the sphere of law. Here too the notion of

*justice* always involves allotment of something regarded as

- advantageous: money or other material means of happiness; or praise or affection or other immaterial good, or
- disadvantageous: some deserved pain or loss.

In chapter 4.3 I raised the question of how to classify the duties there discussed under the heads of justice and benevolence respectively [see page 116]; and now I'm in a position to answer it. The notion of *justice* has no bearing on any carrying out of a duty of the affections; but it *is* applicable when we •compare the obligations arising from different affectionate relations, and •consider the right allotment of love and kind services. To make this allotment properly we have to find out what is just. Well, then, what do we mean by a 'just man' in contexts where law-observance has no place? It's natural to reply that we mean an *impartial* man, one who tries to satisfy all claims that he recognises as valid and isn't unduly influenced by personal preferences. And this seems a good enough account of the virtue of justice considered as a frame of mind, without bringing in the question of acting in a way that is objectively just: if we neglect to give due consideration to any claim that we **regard as** reasonable, our action can't be just in intention. The definition does exclude deliberate injustice, but it obviously doesn't give us a sufficient condition for an act to be just, any more than the absence of arbitrary inequality is a sufficient condition for a law to be just.<sup>2</sup> [Note that Sidgwick is here handling two distinctions at once, contrasting •a necessary condition for a •frame of mind to be

<sup>1</sup> It can happen that the words of a statute—through careless drafting or through the inevitable defects of even the most precise terminology—include (or exclude) persons and circumstances that are clearly not included in (or excluded from) the real intent and purpose of the law. When that happens, a strictly equal application of a law that is generally considered just can cause extreme injustice; and this sharply brings out the difference between actual law and justice. But thinking about this kind of case won't help us to find principles for judging generally concerning the justice of laws.

<sup>2</sup> We can't even say, in treating of the private conduct of individuals, that all arbitrary inequality is recognised as unjust: if a rich bachelor with no near relatives leaves his property to provide pensions for indigent red-haired men, this might strike us as unreasonable and capricious, but it wouldn't be commonly be thought to be unjust.



just with •a sufficient condition for an •action to be just.] We want to know what claims **are** reasonable.

Well, the most important claims—apart from the ones discussed in chapter 4—seem to be those that result from contracts. Some such claims are enforced by law; but it's clear to us that a just man will keep *all* his engagements, even when there's no legal penalty for violating them. In chapter 6 I'll discuss the exact definition of this duty, and its commonly admitted qualifications; but I can say now that common sense has no doubt that it is generally binding.

We count as *binding engagements* not merely •explicit promises but also 'implied contracts' or 'tacit understandings'. But this latter term is hard to keep precise. It is often used to include not only the case where

x has somehow positively implied a pledge to y,

but also the case where

y has certain expectations of which x is aware.

But in the latter cases the obligation is not so clear. We wouldn't say that a man is obliged to dispel all wrong expectations that he knows people have respecting his conduct. . . . But if an expectation is one that most people would form under those circumstances, there seems to be some sort of moral obligation to fulfill it if it doesn't conflict with other duties—though this obligation seems less definite and stringent than the obligation to keep a contract. I think we can make this general (though admittedly vague) statement:

Justice requires us to fulfill all expectations (of services, etc.) that arise naturally and normally out of the relations—voluntary or involuntary—in which we stand towards other human beings.

But the discussions in chapter 4 have shown hard it is to •define some duties that seem certain and indisputable when looked at in an •indefinite form; while other duties are defined only by customs that appear arbitrary when looked

at coolly. As long as these customs persist, the expectations arising from them are 'natural', so that a just man seems to be somewhat obliged to fulfill them; but this obligation can't be regarded as clear or complete, for two reasons that were given in chapter 4: **(a)** When a custom is changing—growing or decaying—the validity of a claim based on it is obviously doubtful. **(b)** It doesn't seem right that an irrational and harmful custom should last for ever, but a custom can be abolished only by being 'more honoured in the breach than in the observance'.

[He means '...by being disregarded **more often** than it is observed'. This reflects a misunderstanding—a very common one—of something in Shakespeare. Hamlet is talking about the Danish king's custom of holding drunken revels:

But to my mind—though I am native here,  
And to the manner born—it is a custom  
More honoured in the breach than the observance.

He means that it would be **more honourable** to disregard the custom than to go along with it.]

So this line of thought has landed us in a real puzzle about the part of duty that we are now examining. We think of justice as something that is in itself perfectly •definite; a scrupulously just man, we think, must be very •exact and •precise in his conduct. But when we think about the justice of satisfying *natural and customary* claims that arise independently of contracts, it seems impossible to estimate these claims exactly. The attempt to map the territory of *justice* reveals a dim borderland inhabited by •expectations that aren't quite •claims, and we're not sure whether justice requires us to satisfy them. Men's ordinary actions reflect the expectation that the future will resemble the past; so it seems natural to expect that a man will do as others do in similar circumstances, and even more that he will continue to do whatever *he* has habitually done; and if he breaks away from some such habit in a way that causes •loss or

inconvenience to others, they will be apt to think themselves wronged.<sup>1</sup> On the other hand, if a man hasn't promised to maintain a custom or habit, it seems hard that he should be bound by the unwarranted expectations of others. In this perplexity, common sense often appears to give different answers merely on the basis of how much disappointment is caused by the change. Suppose that customer x leaves tradesman y because y has become a quaker. If x is poor and y is affluent, we might think x's conduct is unreasonable but we would hardly call it unjust; but if x is rich and y is poor, many people would say that x's conduct is unjust persecution.

The same difficulty arises over the duties of kindness discussed in chapter 4—even the stringent and sacred duties of •the domestic affections and of •gratitude. If we are wrestling with a conflict among such duties, we won't get any help from asking 'What does justice require of us?' Bringing justice into it doesn't help us to *solve* our problem; it merely lets us see it from a new angle, as a problem about the right distribution of kind services. If we had clear and precise intuitive principles for settling the claims of parents on children, children on parents, benefactors on beneficiaries, and so on, we could pin-point exactly the place where one of these claims ought in justice to be subordinated to another; . . . but the only methods I know of for settling a problem of this kind are either •implicitly utilitarian or •arbitrarily dogmatic and unsupported by common sense.

**3.** Coming back now to the political question: we see that the preceding discussion has provided one of the criteria

of the justice of laws that we were seeking, namely that they must avoid running counter to natural and normal expectations; but we also see that the criterion can't be made definite •in application to individual conduct or—I now add—•in application to laws. Why not? Well, law itself is a main source of natural expectations; and alterations in law are usually very small in proportion to what is left unaltered, so we always expect that the existing laws will be maintained. This is an indefinite and uncertain expectation in a society like ours, where laws are frequently altered by lawful authority; but it's sufficient for people in general to rely on in arranging their concerns, investing their money, choosing where to live and what profession to follow, etc. When such expectations are disappointed by a change in the law, the disappointed people complain of injustice, and there's some recognition that justice requires that they be compensated for this loss. But such expectations vary greatly in how definite they are and how important; and in general the less value an expectation has, the more people who have it—like the ripples from a stone thrown into a pond. It's impossible to compensate them all; but I don't know any intuitive principle for separating valid claims from invalid ones, and distinguishing injustice from mere hardship.<sup>2</sup>

Even if this difficulty were overcome, the criterion given above (•namely that just laws must avoid running counter to natural and normal expectations•) is incomplete or imperfectly stated; for if it were complete (•i.e. if it were a *sufficient* condition for a law to be just•) it would imply that no old law could be unjust, because laws that have existed for a long

<sup>1</sup> Some claims generated in this way are legally valid: a •legal• right of way can be established without the landowner's explicit permission, merely by his continued non-interference with it.

<sup>2</sup> This is the case not only when laws are altered lawfully but even more when there is some rupture of political order; for then the conflict between •legal claims arising out of the new order and •claims previously established has no theoretical solution; it can only be settled by a rough practical compromise. See chapter 6.3.

time create corresponding expectations. This is contrary to common sense, because we are continually becoming convinced that old laws are unjust (e.g. laws establishing slavery); indeed, this continually recurring conviction seems to be a principal source of change in the laws of a progressive society. . . .

This notion of *natural expectations* is worse than indefinite; the ambiguity of the phrase conceals a fundamental conflict of ideas—one that appears deeper and wider the more we examine it. The word ‘natural’, as used here, covers and conceals the whole chasm between the actual and the ideal—between what *is* and what *ought to be*. As I noted in I/6.2, the word in its ordinary use conveys the ideas of

- (a) what is common rather than exceptional, and
- (b) what is original or primitive rather than resulting from later conventions and institutions.

But it is also used to signify, in some combination with one or other of those meanings,

- (c) what would exist in an ideal state of society.

And it’s easy to see how these different meanings have been run together. By ‘Nature’ men have really meant *God*, or *God viewed from a certain angle*—God, we may say, as known to us in experience—so when they conceive a state of things better than the actual one they have regarded this (c) ideal state not only as being more ‘natural’ in exhibiting God’s purposes more than the actual, but as being (b) what God originally created, so that the defects of the actual state of affairs must be due to damage done by men. But if we dismiss (b) this latter view as unsupported by historical evidence, it’s easier for us to see the contrast and conflict between the other two meanings of ‘natural’, and the corresponding friction between the two elements of the common notion of justice. From one point of view (a) we are disposed to think that the **customary** distribution of rights, goods and

privileges—as well as burdens and pains—is natural and just, and ought to be maintained by law (as it usually is); while from another point of view (c) we seem to recognise an **ideal** system of rules of distribution that ought to exist even if it never has, and we measure the justice of laws by their conformity to this ideal. The chief problem of political justice is to reconcile these two views.

On what principles is the ideal to be determined? This has been my question since the start of this chapter; but I couldn’t satisfactorily discuss it without first distinguishing the two elements of in the common conception of justice—•one taking it to conserve law and custom, •the other tending to reform them. Let us now focus on the second of these. [Sidgwick says that there have been many views about the ‘ideal constitution of society’ that have embodied political ideals that go far beyond our common notion of *justice*. He won’t be concerned with these, he says:] My present question is: Are there any clear principles from which we can work out an ideally just distribution of rights and privileges, burdens and pains, among human beings as such?

4. Many people have held that •a society can’t be *just* unless certain ‘natural rights’ are conceded to all members of the community, and that •positive law, whatever else it does, should at least embody and protect these. But it’s hard to find in common sense any definite agreement about what these ‘natural rights’ are, still less any clear principles from which they can be systematically deduced.

However, one way of systematising these rights and bringing them under one principle has been maintained by influential thinkers; it may now be a bit antiquated, but there’s still enough of it around to make it deserve careful examination. I’m referring to this view:

*Freedom from interference* is really the whole of what human beings can be strictly said to owe to each other,

originally and apart from contracts. Or anyway the protection of this freedom (including the enforcement of free contracts) is the only proper aim of law. . . .

i.e. of the rules of mutual behaviour that are maintained by penalties inflicted under the authority of government. On this view, all natural rights come down to the right to freedom, so that completely establishing this right would be completely realising justice—interpreting the *equality* that justice is thought to aim as *equality of freedom*.

When I look at this as an abstract formula, though I don't see it as self-evidently the true basic principle of ideal law, I admit that it looks good to my mind; and I might persuade myself that my failure to see it as self-evident is due to some defect in my faculty of moral (or jural) intuition. But when I try to relate it more closely to actual human society, it soon starts to look different. I shall present four of its difficulties.

**(i)** Obviously we would have to limit the extent of its application. It involves the negative principle that no-one should be coerced for his own good alone; but no-one would seriously maintain this in connection with children, or idiots, or insane persons. But in that case we can't know *a priori* that it ought to be applied to all sane adults. The acknowledged exceptions are usually justified on the ground that children etc. will obviously be better off if they're forced to behave as others think best for them; and it's not intuitively certain that the same argument doesn't hold for the majority of mankind in the present state of their intellectual progress. Indeed, many advocates of this principle concede that it doesn't hold for adults in a low state of civilisation. But then what's the criterion for where it applies? It can only be this: the freedom principle applies wherever human beings are intelligent enough to provide for themselves better than others would provide for them! And that presents the principle not as absolute and basic but merely as a

consequence of the wider and deeper principle of aiming at the general happiness or well-being of mankind.

**(ii)** The term 'freedom' is ambiguous. If we interpret it strictly as meaning only freedom of action, the principle seems to allow any amount of mutual annoyance except constraint. But obviously no-one would be satisfied with such freedom as this. But if we include in the idea of *freedom* absence of pain and annoyance inflicted by others, it's immediately obvious that we can't prohibit all such annoyances without intolerably restraining freedom of action, because almost any gratification of a man's natural impulses might cause annoyance to others. So we would have to distinguish the mutual annoyances that ought to be allowed from those that must be prohibited, which would force us to balance the evils of constraint against pain and loss of other kinds; this is a utilitarian consideration; and if we admit the utilitarian criterion far enough to do *this* work, it's hard to maintain that annoyance to individuals is to be permitted only to prevent more serious annoyance and never to attain any positive good result.

**(iii)** If a social construction is to be possible on this basis, the right to freedom will have to include the right to limit one's freedom by contract; and if such a contract is really voluntary and not obtained by fraud or force, and if it doesn't violate anyone else's freedom, it will have to be enforced by legal penalties. But I can't see that enforcement of contracts is strictly included in the notion of freedom; for a man seems to be most completely free when no one of his volitions is allowed to have any effect in causing the *external* coercion of any other. Again, if there are no limits to this right to limit one's own freedom, a man could freely contract himself out of freedom into slavery, so that the principle of freedom would be suicidal! But it seems clearly impossible to derive from the principle of freedom any limits to the right of limiting one's

freedom by contract.<sup>1</sup> [In this paragraph Sidgwick has identified two things that are needed in a régime of freedom. He points out that they can't be extracted from the notion of *freedom*, and the unstated conclusion he is drawing is that they'll have to be defended on a broadly utilitarian basis.]

(iv) So we see that it's hard to define freedom as an ideal to be realised in the personal relations between human beings, but it's even harder when we consider the relation of men to the material means of life and happiness. It is commonly thought that the individual's right to freedom includes the right to appropriate—i.e. become owner of—material things. But I can't see that 'freedom', taken strictly, implies more than a man's right to non-interference when actually using things that can be used only by one person at a time; x's right to prevent y from ever using something that x has once seized—which is what it means for x to 'own' that thing—seems to interfere with y's free action further than is needed to secure x's freedom, strictly speaking. You may say: 'When a man appropriates something he doesn't interfere with the freedom of others, because the rest of the world is still open to them.' But others may want exactly the thing he has appropriated; and they may be unable to find anything as good—or at least not without much labour and search—because many of the means and materials of comfortable living are in short supply. This argument applies especially to the ownership of *land*. It is sometimes said that a man is allowed to own land of which he is the 'first occupier'; but how do we decide how much land a man 'occupies'? You might say 'He occupies whatever he is able to use'; but the use of land by any individual can vary almost indefinitely

in extent, while diminishing in intensity. It would surely be paradoxical to derive from the principle of freedom that an individual has a right to exclude others from pasturing sheep on any part of the land over which his hunting expeditions *could* extend.<sup>2</sup> But is it *clear* that a shepherd has such a right against someone who wants to plough the land, or that someone who is using the surface has a right to exclude a would-be miner? I don't see how the derivation can be made out. Another point: if the right of property is derived from the principle of freedom, does it include the right to control what happens to one's possessions after death? Most people think of this as naturally tied to ownership: but it's paradoxical to say that anything we do with his possessions after his death could interfere with his freedom of action! Legal scholars have often treated this right of post-mortem control as conventional and not as part of 'natural law'.

There are other difficulties too, but we needn't pursue them, because if freedom simply means that one man's actions are to be as little as possible restrained by others, there's obviously more freedom if there is no ownership. You might say:

'Freedom is more than mere absence of restraint; it also includes facility and security in the gratification of desires. That is the freedom that we think should be equally distributed, and it can't be achieved without ownership.'

Then I reply that in a society where most material things are already owned, this kind of freedom can't be equally distributed. A man born into such a society without inheritance is not only less free than those who have property but

<sup>1</sup> The question of how far the conception of freedom involves unlimited right to limit freedom by free contract will come up again in chapter 6, when I discuss the general duty of obedience to law.

<sup>2</sup> It has often been urged as a justification for dispossessing savages of the land of new colonies that tribes of hunters have no moral right to property in the soil over which they hunt.

also less free than he would have been if there had been no ownership. Optimistic political economists have said that

- because this man has freedom of contract, he will give his services in exchange for the means of satisfying his wants, that
- this exchange must give him more than he could have had if he had been alone in the world, and indeed that
- every human society makes •the part of the earth that it inhabits better able to gratify the desires of all its posterity than •it would otherwise be.

However true this may be as a general rule, it's obviously not so in all cases—sometimes men can't sell their services at all, and often they can't sell them for enough to live on. And even if the optimists' view were true, it wouldn't show that ownership hasn't enabled society to interfere with its poorer members' natural freedom; all it would show is that society compensates them for such interference, and that the compensation is adequate; and it's surely *obvious* the achievement of freedom can't be the one ultimate end of distributive justice if encroachments on freedom can be justly compensated for by food or money!

**5.** So it seems that although freedom is a keenly desired and important source of happiness. . . ., the attempt to make it the basic notion of theoretical jurisprudence doesn't succeed; and even the 'natural rights' that it claims to cover can't be brought under it except in a very forced and arbitrary manner. And even if none of this were right, there is *more* to our notion of justice than an equal distribution of freedom. Ideal justice, as we commonly conceive it, seems to demand that not only freedom but all other benefits and burdens should be distributed equally (or at any rate *justly*: that's not the

same as *equally*, but merely excludes arbitrary inequality).

How then shall we find the principle of this highest and most comprehensive ideal, 'the ideal of justice'?

We'll be led to it by returning to one of chapter 4's grounds of obligation to render services, namely the claim of gratitude. It seemed there that along with our natural •impulse to requite benefits we •think that such requital is a duty and its omission blameworthy—though we can't pin down *how* blameworthy. Now if we (so to speak) *universalise* this •impulse and •conviction, we get the element in the common view of justice that we're now trying to define. Let us take the proposition

(i) 'Good done to any individual ought to be requited by him'

and leave out both references to the individual, we get the more general proposition

(ii) 'Good deeds ought to be requited'

which we are equally sure is true.<sup>1</sup> And if we take into consideration all the different kinds and degrees of services that go into the workings of society is based, we get the proposition

(iii) 'Men ought to be rewarded in proportion to their deserts'.

And this would be commonly held to be the true and simple principle of distribution in any case where there are no counter-claims arising from contracts or customs.

For example, it would be admitted that if no other arrangement has been made the profits of any enterprise should be divided among those who have contributed to it, in proportion to the worth of their contribution. Some thinkers maintain the section 4 proposition that

<sup>1</sup> This strikingly illustrates the difference between •natural instincts and •moral intuitions. The •instinctive impulse to requite a service is on its emotional side quite different from the •intuition that (for example) a fair day's work deserves a fair day's wages. Still, our sense of the *duty* of gratitude seems to fall under the more general intuition that desert ought to be requited.

(iv) 'Law should try to secure the greatest possible freedom for each individual'

not as an absolute axiom but as following from the principle that desert ought to be requited; because the best way of providing for the requital of desert is to leave men as free as possible to work for the satisfaction of their own desires, so that each wins his own requital. And it seems that this is the principle that is at work when people purport to justify the right of property on the ground that

(v) 'Everyone has an exclusive right to whatever is produced by his labour'.

Think about it: no labour really 'produces' any material thing, but only adds to its value; and we don't think that x can acquire a right to a material thing that belongs to y by working on it, even if he genuinely believes that *he* owns it; all we think he is entitled to is adequate *compensation* for his labour; so this—namely the proposition

(vi) 'Every man ought to receive adequate requital for his labour'.

—must be what proposition (v) means. The principle is sometimes *stretched* to cover the original right of property in materials, on the ground that someone who discovers something thereby 'produces' it;<sup>1</sup> but here again we can see that common sense doesn't grant this (as a *moral* right) absolutely, but only to the extent that it seems to be adequate—and not more than adequate—compensation for the discoverer's trouble. We wouldn't think that the first finder of a large uninhabited region became the rightful owner of the whole of it! So this justification of the right of property eventually takes us back to proposition (vi). Also,

when we speak of the world as 'justly governed' by God, we seem to mean that. . . happiness is distributed among men according to their deserts; and divine justice is thought to be a pattern that human justice should imitate as far as it can.

This kind of justice (I repeat) seems like gratitude universalised; and the same principle applied to punishment can be seen as resentment universalised; although in the present state of our moral conceptions the parallel is incomplete. History shows us a time when it was thought that a man *ought* to requite injuries, just as he *ought* to repay benefits; but as moral reflection developed in Europe this view was rejected, so that Plato taught that it could never be right really to harm anyone, however he may have harmed us. And this is now the accepted doctrine in Christian societies, as regards requital by individuals of personal wrongs. But the universalised form of the old conviction still lingers in the popular view of criminal justice: it seems still to be widely held that

Justice requires pain to be inflicted on a wrongdoer, even if it brings no benefit to him or to anyone else.

I don't myself hold this view; indeed I have an instinctive and strong moral aversion to it. I hesitate to attribute it to common sense, because I think it is gradually passing away from the moral consciousness of educated folk in the most advanced communities; but I think it may be the more ordinary view.

So this is one element of what Aristotle calls 'corrective justice', which is embodied in criminal law. Don't confuse it with the principle of reparation, on which legal awards of damages are based. The duty of reparation, we have seen,

<sup>1</sup> It requires a lot of strain to bring the 'right of first discovery' under the notion of 'right to what is produced by one's labour'. Locke and others had to justify the right of first discovery by supposing that mankind have 'tacitly consented' to the principle that anything that isn't owned shall come to be owned by the first person who takes possession of it. But this is a rather desperate device of ethico-political construction, because it can so easily be used to justify almost any arbitrariness in positive law.

follows simply from the maxim of general benevolence that forbids us to harm our fellow-creatures: if we have harmed someone we can approximate to obeying the maxim by giving compensation for the harm. [Sidgwick here devotes a page to the question of whether the duty to make reparation depends on whether one was at fault in doing the harm. He thinks we would condemn a man who didn't offer some reparation for serious harm he has caused, even if he was in no way at fault for it; but suggests that this may be a matter of benevolence rather than justice. He also remarks that some kinds of harm can't be compensated, and that in other cases compensation is hard to calculate because the harm isn't measurable in terms that would apply to any possible compensation. This kicked off from the difference between punishment and compensation, to which Sidgwick now returns:] These days there's no danger of confusion or collision between the principles of reparative and of retributive justice, because obviously one is concerned with the claims of the injured person and the other with the deserts of the wrongdoer; though the obligation to paying compensation may sometimes in practice be treated as a sufficient punishment for the wrongdoer.

[Sidgwick will now use 'retributive' in a rare sense in which it covers reward as well as punishment. He will do this only once more, on page 169.] But when we turn back to the other branch of retributive justice, which is concerned with rewarding services, we find another notion—I'll call it 'fitness'—which needs to be carefully separated from desert just because they are so often run together. When they are properly distinguished, we'll see that fitness, so far from being equivalent to desert, is liable to collide with it.<sup>1</sup> I'm not sure that the principle of 'distribution according to fitness' is

contained in our ordinary notion of justice, but it certainly enters into our common conception of the ideal or perfectly rational order of society; I'm talking about the distribution of instruments and functions and (to some extent at least) of other sources of happiness. We think it reasonable for

- instruments to be given to those who can use them best,
- functions to be assigned to those who are most competent to perform them, and
- particular material means of enjoyment to go to those who are susceptible to the relevant kinds of pleasure.

Regarding the third of these, no-one would think of allotting pictures to a blind man, or rare wines to someone who had no taste; so we would probably think it fitting that artists should do better in the social distribution of wealth than mechanics. In none of these cases is it guaranteed that the recipients are the most *deserving*. So the notions of desert and fitness at least sometimes conflict; but perhaps (I repeat) fitness doesn't come into the interpretation of justice proper, and is really just a utilitarian principle of distribution that inevitably limits how far actual arrangements can satisfy the demands of abstract justice. And our present concern is with abstract justice. Anyway, taking ideal justice to involve more than mere equality and impartiality, its chief other ingredient concerns the requital of desert. Let us then examine more closely what desert consists in, beginning with good desert, i.e. merit, because this is more basic and permanently important than bad desert. Why more permanent? Because we can hope that as the world improves crime and punishment will decrease and gradually disappear; but the right or best distribution of the means of well-being is something we will always be trying to achieve.

<sup>1</sup> I think the term 'merit' often blends the two notions, as when we speak of 'promotion by merit'. But moralists generally use 'merit' as exactly equivalent to what I have called 'desert'.



