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MODERN MORAL PHILOSOPHY[1]

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I WILL begin by stating three theses which I present in this paper. The first is that it is not profitable for us at present to do moral philosophy; that should be laid aside at any rate until we have an adequate philosophy of psychology, in which we are conspicuously lacking. The second is that the concepts of obligation, and duty—*moral* obligation and *moral* duty, that is to say—and of what is *morally* right and wrong, and of the *moral* sense of "ought," ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it. My third thesis is that the differences between the well-known English writers on moral philosophy from Sidgwick to the present day are of little importance.

Anyone who has read Aristotle's *Ethics* and has also read modern moral philosophy must have been struck by the great contrasts between them. The concepts which are prominent among the moderns seem to be lacking, or at any rate buried or far in the background, in Aristotle. Most noticeably, the term "moral" itself, which we have by direct inheritance from Aristotle, just doesn't seem to fit, in its modern sense, into an account of Aristotelian ethics. Aristotle distinguishes virtues as moral and intellectual. Have some of what he calls "intellectual" virtues what *we* should call a "moral" aspect? It would seem so; the criterion is presumably that a failure in an "intellectual" virtue—like that of having good judgment in calculating how to bring about something useful, say in municipal government—may be *blameworthy*. But—it may reasonably be asked—cannot *any* failure be made a matter of blame or reproach? Any derogatory criticism, say of the workmanship of a product or the design of a machine, can be called blame or reproach. So we want to put in the word "morally"

[1] This paper was originally read to the Voltaire Society in Oxford.

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again: sometimes such a failure may be *morally* blameworthy, sometimes not. Now has Aristotle got this idea of *moral* blame, as opposed to any other? If he has, why isn't it more central? There are some mistakes, he says, which are causes, not of involuntariness in actions, but of scoundrelism, and for which a man is blamed. Does this mean that there is a *moral* obligation not to make certain intellectual mistakes? Why doesn't he discuss obligation in general, and this obligation in particular? If someone professes to be expounding Aristotle and talks in a modern fashion about "moral" such-and-such, he must be very imperceptive if he does not constantly feel like someone whose jaws have somehow got out of alignment: the teeth don't come together in a proper bite.

We cannot, then, look to Aristotle for any elucidation of the modern way of talking about "moral" goodness, obligation, etc. And all the best-known writers on ethics in modern times, from Butler to Mill, appear to me to have faults as thinkers on the subject which make it impossible to hope for any direct light on it from them. I will state these objections with the brevity which their character makes possible.

Butler exalts conscience, but appears ignorant that a man's conscience may tell him to do the vilest things.

Hume defines "truth" in such a way as to exclude ethical judgments from it, and professes that he has proved that they are so excluded. He also implicitly defines "passion" in such a way that aiming at anything is having a passion. His objection to passing from "is" to "ought" would apply equally to passing from "is" to "owes" or from "is" to "needs." (However, because of the historical situation, he has a point here, which I shall return to.)

Kant introduces the idea of "legislating for oneself," which is as absurd as if in these days, when majority votes command great respect, one were to call each reflective decision a man made a *vote* resulting in a majority, which as a matter of proportion is overwhelming, for it is always 1–0. The concept of legislation requires superior power in the legislator. His own rigoristic convictions on the subject of lying were so intense that it never occurred to him that a lie could be relevantly described as anything but just a lie (e.g. as "a lie in such-and-such circumstances"). His rule about universalizable maxims is useless without stipulations as to what shall count as a relevant description of an action with a view to constructing a maxim about it.

Bentham and Mill do not notice the difficulty of the concept "pleasure." They are often said to have gone wrong through committing the "naturalistic fallacy"; but this charge does not impress me, because I do not find accounts of it coherent. But the other point—about pleasure—seems to me a fatal objection from the very outset.