**6.** The first question is one that also arose over gratitude: should a reward be proportional to the •effort made or to the •results achieved? ·In favour of the former·, it may be said that the actual value of any service will largely depend on favourable circumstances and lucky events that owe nothing to the agent's desert; or on powers and skills that the agent was born with or have been developed by favourable conditions of life or by good education; and why should we reward him for these? . . . And certainly it is commonly thought that God will reward only the *moral* excellences that are exhibited in human actions. But that doesn't yet get rid of the difficulty; for it can still be said that ·morally· good *actions* are largely or entirely due to good dispositions and habits that have been inherited or are upshots of the care of parents and teachers, so that in rewarding them we are rewarding the results of natural and accidental advantages; and it's unreasonable to distinguish these from skill and knowledge etc. and to say that it is just to reward the one and not the other. Shall we say, then, that the reward should be proportionate to the amount of voluntary effort for a good end? But determinists will say that even *effort* results from causes extraneous to the man's self. On the determinist view, it would seem to be ideally just—if anything is just—that

all men should enjoy equal amounts of happiness; for there seems to be no justice in making A •happier than B merely because circumstances beyond his own control have first made him •better. But why shouldn't we instead of 'all men' say 'all sentient beings'? Why should men have more happiness than any other animal? But now •the pursuit of ideal justice seems to be leading us to such a precipice of paradox that common sense is likely to abandon •it. At any rate the ordinary idea of desert has vanished.<sup>1</sup> So we seem to be led to the conclusion that I anticipated in I/5, namely that in this part of our moral consciousness the idea of free will seems to be involved in a special way in the moral ideas of common sense, because if free will is eliminated the important notions of desert (or merit) and justice require substantial modification.<sup>2</sup> And the difference between determinist and libertarian justice can hardly have any practical effect, because we can never separate the part of a man's achievement that is due strictly to his free choice from the part that is due to the original gift of nature and to favouring circumstances;<sup>3</sup> so that we can only •leave it to providence to bring about what we conceive as the theoretical ideal of justice, and •settle for trying to reward voluntary actions in proportion to the worth of the services

<sup>1</sup> The only tenable determinist interpretation of desert, I think, is the utilitarian one, according to which 'He deserves a reward for his services to society' means merely that it is expedient to reward him so that he and others may be induced to act similarly in the expectation of similar rewards. See IV/3.4.

<sup>2</sup> Perhaps it's partly because of these difficulties that some of the utopian reconstructors of society have dropped the notion of *desert* from their ideal, leaving 'equality of happiness' as the only end. Justice, they think, merely requires that each person should have an equal share of happiness, as far as happiness depends on how others act. But it's hard to work with this idea: apart from the issues about fitness mentioned above, equal happiness won't be achieved by equal distribution of objects of desire. It takes more to make some people happy than to make others happy, so we would have to take differences of needs into consideration. But if merely mental needs are included (as seems reasonable) we would have to give less to cheerful, contented, self-sacrificing people than to those who are naturally moody and demanding, because the former can be made happy with less! This is too paradoxical to recommend itself to common sense.

<sup>3</sup> We could lessen the inequalities that are due to circumstances by bringing the best education within the reach of all classes. . . . and this seems to be prescribed by ideal justice as a way of mitigating arbitrary inequality. . . . But even then there will be much natural inequality that we can't remove or even estimate.

intentionally rendered by them.

The next question is: On what principle or principles can we rationally estimate the comparative worth of different services? We do commonly assume that such estimates can be made, for we speak of the 'fair' or 'proper' price of any kind of services as though this were generally known, and condemn the demand for more than this as extortionate. This may be said:

The notion of fairness or equity that we ordinarily apply in such judgments is distinct from the notion of justice. Equity is often contrasted with strict justice, and thought of as capable of colliding with it.

This is partly true; but the wider and equally usual sense of 'justice', in which it *includes* equity or fairness, is the right one to adopt in an ethical treatise; for in any case where equity comes into conflict with strict justice, the latter's dictates are held to be •'just' in a higher sense and to be •what ought to be followed in the case in question. . . . So I treat equity—in a slight departure from ordinary usage—as a species of justice. Well then, on what principle can we determine the 'fair' or 'equitable' price of services? In the common judgments of practical persons what is 'fair' is settled by reference to analogy and custom: a service is considered to be 'fairly worth' what is usually given for services of that kind. . . . And in some states of society the payment given for services seems to be as completely fixed by usage as any other customary duty, so that deviating from this pay-scale would be a clear disappointment of normal expectation. But probably no-one in a modern civilised community would maintain a strict equality of 'just price' of services with 'usual price'; and when the judgments of practical persons seem to imply this, they are being superficial or merely inadvertent, and ignoring the established mode of fixing the market prices of commodities by free competition of producers and traders.

For where such competition operates the market value varies at different places and times, so that no informed person will. . . .complain of injustice merely because of the variations in it.

Can we then say that 'market value' (as determined by free competition) corresponds to our notion of what is ideally just?

This is a question of much interest, because this is obviously how all payment for services would be made in a society constructed on the principle—previously discussed—of providing the greatest possible freedom for all members of the community. Modern civilised communities have tended to approximate (until recently) to this individualistic ideal (as I call it), so it's important for us to know whether it completely satisfies the demands of morality, and whether •freedom, if not an absolute end or first principle of abstract justice, is still to be sought as the best means to producing a just social order by the general requital of desert.

It seems initially plausible to suppose that x's 'market value' represents the estimate set on x by mankind generally, and therefore pins down for us the 'common sense' judgment about values that we are now trying to find. But on reflection it seems likely that most men don't know enough about the nature and effects of many important kinds of services to be qualified to judge their real value; so that for these services the true value won't be represented in the market-place. Even with things that a man can usually estimate, he may be ignorant of such a thing's utility in a particular case; and then the 'free' contract hardly seems fair; though if •the ignorance wasn't caused by the purchaser common sense doesn't condemn him for taking advantage of •it. For instance: a man legitimately using geological knowledge and skill discovers that there's probably a valuable mine on land owned by a stranger; reasonable people wouldn't

*blame* him for concealing his discovery until he had bought the mine at its market value; but the seller clearly didn't get what the land was really worth. In fact common sense is perplexed on this point; and the conclusion it arrives at must be based on economic considerations that take us well beyond the analysis of the common notion of justice. (See IV/3.4.)

Another point: Some highly important social services have no price in any market, because of the indirectness and uncertainty of their practical utility—scientific discoveries, for example. The extent to which any given discovery will aid industrial invention is so uncertain that even if the secret of it could be conveniently kept, it usually wouldn't be profitable to buy it.

But even with products and services that are generally marketable, and with bargains thoroughly understood on both sides, there are still problems about the thesis that a 'fair' price is simply the one set by the item's market value. When someone has a monopoly of a certain kind of services, the market-price of the aggregate of such services can sometimes be increased by diminishing their total amount; but it would seem absurd to say that those who provide the services thereby come to *deserve* more, and a plain man wouldn't accept that the price fixed in this way is fair. Still less is it thought fair to take advantage of the temporary monopoly produced by an emergency: if I saw Croesus drowning and no-one near, it wouldn't be regarded as fair for me to refuse to save him except at the price of half his wealth. But then can it be fair for *any* group of people to get a competitive advantage from the unfavourable economic situation of another group? And if we say No, where should we draw the line? Any increase in the numbers of a group makes its bargaining position less favourable, because the market price of a service depends partly on how easy or hard

it is to get it—as economists say, 'on the relation between the supply of services and the demand for them'—and it doesn't seem that any individual's social *desert* can be lessened merely by an increase in the number or willingness of others offering the same services. Nor indeed does it seem that his desert can be decreased by his own willingness, for it would be strange to reward a man less because he is eager to do his work. Yet in bargaining, the less willing seller always has the advantage. And, finally, the social worth of a man's service isn't automatically increased by the fact that his clients can pay lavishly; but his reward is likely to be greater from this cause.

Considerations like these have led some political thinkers to hold •that a *just* system of paying for services would be nothing like the present system of free competition, and •that all labourers should be paid according to the intrinsic value of their labour as estimated by enlightened and competent judges. We might call this the 'socialistic ideal'; if it could be achieved without counter-balancing evils it would certainly seem to come closer than the present state of society does to what we conceive as divine justice. But it requires a rational method of determining value, and we are still looking for that. . . . For one thing, how are we to compare the values of different services that have to be combined to produce a happy life? How, for example, should we compare the respective values of necessities and luxuries? We may be more aware of the enjoyment we get from luxuries, but we couldn't have any enjoyment without the necessities. Also, when different kinds of labour go into producing something, how should we estimate their relative values? Even if all mere •unskilled labour is paid at a single standard rate, we can't do this with the different kinds of •skill. How are we to compare the labour of design with the labour of production? or the supervision of the whole job with the carrying out

of the details? or the labour of actually producing with that of training producers? or the service of the scientist who discovers a new principle with that of the inventor who applies it?

I don't see how any of these difficulties can be solved by any analysis of our common notion of justice. To deal with such matters satisfactorily we have to come at them differently, not asking •what services of this or that kind are intrinsically worth, but •what reward can procure them and •whether the rest of society gains more by the services than it loses by the reward. We have, in short, to give up as impracticable the construction of an ideally just social order in which all services are rewarded in exact proportion to their intrinsic value. And for similar reasons we're forced to the more general conclusion that it's impossible to devise a clear and reasoned method of exactly determining different amounts of good desert; and common sense may go along with this. Although common sense thinks that ideal justice consist in rewarding desert, it regards as utopian any general attempt to achieve this ideal in the social distribution of the means of happiness. In the actual state of society attempts to reward good desert are made only within a very limited range—parents with their children, the state with deserving statesmen, soldiers, etc.—and if you think about these cases you'll see how rough and imperfect are the standards used in deciding how much reward is due. The only kind of justice that we try to realise [see Glossary] most of the time is concerned with the fulfilment of contracts and definite expectations. We leave the general fairness of *distribution by bargaining* to take care of itself.

**7.** Criminal justice presents difficulties corresponding to the ones I have been discussing. One similarity: the partial confusion of the ideas of •law and •justice: by 'bringing a man to justice' we commonly mean 'inflicting legal punishment' on him; and we think that the penalty prescribed by law should be inflicted—neither more nor less—even if we regard the legal scale of punishment as unjust. One dissimilarity: there's no criminal-justice analogue of the civil-justice perplexity about changes in the law. We don't think that a man can acquire, by custom, prescriptive rights to over-lenient punishment, as he is thought to do to an unequal distribution of liberties and privileges. If now we investigate the ideal of criminal justice as intuitively determined, we certainly find that in so far as punishment isn't regarded as merely preventive it is commonly thought that it ought to be proportioned to the gravity of crime.<sup>1</sup> Still, when we try to make the method of apportionment perfectly rational and precise, the difficulties seem at least as great as in the case of good desert. **(i)** The assumption of free will seems to force its way in again: if a man's bad deeds are entirely caused by nature and circumstances, it certainly seems that Robert Owen was right: the man doesn't properly deserve to be punished for those actions, and justice requires us rather to try to alter the conditions under which he acts. And we actually *do* punish deliberate offences more than impulsive ones, perhaps as implying a more *free* choice of evil. **(ii)** We think that if an offender has had no moral training, or a perverted training, that makes him less criminal—but it's commonly agreed that he can't be let off from all punishment on this account. **(ii)** The moral gravity of a crime seems to be

<sup>1</sup> Those who hold that the essence of justice consists in securing external freedom among the members of a community, and that punishment is justified only as a means to this end, naturally think that in awarding punishment we ought to consider merely its efficacy as such means. But this isn't an interpretation of the common notion of just punishment. The utilitarian view of punishment is becoming more prevalent, but it hasn't yet prevailed.

reduced if the motive is praiseworthy, as when a man •kills a villain whose crimes elude legal punishment, or •heads a hopeless rebellion for the good of his country. But it would be paradoxical to say that we ought to reduce punishment proportionally; common sense would hold that—whatever God may do—*men* must generally inflict severe punishment for any gravely harmful intentional act that is forbidden by law, even if it was prompted by a good motive.

Set aside the motive and look only at the intention: it's still hard to state clear principles for determining the gravity of crimes. [For the distinction between motive and intention see chapter 1.2 .] Consider the case of the patriotic rebel: the intention of this criminal is to do what is right and good. And in many cases although an offender knows he is doing wrong, he may not intend to harm any sentient being—e.g. he steals something that he thinks won't be missed. Also, we don't commonly think that a crime is made less serious by being kept perfectly secret, yet much of the harm done by a crime is (in Bentham's phrase) the 'secondary evil' of the alarm and insecurity that it causes, and this part is cut off by complete secrecy. You may reply: 'This last difficulty isn't a *practical* one, because we aren't called on to punish a crime until it has been discovered, and by then the secondary evil has happened and is all the greater because of the previous secrecy.' But it remains true that the criminal didn't intend his crime to be discovered, so he didn't intend that part of the evil that was caused by the crime. And if we say that

the awfulness of the crime depends on the loss of happiness that such acts would generally cause if they went unpunished, and we must suppose the criminal to be aware of this,

we seem to be trying to force a utilitarian theory into an intuitional form by means of a legal fiction.

I have been discussing intentional wrong-doing; but

positive [see Glossary] law awards punishment also for harm that is due to rashness or negligence; and we run into further difficulties when we try to justify this. Some legal theorists seem to regard rashness and negligence as positive states of mind, in which the agent consciously refuses the attention or reflection that he knows he ought to give; and no doubt this sort of willful recklessness does sometimes occur, and seems as properly punishable as if the resulting harm had been positively intended. But in practice the law doesn't require evidence that this was the agent's state of mind (which indeed usually couldn't be given); it settles for proof that the harm would have been prevented if the agent had shown as much care as an average man would have shown in those circumstances. And by 'carelessness' we usually mean merely a purely negative psychological fact, i.e. that the agent *did not* go through certain processes of observation or reflection; so that the action was strictly involuntary, and so hardly seems to involve ill-desert. You might say that although the present carelessness isn't blameworthy the past neglect to develop habits of care is so. But often we can't infer even this past neglect; and in such cases the only basis for punishment involves the utilitarian theory of punishment, which regards it as a means of preventing similar harmful acts in the future. Similar difficulties arise—as I hinted on page 134—in fixing the limits within which reparation is due—i.e. on the view that we aren't obliged to compensate for all harm caused by our bodily movements but only for harm that is intentional or due to our rashness or negligence.

The results of this examination of justice can be summed up as follows. The prominent element in *justice* as ordinarily conceived is a kind of equality—i.e. impartiality in the application of certain general rules allotting good or evil to individuals. But when we have clearly picked out this element, we see that more is needed if we're to have an

account of the virtue of *justice* that can guide us in our conduct. Still looking for the right general principles of distribution, we find that our common notion of justice includes besides the principle of reparation for injury two quite distinct and divergent elements.

**Conservative justice** is realised **(1)** in the observance of law and contracts and definite understandings, and in the enforcement of legal penalties for the violation of these; and **(2)** in the fulfilment of natural and normal expectations. This latter obligation is somewhat indefinite.

**Ideal justice** is even harder to define, for there seem to be two quite distinct conceptions of it, embodied in two distinct ideals of a political community:

- The individualistic ideal takes the realisation of freedom as the ultimate end and standard of right social relations; but it turns out that the notion of freedom won't give a practicable basis for social construction without certain arbitrary<sup>1</sup> definitions and limitations; and even with these, a society in which freedom is realised as far as is feasible doesn't completely suit our sense of justice.

- The socialistic ideal of distribution—based on the principle of requiring desert—is *prima facie* closer to our sense of justice; but when we try to make this principle precise we again find ourselves in grave difficulties; and similar perplexities beset the working out of rules of criminal justice on the same principle.

## Chapter 6: Laws and promises

**1.** The moral obligations of •obedience to law and •observance of contracts have appeared to be the most definite part of the complex system of private duties commonly labelled as 'justice'. But we have also seen that there are some laws the violation of which •doesn't interfere with the rights of others and therefore •doesn't look like injustice. Also, the duty to keep one's promises is also commonly conceived as independent of any issue of harm to the promisee: men ordinarily judge that promises to the dead ought to be kept, though the dead are out of harm's way. . . . So it seems desirable to examine the propositions

- Law ought to be obeyed, and
- Promises ought to be kept,

considered as independent principles.

How are we to ascertain what the Law is that we are commonly thought to be morally bound to obey? In II/5.2 I distinguished legal rules from others in terms of the punishments inflicted on violators of them; but that won't help us here, because commands issued by rebels and usurpers are not regarded as binding though they may be enforced by judicial penalties. It would be generally agreed that any duty we have to obey *these* commands come from the harm that

<sup>1</sup> By 'arbitrary' I mean definitions and limitations that destroy the principle's self-evidence, and when closely examined lead us to regard it •not as basic but• as subordinate.

may come to us or others if we disobey, so that the extent of such a duty is determined by considerations of expediency. And even the commands of a legitimate sovereign don't count as 'laws' in the sense of the word involved in the proposition that *laws ought to be obeyed*, because we all recognise that a rightful sovereign may command his subjects to do something wrong, and their duty then is to disobey him. For our present purpose, then, we must define *laws* to be *rules of conduct laid down by a rightful authority which is commanding within the limits of its authority*.

If we are to be practically guided by the proposition that laws ought to be obeyed, we need to know **(i)** how to distinguish a rightful lawmaker, whether individual or corporate, and **(ii)** how to ascertain the limits of this lawmaker's authority. They are distinct questions, but we'll see that they can only partially be separated. Starting with **(i)**: we can assume that the authority to make laws is held by some living man or men. [This may not have held for some primitive societies, Sidgwick remarks, but it is accepted by] the common sense of civilised Europe, which is our present topic. We don't think that any of the definite prescriptions of positive law have an origin that puts them beyond the reach of alteration by any living authority.

Then where is this authority to be found?

In the usual answers to this question, the conflict between the •ideal and the •traditional or customary, which perplexed us in our attempt to define *justice*, now appears in an even more complicated form. Some say that **(b)** we ought always to obey the **traditionally legitimate** authority in our country. Others maintain that **(a)** a nation is entitled to demand—even at the risk of civil strife and bloodshed—that an **ideally legitimate** authority be established, i.e. one constituted in accordance with certain abstract principles. And often **(c)** the **actually established** authority doesn't have either kind

of legitimacy. So that we have to distinguish three claims to authority: **(a)** that of the government held to be ideally or abstractly right, one that *ought* to be established; **(b)** that of *de jure* government, i.e. government legitimised by the constitutional traditions of the country in question; and **(c)** that of the *de facto* government.

**2.** Let us start by considering **(a)** the ideal. Of all the views that theorists have put forward regarding the right constitution of supreme authority, I'll consider only those that have a *prima facie* claim to express mankind's common sense about this. The most important and most widely accepted of these is the principle that

the sovereign in any community can only be rightly constituted by the subjects' consent.

I noted on page 131 that this is involved in the adoption of freedom as the ultimate end of political order; if a man basically owes nothing to anyone else except non-interference, he clearly ought to become a subject of a sovereign only by his own consent. Thus, to reconcile the basic right of freedom with the actual duty of law-observance, we have to suppose a social contract so that obedience to law becomes merely a special case of the duty of keeping compacts.

How are we to know the terms of this basic compact? No-one now accepts this old view:

The transition from the 'natural' to the 'political' state occurred by means of a 'basic contract' that made some particular form of social organisation indelibly legitimate.

Well, then, we might try this:

By remaining a member of a community a man 'tacitly undertakes' to obey the laws and commands of the authority recognised as lawful in that community.

But this reduces **(a)** the ideal to **(b)** the customary: it would allow the most unlimited despotism, if established

and traditional, to claim to rest on 'free consent'; so that the principle of •abstract freedom would support the most absolute •concrete tyranny and servitude; and thus the theory would strengthen men's chains under pretence of increasing their freedom. To avoid that result, we might try this:

Some natural rights are inalienable—or are tacitly reserved in the tacit compact—and no law is legitimate if it deprives a man of these;

but we again have the problem deducing these 'inalienable rights' from any clear and generally accepted principles. Many think that all such rights can be summed up in the notion of *freedom*; but we've seen that 'freedom' is ambiguous, and especially that the right of private property as commonly recognised can't be clearly deduced from it. And it would certainly be most paradoxical to maintain that the only commands for which a government can legitimately claim obedience are ones protecting the freedom of the governed individuals from interference! A proposed way to avoid this difficulty:

Constitute the supreme organ of government in such a way that each of its laws will have been consented to personally (or through representatives) by each person who is called on to obey it.

The idea is that a government so constituted—in which everyone 'obeys himself alone', as Rousseau put it—will completely reconcile freedom with order. But how is this result to be achieved? Rousseau thought it could be attained by pure direct democracy, where each individual subordinates his private will to the 'general will' of the sovereign people of which all are equally members. But in practice this 'general will' has to be the will of the majority; and it is paradoxical to say that the freedom and natural rights of a dissentient minority are effectively protected by rule that the oppressors

must outnumber the oppressed! Also, if the principle is absolute it ought to apply to all human beings; and if to avoid this absurdity we exclude children, we have to *choose* where to draw the line; and the exclusion of women, which is often supported even by those who regard the suffrage as a natural right, seems indefensible. And to suppose as some have done that the ideal of 'obeying oneself alone' can be even approximately realised by representative democracy is even more obviously absurd. For a representative assembly is normally chosen only by a part of the nation, and each law is approved only by a part of the assembly; so if a man's only involvement in all this has been to vote *against* one member of that assembly, it would be ridiculous to say that he has assented to a law passed by a majority of the assembly.

Anyway, to lay down absolutely that the laws of any community ought to express the will of the majority of its members seems incompatible with the view—vigorously maintained by Socrates and his most famous disciples—that laws ought to be made by people who understand law-making. Will the majority of a representative assembly be more fit to make laws for their country than any set of experts otherwise selected? Perhaps Yes for some countries at some times, but it isn't self-evident that this will always be the case. Yet surely the Socratic proposition (which is merely an application of the principle (see page 135 'that function should be allotted to the most competent') has as much claim to be considered a primary intuition as the one we have been discussing. Indeed, the age-old controversy between aristocracy and democracy seems to come down to a conflict between those two principles—a conflict that can't be solved as long it remains in the *a priori* region.

**3.** . . . Common sense refuses to deliver any clear and certain intuitions about the principles on which an ideal constitution should be constructed. And there's no agreement, either, on



the intrinsic lawfulness of violating of the established order of a community by introducing an ideal constitution. Some think that a nation has a natural right to an approximately ideal government, a right that may be maintained by force. Others hold that although the ideal political structure may rightly be proposed, commended, and worked for by any means the established government permits, rebellion for this purpose is never justifiable. And yet others—perhaps the majority—would decide the question by weighing the advantages of improvement against the evils of disorder.

Furthermore, we have seen that it's not so easy to say what the established government *is*. When a legally illegitimate authority issues ordinances and controls the administration of justice, how far is obedience due to it? Everyone agrees that usurpation ought to be resisted; but there's no agreement about the right behaviour towards an established government born of a successful usurpation. Views that have been held about such a government:

- (1) It should be regarded as legitimate as soon as it is firmly established.
- (2) It ought to be obeyed at once, but under protest, with the purpose of renewing the conflict when conditions are right.
- (3) The right attitude at first is that of (2), but as a usurping government becomes firmly established it gradually loses its illegitimacy, so that eventually it's as criminal •to rebel against it as it was originally •to establish it.

Of these, (3) seems to be the view of common sense; but the question of *where* the metamorphosis happens has to be answered on the basis of expediency.

The fundamental problems about the legitimacy of authority are relatively simple—as they are in the foregoing discussion—in the case of an *absolute* government where

customary obedience is unconditionally due to one or more persons. In a *constitutionally* governed state other moral disagreements arise. It's agreed that in such a state the sovereign is morally bound to conform to the constitution, there's dispute about whether the subjects' obligation to obedience should be conditional on this conformity—whether they have the moral right •to refuse to obey an unconstitutional command and even •to punish the sovereign for violating the constitution by rebelling against him. And there's much perplexity and disagreement about what the constitutional obligations really are—about what the relevant historical facts are and about how they should be understood. Quite often the limitations of sovereign authority embodied in a constitution began as concessions extorted by fear from a sovereign who was previously absolute; and there's a question about •how far such concessions are morally binding on that sovereign and still more about •how far they are binding on succeeding sovereigns. Or *vice versa*: a people may have allowed some of their liberties to fall into disuse, and there's a question about whether it retains the right of reclaiming them. And generally when a constitutional rule has to be gathered from a comparison of precedents, there can be dispute over whether a particular act of either party is a •constitutive precedent or an •illegitimate encroachment. That is why in constitutional countries men's view of what their constitution traditionally *is* has often been influenced by their view of what it ideally *ought to be*; in fact, the two questions have rarely been kept quite distinct.

4. Even where we can get clear about what authority is owed obedience, further difficulties arise when we try to define the limits of such obedience. In modern societies everyone agrees that any authority that commands immoral acts ought to be disobeyed; but this is one of those tautological [see Glossary] propositions, so common in popular morality, that convey

no real information. It is empty, because it boils down to saying that immoral acts ought not to be performed. The right question to ask is:

What acts are there that *remain* immoral after being commanded by a rightful authority?