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The ancients found this concept pretty baffling. It reduced Aristotle to sheer babble about "the bloom on the cheek of youth" because, for good reasons, he wanted to make it out both identical with and different from the pleasurable activity. Generations of modern philosophers found this concept quite unperplexing, and it reappeared in the literature as a problematic one only a year or two ago when Ryle wrote about it. The reason is simple: since Locke, pleasure was taken to be some sort of internal impression. But it was superficial, if that was the right account of it, to make it the point of actions. One might adapt something Wittgenstein said about "meaning" and say "Pleasure cannot be an internal impression, for no internal impression could have the consequences of pleasure."

Mill also, like Kant, fails to realize the necessity for stipulation as to relevant descriptions, if his theory is to have content. It did not occur to him that acts of murder and theft could be otherwise described. He holds that where a proposed action is of such a kind as to fall under some one principle established on grounds of utility, one must go by that; where it falls under none or several, the several suggesting contrary views of the action, the thing to do is to calculate particular consequences. But pretty well any action can be so described as to make it fall under a variety of principles of utility (as I shall say for short) if it falls under any.

I will now return to Hume. The features of Hume's philosophy which I have mentioned, like many other features of it, would incline me to think that Hume was a mere—brilliant—sophist; and his procedures are certainly sophistical. But I am forced, not to reverse, but to add to, this judgment by a peculiarity of Hume's philosophizing: namely that although he reaches his conclusions—with which he is in love—by sophistical methods, his considerations constantly open up very deep and important problems. It is often the case that in the act of exhibiting the sophistry one finds oneself noticing matters which deserve a lot of exploring: the obvious stands in need of investigation as a result of the points that Hume pretends to have made. In this, he is unlike, say, Butler. It was already well known that conscience could dictate vile actions; for Butler to have written disregarding this does not open up any new topics for us. But with Hume it is otherwise: hence he is a very profound and great philosopher, in spite of his sophistry. For example:

Suppose that I say to my grocer "Truth consists in *either* relations of ideas, as that 20s. = £1, *or* matters of fact, as that I ordered potatoes, you supplied them, and you sent me a bill. So it doesn't apply to such a proposition as that I *owe* you such-and-such a sum."

Now if one makes this comparison, it comes to light that the relation of the facts mentioned to the description "X owes Y so much money" is an interesting one, which I will call that of being "brute

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relative to" that description. Further, the "brute" facts mentioned here themselves have descriptions relatively to which *other* facts are "brute"—as, e.g., *he had potatoes carted to my house* and *they were left there* are brute facts relative to "he supplied me with potatoes." And the fact *X owes Y money* is in turn "brute" relative to other descriptions—e.g. "X is solvent." Now the relation of "relative bruteness" is a complicated one. To mention a few points: if xyz is a set of facts brute relative to a description A, then xyz is a set out of a range some set among which holds if A holds; but the holding of some set among these does not necessarily entail A, because exceptional circumstances can always make a difference; and what are exceptional circumstances relatively to A can generally only be explained by giving a few diverse examples, and *no* theoretically adequate provision can be made for exceptional circumstances, since a further special context can theoretically always be imagined that would reinterpret any special context. Further, though in normal circumstances, xyz would be a justification for A, that is not to say that A just comes to the same as "xyz"; and also there is apt to be an institutional context which gives its point to the description A, of which institution A is of course not itself a description. (E.g. the statement that I give someone a shilling is not a description of the institution of money or of the currency of this country.) Thus, though it would be ludicrous to pretend that there can be no such thing as a transition from, e.g., "is" to "owes," the character of the transition is in fact rather interesting and comes to light as a result of reflecting on Hume's arguments.[1]

That I owe the grocer such-and-such a sum would be one of a set of facts which would be "brute" in relation to the description "I am a bilker." "Bilking" is of course a species of "dishonesty" or "injustice." (Naturally the consideration will not have any effect on my actions unless I want to commit or avoid acts of injustice.)

So far, in spite of their strong associations, I conceive "bilking," "injustice" and "dishonesty" in a merely "factual" way. That I can do this for "bilking" is obvious enough; "justice" I have no idea how to define, except that its sphere is that of actions which relate to someone else, but "injustice," its defect, can for the moment be offered as a generic name covering various species. E.g.: "bilking," "theft" (which is relative to whatever property institutions exist), "slander," "adultery," "punishment of the innocent."