There's no clear principle on which to base an answer. It has sometimes been said that the law can't override definite duties; but the obligation of fidelity to contracts is perfectly definite, yet we don't think it's right to fulfill a contract if, since it was made, a law is passed that forbids the conduct that would be needed to keep the contract. And there's practical disagreement on this question among people who wouldn't knowingly adopt the utilitarian method of answering it by value-balancing the different outcomes. Some say that the duties of family relations must yield to the duty of obedience to the law, so that a son ought not to aid a parent, actively or passively, in escaping punishment for crime; while others would consider this rule too inhuman to be imposed, and yet others would draw the line between helping and not-hindering. When a rightly constituted government commands acts that are unjust and oppressive to others, common sense recoils from saying either that •all such commands ought to be obeyed or that •all ought to be disobeyed; but apart from utilitarian considerations I can't find any clear accepted principle for distinguishing the unjust commands of a legitimate government that ought to be obeyed from those that ought not to be obeyed. And then some legal theorists hold that we're not strictly bound to obey laws commanding something that isn't otherwise a duty, or forbidding something that isn't otherwise a sin; on the ground that in the case of duties prescribed only by positive [see Glossary] laws the alternatives of •obeying or •accepting the penalty are morally open to us. [Sidgwick here has a footnote quoting a passage from William Blackstone to that effect.]

But others think this principle is too lax; and certainly if any particular law met with a widespread preference for penalty over obedience, the law would be thought to have failed. On the other hand, there seems to be no agreement about whether one is bound to submit to unjust penalties.

In the face of all this difference of opinion, it seems idle to maintain that there's a clear and precise first principle of order that the common reason and conscience of mankind sees intuitively to be true. No doubt there's a vague general habit of obedience to laws (even bad ones), which can fairly claim the universal consensus of civilised society; but when we try to state an explicit •principle corresponding to this •habit, the consensus seems to vanish and we are drawn into controversies that seem to have no solution except what the utilitarian method offers. (I haven't thought it worthwhile to enter into the special difficulties of international law.)

**5.** My next topic is good faith, i.e. fidelity to promises. This is a natural place to discuss it because some thinkers have based the duty of •law-observance on a prior duty of •fulfilling a contract. The social contract that we have been considering is at best merely a convenient fiction—a device that lets us neatly express the mutual jural [see Glossary] relations of the members of a civilised community. Such a fiction is out of place in an account of the ethical principles of common sense. But *historically* the duty of law-observance has often been closely linked with the duty of good faith. Much constitutional law in certain ages and countries has been established or confirmed by explicit compacts in which different sections of the community agree on certain rules for the future government. The duty of •obeying these rules thus presents itself as a duty of •fidelity to compact. This is even more the case when it's a matter of imposing not a law but a law-giver whose authority is strengthened by an oath of allegiance from his subjects or a representative portion of

them. But even in those cases it's a palpable fiction that the citizens generally are bound by an agreement that only a few of them have actually entered into.

Some moralists have classified the duty of •keeping promises with •veracity, or even identified the two. There is a certain analogy between the two: we fulfill the obligations of veracity and of good faith alike by bringing it about that words correspond with facts—in fidelity by making fact correspond with statement, and in veracity by making statement correspond with fact. But the analogy is obviously superficial and imperfect; we aren't bound to make our actions correspond with all of our assertions but only with our promises. If I merely *assert my intention* of abstaining from alcohol for a year, and then after a week take some, I am (at worst) ridiculed as inconsistent; but if I *promise* to abstain, I am blamed as untrustworthy. The essence of the duty of good faith, then, is conformity not to •my own statement but to •expectations that I have intentionally raised in others.

When a promise has been understood in a sense not intended by the promiser, is he bound to satisfy expectations that he did not voluntarily create? Common sense says Yes in some cases—ones where the expectation is one that most men would form under those circumstances. But this seems to be one of the indefinite duties of •justice, and not properly of •good faith, because strictly speaking no promise has been made. The normal effect of language is to convey the speaker's meaning to the hearer, . . . and we always suppose this to have taken place when we speak of a promise. If for some reason this normal effect doesn't happen, we can say that no promise—or no perfect promise—has been made.

So the moral obligation of a promise is perfectly constituted when both parties understand it in the same sense. We use 'promise' to cover not only •words but •all signs and even •tacit understandings that aren't explicitly signified in any way, if they clearly form a part of the engagement. The promiser is bound to perform what both he and the promisee understood to be undertaken.

**6.** Then is this obligation intuitively seen to be independent and certain?

It is often said to be so, and perhaps it seems so to unreflective common sense. But reflection turns up a number of qualifications of the principle—some clear and precise, others somewhat indefinite.

First: most thoughtful people would admit that the obligation of a promise can be annulled by the promisee. If he is dead or otherwise incapable of granting release, we have an exceptional case that isn't easy to solve.<sup>1</sup>

Second: a promise to perform an immoral act is thought not to be binding, because the prior obligation not to perform the act is paramount—just as in law a contract to do what one isn't legally free to do is invalid—otherwise one could evade any moral obligation by promising not to fulfill it, which is clearly absurd. . . . The same principle applies to immoral •omissions or •non-actions, though here we have to distinguish different kinds or degrees of obligatoriness in duties, because clearly a promise can sometimes make it obligatory to abstain from doing what it would otherwise have been a duty to do. For example: if I have promised •an undeserving friend to give him all the money I can spare, it becomes my duty not to give money to •a meritorious hospital, though apart from the promise it might have been

<sup>1</sup> Vows to God constitute another exception. Many think that if these are binding, there must be some way to understand God as granting release from them. But discussion of this lies outside the scope of the present work.

my duty to prefer the hospital to the friend. But we have seen the difficulty of defining the limits of strict duty in many cases—e.g. how far ought the promise of aid to a friend override the duty of giving one's children a good education? So the extent to which the obligation of a promise overrides prior obligations becomes in practice somewhat obscure.

**7.** When we look into the conditions under which promises are made and the consequences of keeping them, we encounter further qualifications of the duty of fidelity to promises—ones that are harder to think about or get agreement about. **First:** there's much dispute over how far promises obtained by 'fraud or force' are binding. . . . Suppose that a promise is made in consequence of a fraudulent statement, but is made quite unconditionally. Probably most people, if they clearly understood that the promise wouldn't have been made if it weren't for the false statement, would regard the promise as not binding. But the false statement may be only one consideration among others, and it may be of any degree of weight; and we probably wouldn't feel justified in breaking a promise because a single fraudulent statement had been a *part* of the inducement to make it—especially if the falsehood wasn't explicitly asserted but only suggested, or if no falsehood came into it but only a concealment of relevant facts. Some kinds of concealment are treated as legitimate by our law: in most contracts of sale, for example, the law adopts the principle of *caveat emptor* [Latin: 'let the buyer beware'], and enforces the contract even if the seller didn't disclose defects in the article sold, unless he somehow produced the belief that it was free from such defects. Still, this doesn't settle the moral question how far a promise is binding if concealment of relevant facts was used to obtain it. And what if an erroneous impression wasn't deliberately produced but was either shared by the promisee or produced unintentionally? . . . On all these

points common sense seems doubtful; and somewhat similar difficulties arise when we try to define the obligation of promises partly obtained by illegal violence and intimidation.

**8. Secondly:** Suppose that a promise has been made freely and fairly but when the time comes to fulfill it circumstances have changed so that the effects of keeping it may be quite other than what was foreseen when the promise was made. Probably everyone would agree that the promisee ought to release the promiser. But it's hard to decide how far the promiser is bound if the promiser refuses to release him. Some would say that he is bound in all cases; others would hold that a considerable change of circumstances removes the obligation, and they might add that all engagements should be *understood* to be binding only if relevant circumstances remain substantially the same. But such an understanding would greatly reduce the theoretical *definiteness* of the duty.

For a different view of this problem, let us return to the case of promises made to those who are now dead or temporarily out of the reach of communications. In such a case there's no way to get release from the promise, yet keeping it may be really opposed to the wishes—or what would have been the wishes—of both parties. Some say that it is our duty to carry out the 'intention' of the promise, but that is ambiguous. It may refer to

- (i) the meaning that the promisee attached to the words of the promise, as distinct from any other meaning that the common usage of words might allow, or
- (ii) something that includes the end-result of the promise's being kept which the promisee had in view in exacting it.

Now we don't commonly think that the promiser is concerned with (ii); he certainly hasn't promised to aim at •the end that the promisee has in view, but only at •some particular means

to it; and if he thinks these means are not conducive to the end, that doesn't—in ordinary cases—release him from his promise. But in the case we are now supposing, where relevant circumstances have changed, and the promise can't be revised, probably most people would say that the promiser should carry out what he sincerely thinks would have been the promisee's intention. But that makes the obligation very vague, because it's hard to tell from a man's wishes in one set of circumstances what he would have wanted in circumstances that were complicatedly different from these; and in practice this view of the obligation of a promise generally leads to great divergence of opinion. So it's not surprising that some hold that even here •the obligation should be interpreted strictly, while others go to the other extreme and maintain that •it ceases altogether!

**Thirdly:** A promise can't cancel a prior obligation; and most people would agree, as an application of this rule, no promise can make it right to harm anyone. *Anyone?* What about the parties to the promise? It doesn't seem to be commonly held that

•a man is as strictly bound not to injure himself as he is to avoid harming others;

or, therefore, that

•a promise is not binding because it was foolish. and will bring pain or burden to the promiser out of proportion to the good done to the promisee.

But in an extreme case, where the sacrifice is very disproportionate to the gain, many conscientious people would think that the promise should be broken rather than kept. Then what about a case where fulfilling the promise may harm the promisee? When we say that it is wrong to harm anyone, we don't commonly mean that it's wrong to bring actual harm to someone even if he thinks it is a benefit; for it seems clearly a crime for me to give someone what I know to be poison,

even though he is stubbornly convinced that it is safe. But now suppose that I have promised x to do something which, before I fulfill the promise, I discover is likely to harm him. The circumstances are precisely the same; only my view of them has changed. If x thinks otherwise and calls on me to keep my promise, is it right to obey him? Surely no-one would say this in an extreme case such as that of the poison. But if the rule doesn't hold for an extreme case, where can we draw the line? Common sense gives no clear answer.

**9.** I have declared that a promise is binding only if it is understood in the same way by both parties; and such an understanding is ordinarily achieved clearly enough, so far as explicit words or signs are concerned. But even here obscurity and misunderstanding sometimes occur; and when it comes to the *tacit* understandings that often enter into promises, a lack of definite agreement is likely enough. So it becomes practically important to decide the question raised on page 128: what duty does a promiser have of satisfying expectations that he didn't intend to create? I called this a duty not so much of •good faith as of •justice, which prescribes the fulfilment of normal expectations. The common way of determining what these are seems to be this: We form the conception of an average or normal man, and consider what expectations *he* would have in the circumstances, inferring this from what men generally expect in similar circumstances. So we appeal to the uses of language and tacit understandings that are customary among people in relations like those of the promiser and promisee ·in the case we are thinking about·. These interpretations and understandings are not obligatory on someone making a promise, but they set •a standard that we presume to be known to all men and accepted by them, except when •it is explicitly rejected. If one of the parties to a promise has deviated from this common standard without explicitly

saying so, we think he ought to suffer any loss resulting from the misunderstanding. This criterion is generally applicable; but it can't be applied if custom is ambiguous or shifting, and then the claims of the parties create a problem that is very hard—if not strictly impossible—to solve. [Sidgwick didn't say '... if "custom" is ambiguous or shifting'. He seems to mean 'if there are changes and unclarities in the facts about what is customarily understood and expected'.]

I have been assuming that the promiser can choose his own words, and that if the promisee finds them ambiguous he can get them modified or... explained by the promiser. But in promises made to the community as a condition of obtaining some office or salary, a certain unalterable form of words has to be used. Here the difficulties of moral interpretation are much increased. You might say:

'The promise should be interpreted in the sense in which its terms are understood by the community'; and if their usage is uniform and unambiguous this rule of interpretation suffices. But words are often used in different ways—and with different degrees of strictness—by different members of the same society; so it often happens that a promise to the community isn't understood in any one sense; and the question arises 'Is the promiser bound to keep the promise in the sense in which it will be most commonly interpreted, or may he select any of its possible meanings?' And if the formula is fairly old, 'Ought it to be interpreted in the sense that its words now generally have, or in the sense they had when it was first formulated...?' It's hard to get any clear answer to these questions from common sense; and it is made even harder by the fact that there are often strong inducements to make these formal engagements, which cause even reasonably honest people to take them in a strained and unnatural sense. When

this happens often enough, a new general understanding grows up about the meaning of the engagements: they are understood in a sense differing indefinitely from their original one, or even—the worst degradation—as 'mere forms'. The question then arises: 'How far, for a conscientious person, can this process of relaxation or perversion modify the moral obligation of the promise?' When the process is complete, we are clearly right in adopting the new understanding as far as good faith is concerned, even if it obviously conflicts with the natural meanings of the words... But the process is usually incomplete because some of the community still understand the engagement in its original strict sense; and then the obligation becomes hard to determine, and the judgments of conscientious people about it become divergent and perplexed.

To sum up the results of the discussion, it seems that there's a clear consensus only for the principle that a promise, explicit or tacit, is binding if

- the promiser has a clear belief about the sense in which the promise is understood by the promisee,
- the promisee is still in a position to grant release from the promise but is unwilling to do so,
- the promise wasn't obtained by force or fraud,
- it doesn't conflict with definite prior obligations,
- the promiser doesn't believe that keeping the promise will harm the promisee or inflict a disproportionate sacrifice on the promiser, and
- relevant circumstances haven't changed since the promise was made.

If any of these conditions fails, the consensus fades away and the common moral perceptions of thoughtful folk fall into obscurity and disagreement.

## Chapter 7: Classification of duties. Veracity

1. Now that I have discussed benevolence, justice, and the observance of law and contract, it may seem I have taken in the whole sphere of social duty, and that any other maxims accepted by common sense must be applications of the principles I have been trying to define.

[Sidgwick starts explaining why this may seem to be so, but then he apparently changes direction and focuses on a different idea about how to classify duties, namely into *social* and *self-regarding*. He rejects that as a basic theoretical classification, for reasons including the fact that it cuts *thorough* some virtues that seem to be unitary:] Consider the acts morally prescribed under the head of *courage*. It seems clear that this virtue has been prominent in historic systems of morality because of the great social importance it must always have when communities of men are continually called on to fight for their existence and well-being; but still the quality of bravery is essentially the same, whether it is exhibited for selfish or social ends.

When we are trying to pin down the kinds of conduct commended or prescribed in any commonly recognised list of virtues, the maxims we come up with are clearly not absolute and independent: the quality named by our virtue-word is agreed to be praiseworthy only when it promotes individual or general welfare, and when it works against these ends it becomes blameworthy, even if it remains intrinsically just the same. I have already called attention to one or two examples of this, and I'll illustrate it at length in the following chapters. But though there's a great deal of this in our moral thought, I want now to focus on duties that seem *not* to fit this pattern, because they are specially characteristic of the method that we call intuitionism.

One of the most important of these is •veracity; and it's convenient to take this immediately after discussing •fidelity to promises, because these two duties, despite their fundamental differences, have a good deal in common: each prescribes a certain correspondence between words and facts, so that the questions that arise when we try to make the maxims precise are somewhat similar. For example:

- My duty [see Glossary] of fidelity involves acting in conformity not with the *admissible* meaning of certain words but with the meaning that I know the promisee took them to have;
- My duty of veracity is not to utter words that *would* give beliefs corresponding to mine to any hearers who understood me according to common usage, but to utter words that I believe *will* have this effect on the hearers that I actually have.

This is usually a simple matter, because the natural effect of language is to convey our beliefs to others, and we commonly know quite well whether or not we are doing this. With veracity as with fidelity—i.e. with statements as with promises—a certain difficulty arises from the use of set forms; and most of chapter 6's discussion of the similar difficulty applies here, with obvious modifications.

[Biographical background to what comes next: When in 1859 Sidgwick became a Fellow of Trinity College, Cambridge, he formally signified his acceptance of certain doctrines of the Church of England. Every new Fellow had to do this, though many of them (not Sidgwick) regarded it as an empty formality. A decade later he no longer believed all those doctrines and astonished everyone by resigning his Fellowship.] In the case of formulae imposed by law, such as declarations of religious belief, may we understand the terms in any sense

that they commonly have, or must we take them in the sense intended by the legislature that imposed them? Another difficulty is created by the fact that the strong inducement offered for their acceptance leads to gradual degradation or perversion of their meaning; they are continually stretched until there gradually comes to be a new general understanding of the meaning of certain phrases; and there's a continual dispute about whether we can truthfully use the phrases in this new meaning. A similar process continually alters the meaning of conventional expressions in polite society: when a man declares that he 'has great pleasure in accepting' a tiresome invitation, or is 'the obedient servant' of someone he regards as an inferior, he is using phrases that were probably once deceptive. If they don't now deceive, common sense condemns as over-scrupulous the refusal to use them where it is customary to do so. But common sense seems doubtful and perplexed when the process of degradation is incomplete and there are still persons who may be deceived; as in the use of the message that one is 'not at home' to an inconvenient visitor.

But apart from the use of conventional phrases, the rule 'to speak the truth' is not hard to apply; and the simplicity and definiteness of this maxim have led many moralists to regard it as an unchallengeable instance of an *ethical axiom*. But patient reflection [Sidgwick's phrase] will show that the common sense of mankind doesn't really agree.

**2.** For a start: Is veracity an absolute and independent duty or a special case of some more general principle? There's no clearly agreed answer to this. We find Kant saying that the duty to speak the truth is *owed to oneself*, because 'a lie is an abandonment or, as it were, annihilation of the dignity of man'. And a somewhat weakened version of this seems to be involved in the view that lying is prohibited by the code of honour—the view that lying for selfish ends, especially out

of fear, is low and base. The code of honour *requires* lying in some circumstances, though here it clearly diverges from the morality of common sense. Still, common sense doesn't seem to decide clearly between these two:

- Truth-speaking is absolutely a duty, needing no further justification.
- Truth-speaking is merely each man's general right to have truth spoken to him by his fellows—a right that can be forfeited or suspended in certain circumstances.

Each man is thought to have a natural right to personal security generally, but not if he's trying to harm others in life and property; so if we may even *kill* in defence of ourselves and others, it seems strange if we may not *lie* if lying will defend us better against a clear invasion of our rights; and common sense doesn't seem to prohibit this decisively. Another example: the orderly and systematic slaughter that we call 'war' is thought to be perfectly right in certain circumstances, painful and revolting though it is; similarly in the word-contests of the law-courts, the lawyer is commonly held to be justified in untruthfulness within strict rules and limits; for it's thought to be over-scrupulous for an advocate to refuse to say what he knows to be false, if he is instructed to say it. Again, common sense seems to concede that deception is sometimes right when it's designed to benefit the person who is deceived. e.g. speaking falsely to an invalid if this is the only way to conceal facts that might produce a dangerous shock; and I don't see that anyone shrinks from telling fictions to children, on matters on which it is thought better they didn't know the truth. But if we ever allow that benevolent deception is lawful, I don't see how we can decide when and how far it is admissible, except by. . . .weighing the gain of each particular deception against the risk to confidence involved in all violation of truth.



Then there's the much argued question of religious deception—'pious fraud'. Common sense *now* pronounces against the broad rule that it is all right to tell falsehoods in the interests of religion. But moral persons do accept a subtler form of that same principle. It's sometimes said that the most important religious truths can't be conveyed into the minds of ordinary men except by being enclosed, as it were, in a shell of fiction; so that by relating such fictions as if they were facts, we are really performing an act of substantial veracity.<sup>1</sup> Reflecting on this argument, we see that it's not so clear, after all, what veracity is. [The next few sentences depart rather freely from Sidgwick's words, preserving their content but making the passage clearer because briefer.] When someone asserts that P, his hearer may come to believe that P and also to infer a consequence Q from it; the speaker may have foreseen this and intended to get across Q as well as P. Two complexities arise, of which we have just seen one: the speaker may think it important to communicate Q, and not know how to do this except by way of inference from P, which is false. If Q's truth is much more important than P's falsity, some people will credit this speaker with veracity. But others have the exactly opposite view about the duty of veracity. Suppose that the speaker asserts P, which is true, wanting the hearer to infer from this that Q, which is false. Some people hold that here veracity has been maintained, our only absolute duty being to make our actual affirmations true. They think:

Human converse *ideally* involves perfect sincerity and candour, and we ought to rejoice in exhibiting these virtues where we can. But in our actual world concealment is often required for the well-being of society, and can be legitimately effected by any means short of actual falsehood.

This involves the quite common view that in defence of a secret we may not indeed *lie*, i.e. *directly* produce beliefs contrary to fact; but we may 'throw the inquirer on a wrong scent', i.e. *indirectly* produce a false belief through a natural inference from a true thing that we say. Other people say that if deception is to be practised at all, it is mere formalism to object to one method of deception more than another.

So reflection seems to show that the rule of veracity, as commonly accepted, can't be elevated into a definite moral axiom, because there's no real agreement on how far we are bound to impart true beliefs to others; and while it's contrary to common sense to demand absolute candour in all circumstances, no self-evident secondary principle tells us clearly *when* it is not to be demanded.

**3.** But we mustn't overlook one method of exhibiting *a priori* the absolute duty of truth because if it is valid it would seem that the exceptions and qualifications that I have mentioned ought to be rejected, and have been accepted by common sense only through carelessness and shallowness of thought.

It goes like this:

'If it were once generally understood that lies were justifiable under certain circumstances, it would immediately become quite useless to tell lies because no-one would believe them; and the moralist can't lay down a rule which, if generally accepted, would be suicidal.

There seem to be three answers to this. **(a)** It isn't necessarily an evil that men's confidence in each other's assertions should *in certain special circumstances* be impaired or destroyed. So far from being an evil, it may even be the result we're trying to produce: a good way to protect legitimate

<sup>1</sup> For example, certain religious people have held recently that it is right to affirm solemnly 'God created the world in six days and rested on the seventh' as a way of saying that 1:6 is the divinely ordered proportion between rest and labour.

secrets would be to let everyone know that if they asked questions about those matters they will be answered with lies. And we shouldn't be restrained from pronouncing it lawful to meet deceit with deceit by the fear of spoiling the security that rogues now get from the veracity of honest men! No doubt the end-result of general untruthfulness in these circumstances would be that such falsehoods would no longer be told; but unless this result is undesirable, the prospect of it isn't a reason why the falsehoods shouldn't be told as long as they are useful. **(b)** Because men's beliefs generally aren't formed purely on rational grounds, experience shows that untruthfulness can remain partially effective in circumstances where it is generally understood to be legitimate. We see this in the law-courts. Jurymen know that it's regarded as an advocate's duty to state as plausibly as he can whatever he has been instructed to say on behalf of his criminal client, and yet a skillful pleader can often produce an impression that he sincerely believes his client to be innocent; and there's still debate about how far this kind of hypocrisy is justifiable. **(c)** It can't be assumed as certain that it is never right to act on a maxim of which the universal application would be an undoubted evil. This assumption may seem to be involved in an admitted ethical axiom, namely that what is right for me must be right for

everyone in similar conditions (see page 98). But... suppose that an agent •knows that the maxim he wants to act on is *not* universally accepted, and •reasonably believes that his act won't significantly contribute to its becoming so. [The next sentence is exactly as Sidgwick wrote it.] In this case the axiom will practically only mean that it will be right for all persons to do as the agent does, if they are sincerely convinced that the act will not be widely imitated; and this conviction must vanish if it *is* widely imitated. These conditions are *possible*; so the axiom that I'm discussing can only serve to direct our attention to an important danger of untruthfulness, which constitutes a strong but not rigorously conclusive utilitarian argument for speaking the truth. (This axiom will be further discussed in IV/5.3.)

[The chapter ends with a half-page note criticising the treatment of veracity in Leslie Stephen's *Science of Ethics*, which was published between the second and third editions of the present work. The exchange hardly seems worth pursuing now, except for the last sentence of the note:] The general question raised by Mr Stephen as to the value of 'internal rules' expressed in the form 'Be this', in contrast to external rules expressed in the form 'Do this', will be dealt with in chapter 14.1.

## Chapter 8: Other social duties and virtues

1. When we start asking how far the minor social duties and virtues that common sense recognises are anything more than special cases of the general or particular benevolence discussed in chapter 4, the loudest call for our attention comes from duties involving the existence and legitimacy of feelings that are the opposite of benevolent.

Malevolent affections [see Glossary] are as natural to man as benevolent ones are; not indeed in the same sense of 'natural'—for man tends to have normally some kindly feeling for any fellow-man when nothing special is making him love or hate. . . ., but special causes of malevolent feeling continually occur, and exemplify a psychological law like the law explaining the growth of benevolent feelings. For just as we're apt to love those who cause pleasure for us whether deliberately or otherwise; so also, by strict analogy, we naturally dislike those who have done us harm, whether consciously from malevolence or selfishness or even unconsciously, as when someone is an obstacle to our getting something we greatly want. We naturally feel ill-will towards a rival who deprives us of something we both wanted; which is why it's easy get someone who strongly desires superiority to dislike anyone who is more successful or prosperous than he is; and this dislike, this envy, however repulsive to our moral sense, seems as natural as any other malevolent emotion. Each of the elements into which we can analyse malevolent affection has an exact counterpart in the analysis of the benevolent affection. For example, malevolence

includes

a dislike of the presence of its object, a desire to give it pain, and a capacity to get pleasure from the pain thus given.<sup>1</sup>

·In that, replace 'dislike' by 'like' and (twice) 'pain' by 'pleasure', and the result characterises benevolence.