In present-day philosophy an explanation is required how an unjust man is a bad man, or an unjust action a bad one; to give such an explanation belongs to ethics; but it cannot even be begun until we are equipped with a sound philosophy of psychology. For the proof

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[1] The above two paragraphs are an abstract of a paper "On Brute Facts" forthcoming in *Analysis*.

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that an unjust man is a bad man would require a positive account of justice as a "virtue." This part of the subject-matter of ethics is, however, completely closed to us until we have an account of what *type of characteristic* a virtue is—a problem, not of ethics, but of conceptual analysis—and how it relates to the actions in which it is instanced: a matter which I think Aristotle did not succed in really making clear. For this we certainly need an account at least of what a human action is at all, and how its description as "doing such-and-such" is affected by its motive and by the intention or intentions in it; and for this an account of such concepts is required.

The terms "should" or "ought" or "needs" relate to good and bad: e.g. machinery needs oil, or should or ought to be oiled, in that running without oil is bad for it, or it runs badly without oil. According to this conception, of course, "should" and "ought" are not used in a special "moral" sense when one says that a man should not bilk. (In Aristotle's sense of the term "moral" (ἠθικός), they are being used in connection with a *moral* subject-matter: namely that of human passions and (non-technical) actions.) But they have now acquired a special so-called "moral" sense—i.e. a sense in which they imply some absolute verdict (like one of guilty / not guilty on a man) on what is described in the "ought" sentences used in certain types of context: not merely the contexts that *Aristotle* would call "moral"—passions and actions—but also some of the contexts that he would call "intellectual."

The ordinary (and quite indispensable) terms "should," "needs," "ought," "must"—acquired this special sense by being equated in the relevant contexts with "is obliged," or "is bound," or "is required to," in the sense in which one can be obliged or bound by law, or something can be required by law.

How did this come about? The answer is in history: between Aristotle and us came Christianity, with its *law* conception of ethics. For Christianity derived its ethical notions from the Torah. (One might be inclined to think that a law conception of ethics could arise only among people who accepted an allegedly divine positive law; that this is not so is shown by the example of the Stoics, who also thought that whatever was involved in conformity to human virtues was required by divine law.)

In consequence of the dominance of Christianity for many centuries, the concepts of being bound, permitted, or excused became deeply embedded in our language and thought. The Greek word "ἁμαρτάνειν," the aptest to be turned to that use, acquired the sense "sin," from having meant "mistake," "missing the mark," "going wrong." The Latin *peccatum* which roughly corresponded to ἁμάρτημα was even apter for the sense "sin," because it was already associated with "culpa"—"guilt"—a juridical notion. The blanket

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term "illicit," "unlawful," meaning much the same as our blanket term "wrong," explains itself. It is interesting that Aristotle did not have such a blanket term. He has blanket terms for wickedness— "villain," "scoundrel"; but of course a man is not a villain or a scoundrel by the performance of one bad action, or a few bad actions. And he has terms like "disgraceful," "impious"; and specific terms signifying defect of the relevant virtue, like "unjust"; but no term corresponding to "illicit." The extension of this term (i.e. the range of its application) could be indicated in his terminology only by a quite lengthy sentence: that is "illicit" which, whether it is a thought or a consented-to passion or an action or an omission in thought or action, is something contrary to one of the virtues the lack of which shows a man to be bad *qua* man. That formulation would yield a concept co-extensive with the concept "illicit."

To have a *law* conception of ethics is to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man (and not merely, say, *qua* craftsman or logician)—that what is needed for *this*, is required by divine law. Naturally it is not possible to have such a conception unless you believe in God as a law-giver; like Jews, Stoics, and Christians. But if such a conception is dominant for many centuries, and then is given up, it is a natural result that the concepts of "obligation," of being bound or required as by a law, should remain though they had lost their root; and if the word "ought" has become invested in certain contexts with the sense of "obligation," it too will remain to be spoken with a special emphasis and a special feeling in these contexts.

It is as if the notion "criminal" were to remain when criminal law and criminal courts had been abolished and forgotten. A Hume discovering this situation might conclude that there was a special sentiment, expressed by "criminal," which alone gave the word its sense. So Hume discovered the situation in which the notion "obligation" survived, and the notion "ought" was invested with that peculiar force having which it is said to be used in a "moral" sense, but in which the belief in divine law had long since been abandoned: for it was substantially given up among Protestants at the time of the Reformation.[1] The situation, if I am right, was the interesting one of the survival of a concept outside the framework of thought that made it a really intelligible one.

When Hume produced his famous remarks about the transition

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[1] They did not deny the existence of divine law; but their most characteristic doctrine was that it was given, not to be obeyed, but to show man's incapacity to obey it, even by grace; and this applied not merely to the ramified prescriptions of the Torah, but to the requirements of "natural divine law." Cf. in this connection the decree of Trent against the teaching that Christ was only to be trusted in as mediator, not obeyed as legislator.

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from "is" to "ought," he was, then, bringing together several quite different points. One I have tried to bring out by my remarks on the transition from "is" to "owes" and on the relative "bruteness" of facts. It would be possible to bring out a different point by enquiring about the transition from "is" to "needs"; from the characteristics of an organism to the environment that it needs, for example. To say that it needs that environment is not to say, e.g., that you want it to have that environment, but that it won't flourish unless it has it. Certainly, it all depends whether you *want* it to flourish! as Hume would say. But what "all depends" on whether you want it to flourish is whether the fact that it needs that environment, or won't flourish without it, has the slightest influence on your actions, Now *that* such-and-such "ought" to be or "is needed" is supposed to have an influence on your actions: from which it seemed natural to infer that to judge that it "ought to be" was in fact to grant what you judged "ought to be" influence on your actions. And no amount of truth as to what *is* the case could possibly have a logical claim to have influence on your actions. (It is not judgment as such that sets us in motion; but our judgment on how to get or do something we *want*.) Hence it *must* be impossible to infer "needs" or "ought to be" from "is." But in the case of a plant, let us say, the inference from "is" to "needs" is certainly not in the least dubious. It is interesting and worth examining; but not at all fishy. Its interest is similar to the interest of the relation between brute and less brute facts: these relations have been very little considered. And while you can contrast "what it needs" with "what it's got"—like contrasting *de facto* and *de iure*—that does not make its needing this environment less of a "truth."

Certainly in the case of what the plant needs, the thought of a need will only affect action if you want the plant to flourish. Here, then, there is no necessary connection between what you can judge the plant "needs" and what you want. But there is some sort of necessary connection between what you think *you* need, and what you want. The connection is a complicated one; it is possible *not* to want something that you judge you need. But, e.g., it is not possible never to want *anything* that you judge you need. This, however, is not a fact about the meaning of the word "to need," but about the phenomenon of *wanting*. Hume's reasoning, we might say, in effect, leads one to think it must be about the word "to need," or "to be good for."

Thus we find two problems already wrapped up in the remark about a transition from "is" to "ought"; now supposing that we had clarified the "relative bruteness" of facts on the one hand, and the notions involved in "needing," and "flourishing" on the other—there would *still* remain a third point. For, following Hume, someone might say: Perhaps you have made out your point about a transition from "is"

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to "owes" and from "is" to "needs": but only at the cost of showing "owes" and "needs" sentences to express a *kind* of truths, a *kind* of facts. And it remains impossible to infer *"morally ought"* from "is" sentences.

This comment, it seems to me, would be correct. This word "ought," having become a word of mere mesmeric force, could not, in the character of having that force, be inferred from anything whatever. It may be objected that it could be inferred from other "morally ought" sentences: but that cannot be true. The appearance that this is so is produced by the fact that we say "All men are ϕ" and "Socrates is a man" implies "Socrates is ϕ." But here "ϕ" is a dummy predicate. We mean that if you substitute a real predicate for "ϕ" the implication is valid. A real predicate is required; not just a word containing no intelligible thought: a word retaining the suggestion of force, and apt to have a strong psychological effect, but which no longer signifies a real concept at all.