How far is it right and proper to indulge in malevolent emotions? Common sense's answer to this isn't easy to formulate. Some would say that they ought to be repressed altogether or as far as possible. And no doubt we blame all envy (though sometimes to exclude it altogether requires a magnanimity that we praise); and we regard as virtues or natural excellences •the good-humour that prevents one from feeling even pain to a material extent let alone resentment from trifling annoyances inflicted by others, •the meekness that doesn't resent even graver injuries, •the mildness and gentleness that refrain from retaliation, and •the ability to forgive rapidly and easily. We're even apt to praise the mercy that spares punishment, even *deserved* punishment; because though we never exactly disapprove of the infliction of deserved punishment, and hold it to be a duty of government and sometimes of private persons to inflict it, we think that this duty admits of exceptions; we think that in exceptional cases there can be reasons—not strictly relevant to the question of justice—for remitting punishment, and we admire the sympathetic nature that eagerly employs these legitimate occasions for remission.

<sup>1</sup> Men also get pleasure from the pains and losses of others in ways too: •from the sense of power that explains much of the wanton cruelty of schoolboys, despots, etc., •from a sense of their own superiority or security in contrast with the failures and struggles of others, or •even from the excitement caused by the manifestation or representation of any strong feeling in others—a real tragedy is interesting in the same way as a fictitious one. These facts, though psychologically interesting, present no important ethical problems, because no-one doubts that pain ought not to be inflicted from such motives as these.

On the other hand common sense admits that instinctive resentment for wrong is legitimate and proper; and even a more sustained and deliberate malevolence is commonly approved as virtuous indignation. How, then, are we to reconcile these diverse approvals? There's some difficulty about this even as regards external duty, ·the duty to *act* in this or that way·. Here is why:

Common sense firmly holds that •the punishment of adults ought generally to be inflicted by government, and that •a private individual who has been wronged ought not to 'take the law into his own hands'; yet in all societies there are harms to individuals that the law doesn't punish adequately, if at all, and for which effective requital is often possible without breaking the law; and there's no clear agreement about how we should deal with these.

The Christian code is widely thought to demand a complete and absolute forgiveness of such offences, and many Christians have tried to obey this rule by getting the offences out of their minds as much as they can, or at least not letting the memory of them affect their outward conduct. But few people would deny this:

If a man wrongs me in some way, that's a reason to expect that he will later do bad things to myself or to others, so I am obliged as a rational being to take precautions against this;

and probably most would admit that such precautions may include the infliction of punishment, where impunity would tempt the offender to repeat the unpunished offence. Well, then, *how far* is forgiveness practically possible? That seems admittedly to depend on **(a)** how far the punishment is really required in the interests of society, and **(b)** how far, if so, it

will be adequately inflicted if the person wronged refrains from inflicting it. But this way of settling the question is hard to distinguish from the utilitarian method.

And there's trouble over the legitimacy of malevolent feeling. Here again thoughtful persons disagree; many would say that although anger is legitimate, it ought to be directed always against wrong acts and not against the agent, because even where the anger may legitimately prompt us to punish him it ought never to overcome our kindly feeling towards him. If this state of mind is possible, it seems to be the simplest reconciliation of •the general maxim of benevolence with •the admitted duty of inflicting punishment. On the other hand, it is maintained with some reason •that

to retain a genuine kindly feeling towards a man, while gratifying a strong impulse of aversion to his acts by inflicting pain on him,

requires an emotional complexity that is too far out of the reach of ordinary men to be prescribed as a duty; and that •we must allow a suspension of benevolence towards wrong-doers until they have been punished. Some distinguish instinctive resentment from deliberate resentment, saying that the former is legitimate when required for self-defence and the repression of mutual violence, but that deliberate resentment is not similarly needed because if we act deliberately we can act from a better motive than that. But others think that the interests of society require a deliberate and sustained desire to punish wrong-doers, because the mere desire to be just won't in practice be strong enough to repress offences; and that replacing •natural resentment by the desire for justice is as serious a mistake as replacing •a natural appetite in eating and drinking by prudence or replacing •filial affection by mere dutifulness.<sup>1</sup>

<sup>1</sup> Butler (Sermon 8, on *Resentment*) recognises that deliberate resentment 'has in fact a good influence on the affairs of the world', though 'it were much to be wished that men would act from a better principle'.

We might distinguish the impulse to inflict pain from the desire for the pleasure one will get from inflicting it; so that while we approve the impulse in certain circumstances we may regard the desire for pleasure as altogether inadmissible. But a man under the influence of a strong passion of resentment can hardly keep out of his mind any anticipation of the pleasure he'll feel when the passion is gratified; and if so, he also can't keep out any desire for this gratification. So if it's important for society's well-being that men should get great satisfaction from the punishment of a nefarious criminal, it may be going too far to declare the desire for this satisfaction to be absolutely wrong; though we may say that a man ought not to cherish this desire, and gloat over the anticipated pleasure.

Summing up: a superficial view of the matter leads us to condemn *all* malevolent feelings and the acts they lead to, as contrary to the general duty of benevolence; but the common sense of thoughtful persons recognises that this rule should be relaxed in the interests of society. Common sense is unsure about the limits or principles of this relaxation, but is inclined to let it [here = 'the limits'] be fixed by considerations of expediency.

**2.** The remaining virtues that are clearly and exclusively social can easily be seen not to have independent maxims; they are special cases of virtues that I have already discussed. So I needn't discuss them in detail—I'm not aiming to generate a complete glossary of ethical terms—but for illustration's sake I should perhaps discuss one or two of them. I select for examination *liberality* with its cognate notions, because of the prominence that it has had in earlier times and because of a certain complexity in people's feelings about it. Considered as a **virtue**, liberality seems to be merely *benevolence, as exhibited in the giving of money, beyond the limits of strict duty as commonly recognised*. And liberality

can also be called a **duty**: we don't like it when someone performing one of the somewhat indefinite duties listed in chapter 4 tries to be *exact*; we think that a certain *excess* is needed if the duty is to be well done; and that is where liberality comes in. In the case of the poor, this graceful excess is perhaps excluded by prudence: a poor man might make a great sacrifice in giving a small gift, but we would call this 'generous' but hardly 'liberal'—liberality seems to require a gift to be large. So it seems that only the rich can be liberal; and the admiration liberality commonly arouses seems to contain an element that is aesthetic rather than moral. We're all apt to admire *power*, and we recognise the latent power of wealth gracefully exhibited by careless profusion in giving happiness to others. Indeed the vulgar admire the same carelessness as manifested even in selfish luxury.

The sphere of liberality, then, lies mostly in the fulfilment of the indefinite duties of benevolence. But it also—and especially—shows up in a certain borderland between •justice and •benevolence, namely in the full satisfaction of all customary expectations, even when these are indefinite and uncertain. [Sidgwick gives two sorts of examples. **(1)** x could get y to work for him for less than x is paying; x could get z to pay him more than he does for working for z; in each case x's liberality shows in his choosing not to haggle. **(2)** A liberal man is involved in some matter of law or contract where there's unclarity about *amounts*, and x 'unhesitatingly adopts the interpretation that is least in his own favour'. Then:] We describe as 'mean' a man who does the opposite of all this—meanness being the vice that is opposite to the virtue of liberality. . . . The common disapproval of meanness, like the approval of liberality, includes an element that isn't strictly moral but rather aesthetic. Just as a certain carelessness of money is admired as a sign of power and

superiority, the opposite habit is a symbol of inferiority. The mean man is apt to be despised as having the bad taste to show this symbol needlessly, preferring a little gain to the respect of his fellow-men.

But meanness has a wider sphere than liberality, and refers not merely to •the taking or refusing of money but to •taking advantages generally; in this wider sense the opposite virtue is generosity [see Glossary].

In the area of their overlap, generosity seems to differ from liberality in

- partly transcending liberality,
- partly referring more to feelings than to actions, and
- implying a more complete triumph of unselfish over selfish impulses.

Generosity in this wider sense is strikingly exhibited in conflict and competition of all kinds, where it is sometimes called 'chivalry'. The essence of this beautiful virtue is the achievement of benevolence in circumstances that make it

specially difficult and therefore specially admirable. Generosity or chivalry towards adversaries or competitors seems to consist in showing as much regard for their well-being as is compatible with the ends and conditions of conflict—e.g. trying to achieve ideal justice in the conflict, not merely by observing all the rules and tacit understandings under which it is conducted, but by resigning [here = 'giving up'] even accidental advantages. Such resignation isn't regarded as a strict duty; and there's no agreement about how far it is right and virtuous, for some people would praise conduct that others would regard as quixotic and extravagant.

Thus, the terms 'liberality' and 'generosity' in their strictly ethical uses, name the virtue of benevolence (perhaps including justice to some extent) as exhibited in special ways and in special conditions. Examination of the other minor social virtues would lead to similar general results, though it mightn't always be easy to agree on their definitions.

## Chapter 9: Self-regarding virtues

**1.** The morality of common sense assume or postulates an ultimate harmony between **(i)** self-interest and **(ii)** virtue: it's generally thought that it's a *duty to yourself* to do your duty generally and to develop your virtues—this being always conducive to your true interests and well-being. And common sense (in modern Europe) recognises a strict duty to preserve your own life, even when that life will be one in which pain outweighs pleasure. Indeed, it is held to be right and praiseworthy to encounter certain death

- in the performance of strict duty, or
  - for the preservation of someone else's life, or
  - for any very important gain to society,
- but not merely
- to avoid pain to oneself.

At the same time, within the limits fixed by this and other duties, common sense considers that it is a duty to seek our own happiness except when we can promote the welfare of

others by sacrificing it.<sup>1</sup> This ‘due concern about our own interest or happiness’ may be called the duty of ‘prudence’. It’s less obvious that •men don’t adequately desire their own greatest good than that •their efforts to achieve this are not well directed; and for that reason when prudence is thought of as a virtue or excellence the focus is almost entirely on its intellectual side. Seen in that way, prudence can be said to be merely *wisdom made more definite by the acceptance of self-interest as its sole ultimate end*—the habit of •calculating carefully the best means to achieving our own interests, and •resisting all irrational impulses that could upset our calculations or prevent us from acting on them.

**2.** But there are current notions of particular virtues that might be called ‘self-regarding’, though it’s not quite clear whether •they are merely special cases of prudence or •have independent maxims. The most prominent of these is *temperance*, one of the four cardinal virtues recognised in ancient times. In its ordinary use, temperance is the habit of controlling the principal appetites (i.e. desires with an immediate physical cause). Common sense recognises as useful and desirable the habit of moderating and controlling our desires generally, but it is less clear and emphatic about this.

Everyone agrees that our appetites need control; but we can’t have a maxim of temperance unless we determine

- within what limits,
- on what principle, and
- for what purpose

they ought to be controlled. As for the appetites for food,

drink, sleep, stimulants, etc., no-one doubts that the natural purpose of gratifying them is bodily health and vigour, and that they should be reined in when they tend to defeat this purpose (including mental health insofar as it depends on the general state of the body). And the indulgence of a bodily appetite is obviously •imprudent if it involves the loss of any greater pleasure, and •wrong if it interferes with the performance of duties; though it’s not clear how far this latter indulgence would commonly be condemned as ‘intemperance’.

Some people derive from •the obvious truth that bodily health is the chief natural purpose of the appetites •a more rigid rule of restraint that goes beyond prudence. They say that. . . we should seek the pleasure of gratifying an appetite *only* when such gratification is positively conducive to health. Considering how markedly this condemns the usual habits of the moral rich, we might be disposed to say that it is clearly at variance with common sense; but it often meets with verbal assent.

There’s an intermediate view according to which the gratification of appetite is to be sought—not indeed for its own sake, but—for more purposes than mere health and strength, e.g. to produce ‘cheerfulness, and the cultivation of the social affections’ (quoting Whewell). Many people seem to accept something like this, not always consciously: solitary indulgence in the pleasures of the table is often regarded with something like moral aversion; and that banquets that moral people give or enjoy are vaguely supposed to aim not at •the common indulgence of sensual appetites but

<sup>1</sup> Kant argues that this can’t be regarded as a duty because everyone ‘inevitably wills’ means to promote his own happiness. But, as I contended in I/4.1, a man doesn’t ‘inevitably will’ to do what he believes will be most conducive to his own *greatest* happiness. The view in the text is that of Butler (‘The nature of virtue’, appended to his *Analogy of Religion*), who admits that ‘nature has not given us as strong a sense of disapproval of imprudence and folly as of falsehood, injustice, and cruelty’, but points out that for various reasons such strongly sensed disapproval is less needed in the former case.

•the promotion of conviviality and enjoyable conversation. . . . Still it would be going too far to credit common sense with accepting the maxim that no sensual pleasures are ever to be sought except when they positively promote pleasures of a higher kind.

**3.** That was mainly about the appetites for food and drink. But the area where •morally prescribed regulation most clearly and definitely goes beyond mere prudence is that of the sexual appetite; •it is indicated by the special notion of *purity* or (the same thing except a bit more external and superficial) *chastity*.

You might at first sight think this:

Common-sense **morality** restricts the sexual appetite merely by confining its indulgence within the limits of **legal** marriage; but because this natural impulse is so powerful and easily aroused it's especially necessary to prohibit any acts—internal or external—that might lead the person to cross these limits.

This is largely true; but on reflection we'll find that our common notion of **purity** involves a standard that is independent of **law**, for two reasons: **(a)** conformity to the law doesn't guarantee purity; and **(b)** sexual intercourse that doesn't conform to the law isn't always thought to be impure. The two notions—illegality and impurity—are sometimes run together, but that is a mere mistake.<sup>1</sup> But it's not clear what this standard of ours *is*. When we interrogate the moral consciousness of mankind, we seem to get two answers, one stricter than the other, analogous to the two versions of temperance discussed in section 2. They agree that the sexual appetite ought to be indulged only as a means to

some higher end, and never merely for the sake of sensual gratification; but then they part company. Some people say that the propagation of the species—obviously the primary natural purpose—is also the only permissible purpose. Others see a different purpose as perfectly admissible and right, namely the development of mutual affection in a union designed to be permanent. The practical difference between the two views is considerable; so that this question needs to be asked and answered. But any attempt to lay down minute and detailed rules about this seems to be condemned by common sense as tending to defeat the purpose of purity, because such minuteness of moral legislation invites men to exercise their thoughts on this subject to an extent that is practically dangerous.<sup>2</sup>

The virtue of purity is not merely self-regarding, so it doesn't really belong in this chapter; but I put it here because of the convenience of discussing it along with temperance. Some would go further and say that purity should be treated as a distinctly *social* virtue; the propagation and rearing of children is one of the most important of social interests, and thee people hold that purity is simply a sentiment protective of these important functions, supporting the rules that we think are needed to secure their proper performance. But it seems clear that although common sense undoubtedly does •recognise that the sentiment of purity is conducive to the best possible provision for the continuance of the human race, it doesn't •regard that as the crux of this rule of duty and the sole criterion in deciding whether acts violate the rule.

<sup>1</sup> When illegality of union is taken to be prohibited directly and specifically—not merely for reasons of prudence and benevolence—it is being regarded as a violation of order rather than of purity.

<sup>2</sup> Part of what brought medieval casuistry [= 'practical ethics'] into disrepute was the failure to see that purity itself forbids too minute a system of rules for the observance of purity.



There seem to be no similar special questions regarding most other desires. We do recognise a general duty of self-control; but this is merely as a means to acting rationally (however we understand that); it only requires us not to yield to any impulse that would make us act against ends or rules that we have accepted. Among moral persons there's a tendency to the ascetic opinion that the gratification of merely sensual impulse is in itself objectionable; but this doesn't seem to be the view of common sense in particular cases—we don't condemn intense enjoyment of muscular exercise, or

warmth, or bathing. The only other natural impulses that the common sense of our age and country thinks it right or admirable to repress—apart from what prudence and benevolence would dictate—are the promptings of pain and fear. An important instance of this is the absolute prohibition of suicide even when it's very probable that the rest of a man's life will be •miserable and •burdensome to others. But there are other cases also where praise is apparently bestowed on endurance of pain and danger beyond what is conducive to happiness. We'll see this in the next chapter.

### Chapter 10: Courage, humility, etc.

1. Some prominent excellences of character are commonly admired and inculcated without, apparently, any clear reference to private or general happiness. They are usually conducive to one or other of those ends, but sometimes they seem to turn conduct against them.

*Courage* arouses general admiration, whether it is shown in self-defence or in aiding others or even when it doesn't bring any benefit that we can see. In Christian societies sincere *humility* often receives unqualified praise, in spite of what a man may lose by underrating his own abilities. It will be well, therefore, to examine how far in either case we can elicit a clear and independent maxim defining the conduct commended under each of these notions.

**Courage:** We take courage to be a disposition to face danger of any kind without shrinking. We sometimes also describe as

'courageous' those who bear pain unflinchingly, but it's more usual to call this 'fortitude'. What commonly recognised duties are there involving courage or fortitude? It seems clear that any answer to this will bring in other maxims and purposes. No-one would deny this:

The only times when we have a duty to •face danger or •bear avoidable pain is when the need for this comes up in the course of •some other• duty.<sup>1</sup>

And not always, even then: with duties such as those of general benevolence, it would be commonly allowed that

- the agent's pain and danger are relevant in deciding how far his duty extends in the given case;
- we're obliged to endure pain only when that will prevent obviously greater pain to someone else, or will achieve a more important amount of positive good;

<sup>1</sup> With pain that can't be avoided, fortitude will suppress outcries and lamentations; though if these relieve the sufferer without annoying others, it seems doubtful that this is a *duty*.

•and we're obliged to run risks only when the chance of additional benefit for someone else outweighs the cost and chance of loss to ourselves if we fail.

The duty of benevolence, as commonly estimated, may not stretch as far as this. (See chapter 4.5.)

But when courage is viewed as an •excellence rather than a •duty, it seems to have a more independent position in our moral estimation. And this view of courage fits the common application of the notion better than does the 'duty' view of it; many acts of courage are not entirely under the control of the will, and therefore can't be strict duties. •Danger is often sudden, and has to be met without deliberation, so our way of meeting it can only be *semi-voluntary*. •And although given time for deliberation a naturally timid man may be able to control fear (as he can anger or appetite), preventing it from taking effect in dereliction of duty, this won't be enough for him to perform courageous acts that require great energy. Why not? Because the timid virtuous man's energy is likely to have been exhausted by the effort to control his fear; in battle he can stand still to be killed as well as the courageous man, but not charge with the same forceful rush or strike with the same vigour and precision.

Given that courage is not completely voluntary, we have to replace the question 'Are we strictly obliged to show courage?' by the question 'Is courage a desirable quality?'. There's no room for doubt that we commonly find it morally admirable without reference to any purpose served by it—when the dangers that call it forth could be avoided without any failure of duty. But a man who needlessly runs into danger beyond a certain degree we describe as 'foolhardy'. Where then is the limit to be fixed? On utilitarian principles we should balance as accurately as we can

the amount of danger incurred in the given case  
against

the probable benefit of cultivating and developing by practice a habit that is so often needed for the performance of important duties.

This will obviously give different results for different states of society and different callings and professions; because most people need this instinctive courage less in civilised societies than in semi-barbarous ones, and civilians need it less than soldiers. Perhaps mankind's instinctive admiration for acts of daring doesn't altogether observe this limit; but when we do try thoughtfully to justify this admiration, we commonly do it in some such way as this; and common sense doesn't point to any limit depending on a different principle.

**2. Humility:** The virtue of courage is prominent in pagan ethics, and in the code of honour that is a sort of survival of the pagan view of morality; whereas humility especially belongs to the ideal that Christianity sets before mankind. But the common account of this virtue is somewhat paradoxical. It is generally said that humility prescribes a low opinion of our own merits; but if our merits are comparatively high it seems strange to direct us to have a low opinion of them. This may be said in reply:

Even if our merits are high when compared with those of ordinary men, there are always some superior merits that we can compare ourselves with, right up to *ideal* excellence, of which we all fall far short. That's the kind of comparison that we ought to make, dwelling on our many faults and not on our merits.

But surely in human life's most important deliberations—in determining what work we will do and what social roles we will aspire to—a good decision often requires us to compare our qualifications with those of average men. And it seems just as irrational to underrate as to overrate ourselves. . . .

The word 'humility' isn't always used eulogistically; but when it is, what is being praised in the common judgments

using the notion of *humility* is a quality that •doesn't influence our opinions of ourselves—for here as in other opinions we ought to aim at nothing but truth—but •influences our emotion by tending to repress two different seductive emotions, one entirely self-regarding, the other relating to others and partly showing in social behaviour. One is the emotion of *self-admiration*, which arises naturally from the contemplation of our own merits. . . .and tends to cause such contemplation. This admiring self-satisfaction is generally condemned, but I don't think this comes from an intuition that claims to be basic; rather, it is commonly derived from the belief that such self-admiration, even if it is well-grounded, tends to hinder our progress towards higher virtue. The mere fact of our feeling this admiration is thought to be evidence that •we haven't sufficiently compared ourselves with our ideal or that •our ideal isn't high enough; and it is thought that our moral progress needs us to have a high ideal and to keep it continually in mind. But we obviously need to be careful how we apply this maxim. Everyone agrees that self-respect is an important aid to right conduct; and moralists point to the satisfactions of a good conscience as part of the natural reward that Providence has attached to virtue; and it's hard to separate •the glow of self-approval from performing a virtuous action from •the satisfied self-consciousness that humility seems to repress. Perhaps we can say that the feeling of self-approval is natural and a legitimate pleasure which is liable to impede moral progress if it is prolonged and cultivated; and that humility prescribes a repression

of self-satisfaction that will tend on the whole to stop this prolongation. On this view the maxim of humility is clearly a derived one, and is subsidiary to the end of progress in virtue generally. As for pride and self-satisfaction *not* based on our own conduct and its results but on external and accidental advantages, these are condemned as involving a false and absurd view about the nature of real merit.

But most of us take pleasure in the respect and admiration not only of ourselves but still more of others. The desire for this is also regarded as to some extent legitimate, and even as a valuable aid to morality; but it's a dangerously seductive impulse which often acts in opposition to duty, so it is felt to stand in special need of self-control. Humility, however, consists not so much in •controlling this desire as in •repressing our natural inclination to get others to satisfy it. We're inclined •to demand 'tokens of respect' from others, some symbol of their recognition of how fine we are, and •to complain if our demands are not met. Humility tells us to repress such claims and demands. In many cases where others have a strict duty to express reverence towards someone, *he* is thought to have a duty not to demand it. But common sense holds that there's a limit at which this quality of behaviour passes over into a fault; for the omission of marks of respect<sup>1</sup> is sometimes an insult that we are prompted to repel by impulses that are commonly regarded as legitimate and even virtuous—sense of dignity, self-respect, proper pride, and so on. I don't think there's any agreed formula for determining where this limit lies.

<sup>1</sup> Omission of the customary •marks of respect for officials would be a breach of established order; but I'm not talking about •these, because the special political reason for requiring them goes far beyond the sphere of the virtue of humility.

## Chapter 11: Review of the morality of common sense

1. I have now carried out the plan laid down in chapter 1 for examining the morality of common sense, doing it in as much detail as seemed desirable. I haven't discussed all the terms in our common moral vocabulary, but I think I have covered all that are important •in themselves or •relative to my present inquiry. The ones I have omitted don't bring in independent maxims: the conduct designated by them is either •prescribed merely as a means to performing duties already discussed or •really identical with the whole or part of some of these. . . .

Let us look back at what I have been doing and the results I have come up with.

At the outset I admitted the existence of apparently independent moral intuitions, this being the thesis that many moralists have concentrated their efforts on trying to prove. It seemed undeniable that men judge some acts to be right and others to be wrong *in themselves*, without . . . taking their consequences into account at all, except for consequences that are included in the common notion of the act. But we saw that when these judgments are passed on particular actions, they seem (at least for thoughtful people) to bring in some general rule of duty; and that in the frequent cases of doubt or conflict of judgments about the rightness of any action, appeal is commonly made to such rules or maxims, as the ultimately valid principles of moral knowledge. To put the morality of common sense into a scientific form, therefore, I needed to get as exact a statement as possible of these generally recognised principles. I didn't evade this task by pleading the unscientific character of common morality. The moral opinions of ordinary folk are indeed loose, shifting, and mutually contradictory, but it

doesn't follow that we can't sift out from this fluid mass of opinion a deposit of clear and precise principles that would be accepted by everyone. *Can* we do this? The question, I thought, shouldn't be answered *a priori*, without a fair trial; and part of the task of chapters 3–10 has been to prepare materials for this trial. I have tried impartially to discover, simply by thinking about common moral discourse, what the principles or maxims are by which actions are judged to be right and reasonable in different parts of life. Please note that I haven't introduced *anywhere* views of mine that I don't think would be accepted generally; my sole aim has been to make explicit the implied premises of our common moral reasoning. I shall now subject the results of this survey to a final examination, in order to decide whether these general formulae have the marks by which self-evident truths are distinguished from mere opinions.