For its suggestion is one of a *verdict* on my action, according as it agrees or disagrees with the description in the "ought" sentence. And where one does not think there is a judge or a law, the notion of a verdict may retain its psychological effect, but not its meaning. Now imagine that just this word "verdict" *were* so used—with a characteristically solemn emphasis—as to retain its atmosphere but not its meaning, and someone were to say: "For a *verdict*, after all, you need a law and a judge." The reply might be made: "Not at all, for if there were a law and a judge who gave a verdict, the question for us would be whether accepting that verdict is something that there is a *Verdict* on." This is an analogue of an argument which is so frequently referred to as decisive: If someone does have a divine law conception of ethics, all the same, he has to agree that he has to have a judgment that he *ought* (morally ought) to obey the divine law; so his ethic is in exactly the same position as any other: he merely has a "practical major premise"[1]: "Divine law ought to be obeyed" where someone else has, e.g., "The greatest happiness principle ought to be employed in all decisions."

I should judge that Hume and our present-day ethicists had done a considerable service by showing that no content could be found in the notion "morally ought"; if it were not that the latter philosophers try to find an alternative (very fishy) content and to retain the psychological force of the term. It would be most reasonable to drop it. It has no reasonable sense outside a law conception of ethics; they are not going to maintain such a conception; and you can do ethics without it, as is shown by the example of Aristotle. It would be a

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[1] As it is absurdly called. Since major premise=premise containing the term which is predicate in the conclusion, it is a solecism to speak of it in the connection with practical reasoning.

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great improvment if, instead of "morally wrong," one always named a genus such as "untruthful," "unchaste," "unjust." We should no longer ask whether doing something was "wrong," passing directly from some description of an action to this notion; we should ask whether, e.g., it was unjust; and the answer would sometimes be clear at once.

I now come to the epoch in modern English moral philosophy marked by Sidgwick. There is a startling change that seems to have taken place betweeen Mill and Moore. Mill assumes, as we saw, that there is no question of calculating the particular consequences of an action such as murder or theft; and we saw too that his position was stupid, because it is not at all clear how an action *can* fall under just one principle of utility. In Moore and in subsequent academic moralists of England we find it taken to be pretty obvious that "the right action" is the action which produces the best possible consequences (reckoning among consequences the intrinsic values ascribed to certain kinds of act by some "Objectivists"[1]). Now it follows from this that a man does well, subjectively speaking, if he acts for the best in the particular circumstances according to his judgment of the total consequences of this particular action. I say that this follows, not that any philosopher has said precisely that. For discussion of these questions can of course get extremely complicated: e.g. it can be doubted whether "such-and-such is the right action" is a satisfactory formulation, on the grounds that things have to exist to have predicates—so perhaps the best formulation is "I am obliged"; or again, a philosopher may deny that "right" is a "descriptive" term, and then take a roundabout route through linguistic analysis to reach a view which comes to the same thing as "the right action is the one productive of the best consequences" (e.g. the view that you frame your "principles" to effect the end you choose to pursue, the connexion between "choice" and "best" being supposedly such that choosing reflectively means that you choose how to act so as to produce the best consequences); further, the roles of what are called "moral principles" and of the "motive of duty" have to be described; the differences between "good" and "morally good" and "right" need to be explored, the special characteristics of "ought" sentences investigated. Such discussions generate an appearance of significant diversity of views where what is really significant is an overall similarity. The overall similarity is made clear if you consider that every one of the

[1] Oxford Objectivists of course distinguish between "consequences" and "intrinsic values" and so produce a misleading appearance of not being "consequentialists." But they do not hold—and Ross explicitly denies—that the gravity of, e.g., procuring the condemnation of the innocent is such that it cannot be outweighed by, e.g., national interest. Hence their distinction is of no importance.

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best known English academic moral philosophers has put out a philosophy according to which, e.g., it is not possible to hold that it cannot be right to kill the innocent as a means to any end whatsoever and that someone who thinks otherwise is in error. (I have to mention both points; because Mr. Hare, for example, while teaching a philosophy which would encourage a person to judge that killing the innocent would be what he "ought" to choose for over-riding purposes, would also teach, I think, that if a man chooses to make avoiding killing the innocent for any purpose his "supreme practical principle," he cannot be impugned for error: that just is his "principle." But with that qualification, I think it can be seen that the point I have mentioned holds good of every single English academic moral philosopher since Sidgwick.) Now this is a significant thing: for it means that all these philosophies are quite incompatible with the Hebrew-Christian ethic. For it has been characteristic of that ethic to teach that there are certain things forbidden whatever *consequences* threaten, such as: choosing to kill the innocent for any purpose, however good; vicarious punishment; treachery (by which I mean obtaining a man's confidence in a grave matter by promises of trustworthy friendship and then betraying him to his enemies); idolatry; sodomy; adultery; making a false profession of faith. The prohibition of certain things simply in virtue of their description as such-and-such identifiable kinds of action, regardless of any further consequences, is certainly not the whole of the Hebrew-Christian ethic; but it is a noteworthy feature of it; and if every academic philosopher since Sidgwick has written in such a way as to exclude this ethic, it would argue a certain provinciality of mind not to see this incompatibility as the most important fact about these philosophers, and the differences between them as somewhat trifling by comparison.

It is noticeable that none of these philosophers displays any consciousness that there is such an ethic, which he is contradicting: it is pretty well taken for obvious among them all that a prohibition such as that on murder does not operate in face of some consequences. But of course the strictness of the prohibition has as its point *that you are not to be tempted by fear or hope of consequences.*

If you notice the transition from Mill to Moore, you will suspect that it was made somewhere by someone; Sidgwick will come to mind as a likely name; and you will in fact find it going on, almost casually, in him. He is rather a dull author; and the important things in him occur in asides and footnotes and small bits of argument which are not concerned with his grand classification of the "methods of ethics." A divine law theory of ethics is reduced to an insignificant variety by a footnote telling us that "the best theologians" (God knows whom he meant) tell us that God is to be obeyed in his capacity of a *moral* being. ἢ φορτικός ὁ ἔπαινος; one seems to hear Aristotle saying:

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"Isn't the praise vulgar?"[1]—But Sidgwick *is* vulgar in that kind of way: he thinks, for example, that humility consists in underestimating your own merits—i.e. in a species of untruthfulness; and that the ground for having laws against blasphemy was that it was offensive to believers; and that to go accurately into the virtue of purity is to offend against its canons, a thing he reproves "medieval theologians" for not realizing.

From the point of view of the present enquiry, the most important thing about Sidgwick was his definition of intention. He defines intention in such a way that one must be said to intend any foreseen consequences of one's voluntary action. This definition is obviously incorrect, and I dare say that no one would be found to defend it now. He uses it to put forward an ethical thesis which would now be accepted by many people: the thesis that it does not make any difference to a man's responsibility for something that he foresaw, that he felt no desire for it, either as an end or as a means to an end. Using the language of intention more correctly, and avoiding Sidgwick's faulty conception, we may state the thesis thus: it does not make any difference to a man's responsibility for an effect of his action which he can foresee, that he does not intend it. Now this sounds rather edifying; it is I think quite characteristic of very bad degenerations of thought on such questions that they sound edifying. We can see what it amounts to by considering an example. Let us suppose that a man has a responsibility for the maintenance of some child. Therefore deliberately to withdraw support from it is a bad sort of thing for him to do. It would be bad for him to withdraw its maintenance because he didn't want to maintain it any longer; *and* also bad for him to withdraw it because by doing so he would, let us say, compel someone else to do something. (We may suppose for the sake of argument that compelling that person to do that thing is in itself quite admirable.) But now he has to choose between doing something disgraceful and going to prison; if he goes to prison, it will follow that he withdraws support from the child. By Sidgwick's doctrine, there is no difference in his responsibility for ceasing to maintain the child, between the case where he does it for its own sake or as a means to some other purpose, and when it happens as a foreseen and unavoidable consequence of his going to prison rather than do something disgraceful. It follows that he must weigh up the relative badness of withdrawing support from the child and of doing the disgraceful thing; and it may easily be that the disgraceful thing is in fact a less vicious action than intentionally withdrawing support from the child would be; if then the fact that withdrawing support from the child is a side effect of his going to prison does not make any difference to his responsibility, this consideration will incline him to