2. How can an apparently self-evident proposition qualify as having the highest possible degree of certainty? Four conditions are jointly sufficient for this—conditions that must be more or less satisfied by the premises of •our reasoning in any inquiry if •it is to lead us forcefully to trustworthy conclusions.

(1) The terms of the proposition must be clear and precise. The rival originators of modern methodology, Descartes and Bacon, both stress this, and Bacon's warning against the 'badly defined notions' is especially needed in ethical discussion. My chief business in the preceding chapters has been to free the common terms of ethics, as far as possible, from objection on this score.

(2) The proposition must be found to be self-evident *by careful reflection*. Most people are liable to think they have

an **intuition** when really it is only

- an **impression or impulse** which doesn't look like a dictate of reason when it is carefully observed, or
- an **opinion** to which the familiarity that comes from frequent hearing gives an appearance of self-evidentness—an appearance that attentive reflection disperses.

In such cases Descartes's method of testing the ultimate premises of our reasonings by asking ourselves if we clearly and distinctly apprehend them to be true—though he was wrong to think it gives a complete protection against error—can be really useful. A strict demand for self-evidentness in our premises can protect us from the influence of our own irrational impulses on our judgments; it distinguishes as inadequate the mere external support of authority and tradition, and blocks the more subtle and hidden effect of these in shaping our minds into an easy and unquestioning admission of common but unwarranted assumptions.

This test is especially needed in ethics. On one side: any strong sentiment, however purely subjective, is apt to seem like an intuition: when we *want* something we're apt to call it *desirable*, and when conduct gives us keen pleasure we're strongly tempted to give it our moral approval—and detecting these illusions requires careful thought. On the other side: of the rules of conduct that we customarily obey, many are shown by reflection to be really derived from some external authority; so that even if they are unquestionably obligatory, they can't be discovered intuitively. This is of course the case with the positive law of the community: we certainly ought to obey it, generally speaking, but of course we can't learn what it is by any process of abstract reflection, but only by consulting reports and statutes. These sources of knowledge, however, are so definite and conspicuous that we don't risk confusing what we learn from them with the results

of abstract thought. It's not like that with the •traditional and •customary rules of behaviour that exist in every society, supplementing the law's work in regulating conduct; it's much harder to distinguish *these* from rules that a moral man is called on to define for himself by applying intuitively known principles. . . .

Consider two systems of rules that I compared with morality in I/3.2—the law of •honour, and the law of •fashion or etiquette. I remarked that the common terms 'honourable' and 'dishonourable' are ambiguous. No doubt they are sometimes used, like ethical terms, as implying an absolute standard. But when we speak of the 'code of honour' we seem to be referring to rules that are ultimately fixed by the general opinion of well-bred persons; when this opinion condemns a man we admit that he is in a sense 'dishonoured', even if we think his conduct acceptable or even intrinsically admirable (see I/3.2). Similarly with the rules of fashion or etiquette: looked at from the point of view of reason, some seem useful and commendable, some indifferent and arbitrary, some perhaps absurd and burdensome; but we recognise that the final authority on matters of etiquette is the custom of polite society, which doesn't feel obliged to reduce its rules to rational principles. But each individual in any society commonly finds in himself a seemingly complete knowledge of the rules of honour and etiquette, and an impulse to obey them without requiring any reason for doing so. He seems to see at a glance what is •honourable and polite just as clearly as he sees what is •right; and he would have to think hard to realise that in •the former cases custom and opinion are the final authority from which there is no appeal. And even in rules regarded as clearly *moral*, we can usually find an element that seems to us as clearly conventional as the code of honour, when we think about the morality of other men, even in our own age and country. So we can reasonably

suspect a similar element in our own moral code, and must admit the importance of testing rigorously *any* rule that we have a habitual impulse to obey, to see whether it really comes from a clear intuition of rightness.

**(3)** The propositions accepted as self-evident must be consistent with one another. Obviously, any collision between two intuitions proves that at least one of them contains some error. Ethical writers often treat this point very lightly. They seem to regard a conflict of ultimate rules as a difficulty that may be ignored or set aside to be solved later, without any slur on the scientific status of the conflicting formulae. Whereas such a collision is absolute proof that at least one of the formulae needs qualification; and suggests a doubt whether the correctly qualified proposition will look as self-evident as the simpler but inadequate one did; and whether we haven't mistaken a derivative and subordinate proposition for an ultimate and independent axiom.

[Sidgwick's point here is as follows. I am inclined to accept as ultimate the propositions

**(a)** I ought never to do A, and

**(b)** I ought never to do B;

and then I realise that these two 'collide' in cases where it is impossible for me to obey both at once. To deal with this I 'qualify' = 'modify' one of them, dropping **(b)** in favour of

**(c)** I ought never to do B in circumstances where P is the case,

with a value of P that prevents the collision. The odds are that **(c)** won't strike me as self-evident in the way that the simpler and seemingly basic **(b)** did.]

**(4)** My confidence in the validity of something I have asserted is likely to be weakened if someone else denies it. And in fact 'universal' or 'general' consent has often been thought to be, all by itself, sufficient evidence of the truth of the most important beliefs; and in practice it's the only evidence on which most of mankind can rely. A proposition accepted as true on this ground alone isn't self-evident or

rigorously demonstrable; but our usual confident acceptance of the generalisations of the empirical sciences rests—even in the minds of experts—largely on the belief that other experts have seen the evidence for these generalisations and pretty much agree that it is adequate. And it's easy to see that the certainty of our beliefs won't survive if there *are* significant disagreements. If *any* of my judgments are in direct conflict with a judgment by someone else, there must be error somewhere; and if I don't have any reason to suspect error in the other person's mind rather than in my own, the upshot of my thoughtfully putting his judgment and mine side by side is that I'm forced into a temporary state of neutrality. The total result in my mind is not exactly suspension of judgment, but an alternation and conflict between positive affirmation by one act of thought and the neutrality that results from another; it's very different from scientific certitude.

It seems clear that the maxims of the morality of common sense—if my account of it chapters 3–10 is mainly correct—don't generally satisfy the four conditions I have just laid down. When they are left as somewhat vague generalities, as we meet them in ordinary discourse, we're inclined to give them unquestioning assent; and that assent is *approximately universal* in the sense that any dissent is eccentric and paradoxical. But when we try to give these maxims the definiteness that science requires, we find that we can't do this without losing the universality of acceptance. In some cases we have to choose between alternatives that are equally or nearly equally plausible, and common sense doesn't decide between them. In other cases the moral notion seems to resist all efforts to extract a definite rule from it; in yet others it brings together elements that we can't reduce to a common standard except by applying the utilitarian method or something like it. Even where we do

seem able to get common sense to give a fairly clear reply to the questions we raise in our pursuit of definiteness, the resulting principle is so complicated that its self-evidentness becomes dubious or vanishes altogether. Thus, in each case what at first seemed like an intuition turns out to be either •the mere expression of a vague impulse, needing regulation and limitation that has to be drawn from some other source, or •a current opinion whose reasonableness has still to be shown by a reference to some other principle.

So that I can adequately present this result, please travel with me again through the series of principles drawn from common sense in chapters 3–10, so that we can examine them from a different point of view. Our main aim so far has been to discover what the deliverances of common sense actually are; now we have to ask what claim they have to the status of intuitive truths.

Throughout this examination I'll be making a double appeal—to *your* moral consciousness, and to common sense as expressed generally by the people whose moral judgment you're willing to rely on. In each case I shall ask:

- (1) Can you state a clear, precise, self-evident first principle that you're prepared to use in judging conduct of this kind?
- (2) If you can, is this principle the one that is commonly applied by those whom you take to represent common sense?

[At this point Sidgwick says in a footnote:] I have been accused of leaving the determinations of common sense very loose and indefinite. So indeed I have. If I were trying to bring out a more •positive result from this examination, I ought certainly to have discussed further how we are to identify the 'experts' on whose 'consensus' we are to rely.

But my scientific conclusions are so •negative that I thought it hardly necessary to go into this. I have been careful not to exaggerate the doubtfulness and inconsistency of common sense; if it turns out to be more doubtful and inconsistent than I have made it out to be, my argument will only be strengthened.

**3.** Let us start with the duty of acting wisely, discussed in **chapter 3**. We may seem here to have an undoubtedly self-evident axiom: acting wisely seemed to mean

- taking the right means to the best ends, i.e.
- taking the means that reason indicates to the ends that reason prescribes.

And it's evident that it must be right to act reasonably. Equally undeniable is the . . .negative aspect of this principle, namely that it's wrong to act in opposition to rational judgment. From this, together with the empirical fact that we have impulses conflicting with reason, we get—as another self-evident principle—the maxim of temperance or self-control in its widest interpretation, namely that reason should never give way to appetite or passion.<sup>1</sup> And these principles •of wisdom and temperance• have sometimes been solemnly offered as answering the basic question of ethics and supplying a comprehensive basis for a doctrine of how to behave.

But this statement of principles turns out to be a brief circuit leading us back to the point from which we started. (This happens annoyingly often in the course of ethical reflection!) To make sure that the point is understood: the maxims just given have two senses—in one sense they are self-evident but are also insignificant; in the other sense they point us more or less clearly towards an important duty, but

<sup>1</sup> In chapter 9 I treated temperance as a special application of prudence, i.e. self-love moralised. That's because that seemed to be the view of common sense, which I was trying to follow as closely as possible, both in •stating the principles of common sense and in •the order of their exposition.

in so doing they lose their self-evidentness. **First sense:** If the rules of wisdom and self-control mean **(1)** that we ought always to do what we see to be reasonable, and **(2)** that we are not to yield to any impulse urging us in an opposite direction, they simply affirm that it is our duty—**(1)** generally, and **(2)** under special temptations—to do what we judge to be our duty,<sup>1</sup> and say nothing about the method and principles by which duty is to be determined.

**Second sense:** But these rules are sometimes understood to prescribe the development of a habit of acting rationally, i.e. of basing each act on specific principles and ends, rather than letting it to be determined by instinctive impulses. This has real content, but considering it as a universal and absolute rule of duty I can't see it as self-evidently true. . . . It presents us with the question 'Is reason's command *always* a good? Is it the case that the perfection of the conscious self must always be favoured by reason's being predominant over mere impulse, however great that predominance is?' It surely isn't self-evident that the right answer is Yes, i.e. that reason's predominance can't be carried too far. Perhaps there are limits to how much control reason should have; perhaps reason itself sets them, in the knowledge that rational ends are sometimes better achieved by those who don't directly aim at them as rational. Certainly common sense is inclined to hold that in many matters instinct is a better spring of action than reason: it is commonly said that

- a healthy appetite is a better guide to diet than a doctor's prescription; and that
- marriage is better undertaken as a consequence of falling in love than in the carrying out of a calm and deliberate plan;

and I noted in chapter 4 that services springing from spon-

aneous affection have a certain excellence that similar acts done from pure sense of duty don't have. Experience seems to show also that many acts requiring promptness and vigour are likely to be more energetic and effective, and that many acts requiring tact and delicacy are likely to be more graceful and pleasant to others, if they're performed not in conscious obedience to the dictates of reason but from other motives. For my present purposes, I don't need to know *how much* truth there is in this; it's enough I don't know intuitively that there's no truth in it. I don't know that there may not be—to use Plato's analogy—*over-government* in the individual soul no less than in the state. So the residuum of clear intuition that we have so far obtained is the empty proposition that it's our duty to do what we judge to be our duty!

**4.** Let us pass now to what in **chapter 4** I called the duties of the affections, i.e. rules that prescribe some degree of •love or of •the services that naturally spring from love in the relationships where it is expected and desired. Let's start with the question: 'How much of those services are we obliged to give if we don't feel the love?' In many cases this is answered differently by different persons, and no setting of the limit seems self-evident. Similarly with the question: 'Is love itself a duty?' On one hand: love is at most only partially under the control of the will, and when it is produced by voluntary effort there's thought to be something unsatisfactory and unattractive in it. On the other hand: in certain relationships it seems to be commonly regarded as a duty. On those points the doctrine of common sense is a rough compromise between conflicting lines of thought rather than something derivable from a clear and universally accepted principle. And if we confine ourselves to the relationships where common sense is sure there's

<sup>1</sup> Such a judgment may be objectively wrong; but while it's the judgment that I have it would be wrong for me not to act in accordance with it.



a broad moral obligation at least to give services such as love naturally prompts, there's still something—actually, two things—unsatisfactory about the rules of external duty that are commonly recognised in these relationships: •they aren't definite and precise, and •the details of the duties they prescribe don't seem to be based on independent intuitions. Consider the duty of parents to children. We have no doubt about this duty as a part of the present order of society, something that distributes among the adults the proper growth and training of the next generation. But when we think about this arrangement we can't see intuitively that it's the best possible. It is plausible to maintain that children would be better trained, physically and mentally, if they were brought up under the supervision of physicians and philosophers in large institutions maintained out of the general taxes. We can't decide *a priori* which of these alternatives is preferable; we have to bring in generalisations that psychologists and sociologists have obtained by empirical study of human nature in actual societies. Well, then, let's consider the duty of parents by itself and not as connected with this social order: it certainly isn't self-evident that we owe more to our own children than to others whose happiness we could equally affect. . . . Some people hold that my special duty to my own children arises from the fact that it's I who brought them into existence. It seems to follow from this that I have a right to lessen their happiness, provided I don't turn it into a negative quantity; because if it weren't for me they wouldn't have existed at all, their status as my children gives them no claim on me for anything more than an existence that is over-all above zero in respect of happiness. We

might even infer a parental right to extinguish one's children painlessly at any point in their existence, provided that their life up to that point has been on the whole worth having; for how can persons who would have had *no* life but for me fairly complain that they aren't allowed more than a certain quantity?<sup>1</sup> I'm not saying that these doctrines are even implicitly held by common sense; I aim only to show that here as elsewhere the pursuit of an irrefutable intuition may draw us into a nest of paradoxes.

So it seems that we can't, after all, say that the special duty of parents to children, considered by itself, is clearly self-evident; and it was easy to show in chapter 4 common sense's limits for it are indeterminate.

We needn't linger on the rule prescribing the duty of children to parents. Common sense thinks that this *may* be merely a particular case of gratitude, and we have no clear intuition of what is due to parents who don't deserve gratitude. The moral relation of husband and wife seems to depend chiefly on contract and definite understanding. It is usually thought that morality as well as law prescribes conditions for all connubial contracts; and in our own age and country it is held that they should be monogamous and permanent. But clearly that neither of these ·moral· opinions would be maintained to be a primary intuition. Can any of the legal regulations of the union of the sexes be derived from some intuitive principle of purity? I will address that shortly [page 173]; but as for conjugal duties that aren't prescribed by law, probably no-one these days would maintain that they can be known *a priori*—there's not enough general agreement about what they are for that to be plausible.<sup>2</sup>

<sup>1</sup> A view similar to this has often been maintained regarding what God is in justice bound to do for human beings, given his quasi-parental relation to them.

<sup>2</sup> It's relevant here to remember the remarkable variety of suggestions for the better regulation of marriage that reflective minds seem to be led to once they are disentangled from the web of tradition and custom. . . .

In these domestic relations the duties of affection are commonly regarded as imperative and important; if we can't find any independent and self-evident principles for determining *them*, I needn't spend time showing that we can't find such principles either for the less intimate ties—of kindred, neighbourhood, etc.—that link us to other human beings. . . .

There are certain obligations towards human beings generally that are, speaking broadly, unquestionable [Sidgwick's phrase]. For example, the duty (whether of justice or benevolence) to •refrain from causing pain to others against their will, except as deserved punishment; and to •make reparation for any pain we have caused. But when we try to define the limits of these duties, asking *how far* we can legitimately go in causing pain to other men (or other sentient beings) so as to get happiness for ourselves or third persons—or even to confer a greater good on the sufferer himself if the pain is inflicted against his will—we can't obtain any clear and generally accepted principle for settling this, unless the utilitarian formula is openly admitted. And we have seen that there's a fundamental doubt about how far reparation is due for harm that was involuntarily caused.

Similarly, everyone agrees that we have a general duty to help our fellow-men—especially those in special need—and that when we can greatly benefit someone through a small loss to ourselves we're obliged to do that; but when we ask 'How much of our own happiness are we obliged to give up so as to promote the happiness of others?', common sense doesn't clearly accept the utilitarian principle but it doesn't definitely affirm any other.

And even the common principle of gratitude, which everyone immediately feels to be strict, seems to be essentially indeterminate because of the unsolved question:

'Ought the requital of a benefit be proportionate to

what the benefit is worth to the recipient or to what it cost the benefactor?'

**5.** When we consider the element of justice that presented itself in **chapter 5** as *gratitude universalised*, the same difficulty recurs in a more complicated form. For now the question is:

'Ought the requital of good desert be proportioned to •the benefit rendered or to •the effort made to render it?'

[We'll now meet the second passage—the other was on page 135—where Sidgwick uses 'retribution' to cover rewards as well as punishments.] And if we look hard at the common moral notion of retributive justice, it seems to imply the metaphysical doctrine of free will. [Sidgwick now reminds us that retributive justice *looks back*, paying no attention to the possible consequences of this or that policy for rewards and punishments. He continues:] If every excellence in a man's actions or productions seems to come ultimately from causes other than himself, his claim to requital appears to vanish. On the other hand it is obviously paradoxical in estimating desert to *omit* moral and intellectual excellences due to heredity and education. (Why intellectual excellences? Because they come into moral evaluation: good intention without foresight is commonly regarded as a very imperfect merit.) Even if we cut through this speculative difficulty by leaving the ultimate reward of real desert to divine justice, we still can't find any clear principles for constructing a scale of merit. And much the same can be said *mutatis mutandis* [see Glossary] of the scale of demerit that criminal justice seems to require.

Even if these difficulties were overcome, we would still be only *starting* on the puzzles that beset the attempt to find self-evident principles on which to base a system of justice. Chapter 5's study of the contents of the notion of justice didn't turn up a single precise principle; all it

provided was a *swarm* of principles that are liable to come into conflict with each other. Some of them, looked at in isolation, do have the air of being self-evident truths, but they don't reliably carry with them any intuitively discoverable definition of the boundaries and relations between them. For example, in constructing an ideally perfect distribution of the means of happiness we have to take into account the notion that I call *fitness* (often confounded with *desert* but really distinct from it). What there is to be distributed in society includes not merely •the means of obtaining pleasurable passive feelings but also •functions and instruments that are important sources of happiness but which should be given to those who •are *fit* to have them, i.e. to those • who can fulfill the functions and use the instruments. And even as regards the material means of comfort and luxury—in short: wealth—the same amount doesn't produce the same amount of happiness in every case; and it seems reasonable that the means of refined and varied pleasure should be given to those who have the corresponding capacities for enjoyment.<sup>1</sup> But the fittest may not be the most deserving, so that this principle can conflict with the principle of requiting desert.

And each principle, as we saw earlier [starting on page 131], is liable to collide with the widely-accepted doctrine that

the proper ultimate end of law is to secure for everyone the greatest possible freedom of action, and each individual is obliged not to interfere with others, and that is his *only* obligation apart from any that he has taken on through a free contract.

And when we look into this 'freedom' principle itself we find that it can't provide a practical basis for social construction unless it is limited and qualified in ways that make it less like •an independent principle than like •a 'middle axiom'

of utilitarianism; and that a lot of stretching is needed to make it cover the most important rights that positive law guarantees. How for example are we to justify *ownership*? On the grounds that it makes men free? or on the grounds that it provides the only adequate motive for labour? And we can't derive from this supposed basic principle the questions that arise concerning the limits of the right of property—e.g. whether it includes the right of bequest. Nor again is the enforcement of contracts a way of making people free: strictly speaking, a man is more free when no one of his volitions is allowed to cause an external control of any other. And if we disregard this as a paradoxical subtlety, we are met on the opposite side by the puzzle that if abstract freedom is consistent with *any* engagement of future services, it must be consistent with ones that are perpetual and unlimited, and so even with actual *slavery*. And here's something that makes this question especially important: many writers have tried to reconcile our duty to obey positive laws with the abstract right of freedom, by supposing that each individual has a 'tacit compact' or understanding with the rest of his community. But this 'compact' or 'understanding turns out to be too obviously fictitious to be put forward as a basis for moral duty—witness the endlessly various ways in which its friends have modified it. Many of them hold that the only abstractly justifiable social order is one where no laws are imposed without the *explicit* consent of those who are to obey them. But we couldn't construct society on this basis; and such representative governments as *have* been established appear to embody this idea •of explicit agreement• by means of sweeping limitations and transparent fictions. And it became obvious also that the...the most perfect conformity between a government's actions and the wishes

<sup>1</sup> Many people seem to hold that wealth is rightly distributed when cultivated persons are wealthy and the uncultivated have just enough to live on, because the former are better able to get happiness from wealth than the latter.

of the majority of its subjects need by no means result in the greatest civil freedom in the society so governed.

But even if we could construct a satisfying ideal social order, including an ideal form of government, we would still have to reconcile •the duty of bringing this about with •the duty of conforming to society's actual order. We are strongly convinced that positive laws ought, generally speaking, to be obeyed; and our notion of justice seems to include a general duty to satisfy the expectations created by custom and precedent. But if the actual order of society deviates much from what we think ought to exist, the duty of conforming to it becomes obscure and doubtful. And common sense doesn't regard it as an axiom that laws ought to be obeyed. Indeed, everyone agrees that they ought to be disobeyed when they command what is wrong; though we can't extract from common sense any clear general view as to what remains wrong after it has been commanded by the sovereign. Also, the positive laws that ought to be obeyed because they are the law must be commands issued by a (morally) rightful authority; and these won't *always* coincide with legally enforced commands, because the law-courts may be temporarily subservient to a usurper. And again: a sovereign who has habitually been obeyed may be one whom it has become right to rebel against (it's generally admitted that this is sometimes right). So we need principles for settling *when* usurpation becomes legitimate and *when* rebellion is justifiable; and they aren't forthcoming from common sense; though we can say that common sense leans more towards the utilitarian method on this topic of sovereignty than it does on matters of private morality.

We're even further from being able to state the general duty of satisfying 'natural expectations'—i.e. ones that an average man would form in the given circumstances—in the form of a clear and precise moral axiom. No doubt a just

man will generally satisfy customary claims; but it can't be maintained that the mere existence of a custom gives each person a clear obligation to conform to it if he hasn't promised to do so; especially because bad customs can only be abolished by individuals venturing to disregard them.

**6.** We have still to examine (whether as a branch of justice or under a separate heading) the duty ·discussed in **chapter 6**, namely that· of fulfilling explicit promises and distinct understandings. The special confidence in this principle that moralists have generally felt is strikingly illustrated by the attempts to extend its scope that I have just mentioned; and it does surpass in simplicity, certainty, and definiteness the moral rules I have discussed so far. So this seems to be our best chance of finding one of the ethical axioms we are searching for. Now, we saw that the notion of a *promise* needs to be made precise with several details that aren't commonly thought about; but that doesn't rule out the possibility that the notion can be used in forming a maxim that will, once it has been stated and understood, be accepted by everyone as self-evident. The uneducated majority couldn't define a *circle* as a *figure bounded by a line all of whose points are equidistant from the centre*; but when they meet this definition, they'll accept it as perfectly expressing the notion of roundness that they've always had in their minds. And I think that this sort of *potential universality of acceptance* can be claimed for the propositions that

- to be binding a promise must be understood by promiser and promisee in the same sense at the time of promising;
- a promise is relative to the promisee and can be annulled by him; and
- a promise can't override determinate prior obligations.

But it's not like that with the other qualifications that we had to discuss. Should we include *them* in the notion

of *promise*?—in answering this common sense splits. When (for example) we ask: How binding is a promise if

- it was made in consequence of false statements, though it wasn't understood to be conditional on their truth?
- important circumstances were concealed?
- we were somehow led to believe that the consequences of keeping the promise would be different from what they turn out to be?
- the promise was given under compulsion?
- circumstances have relevantly altered since the promise was given?
- we find that the results of keeping the promise will be different from what we foresaw when we promised?
- we now see that keeping the promise will involve a sacrifice out of proportion to the benefit received by the promisee?
- we now see that the keeping the promise will be harmful to him, though he doesn't think so?

different conscientious people would answer these and other questions (both generally and in particular cases) in different ways. We might get a decided majority for some of these qualifications and against others, but there wouldn't be a clear consensus about any of them. Furthermore, the mere discussion of these points shows that the confidence with which the 'unsophisticated conscience' asserts unreservedly that *promises ought to be kept* is due to carelessness, and that when the above questions are fairly considered this confidence changes into hesitation and perplexity. Some of the discussion of these questions suggests that our principle about promising is a special case of more comprehensive utilitarian principle.