[1] E.N. 1178b16.

do the disgraceful thing; which can still be pretty bad. And of course, once he has started to look at the matter in this light, the only reasonable thing for him to consider will be the consequences and not the intrinsic badness of this or that action. So that, given that he judges reasonably that no *great* harm will come of it, he can do a much more disgraceful thing than deliberately withdrawing support from the child. And if his calculations turn out in fact wrong, it will appear that he was not responsible for the consequences, because he did not foresee them. For in fact Sidgwick's thesis leads to its being quite impossible to estimate the badness of an action except in the light of *expected* consequences. But if so, then *you* must estimate the badness in the light of the consequences *you* expect; and so it will follow that you can exculpate yourself from the *actual* consequences of the most disgraceful actions, so long as you can make out a case for not having foreseen them. Whereas I should contend that a man is responsible for the bad consequences of his bad actions, but gets no credit for the good ones; and contrariwise is not responsible for the bad consequences of good actions.

The denial of *any* distinction between foreseen and intended consequences, as far as responsibility is concerned, was not made by Sidgwick in developing any one "method of ethics"; he made this important move on behalf of everybody and just on its own account; and I think it plausible to suggest that *this* move on the part of Sidgwick explains the difference between old-fashioned Utilitarianism and that *consequentialism*, as I name it, which marks him and every English academic moral philosopher since him. By it, the kind of consideration which would formerly have been regarded as a temptation, the kind of consideration urged upon men by wives and flattering friends, was given a status by moral philosophers in their theories.

It is a necessary feature of consequentialism that it is a shallow philosophy. For there are always borderline cases in ethics. Now if you are either an Aristotelian, or a believer in divine law, you will deal with a borderline case by considering whether doing such-and-such in such-and-such circumstances is, say, murder, or is an act of injustice; and according as you decide it is or it isn't, you judge it to be a thing to do or not. This would be the method of casuistry; and while it may lead you to stretch a point on the circumference, it will not permit you to destroy the centre. But if you are a consequentialist, the question "What is it right to do in such-and-such circumstances?" is a stupid one to raise. The casuist raises such a question only to ask "Would it be *permissible* to do so-and-so?" or "Would it be permissible *not* to do so-and-so?" Only if it would *not* be permissible *not* to do so-and-so could he say "*This* would be *the* thing to do."[1] Otherwise,

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[1] Necessarily a rare case: for the positive precepts, e.g. "Honour your parents," hardly ever prescribe, and seldom even necessitate, any particular action.

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though he may speak *against* some action, he cannot prescribe any—for in an *actual* case, the circumstances (beyond the ones imagined) might suggest all sorts of possibilities, and you can't know in advance what the possibilities are going to be. Now the consequentialist has no footing on which to say "This would be permissible, this not"; because by his own hypothesis, it is the consequences that are to decide, and he has no business to pretend that he can lay it down what possible twists a man could give doing this or that; the most he can say is: a man must not *bring about* this or that; he has no right to say he will, in an actual case, bring about such-and-such unless he does so-and-so. Further, the consequentialist, in order to be imagining borderline cases at all, has of course to assume some sort of law or standard according to which this is a borderline case, Where then does he get the standard from? In practice the answer invariably is: from the standards current in his society or his circle. And it has in fact been the mark of all these philosophers that they have been extremely conventional; they have nothing in them by which to revolt against the conventional standards of their sort of people; it is impossible that they should be profound. But the chance that a whole range of conventional standards will be decent is small.—Finally, the point of considering hypothetical situations, perhaps very improbable ones, *seems* to be to elicit from yourself or someone else a hypothetical decision to do something of a bad kind. I don't doubt this has the effect of predisposing people—who will never get into the situations for which they have made hypothetical choices—to consent to similar bad actions, or to praise and flatter those who do them, so long as their crowd does so too, when the desperate circumstances imagined don't hold at all.