And our distrust of what common sense ordinarily says about promise-keeping is reinforced when we think about

*where* it belongs in a classified system of moral obligations. We saw that fidelity to promises is ranked with veracity, as though the mere fact of my having said that I would do something gave me a duty to do it. But on reflection we see that the obligation arises from the reliance that someone else has placed on my assertion; that the breach of duty is constituted by the disappointment of expectations that I have voluntarily raised. And when we see this, we become less sure of the absoluteness of the duty; it now seems to depend on how much harm is done by disappointing expectations; and if keeping the promise would involve an amount of harm that thoroughly outweighs the harm brought by disappointment, we shrink from saying that the promise ought to be kept.

The case of veracity (discussed in **chapter 7**) can be dismissed more briefly, because it was even easier to show that the common statement of the unqualified duty of truth-speaking is made thoughtlessly, and can't be accepted by a reflective mind as an absolute first principle. Firstly, we found no clear agreement about the basic nature of the obligation; or about its exact scope—i.e. are we obliged to do what we can to make the facts fit

- our actual affirmation as understood by the hearer?
- whatever inferences we the hearer is likely to draw from this?
- both?

To achieve perfect candour and sincerity, we must aim at both; and of course we do admire the exhibition of these virtues; but few people will maintain that they *ought* to be exhibited at all times. Secondly, common sense seems to admit, though vaguely and reluctantly, that the veracity principle, however defined, doesn't hold universally; at any rate it isn't thought to be clearly wrong to tell untruths to children, madmen, invalids, enemies, robbers, or even

persons who ask questions they have no right to ask (if a mere refusal to answer would practically reveal an important secret). And when we consider the generally admitted limitations, it seems even clearer than it was with promising that they are commonly determined by implicit or explicit utilitarian reasonings.

**7.** Given that common sense's versions of the prescriptions of justice, promise-keeping and truth-telling can't be converted into first principles of scientific ethics, it's hardly necessary to inquire whether such axioms can be extracted from •such minor maxims of social behaviour as the maxim of liberality or the rules restraining the malevolent affections. Indeed, it became clear in **chapter 8** that common sense's only escape from inconsistency or hopeless vagueness concerning the proper regulation of resentment is to adopt the 'interests of society' as the ultimate standard. Similarly with such virtues as courage and humility, which in **chapter 10** we couldn't classify as either social or self-regarding. We can't definitely distinguish courage from foolhardiness except in terms of •probability that the daring act will promote the well-being of the agent or of others, or of •some definite rule of duty prescribed under some other notion.

It is true that among what are commonly called 'duties to self' we find the duty of self-preservation prescribed with apparent absoluteness, at least so far as the sacrifice of one's life is not imperatively required for the preservation of the lives of others, or for the attainment of some result conceived to be very important to society. I discussed this in **chapter 9**. But I think that when common sense is confronted with the question:

Is a man obliged to stay alive in he can foresee that the life remaining to him will be miserable for him and burdensome to others—e.g. if he has a fatal disease that make it impossible for him to do work of any kind

during the weeks or months of agony that remain to him?

although it (common sense) would deny the legitimacy of suicide even under these conditions, it would admit that it needed to find reasons for that denial. This implies that the universal wrongness of suicide is not self-evident. And I think the reasons that would be found—other than ones derived from revealed religion—would turn out to be broadly utilitarian. It would be urged that if any exceptions to the prohibition of suicide were allowed, that would encourage the suicidal impulse in other cases where suicide would really be a weak and cowardly failure of social duty; it would also probably be urged that the toleration of suicide would make secret murders easier. Thus, in this case as in the others the independent axiom we are searching for seems to disappear when we look closely.

Reflection seems also to show that the duties of temperance, self-control, and other related virtues are clear and definite only when conceived as subordinate either to prudence (the usual case) or to benevolence or some definite rule of social duty, or at least to some end—such as 'furtherance of moral progress'—the conception of which involves the notion of some duty that is supposed to be already determinate. The authority of common sense can't be claimed for *any* restriction even of the bodily appetites for food and drink unless it is thus subordinated.

For the sexual appetite, however, a special regulation seems to be prescribed on the basis of some independent principle under the notion of purity or chastity. When I examined this notion in chapter 9 we saw that common sense, far from being explicit about this, is actually averse to explicitness about it. Because my primary aim back there was to give a faithful exposition of the morality of common sense, I allowed my inquiry to be brought to a halt by this (as

it seemed) clearly recognisable sentiment. But now that my primary purpose is to test whether the commonly accepted moral principles are intuitively evident, I have to over-ride this aversion. My question is this:

Is it possible to acquire rational conviction regarding the acts allowed or forbidden under the notion of purity (or chastity) and its opposite?

And I can't answer that without subjecting *purity* to the same close scrutiny I have tried to give to the other leading notions of ethics. Here I'll only need to give the briefest account of such a scrutiny. I am aware that in giving even this I'm sure to cause a certain offence to minds trained in good moral habits; but I claim the same permission that is commonly granted to the anatomy-teacher who also has to direct the student's attention to objects that a healthy mind naturally prefers not to contemplate.

**8.** Well, then, what is the conduct that *purity* forbids? (The principle is easier to discussed in its negative aspect.) Because the normal and obvious end of sexual intercourse is the propagation of the species, some people have thought that

- All sexual activity that isn't a means to procreation should be prohibited.

But this restricts conjugal intercourse much too severely for common sense. Shall we then say this?

- Purity forbids sexual activity that isn't a means to procreation except between legally married couples.

On reflection this turns out to be unsatisfactory also. For one thing: we might condemn the conduct of a couple who deliberately omit to fulfill legal conditions and make a contract that the law declines to enforce, but we shouldn't

call their union 'impure'. And, secondly, we feel that positive law ought to maintain *purity* but sometimes doesn't (being like *justice* in both those respects). Then what kind of sexual relations are we to call essentially impure, whether or not sanctioned by law and custom? There seem to be no clear principles with any claim to self-evidentness that could give a generally acceptable answer to this question. It would be hard to state such a principle even for settling what degree of blood-relatedness between husband and wife makes their union incestuous, though the general aversion to incest is a specially intense moral sentiment; and we would find it even harder—indefinitely much harder—to find a rationale for the prohibited degrees of blood-relatedness. [In what follows: 'polygyny' = one man with two or more wives; 'polyandry' = one woman with two or more husbands.] Another problem: probably few people would regard a legal polygynous connection as impure, even if they disapprove of the law and state of society that allows it; but if legal polygyny is not impure, is polyandry impure? (I mean legal and customary polyandry, which is fairly common among the lower races of man.) If it isn't, then on what rational principle can the notion be applied to institutions and conduct? [How does that question relate to what precedes it? The puzzle about this is there in the original; it isn't an artifact of this version.] And another: Where divorce by mutual consent, with subsequent marriage, is legalised, we don't call this an offence against purity; but once we allow that freely changing partners is allowed in principle, it seems paradoxical to distinguish purity from impurity merely by how slowly the change is made,<sup>1</sup> and to condemn as impure even 'free love' when it is earnestly advocated as a means not to mere sensual license but to a completer harmony of sentiment between men and women.

<sup>1</sup> I'm not challenging anyone to say exactly *how* slowly; I'm asking whether we can really think that the decision depends at all on considerations of this kind.

We might then fall back on *mutual affection* (as distinguished from mere appetite) as constituting the essence of pure sexual relations. But this, while too •lax from one point of view, seems from another point of view to be too •severe for common sense. We don't condemn loveless marriages as *impure*, although we disapprove of them as productive of unhappiness. Such marriages are indeed sometimes criticised as 'legalised prostitution', but we feel that phrase to be extravagant and paradoxical; and it's not even clear that we even *disapprove* of loveless marriages under all circumstances—consider the case of royal alliances.

How are we to judge such institutions as those of Plato's Commonwealth, where women and children were to be held in common, while sexual indulgence would be regulated with strict reference to social ends? Our habitual standards seem to get no grip on such novel circumstances.

In fact, reflection on the current sexual morality reveals *two* bases for it: **(a)** first and chiefly, the maintenance of a social order that is believed to be best for the prosperous continuance of the human race; **(b)** secondly, the protection of individuals' habits of feeling that are believed to be generally most important to their perfection or their happiness. It's commonly believed that both these ends can be achieved by the same regulations, and in an ideal state of society perhaps they would be; but in actual life there's often a partial separation and incompatibility between them. And in any case if the repression of sexual license is prescribed merely as a means to these ends, the claim that it's needed for them can't be self-evident—it would have to be supported empirically. **(a)** We can't reasonably be sure, without evidence from sociological observations, that a certain amount of sexual license will be incompatible with maintaining the population in sufficient numbers and good condition. **(b)** And although it's certainly clear that someone

whose sexual relations are of a merely sensual kind misses the highest and best development of his emotional nature, we can't know *a priori* that this lower kind of relation interferes with the development of higher ones (and indeed experience doesn't show that it always does). And the **(b)** line of thought has a further difficulty. [What follows breaks away from Sidgwick's rather clotted wording, but its content is precisely his.] There is

- (i)** a life of celibacy,
- (ii)** indulgence in sexual freedom purely for sensual pleasure, and
- (iii)** the development of relations higher than those in **(ii)**.

We may despise someone who goes in for **(i)** (unless he does so for some noble end) but we don't *blame* him. If we're going to blame someone who goes in for **(ii)** because that isn't good for **(iii)**, why wouldn't we also blame **(i)** for the same reason?

**9.** I could say much more about the perplexities we encounter in trying to define the rule of purity or chastity. But I don't want to extend the discussion beyond what is needed to complete my argument. The conclusion announced in the paragraph 'It seems clear...' on page 165 has now been sufficiently justified. We examined the moral notions that present themselves with a *prima facie* claim to provide independent and self-evident rules of morality; and in each case we found that from the rules of conduct that common sense really supports we can't derive any proposition that even *appears* to qualify as a scientific axiom. [Sidgwick adds, regarding common sense's attempts to co-ordinate its principles, that he has already discussed these fully enough. He has shown that instead of •co-ordination there is often •collision; this requires borders; and common sense's drawing of those tends to be vague and inconsistent.]

... Nothing that I have said even *tends* to show that we don't have distinct moral impulses—claiming authority over



all others, and prescribing or forbidding kinds of conduct—concerning which there’s fairly general agreement among educated people of the same time and country. My thesis is only that the objects of these impulses can’t be scientifically determined by any reflective analysis of common sense. The notions of benevolence, justice, good faith, veracity, purity etc. don’t lose their significance for us just because we can’t define them with precision. The main part of the conduct prescribed under each notion is clear enough; and the general

rule prescribing it doesn’t necessarily lose its force because in each case •there’s a margin of conduct involved in obscurity and perplexity, or •the rule turns out not to be absolute and independent. In short, the morality of common sense may still be perfectly adequate to give practical guidance to common people in common circumstances; but the attempt to elevate it into a system of intuitional ethics highlights its inevitable imperfections without helping us to remove them.<sup>1</sup>

## Chapter 12: Motives or springs of action as subjects of moral judgment

1. I was careful in chapter I to point out that our common moral judgments concern motives as well as intentions. Indeed, reflecting on motives and judging them to be good or bad is a prominent element in our notion of *conscientiousness*. So if I am to complete my examination of the intuitional method I need to •consider this comparison [Sidgwick’s word] of motives and •discover how far it can be made systematic and pursued to conclusions of scientific value. This is a convenient place for treating of this part of the subject: an important school of English moralists has maintained that desires and affections, rather than actions, are the proper subjects of the ethical judgment; and this is a natural fall-back position when systematic reflection on the morality of common sense has shown us how hard it is to get a precise and satisfactory account of rightness and wrongness in actions.

The term ‘motive’ is commonly used in two ways. The ‘motive’ of an action may be

- (a) those of its foreseen consequences that the agent desired in willing; or
- (b) the desire or conscious impulse that led to the action.

The two meanings do in a way correspond, because whenever (b) the impulses are different there must always be some (a) difference in their respective objects. But for our present purpose (b) is more convenient to work with: what we have to deal with in our lives is our own impulsive nature, controlling, resisting, indulging the different impulses; so what we primarily have to estimate is the ethical value of *these*; and we often find that two psychologically very different impulses are directed towards essentially the same end, though regarded from different points of view. For example, a man could be driven by •appetite or by •rational

<sup>1</sup> The more positive treatment of common-sense morality in its relation to utilitarianism, to which I shall proceed in IV/3, is an indispensable supplement to the negative criticism that I have just completed.

self-love to seek a particular sensual gratification. . . . In this chapter, then, I shall use 'motive' to refer to *the desires for particular results that we think we can achieve through voluntary acts, by which desires we are stimulated to will those acts*. [There's a footnote here describing and criticising Green's way of distinguishing 'motives' from 'desires'.]

The issue in any internal conflict is not usually thought to be between •good and •bad motives but between •better and •less good. . . . motives. If there's any kind of motive that we commonly judge to be *intrinsically* bad in any circumstances, it is malevolent affection [see Glossary], i.e. the desire—however aroused—to inflict pain or harm on some other sentient being. And reflection shows (as we saw in chapter 8) that common sense doesn't condemn even this kind of impulse as absolutely bad, because we commonly recognise the existence of 'legitimate resentment' and 'righteous indignation'. Moralists try to distinguish

•anger 'against the act' from •anger 'against the agent' and

•the impulse to inflict pain from •the desire for the pleasure one will get from inflicting pain;

but isn't it beyond the capacity of ordinary human nature to maintain these distinctions in practice? At any rate common sense doesn't condemn as absolutely bad any motives other than deliberate malevolence. The other motives that are commonly criticised seem to be *seductive* (Bentham's word) rather than *bad*. That is, they prompt men to forbidden conduct with conspicuous force and frequency; but careful thought shows us that there *are* certain narrow limits within which their operation is legitimate.

Our common judgments about which kinds of motives are better than which seem to lay claim to some intuitive knowledge about this; and our present question is: How far does this intuitive knowledge satisfy the conditions laid down

in chapter 11? I argued in chapter 1.2 that this comparison of motives is not the **normal form** of our common moral judgments, and I see no reason to think that it is their **original form**. I think that in the normal development of man's moral consciousness—both in the individual and in the race—moral judgments are first passed on outward actions, and that motives don't come to be definitely considered till later. . . . But that doesn't rule out the thesis that the comparison of motives is the **final and most perfect form** of moral judgments. It might qualify for that status if it were true that

the comparison of motives, when pursued by different thinkers independently, leads to results that are clear and mutually consistent; and it is free from the puzzles and difficulties that beset other developments of the intuitional method.

·But that is not how things stand·. When we try carefully to arrange motives in order of excellence, we encounter versions of •many (if not all) of the difficulties we met when discussing of the commonly received principles of conduct, and •other difficulties that we didn't meet back then. And when intuitive moralists try to overcome these difficulties they turn out to differ from one another •more, and •more deeply, here—in the rank-ordering of motives—than we found them to do over the rightness of actions.

**2.** ·The **inclusion problem**·: Are we to include in our list of motives the moral sentiments, i.e. impulses towards particular kinds of virtuous conduct as such, e.g. candour, veracity, fortitude. It seems wrong to exclude them, because we observe them as distinct and independent impulses in most well-trained minds—sometimes as intense impulses, as when we describe a man as 'enthusiastically brave' or 'intensely veracious' or 'having a passion for justice'. But including them confronts us with a dilemma, starting from

the question *Are the objects of these impulses represented by the very notions that we have been examining?*

**If they are**, then after we have decided that impulse x is better than impulse y, all the perplexities set forth in chapters 3–10 will recur, before we can act on our decision. What's the use of recognising the superiority of the impulse to do *justice* if we don't know what it is just to do?

**If they aren't**, because the objects they prompt us to realise are conceived more simply, without the complexities that our complete reflection on common sense forced us to recognise, then certainly won't find agreement about the relations amongst these impulses. For example, ought we to follow the impulse to speak the truth? There will inevitably be disputes about this when veracity seems opposed to the general good or to the interests of some person—i.e. when it conflicts with 'universal' or 'particular' benevolence. Hutcheson explicitly ranks these benevolent impulses higher than candour, veracity, and fortitude, reserving the highest moral approval for 'the most extensive benevolence' or 'calm, stable, universal goodwill to all'.<sup>1</sup> But this view, which in practice works out as equivalent to utilitarianism, would certainly be disputed by most intuitional moralists. And some of these moralists (such as Kant) hold that no action is good unless it is motivated by a pure regard for duty, a pure choice of right as right; whereas Hutcheson, who stands at the opposite pole of intuitional ethics, also identifies the love of virtue as a separate impulse, but he treats it as having the same rank and the same effects as universal benevolence.

Moralists also diverge widely in their views about the ethical value of self-love. Butler seems to regard it as one

of two superior and naturally authoritative impulses, the other being conscience; indeed, in a passage quoted on page 55, he even concedes that it would be reasonable for conscience to yield to it if the two could possibly conflict. Other moralists (and Butler in the appendix on virtue to *The Analogy of Religion*) appear to place self-love among virtuous impulses under the name of 'prudence' but to rank it rather low among them, and would have it yield to nobler virtues in cases of conflict. Others exclude it from virtue altogether; e.g. Kant in his one of his works says that the end of self-love, one's own happiness, can't be an end for Moral Reason, and that the force of the reasonable will, which is what virtue consists in, is always exhibited *in resistance to* natural egoistic impulses.<sup>2</sup>

Martineau, whose system is built on the basis that I am now examining, tries to avoid some of the difficulties I have just pointed out by refusing to admit that there are any virtuous impulses except the 'preference for the superior of the competing springs of action in each case' of a conflict of motives. In his *Types of Ethical Theory* he writes:

'I can't admit either the *loves of virtues*—of candour, veracity, fortitude—or the virtues themselves, as so many additional impulses over and above those from the conflict of which they are formed. I don't confess my fault *in order to be candid*. . . unless I am a prig. I never think of candour as something that is or will be predicable of me at all.'

I'm not sure whether he •really means to deny that anyone ever acts from a conscious desire to realise an ideal of candour or fortitude, or •merely means to express disapproval of acting with such a motivation. In the former sense his

<sup>1</sup> Francis Hutcheson, *System of Moral Philosophy* I/4.10

<sup>2</sup> That is in Kant's *Doctrine of Virtue* •which is part of his *Metaphysic of Morals*•. The ethical view briefly expounded in the *Critique of Pure Reason* appears to be much more like Butler's.

statement seems to me a psychological paradox, in conflict with ordinary experience; in the latter sense it seems to be an ethical paradox—a striking example of the diversity of judgments about the ranking of motives.

**3. The rank-ordering problem.** Even if we set aside the moral sentiments and self-love, we still won't be able to construct a scale of motives, arranged in order of merit, for which there'll be anything like a clear consent even of cultivated and thoughtful persons. We do seem to be generally agreed on one or two points—e.g. that bodily appetites are inferior to benevolent affections and intellectual desires, and perhaps that impulses to attend to our own individual well-being rank below impulses that we class as other-regarding or disinterested. But a few vague statements of this kind are about as far as we can go. For example, when we compare •personal affections with •the love of knowledge or of beauty or •the passion for any kind of ideal, much doubt and divergence of opinion show up. There isn't even agreement about the relative ranks of the benevolent affections taken by themselves: some people prefer the more intense though narrower affections, while others would prefer the calmer and wider feelings. And there's disagreement about love. As I said in on page 115, love is a complex emotion which commonly includes not just •a desire for the good or happiness of the beloved but also •a desire for union or intimacy of some kind; and people disagree about which of these contributes more to the value, the rank, of a given instance of love.

The love of fame is an important and widely operative motive that would be ranked differently by different persons. Some would rank this 'spur that the clear spirit doth raise' higher than any but the moral sentiments, while others think it degrading to depend on popular favour for one's happiness.

[The 'spur' phrase is from Milton's *Lycidas*.]

Also, the more we look into the actual promptings that precede any volition, the more we find *complexity of motive* to be the rule rather than the exception, at least in educated persons; and this composition of impulses creates a basic perplexity regarding the principles on which our decision is to be made, even if we are clear about the relative worth of the elementary impulses. That's because the compound usually contains higher and lower elements, and we can't get rid of the lower ones; as I said on page 95, though we can often suppress and expel a motive by firmly resisting it, it doesn't seem possible to exclude it if we perform the action that it prompts us to do. Suppose we are impelled

- in one direction by a combination of high and low motives, and
- in another direction by an impulse that ranks between those two in the scale.

How shall we decide which course to follow? It's not an uncommon situation. Examples:

- An injured man is pushed towards punishing the offender by a regard for justice and a desire for revenge, and towards sparing him by an impulse of pity.
- A Jew of liberal views is moved to eat pork by a desire to vindicate true religious liberty combined with a liking for pork, and restrained from eating it by a desire not to shock the feelings of his friends.

How are we to deal with such cases? You won't suggest that we should estimate the relative proportions of the different motives and decide accordingly! Qualitative analysis of our motives is to some extent possible to us, but the quantitative analysis that this would require is not in our power.

Apart from this difficulty arising from complexity of motives, we can't assign a definite and constant ethical value to each kind of motive without reference to •the circumstances under which it has arisen, •the extent of

indulgence that it demands, and •the consequences to which this indulgence would lead in any particular case. I can illustrate this by reference to Martineau's table of springs of action arranged in descending order of merit.

- (1) Primary sentiment of reverence.
- (2) Primary affection of compassion
- (3) Primary affections, parental and social; with (approximately) generosity and gratitude.
- (4) Primary sentiments of wonder and admiration.
- (5) Secondary sentiments: love of culture.
- (6) Causal energy: love of power, love of liberty.
- (7) Primary passions: antipathy, fear, resentment.
- (8) Secondary affections (sentimental indulgence of sympathetic feelings).
- (9) Love of gain (reflective derivative from appetite).
- (10) Primary animal propension: spontaneous activity (unselective).
- (11) Primary organic propensions; appetites.
- (12) Secondary organic propensions; love of ease and sensual pleasure.
- (13) Secondary passions: censoriousness, vindictiveness, suspiciousness.

This scale seems to me open to much criticism, from the points of view of psychology and of ethics;<sup>1</sup> but, granting that it corresponds broadly to the judgments that men commonly pass as to the different elevatedness of different motives, it seems to me utterly paradoxical to say that each class of motives is *always* to be preferred to the class below it, without regard to circumstances and consequences. So far as it's true that 'the conscience says to everyone, "Don't eat till you are hungry and stop when you are hungry no

more"', it is not because a 'regulative right is clearly vested in primary instinctive needs, relatively to their secondaries', but because experience has shown that it is usually dangerous to one's health to gratify the palate when one isn't hungry, and it's in view of this danger that the conscience operates. If we condemn a ship's captain who, 'caught in a fog off a lee shore, neglects through idleness and love of ease to slacken speed and take cautious soundings and open his steamwhistle', it's not because we intuitively discern (7) fear to be a higher motive than (12) love of ease, but because we judge that the consequences he is disregarding are much more important than the gratification obtained; in a case where fear was not in this way backed up by prudence, our judgment would certainly be different. Common sense holds rather that most natural impulses have their proper spheres within which they should normally operate, so that a question of the form 'Should motive x yield to motive y?' can't be answered decisively in the general way in which Martineau answers it; the right answer depends on the particular circumstances of the particular case. We see that each of these is possible:

- a motive that we commonly rank as higher wrongly intrudes into the proper sphere of one that we rank as lower;
- a lower motive invades the sphere of a higher one.

It's only because the former is much less likely that it naturally falls into the background in ethical discussions and exhortations that have a practical aim. And another complication: as the character of a moral agent improves, the motives we rank as 'higher' tend to be developed, so that their normal sphere of operation is enlarged at the expense of the lower. So in moral regulation and culture relating to motives there are two aims: (i) to keep the 'lower' motive

<sup>1</sup> For example, why is the class of 'passions' so strangely restricted? Why is conjugal affection omitted? Is wonder really a definite motive? Is it right to rank 'censoriousness' with 'vindictiveness' as one of the 'lowest passions'? And so on.

within its proper sphere so long as we can't substitute for it the equally effective operation of a higher motive; and **(ii)** to substitute 'higher' motives for 'lower' ones •gradually and •as far as we can do it without danger, up to some limit. We can't specify the limit, but certainly think of it—for the most part—as falling short of completely supplanting the lower motive.

To illustrate this I'll return to the passion of resentment. Reflective common sense holds that •this malevolent impulse, as long as it is limited to resentment against wrong and operates in aid of justice, has a legitimate sphere of action in the social life of human beings; that •suppressing it would do great harm unless we could intensify the ordinary man's concern for justice or for social well-being so that the total strength of motives prompting to the punishment of crime wouldn't be lessened. No doubt it is 'to be wished', as Butler says [see footnote on page 155] that men would repress wrong from these higher motives rather than from passionate resentment; but we can't hope to change human beings in this way except by a slow and gradual process of elevation of character; so granting that there's a conflict between **(2)** compassion and **(7)** resentment, it is *not* the case that as a general rule compassion ought to prevail. We ought rather—with Butler—to regard resentment as a valuable 'balance to the weakness of pity', which would be liable to prevent the carrying out of justice if resentment were excluded.

Or consider the impulse that comes lowest (among those not condemned altogether) in Martineau's scale, namely **(12)** the 'love of ease and sensual pleasure'. No doubt this impulse. . . .continually leads men to shirk their strict duty or not perform it thoroughly, or in some less definite way to fall below their own ideal of conduct; which is why preachers and practical moralists habitually argue for its repression.

Yet common sense recognises cases where even this impulse ought to prevail over impulses ranked above it in Martineau's scale; we often find men prompted—for example by 'love of gain'—to shorten *unduly* their hours of recreation; and such a case we would judge it best that victory should remain on the side of the **(12)** 'love of ease and pleasure' and that the encroachment of **(9)** 'love of gain' should be repelled.

But I don't think that in either of these cases the conflict of motives would *stay* as I have described it. The struggle might *begin* as a duel between resentment and compassion, or between love of ease and love of gain, but it wouldn't be *fought out* in those terms. As the conflict went on, the higher motives would inevitably be called in:

- regard for justice and social well-being on the side of resentment,
- regard for health and long-term efficiency for work on the side of love of ease;

and these intervening higher motives would decide the struggle, so far as it was decided rightly and as we should approve. That is certainly what would happen in my own case if the conflict were at all serious and its decision deliberate; and this is my final reason for holding that a scale like Martineau's, arranging motives according to their moral rank, can't have more than a very subordinate ethical importance. I admit that it may give a rough indication of the kinds of desires that it's ordinarily best to encourage and indulge, as compared with other kinds that are likely to collide with them; and we might use this for quick settlements of the trifling conflicts of motive that the varying and complex play of needs, habits, interests, and their accompanying emotions continually arouses in our daily life. But when a serious question of conduct arises I can't conceive myself deciding it morally by comparing motives below the highest. The question has to be submitted to the decision of the court

of whatever motive we regard as supremely regulative; so that the finally decisive comparison wouldn't be •between the lower motives primarily conflicting, but •between the effects of the different lines of conduct to which these lower motives prompt, considered in the light of whatever we regard as the ultimate ends of reasonable action. And I think this will be

the course naturally taken not only by utilitarians but by everyone who follows Butler in regarding our passions and propensions as forming naturally a 'system or constitution' in which the •ends of lower impulses are subordinate as •means to the •ends of certain governing motives or are taken to be parts of these larger ends.

### Chapter 13: Philosophical intuitionism

1. Is it then impossible to reach, by a deeper and sharper examination of our common moral thought, real ethical axioms—intuitive propositions that are really clear and certain?

This question leads us to the third phase of the intuitive method that I called 'philosophical intuitionism' in I/8.4 [see page 47]. We think of a philosopher as trying to do more than merely define and formulate the common moral opinions of mankind. His function is to tell men not •what they do think but •what they ought to think; he is expected to go beyond •common sense in his premises, and is allowed some divergence from •it in his conclusions. There are limits—though not well defined ones—to how far he is allowed to deviate. The truth of his premises will be tested by the acceptability of his conclusions; and if he is found to be in flagrant conflict with common opinion on any important point, his method is likely to be declared invalid. Still, though he is expected to establish and put together the main part of the commonly accepted moral rules, he isn't obliged to take them as the basis for his own system. His task is to state in full strength and clarity the primary intuitions of reason

which can, handled scientifically, systematised and correct the common moral thought of mankind. At any rate, that's what we would expect orthodox thinkers to be trying to do throughout the history of moral philosophy.

To some extent that's what has happened. But moral philosophy—i.e. philosophy as applied to morality—has also been engaged in other tasks that are even harder than that of penetrating to the basic principles of duty.

- In modern times especially, it has accepted the task of proving that someone's having a duty doesn't conflict with •self-interest, i.e. his happiness or welfare.
- It has also tried to determine how right or good generally relates to the actual world, a task that could hardly be well done without an adequate explanation of the existence of evil.
- It has been further distracted by questions—ones that I think belong to psychology rather than to ethics—about the 'innateness' of our notions of duty, and the origin of the faculty that provides them.

While concentrating on these difficult subjects, each of which has been mixed up with the discussion of basic moral

intuitions, philosophers have too easily •settled for ethical formulae that implicitly accept the morality of common sense *en bloc*, ignoring its defects; and •merely expressed some view about how this morality relates to the individual mind or to the actual universe. Perhaps they have also been hampered by the reasonable fear of losing the support of ‘general assent’ if they adopt for themselves and their readers too rigid a standard of scientific precision. In spite of all this, however, philosophers *have* provided us with a number of comprehensive moral propositions that they have advanced as certain and self-evident—ones that at first sight seem fit to be the first principles of scientific morality.

**2.** A warning that I have already given needs to be especially stressed here. Beware of a certain class of sham-axioms that are apt •to offer themselves to a mind seeking for a philosophical synthesis of practical rules, and •to delude the unwary through their appearance of being clearly self-evident. They appear certain and self-evident because they are basically tautological [see Glossary]: examine them and you’ll find that they only say things of the form:

It is right to do what is—in a certain department of life, under certain circumstances and conditions—right to be done.

The history of moral philosophy shows that. . . even powerful intellects are liable to accept •and value• such tautologies—sometimes expanded into circular reasonings, sometimes hidden in the depths of an obscure notion, often lying so near the surface that it’s hard to understand how they could ever have been thought important.

Look for example at the time-honoured ‘cardinal virtues’. If we’re told that the dictates of wisdom and temperance can

be summed up in these clear and certain principles:

- It is right to act rationally (wisdom),
- It is right that the lower parts of our nature should be governed by the higher (temperance),

we may at first feel that we’re getting valuable information. But when we find that ‘acting rationally’ means the same as ‘doing what we see to be right’ (see page 166), and that the ‘higher part’ of our nature is explained as being *reason*. . . , it becomes obvious that these ‘principles’ are tautologies. Another example: the principle of justice that *we ought to give every man his own*, this looks plausible until we find that we can’t define ‘his own’ except as = ‘that which it is right he should have’.

The ‘principles’ I have quoted can be found in modern writers, but it’s worth noting that throughout the ethical speculation of Greece<sup>1</sup> we are offered tautological universal propositions about virtue or good conduct—or propositions that can be defended from the charge of tautology only by being taken as •definitions of the problem to be solved rather than as •attempts at its solution. For example, Plato and Aristotle appear to offer, as constructive moralists, the scientific knowledge of the good and bad in human life that Socrates said no-one has. They seem to agree that such good as can be realised in the lives of men and communities is chiefly *virtue* or (as Aristotle more precisely puts it) the *exercise of virtue*. . . . But how can we discover what kind of conduct counts as virtuous? The only answer we seem to get from Plato is that a given virtue consists in

<sup>1</sup> I’m aware of the special interest and value of ancient Greek ethical thought. Through much of the present work the influence of Plato and Aristotle on my discussions has been greater than that of any modern writer. But my topic here is just the ancient systems’ offerings of general principles for determining what ought to be done.



- knowledge of what is good in certain circumstances and relations, and
- a harmony among the elements of man's appetitive nature, such that their resultant impulse always conforms with this knowledge.

But this knowledge (or at least its principles and method) are just what we wanted him to give us! We won't be satisfied by a mere account of the different situations in which we need it. And Aristotle doesn't bring us much closer to such knowledge when he tells us that the good in conduct is to be found somewhere between different kinds of bad. This at most tells us the *whereabouts* of virtue; it doesn't give us a method for finding it.

On the Stoic system as constructed by Zeno and Chrysippus<sup>1</sup> it may be unfair to pass a final judgment on the basis of the accounts given of it by adversaries like Plutarch, and semi-informed expositors such as Cicero, Diogenes Laertius, and Stobaeus. But, as far as we can tell the exposition of its general principles is a complicated network of circular reasonings by which the inquirer is continually deluded with an apparent approach to practical conclusions and continually led back to the point from which he set out.

Stoicism's most characteristic doctrine says that the ultimate end of action is 'life according to nature'. The motion that sustains this life spring was driven, according to the Stoics,

- in the vegetable creation by a mere unfelt impulse;

- in animals by an impulse accompanied by sensation,
- in man by the direction of reason, which in him is naturally supreme over all blind impulses.

What directions does reason give? 'To live according to nature' is one answer, which gives us the circular exposition of ethical doctrine in its simplest form. Sometimes the answer is 'Live according to virtue', which leads us into a circle like—though actually neater and tighter than—the one we found in Plato and Aristotle. That is because the Stoics also defined virtue as knowledge of good and bad in different circumstances and relations; and whereas Plato and Aristotle held that the notion of •virtue is the chief component in the notion of •good for human beings, the Stoics thought that those two notions absolutely coincide. So this is the upshot: virtue is knowledge of what is good and ought to be chosen (or bad and ought to be rejected); and there's nothing good (or bad) except virtue (or vice). But that makes virtue a science that studies nothing but itself, emptying the notion of all practical content. To avoid this result and reconcile their system with common sense, the Stoics explained that some other things in human life are •preferable, in a way, though not strictly •good—including the primary objects of men's normal impulses. Well then, when our impulses are conflicting or ambiguous, how are we to choose among them? . . . The Stoics' only answers were 'We should choose what it reasonable' or 'We should act in accordance with nature'; and those answers obviously bring us back to different points in the original circle.<sup>2</sup>

<sup>1</sup> I am not aiming here at the *later* Stoicism of the Romans—Seneca and Marcus Aurelius—in which the individual man's relation to humanity generally is more prominent than it is in the earlier form of the system.

<sup>2</sup> The Stoics sometimes tried to get ethical guidance from what is 'natural' in a different sense, steering by the complex fit between means and ends in the organic world. But since they held that the whole course of the universe is perfect and completely predetermined, they couldn't get from any observation of the facts any clear and consistent principle for selecting among alternatives of conduct. Their most characteristic practical precepts show a curious conflict between two tendencies: •to accept what is customary as 'natural', and •to reject what seems arbitrary as unreasonable.

Butler in his use of the Stoic formula seems to avoid this circular reasoning, but only by ignoring or suppressing the intrinsic reasonableness of right conduct. Butler assumes that •it is reasonable to live according to nature, and argues that •conscience—the faculty that imposes moral rules—is naturally supreme in man; from which he infers that •it is reasonable to obey conscience. But what's the status of the rules that conscience lays down? Do we know them merely **as the dictates of arbitrary authority**? If so, Butler would be giving absolute authority to the possibly unenlightened conscience of the individual; and he is much too cautious to do this. In fact, in more than one passage he explicitly adopts Clarke's doctrine that the true rules of morality are **essentially reasonable**. But if conscience is *reason applied to conduct* then Butler's argument seems to bend itself into the old circle—'It is reasonable to live according to nature, and natural to live according to reason'. . . .

**3.** Can we steer between •doctrines that bring us back to common opinion with all its imperfections and •doctrines that lead us round in a circle, getting through to self-evident moral principles of real significance? Common sense instinctively assumes that there are such principles, and many moralists have consciously believed in them and tried to state them; it would be disheartening to have to conclude that they are altogether illusory! And yet, the more we learn about man and his environment and take in the vast variety of human natures and circumstances at different times and places, the less inclined we are to believe that any definite code of absolute rules is applicable to all human beings without exception. We'll find that the truth lies between these two conclusions. There are some absolute principles of conduct whose truth is obvious once they are explicitly stated, but they're too abstract and too sweeping to show us immediately how we ought to act in any particular case. Particular duties

have to be determined by some other method.

One such principle was given on page 98, where I pointed out (though not in these words) that

If a kind of conduct that is right (or wrong) for me is not right (or wrong) for someone else, there must be some difference between us beyond the fact that we are different persons.

A corresponding and equally true proposition can be stated concerning what ought to be done *to*—not *by*—different individuals. [Sidgwick now runs the discussion through an unhelpful detour via the so-called Golden Rule: 'Do to others as you would have them do to you'. He gets back on course with this:] The self-evident principle must take some such negative form as this:

'It can't be right for A to treat B in a manner in which it would be wrong for B to treat A, unless some difference between the natures or circumstances of the two provides a reasonable ground for difference of treatment.'

This clearly doesn't give complete guidance. Its effect is merely to put the onus of proof on the man who treats someone else in a way that he would complain of if it were applied to himself. But common sense has amply recognised the practical importance of the maxim; and it appears to me to be self-evidently true.

The same basic principle is at work in the ordinary administration of law, or (as we say) of 'justice'. On page 140 I drew attention to 'impartiality in the application of general rules', as an important element in the common notion of justice—and the only one that can be intuitively known with perfect clearness and certainty. Again, this isn't sufficient for the complete determination of just conduct, because it doesn't help us to decide what kinds of rules should be thus impartially applied. But everyone agrees that conscious

partiality should be excluded from government and from human conduct generally—this being implied in the common notion of ‘fairness’ or ‘equity’.

·I now come to a different principle, a key element in which is the notion of a *whole*. The proposition that

One ought to aim at one’s own good

is sometimes offered as the maxim of rational self-love, i.e. prudence; but put like that it doesn’t clearly avoid tautology, because we can define ‘good’ as ‘what one ought to aim at’. But now try

One ought to aim at one’s own good *on the whole*.

This points to a principle which, when explicitly stated, is not tautological. In the footnote on page 57 I referred to it as the principle ‘of impartial concern for all parts of our conscious life’; and we could express it concisely thus:

Hereafter *as such* is not to count for less or more than Now.

This doesn’t of course mean that the good of the present may not reasonably be preferred to that of the future because of its greater certainty; or that a week ten years hence can’t be more important to us than a week now because our means or capacities of happiness will increase. The principle says only that the mere difference of priority and posteriority in time is not a reasonable ground for having more regard to the consciousness of one moment than to that of another. This usually comes up in practice in the thesis that a smaller present good is not to be preferred to a greater future good (allowing for difference of certainty), most commonly in the more specific thesis that it is reasonable to forgo present pleasure in order to get greater pleasure later on; but the principle needn’t be restricted to a hedonistic application. It concerns *future versus present*, not *future pleasure versus present pleasure*.

The notion of the ‘good on the whole’ of a person is

constructed by comparing and integrating the different ‘goods’ that succeed one another in the series of the person’s conscious states; and we also have the notion of universal good—the ‘good on the whole’ of humanity—by comparing and integrating the goods of all individual humans. And here again, by considering how the parts relate to the whole and to each other, I obtain the self-evident principle that

the good of any one person is no more important from the point of view (if I may put it like this) of the universe than the good of any other;

unless there are special grounds for believing that more good is likely to occur in the one case than in the other. And it is evident to me that

as a rational being I am obliged to aim at good generally. . . . rather than at any particular part of it.

These two rational intuitions rigorously imply the maxim of benevolence in an abstract form, namely that

each person is morally obliged to regard •the good of anyone else as much as •his own good, except when he judges it to be less, when impartially viewed, or less certainly knowable or attainable by him.

I have remarked that the duty of benevolence recognised by common sense falls short of this. But this could be fairly explained on the basis that each man, even if his eye is on universal good, ought in practice to aim at promoting the good of a limited number of people, generally in proportion to how closely he is related to them. I think that a ‘plain man’ in a modern civilised society, if he conscientiously faced the question:

Would it ever be morally right for you to seek your own happiness if that would certainly involve a sacrifice of the greater happiness of some other person, without any counterbalancing gain to anyone else?’

would unhesitatingly answer ‘No’.

I have tried to show how the principles of justice, prudence, and rational benevolence as commonly recognised contain self-evident elements that can be immediately known by abstract intuition, each involving how individuals and their particular ends relate to the wholes of which they are parts and to other parts of these wholes. The more or less clear grasp of these abstract truths is, I think, the permanent basis for the common belief that morality's fundamental precepts are essentially reasonable. These principles are often aligned with other precepts to which custom and general consent have given an *illusory* air of self-evidentness, but you have only to *think about* the two kinds of maxims to become sharply aware of the difference between them. 'I ought to speak the truth', 'I ought to keep my promises'—however true these are I know by reflection that they •aren't self-evident to me and •require rational justification. 'I ought not to prefer a present lesser good to a future greater good', 'I ought not to prefer my own lesser good to the greater good of someone else'<sup>1</sup>—these do present themselves as self-evident; as much as the mathematical axiom that if equals are added to equals the wholes are equal.

I can now explain why I have refrained from entering at length into the psychogenetic [see Glossary] question as to the origin of apparent moral intuitions. My reason involved the fundamental and clearly important distinction between

- (1) the moral maxims that reflection shows not to possess ultimate validity, and
- (2) the moral maxims that are or involve genuine ethical

axioms.

No psychogenetic theory has ever been offered claiming to discredit (2) the propositions that I regard as really axiomatic on the grounds that their causes were such as had a tendency to make them false. And as regards (1) the other class of maxims, there's no *need* for a psychogenetic proof that they are untrustworthy when taken as absolutely and unqualifiedly true, because direct reflection shows me that they have no claim to be taken in that way. On the other hand, psychogenetic theory has a certain positive role here: when it represents moral rules as being—roughly speaking—means to the ends of individual and social well-being, it tends to support the conclusions I have reached by a different method; because it leads us to regard other moral rules as subordinate to the principles of prudence and benevolence.

4. I wouldn't be as confident as I am of the conclusions I have reached in the preceding section if they didn't seem to be in substantial agreement—despite superficial differences—with the doctrines of the moralists who have worked hardest to find genuine intuitions of the practical reason among commonly received moral rules. I pointed out in the Note at the end of I/8 [page 47] that the earlier intuitional moralists show a more philosophical turn of thought on the whole than the later ones reacting against Hume. Among the earlier writers no-one shows more earnestness in trying to penetrate to really self-evident principles than Clarke.<sup>2</sup> For our behaviour towards our fellow-men Clarke lays down two fundamental 'rules of righteousness'. He states his Rule

<sup>1</sup> I'm supposing these propositions to be asserted after fully taking into account the difference of *certainty* between present and future good, and between one's own good and someone else's.

<sup>2</sup> Clarke's anxiety to exhibit the parallelism between ethical and mathematical truth. . . . renders his general terminology inappropriate (saying that moral intuition is directed at 'relations and proportions' or 'fitnesses and unfitnesses of things'), and sometimes •leads him into absurdities (saying that 'a man who willfully acts contrary to justice wills things to be what they are not and can't be'). But these defects aren't relevant to my present purpose.

of Equity thus:

‘My judgment that it is reasonable (unreasonable) that someone else should do x for me is also a judgment that it would be reasonable (unreasonable) for me in a similar situation to do x for him.’

This is of course the ‘Golden Rule’, precisely stated. [Sidgwick now gives a long quotation from Clarke about the obligation to ‘universal love or benevolence’, and follows that with a charge of ‘tautology’ from which he rescues it by giving it the non-tautological content:]

‘The good or welfare of any one individual must as such be an object of rational aim to any other reasonable individual no less than his own similar good or welfare.’

(Note that the proposition that *universal benevolence is the right means to the achieving universal good* is not quite self-evident, because the end may not always be best attained by directly aiming at it. Thus rational benevolence, like rational self-love, may be self-limiting; may direct its own partial suppression in favour of other impulses.)

Among later moralists, Kant is especially noted for his rigour in extracting the purely rational element of the moral code; and his ethical view seems to me to coincide—at least to a considerable extent—with the view presented in the preceding section. I have already noted that his basic principle of duty is the ‘formal’ rule of ‘acting on a maxim that one can will to be universal law’; and this, when appropriately restricted,<sup>1</sup> is an immediate practical

corollary of the principle that I first noted in the section 3. And the only really ultimate end that he offer for virtue to aim at is the object of rational benevolence as commonly conceived—the happiness of other men.<sup>2</sup> He regards it as evident *a priori* that each man as a rational agent is obliged to aim at other men’s happiness; in his view, indeed, I have a duty to seek my own happiness only because I consider it as a part of the happiness of mankind in general. I disagree with this last claim, because I agree with Butler that ‘one’s own happiness is a manifest obligation’ independently of one’s relation to other men; but the positive part of Kant’s conclusion seems mainly to agree with the view of the duty of rational benevolence that I have given. (I don’t accept his arguments for his conclusion. See the note at the end of this chapter.)

**5.** You’ll have realised by now that the self-evident principles laid down in section 3 don’t specially belong to ‘intuitionism’ in the restricted sense that I gave to this term at the start of this Book. The axiom of prudence, as I have given it, is a self-evident principle, implied in rational egoism as commonly accepted’.<sup>3</sup> And the axiom of justice or equity as above stated—that similar cases ought to be treated similarly—belongs as much to utilitarianism as to any system commonly called intuitional; while the axiom of rational benevolence is required as a rational basis for the utilitarian system.

So my search for really clear and certain ethical intuitions brings me at last to the basic principle of utilitarianism.

<sup>1</sup> I don’t think that Kant *does* appropriately restrict it. See chapter 7.3 and IV/5.1.

<sup>2</sup> Kant gives the agent’s own perfection as another absolute end; but his account of perfection implies that this isn’t ultimately basic because it presupposes that there are other ends of reason. . . . He writes: ‘The perfection that belongs to men generally. . . can only be the cultivation of one’s power and one’s will to satisfy the requirements of duty in general.’

<sup>3</sup> How does rational egoism relate to rational benevolence? I regard that as the profoundest problem of ethics. My final answer to it will be given in the concluding chapter of this work.

I admit that recent utilitarians haven't tried to show the truth of their first principle through any procedure like the one I have given. Still, the 'proof' of the 'principle of utility' given by Mill, the most persuasive and probably most influential English utilitarian, obviously needs to be completed by a procedure like mine. (My quotations will be from chapters 1 and 2 of *Utilitarianism*.)

Mill begins by explaining that though 'questions of ultimate ends are not amenable to *proof* in the ordinary and popular meaning of the term', there's a broader meaning of 'proof in which they are capable of proof: the subject is 'within the reach of the rational faculty. . . Considerations can be presented capable of determining the intellect to accept the utilitarian formula'. He makes clear that by 'acceptance of the utilitarian formula' he means the acceptance. . . of 'the greatest amount of happiness altogether' as the ultimate 'end of human action' and 'standard of morality'; and he holds that the supreme 'directive rule of human conduct' is to promote that end. When he comes to give the 'proof—in the broader sense before explained—of this rule or formula, he offers the following argument:

'The sole evidence it is possible to produce that anything is desirable is that people do actually desire it. . . No reason can be given why the general happiness is desirable except the fact that each person desires his own happiness. But this *is* a fact; so we have not only all the proof there could be for such a proposition, but all the proof that could possibly be demanded, that happiness is a good; that each person's happiness is a good to that person, and therefore that general happiness is a good to the aggregate of all persons.'<sup>1</sup>

He then goes on to argue that pleasure, and pleasure alone, is what all men actually do desire.

. . . .When Mill says that 'the general happiness is desirable', he must be understood to mean—and his whole treatise shows that he *does* mean—that it is what each individual ought to desire, or at least. . . .to aim at achieving through his actions.<sup>2</sup> But this proposition is not established by Mill's reasoning, even if we grant that something's being actually •desired implies that it is in this sense •desirable. For an aggregate of actual desires, each directed towards a different part of the general happiness, does not constitute an actual desire for the general happiness existing in any individual; and Mill certainly wouldn't contend that a desire that doesn't exist in any individual can exist in an aggregate of individuals! So the proposition that the general happiness is desirable can't be established by this argument, which requires there to be an actual desire for the general happiness; there's a gap in Mill's argument, and it (I think) be filled only by a proposition like the one I have tried to exhibit as the intuition of rational benevolence.

Utilitarianism thus appears as the final form into which intuitionism tends to pass, when the demand for really self-evident first principles is pressed hard. But its passage isn't logically complete unless we interpret 'universal good' as 'universal happiness'. And this interpretation can't be justified by arguing, as Mill does, from •the psychological premise that happiness is the sole object of men's actual desires to •the ethical conclusion that it alone is desirable or good; because in I tried in I/4 to show that happiness or pleasure is not the only thing that each man actually desires for himself. The identification of •ultimate good with

<sup>1</sup> This is from *Utilitarianism* chapter 4; page 24 in the version on the website at [www.earlymoderntexts.com](http://www.earlymoderntexts.com).

<sup>2</sup> I have been accused of overlooking a confusion in Mill's mind between 'desirable' = 'what can be desired' and 'desirable' = 'ought to be desired'. The present paragraph shows that I am aware of this confusion, but I don't think that for my purposes I need to discuss it.

•happiness is properly to be reached, I think, by a more indirect line of reasoning that I'll try to explain in the next chapter.

**Note:** The present great influence of Kant's teaching makes it worthwhile to state briefly the arguments by which he tries to establish the duty of promoting the happiness of others, and my objections to them. In some places he tries to exhibit this duty as following from •his fundamental formula 'Act from a maxim that you can will to be universal law' in conjunction with •the fact (as he assumes it to be) that every man in severe difficulties must desire to get help from others. The maxim 'Everyone should be left to take care of himself without help or interference' is one that we could *conceive* existing as a universal law, Kant says, but we couldn't *will* to be such. 'A will that went that way this would be inconsistent with itself, for many cases may arise where the individual thus willing needs the benevolence and sympathy of others.' And in another work he explains at more length that the self-love that necessarily exists in everyone involves the desire to be loved by others and to be helped by them in case of need. So we necessarily constitute ourselves as an end for others, and claim that they shall contribute to our happiness; and so, according to Kant's fundamental principle, we must recognise our duty to make *their* happiness *our* end.

This is not a valid argument. *Every man in need wishes for the aid of others*—that's an empirical proposition that Kant cannot know *a priori*. We can certainly conceive a man in whom the spirit of independence and the distaste for incurring obligations is so strong that he would prefer •enduring any privations to •receiving aid from others. Furthermore, even if it's true that everyone in distress must at that moment necessarily wish for help from others, it's still possible for a strong man, after balancing the chances of

life, to think that he and his like have more to gain, over-all, by the general adoption of the egoistic maxim, benevolence being likely to bring them more trouble than profit.

Elsewhere Kant reaches the same conclusion by an apparently different line of argument. . . . All particular ends at which men aim get their status as ends by the existence of impulses directed towards particular objects. Now we can't tell *a priori* that any of these special impulses forms part of the constitution of all men; so we can't state it as an absolute dictate of reason that we should aim at any such special object. Set all those particular empirical ends aside, then, and all that remains is the principle that 'all rational beings as such are ends to each' or, as Kant sometimes puts it, that 'humanity exists as an end in itself'.

Now, says Kant, if I confine myself to mere non-interference with others, I don't positively make humanity my end; my aims remain selfish, though restricted by this condition of non-interference with others. So my action is not truly virtuous, because virtue shows in—and *consists* in—the effort to bring about the end of reason in opposition to mere selfish impulses. Therefore 'the ends of the other person, who is himself an end, must of necessity be *my* ends if the representation of humanity as an end in itself is to have its full weight with me' and my action is to be truly rational and virtuous.

I can't accept this argument either. The conception of 'humanity as an end in itself' is perplexing; because by an *end* we commonly mean something to be brought about—a state of affairs—whereas 'humanity' is, as Kant says, 'a self-subsistent end' [i.e. it is a thing, not a state of affairs]. Also, there seems to be a logical flaw in the deduction of the principle of benevolence by means of this conception. The humanity that Kant maintains to be an end in itself is Man (or the aggregate of men) *in so far as rational* [Sidgwick's phrase].

But other men's subjective ends, which benevolence directs us to take as our own ends, would seem according to Kant's own view, to depend on and correspond to their non-rational impulses—their empirical desires and aversions. It's hard to

see why, if man as a rational being is an absolute end to other rational beings, they must therefore adopt his subjective aims as determined by his non-rational impulses.

### Chapter 14: Ultimate good

1. At the outset of this treatise I noted that there are two accounts of what ethical inquiry is *about*:

- rules of conduct—'the right';
- ends—'the good'.

I remarked that in the moral consciousness of modern Europe the two notions are *prima facie* distinct: it is commonly thought that the obligation to obey moral rules is absolute, but it isn't commonly held that the whole good of man lies in such obedience. The view that it *does* is vaguely and respectfully—but unmistakably!—repudiated as a Stoic paradox. The ultimate good or well-being of man is regarded rather as an upshot, the connection of which with his right conduct is indeed commonly held to be certain, but is often conceived as supernatural and therefore beyond the range of independent ethical speculation. [To make sure that is understood: the crucial distinction is between 'Man's good *lies in* moral obedience' and 'Man's good *results from* moral obedience'.] But if my conclusions in the preceding chapters are right, it would seem that this has things back-to-front, and that the practical determination of right conduct *depends on* the determination of ultimate good. I'm talking about conclusions regarding the principles of **prudence** and **benevolence**, namely that

- most of the commonly received maxims of duty—even ones that at first sight look absolute and independent—turn out to be subordinate to them;
- they, along with the formal principle of justice or equity, are the only principles that are intuitively both clear and certain; and
- in their self-evident forms they are about *ends*, because one is a precept to seek one's own good on the whole, and the other is a precept to seek others' good as well as one's own.

Thus we are brought back to the old question with which ethical theorising in Europe began—'What is the ultimate good for man?'—though not in the egoistic form in which the old question was raised. But when we examine the controversies that this question originally led to, we see that the investigation that has brought us back to it has excluded the once-popular answer that *general good consists solely in general virtue*. 'Virtue' means 'conformity to prescriptions that are the main part of common-sense morality', and we have seen that the exact determination of these prescriptions depends on what the general good is; so the once-popular answer leads us around a logical circle.



We can't evade this argument by adopting what on page 108 I called 'aesthetic intuitionism', regarding virtues as excellences of conduct clearly discernible by trained insight although their nature doesn't allow them to be stated in definite formulae. Our notions of special virtues don't become more independent by becoming more indefinite; they still contain, though perhaps less explicitly, the same reference to 'good' or 'well-being' as an ultimate standard. You can see this when you consider any virtue in relation to the vice or non-virtue that it tends to become when •pushed to an extreme or •exhibited under inappropriate conditions. Common sense may seem to regard the qualities on the upper line as intrinsically desirable; but when we relate them respectively to the items on the lower line

liberality	frugality	courage	placability
profusion	meanness	foolhardiness	weakness

we find that in each case common sense draws the line not by immediate intuition but by reference either to some definite maxim of duty, or to the general notion of 'good' or well-being. [Sidgwick has argued that *definite* duties involve references to ends; aesthetic intuitionism was trying to avoid that by making all duties indefinite.] And the same thing happens when we ask at what point candour, generosity and humility cease to be virtues by becoming excessive. Other commonly admired qualities—energy, zeal, self-control, thoughtfulness—are obviously regarded as virtues only when they are directed to good ends. The only so-called virtues that can be thought to be essentially and always virtues, and incapable of excess, are qualities such as wisdom, universal benevolence, and (in a sense) justice; and the notions of these obviously presuppose a determinate notion of *good*.

- Wisdom is insight into good and the means to good;
- benevolence is exhibited in actions called 'doing good';
- justice (when regarded as always a virtue) lies in distributing good (or evil) impartially according to proper rules.

If then we are asked 'What is this good that it is excellent to •know, to •bestow on others, to •distribute impartially, it would be obviously absurd to reply that it is just •this knowledge, •these beneficent purposes, •this impartial distribution!

And I can't see that this difficulty is coped with by regarding virtue as a quality of 'character' rather than of 'conduct', and expressing the moral law in the form 'Be this' rather than 'Do this'.<sup>1</sup> Of course from a practical point of view it is important to urge men to •aim at an ideal of character and •consider the effects of actions on character. But the thesis that character and its elements—faculties, habits, or dispositions—are the constituents of ultimate good it doesn't follow from that, and is indeed ruled out by the very concept of a faculty or disposition. A faculty or disposition is only a *tendency* to act or feel thus and so; and such a tendency isn't valuable in itself but for the acts and feelings in which it takes effect, or for the further consequences of these; and these consequences can't be *ultimately* good as long as they are conceived as merely states of faculties, dispositions, etc. . . .

**2.** I have been speaking only of particular virtues as exhibited in conduct judged to be objectively right; and you may think that this is too *external* a view of the virtue that claims to constitute ultimate good. The difficulty I have been presenting vanishes, you may say, if we penetrate beyond •the particular virtues to the root and essence of virtue in

<sup>1</sup> See Leslie Stephen, *The Science of Ethics*, chapter 4.16 .

general, namely •the will's being set to do whatever is judged to be right and to aim at bringing about whatever is judged to be best. This subjective rightness or goodness of the will doesn't depend on knowledge of what is objectively right or good, so it also doesn't depend on the presupposition of good as already known and determined—the presupposition that we have seen to be implied in the common conceptions of virtue as exhibited in outward acts. Well, I admit that the thesis that *subjective* rightness or goodness of will is the ultimate good doesn't involve the logical difficulty that I have been urging. But it is radically contrary to common sense, because the very notion of *subjective* rightness or goodness of will implies an *objective* standard which it directs us to seek but doesn't claim to supply. Consider:

The right-seeking mind asks for directions, and we tell it •that all it has to aim at is this right-seeking itself, •that this is the sole ultimate good, and •that the only *effect* of right volition that can be good in itself is the subjective rightness of one's own or others' future volitions.

This is a palpable and violent paradox. It's true that a reasonable person can't recognise any more authoritative rule than the one telling him to do what *he judges* to be right; because when he is wondering what to do next he can't distinguish •doing what is objectively right from •conforming to his own subjective conception of rightness. But we're continually forced to make that distinction as regards the actions of others. . . ., and we continually judge conduct to be objectively wrong because it tends to cause pain and unhappiness to others, apart from any effect on the subjective rightness of their volitions. That is what we are doing when we recognise the mischief and danger of fanaticism—meaning by 'a fanatic' a man who insists on his own conception of rightness when it is plainly mistaken.

The same result can be reached without going out to anything as extreme as fanaticism. As I pointed out in chapter 11.3 (see also chapter 12.3), although the 'dictates of reason' are always to be obeyed, it doesn't follow that 'the dictation of reason'—the predominance of consciously moral motives over non-moral ones—is to be promoted without limits. Common sense holds that some things are likely to be better done if they are done from other motives than conscious obedience to practical reason, i.e. to conscience. So there's a real *question* here:

How far should we go in aiming to make reason's dictate—the predominance of moral choice and moral effort—predominant in our lives?

By allowing this question to be asked, we concede that conscious rightness of volition is not the sole ultimate good. Summing up, then: neither •subjective rightness or goodness of volition nor •virtuous character (except as expressed in virtuous conduct) can constitute ultimate good; and we can't identify ultimate good with •virtuous conduct either, because our conceptions of various kinds of virtuous conduct presuppose the prior determination of the notion of good—the good that virtuous conduct is supposed to produce or promote or rightly distribute.

And this result regarding virtue applies even more obviously to the other talents, gifts, and graces that make up the common notion of human perfection. However immediately the excellent quality of such gifts and skills is recognised and admired, if you think a little you'll realise that they are valuable only because of the good life in which they are actualised or which will be promoted by their exercise.

### 3. Shall we then say this?—

Ultimate good is desirable conscious life of which virtuous action is one element but not the whole thing?

This seems to be in harmony with common sense; and the fact that particular virtues and talents and gifts are valued largely as means to •resultant goods doesn't rule out their exercise as an element of •ultimate good; just as the fact that a proper combination of physical action, nutrition, and rest is a •means to the maintenance of our animal life doesn't rule out their being indispensable •elements in such a life. But it's hard to conceive any kind of activity as both means and end, from the same point of view and in respect of the same quality; and in both those cases it's easy to distinguish the aspect in which the activities are to be regarded as means from that in which they are to be regarded as desirable in themselves. Start with the physical processes. It's in their purely physical aspect, as complex processes of corporeal change, that they are means to the maintenance of life; but considering them purely in this way, as movements of particles of matter, it seems impossible to regard them as in themselves either good or bad. . . . If any quality of human life is what is ultimately desirable, it must concern human life on its mental side—*consciousness*, for short.

But mental life as known to us includes pain as well as pleasure, and so far as it is painful it isn't desirable. So I can't accept a view of the well-being of human beings and other living things that is •suggested by current zoological conceptions and •maintained by influential writers. It's the view that when we describe as 'good' the manner of existence of any living organism, we are attributing to it a tendency either •to self-preservation or •to the preservation of its community or its race; so that what 'well-being' adds to mere 'being' is just promise of future being. If you think clearly about this you'll see that it is wrong. If all life were as undesirable as some portions of it have been in my experience and (I believe) in that of most men, I would judge any tendency to preserve it to be totally bad. Actually,

we generally hold that human life, even as now lived, has on average a balance of happiness; so we regard what preserves life as generally good, and what destroys life as bad; and an important part of morality's function is indeed to maintain habits and sentiments that are needed for the continued existence, in full numbers, of a society of human beings under their actual conditions of life. But that's not because the mere existence of human organisms, even if prolonged to eternity, appears to me in any way desirable; it is assumed to be so only because it is supposed to be accompanied by consciousness that is on the whole desirable. It is therefore this *desirable consciousness* that we must regard as the ultimate good.

Similarly, when we judge virtuous activity to be a part of ultimate good, I think it's because we judge the accompanying consciousness to be desirable for the virtuous person; though this consideration doesn't adequately represent the importance of virtue to human well-being, because we have to consider its value as a means as well as its value as an end. Consider this: If virtuous life were combined with extreme pain, would it still be on the whole good for the virtuous agent? The answer 'Yes' was strongly supported in Greek philosophical discussion; but it's a paradox from which a modern thinker would recoil: he wouldn't say that the portion of life spent by a martyr in tortures was in itself desirable, though it might be his duty to suffer the pain for the good of others or even for his own eventual happiness.

4. If then ultimate good has to be conceived as *desirable consciousness* (including the consciousness of virtue as a *part*), should we identify this notion with *happiness* or *pleasure*, and say as the utilitarians do that general good is general happiness? You might well think that this conclusion as inevitable—especially if it seems to you that this:

Other things that are called 'good' are only means to the end of making conscious life better or more desirable

is just one way of saying this:

Other things that are called 'good' are only means to the end of happiness.

But let's not rush into that, because some important distinctions remain to be considered. According to the view taken in II/2, when we affirm that ultimate good is happiness or pleasure, we imply •that nothing is desirable except desirable feelings; •that the desirability of each feeling can be known directly only by the person who has the feeling, and only at the time of having it; and •that therefore this judgment of the person must be taken as final on the question how far each element of feeling has the quality of ultimate good.<sup>1</sup> I don't think anyone would estimate in any other way the desirability of feeling considered merely as feeling; but you might say this:

Our conscious experience includes not only feelings but also cognitions and volitions; the desirability of these must be taken into account, and it can't be estimated in the way you have described.

[In this context, a 'cognition' is a short-term belief or thinking-that-P.] But when we reflect on a cognition as a transient fact of an individual's mental life—distinguishing from •the feeling that normally accompanies it and from •any facts about whether it is true or valid—we can see that it's an element of consciousness which is neutral in respect of desirability; and the same is true of volitions when we set aside •the feelings associated with them, •their relation to any objective

norm or ideal, and •all their consequences. I don't deny that in ordinary thought certain states of consciousness—such as cognition of truth, contemplation of beauty, volition to be free or virtuous—are sometimes judged to be preferable on grounds other than their pleasantness; but I stand by the explanation of this that I suggested in II/2.2, namely that what we really prefer in such cases is not the present consciousness but either •its effects on future consciousness or else •something in the objective relations of the conscious being that isn't included in his present consciousness.

An example of that second alternative: a man who prefers the mental state of •apprehending truth to the state of •reliance on generally accepted fictions, even if the former state is more painful than the latter, and independently of any effect that he expects either state to have on his subsequent consciousness. In this case, as I see it, what he really prefers is not •the consciousness of knowing truth, considered merely as consciousness, because the pleasure in this is more than outweighed by the concomitant pain, but •the relation between his mind and something else that I call 'objective' because it exists independently of his cognition of it. Suppose you learn that something you have taken for truth is not really such; you'll certainly feel that your preference had been mistaken; but if your choice had really been between two elements of transient consciousness, its reasonableness couldn't be affected by any later discovery.

Another example: a man prefers freedom and poverty to a life of luxurious servitude, not because the pleasant consciousness of being free outweighs the expected comforts and securities of the other life, but because he has a predominant aversion to slavery. . . . If he comes later to believe that his conception of freedom was illusory—that we are all

<sup>1</sup> Final, that is, so far as the quality of the present feeling is concerned. When an estimate of the desirability of a feeling involves comparison with feelings that are only represented in idea [e.g. in memory], it can be erroneous through imperfections in the representation.

slaves of circumstances, destiny, etc.—that will lead him to regard his preference as mistaken.

When someone prefers conformity to virtue (or contemplation of beauty) to a state of consciousness that he recognises as pleasanter, this preference seems to come from his belief that his conception of virtue (or of beauty) corresponds to an ideal that is to some extent objective and valid for all minds. Apart from any consideration of future consequences, we would all agree that a man who sacrificed happiness to an erroneous conception of virtue or beauty had made a mistaken choice.

Still, it may be said that this is merely a question of definition—

‘We can take “conscious life” in a wide sense, so as to include the objective relations of the conscious being implied in our notions of virtue, truth, beauty, freedom; and then we can regard cognition of truth, contemplation of beauty, free or virtuous action, as preferable to pleasure or happiness, while admitting that happiness must be included as a part of ultimate good.’

If that is right, the principle of rational benevolence—described in chapter 13 as an indubitable intuition of the practical reason—would direct us to the pursuit not merely of universal happiness but also of these ‘ideal goods’, as ends that are ultimately desirable for mankind generally.

**5.** But no careful and thoughtful person should find this plausible. To show this, I ask you to use the same twofold procedure that I asked you on page 166 to use in considering the absolute and independent validity of common moral precepts. I appeal **(i)** to your intuitive judgment, after due consideration, of the question when fairly placed before you; and **(ii)** to a comprehensive comparison of the ordinary judgments of mankind. **(i)** It seems clear to me after reflection

that these objective relations of the conscious subject, when distinguished from the consciousness accompanying and resulting from them, are not ultimately and intrinsically desirable; any more than material objects are when considered apart from any relation to conscious existence. Granted, we have actual experience of preferences like the ones I have described, of which the ultimate object is something that isn’t merely consciousness; but it seems to me that when we ‘sit down in a cool hour’ (Butler’s phrase), the only way we can justify to ourselves the importance that we attach to any of these objects is by considering its conduciveness, in one way or another, to the happiness of sentient beings.

**(ii)** The argument involving the common sense of mankind can’t be made completely forceful because some cultivated persons *do* habitually judge that knowledge, art, etc. are *ends* independently of the pleasure derived from them. But all these elements of ‘ideal good’ *do* •produce pleasure in various ways; and the amount of commendation they get from common sense is roughly proportional to *how* •productive they are. This seems obviously true of beauty; and it will hardly be denied in respect of any kind of social ideal; it is paradoxical to maintain that any degree of freedom, or any form of social order, would still be commonly regarded as desirable even if we were certain that it had no tendency to promote the general happiness. The case of knowledge is rather more complex; but certainly common sense is most impressed with the value of knowledge when its ‘fruitfulness’ has been demonstrated. [Sidgwick goes on to say that even when a scientific discovery doesn’t look useful, •common sense allows that it may become useful in due course. But there are limits to •its patience.] Common sense is somewhat disposed to complain of the misdirection of valuable effort; so that the amount of honour commonly paid to science seems to be graduated, perhaps unconsciously, on a pretty

exact utilitarian scale. When there's a serious dispute about the legitimacy of any branch of scientific inquiry—as in the recent debate about vivisection—the controversy on both sides is generally conducted on an openly utilitarian basis.

The case of virtue needs to be discussed separately. A main aim of men's ordinary moral discourse is to encourage virtuous impulses and dispositions in each other; so that the very *question* whether this encouragement can go too far has a paradoxical air. But we have, though rarely, experienced cases in which the concentration of effort on the cultivation of virtue has been harmful to general happiness through •being intensified to the point of moral fanaticism and •neglecting other conditions of happiness. And I think we'll generally admit that in such cases the criterion for deciding how far the cultivation of virtue should be carried should be conduciveness to general happiness.

Still, common sense *does* resist accepting that happiness (when explained to mean a sum of pleasures) is the sole ultimate end and standard of right conduct. But this can be accounted for by four considerations.

**A.** The term 'pleasure' is not commonly used so as to include clearly *all* kinds of consciousness that we desire to retain or reproduce; in ordinary usage it suggests too prominently the coarser and commoner kinds of such feelings; and even those who are trying to use the word scientifically find it hard to •free their minds from the associations of ordinary usage and to mean by 'pleasure' nothing but 'desirable consciousness or feeling of whatever kind'. Also, we are constantly reminded of what Bentham called 'impure' pleasures—ones that will inevitably involve greater pain or the loss of more important pleasures—and we naturally shrink from including these, even hypothetically, in our conception of ultimate good; especially since we often have moral or aesthetic instincts warning us against them.

**B.** I showed in I/4 (see also II/3) that many important pleasures can be felt only if we have desires for things other than pleasure. For example, we miss the valuable pleasures that accompany the exercise of the benevolent affections if we don't have genuinely disinterested impulses to make others happy. So the very acceptance of pleasure as the *ultimate* end of conduct involves the practical rule that it shouldn't always be the *conscious* end; and that may help to explain the reluctance of common sense to regard pleasure as the sole thing ultimately desirable.

**C.** . . . When happiness is spoken of as man's sole ultimate good, the idea most commonly suggested is that each individual is to seek his own happiness and neglect of that of others; and this offends both our sympathetic and our rational regard for others' happiness. (Rational regard? Yes; as I argued in chapter 13, reason shows me that if my happiness is desirable and a good then the equal happiness of anyone else must be equally desirable.) What common sense is averse to is the goal of •egoistic rather than of •universalistic hedonism. And certainly one's individual happiness is in many ways a poor target for one's supreme aim, apart from any clash it may have with rational or sympathetic benevolence. That's because it doesn't have the features that Aristotle says we 'divine' to belong to ultimate good: so far as it can be empirically foreseen, individual happiness is narrow and limited, short-lived, and shifting and insecure while it lasts. But universal happiness—desirable consciousness for the countless sentient beings present and to come—satisfies our imagination by its vastness, and sustains our resolution by its comparative security.

Here's an objection that someone might offer:

If we require the individual to sacrifice his own happiness to the greater happiness of others on the ground that it's reasonable to do so, we're assigning to him a

different ultimate end from the one we present as the ultimate good of the universe of sentient beings. We tell him that the universe's ultimate good is happiness, while his is conformity to reason.

I admit the substantial truth of this statement. . . ., but I don't see it as counting against the position I am maintaining. Why not? Because the individual is essentially and fundamentally different from the larger whole—the universe of sentient beings of which he is a part. The difference is that *he* has a known relation to similar parts of the same whole, while the whole itself has no such relation. So I don't see any inconsistency in holding that while

- if the aggregate of sentient beings could act collectively, it would be reasonable for it to have its own happiness as its only ultimate end, and
- if an individual were the only sentient being in the universe, it would be reasonable for him to have his own happiness as his only ultimate end,

it may be actually reasonable for an individual to sacrifice his own good or happiness for the greater happiness of others. [The crucial contrast there is between what *would* be the case if. . . etc. and what is *actually* the case in the world as it is.]

I admit that in ancient Greek philosophy men sometimes judged an act to be 'good' *for the agent* while recognising that its consequences would be painful to him—e.g. a heroic exchange of a life full of happiness for a painful death at the call of duty. I attribute this partly •to a confusion of thought between what it is reasonable for an individual to desire when he considers his own existence alone, and what he must recognise as reasonably to be desired when he takes the point of view of a larger whole; and partly to a faith deeply

rooted in the moral consciousness of mankind, that there can't be really and ultimately any conflict between the two kinds of reasonableness.<sup>1</sup> [Sidgwick continues with some difficult remarks about how that Greek attitude figures in modern moral philosophy.]

**D.** From the universal point of view as much as from that of the individual, it seems true that happiness is likely to be better attained if the extent to which we set ourselves consciously to aim at it is carefully restricted. One important reason for this is that action is likely to be more effective if our effort is temporarily concentrated on more limited ends; but there is also another. The fullest development of happy life for each individual seems to require him to have external objects of interest other than the happiness of other conscious beings. So we can conclude that the pursuit of the ideal objects I have mentioned—virtue, truth, freedom, beauty, etc.—*for their own sakes* is indirectly and secondarily rational, though not primarily and absolutely so—not only because of the happiness that will result from their attainment but also because of the happiness that comes from the disinterested pursuit of them. And yet if we look for a final criterion of the comparative value of the different objects of men's enthusiastic pursuit, . . . we'll conceive it to depend on how far each of them conduces to happiness.

If this view is rejected, can we construct any other coherent account of ultimate good? If we're not to systematise human activities by taking universal happiness as their common end, on what other principles are we to systematise them? They need to be principles that enable us not only •to make value-comparisons *among* the non-hedonistic ends

<sup>1</sup> We can illustrate this double explanation by a reference to Plato's *Gorgias*, where the ethical argument has a singularly mixed effect on the mind. It strikes us as partly a fairly skillful set of tricks, playing on a confusion of thought latent in the common notion of good; and partly a noble and stirring expression of a profound moral faith.

we have been considering but also •to provide a common standard for comparing these values with that of happiness—unless we're prepared to reject happiness as absolutely valueless! We have a practical need to answer not only questions of the type

Should we should pursue truth rather than beauty? or freedom or some ideal constitution of society rather than either of those? or desert all of these in favour of a life of worship and religious contemplation?

but also questions of the type:

How far we should follow any of these lines of endeavor

our when we foresee it resulting in pain for human or other sentient beings, or even the loss of pleasures that they might otherwise have enjoyed?<sup>1</sup>

I haven't found and can't construct any systematic answer to this question that appears to deserve serious consideration; so I am finally led to the conclusion (which at the close of the last chapter seemed to be premature) that when the intuitional method is rigorously applied it leads to the doctrine of *pure universalistic hedonism*. . . .that it is convenient to label as 'utilitarianism'.

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<sup>1</sup> The controversy on vivisection illustrates well the need that I am pointing out. I haven't heard anyone in this controversy paradoxically deny that the pain of sentient beings is, just because it is pain, to be avoided.