Those who recognize the origins of the notions of "obligation" and of the emphatic, "moral," *ought*, in the divine law conception of ethics, but who reject the notion of a divine legislator, sometimes look about for the possibility of retaining a law conception without a divine legislator. This search, I think, has some interest in it. Perhaps the first thing that suggests itself is the "norms" of a society. But just as one cannot be impressed by Butler when one reflects what conscience can tell people to do, so, I think, one cannot be impressed by this idea if one reflects what the "norms" of a society can be like. That legislation can be "for oneself" I reject as absurd; whatever you do "for yourself" may be admirable; but is not legislating. Once one sees this, one may say: I have to frame my own rules, and these are the best I can frame, and I shall go by them until I know something better: as a man might say "I shall go by the customs of my ancestors." Whether this leads to good or evil will depend on the *content* of the rules or of the customs of one's ancestors. If one is lucky it will lead to good. Such an attitude would be hopeful in this at any rate: it

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seems to have in it some Socratic doubt where, from having to fall back on such expedients, it should be clear that Socratic doubt is good; in fact rather generally it must be good for anyone to think "Perhaps in some way I can't see, I may be on a bad path, perhaps I am hopelessly wrong in some essential way".—The search for "norms" might lead someone to look for laws of nature, as if the universe were a legislator; but in the present day this is not likely to lead to good results: it might lead one to eat the weaker according to the laws of nature, but would hardly lead anyone nowadays to notions of justice; the pre-Socratic feeling about justice as comparable to the balance or harmony which kept things going is very remote to us.

There is another possibility here: "obligation" may be contractual. Just as we look at the law to find out what a man subject to it is required by it to do, so we look at a contract to find out what the man who has made it is required by it to do. Thinkers, admittedly remote from us, might have the idea of a *foedus rerum*, of the universe not as a legislator but as the embodiment of a contract. Then if you could find out what the contract was, you would learn your obligations under it. Now, you cannot be under a law unless it has been promulgated to you; and the thinkers who believed in "natural divine law" held that it was promulgated to every grown man in his knowledge of good and evil. Similarly you cannot be in a contract without having contracted, i.e. given signs of entering upon the contract. Just possibly, it might be argued that the use of language which one makes in the ordinary conduct of life amounts in some sense to giving the signs of entering into various contracts. If anyone had this theory, we should want to see it worked out. I suspect that it would be largely formal; it might be possible to construct a system embodying the law (whose status might be compared to that of "laws" of logic): "what's sauce for the goose is sauce for the gander," but hardly one descending to such particularities as the prohibition on murder or sodomy. Also, while it is clear that you can be subject to a law that you do not acknowledge and have not thought of as law, it does not seem reasonable to say that you can enter upon a contract without knowing that you are doing so; such ignorance is usually held to be destructive of the nature of a contract.

It might remain to look for "norms" in human virtues: just as *man* has so many teeth, which is certainly not the average number of teeth men have, but is the number of teeth for the species, so perhaps the species *man*, regarded not just biologically, but from the point of view of the activity of thought and choice in regard to the various departments of life—powers and faculties and use of things needed— "has" such-and-such virtues: and this "man" with the complete set of virtues is the "norm," as "man" with, e.g., a complete set of teeth is a norm. But in *this* sense "norm" has ceased to be roughly equivalent

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to "law." In *this* sense the notion of a "norm" brings us nearer to an Aristotelian than a law conception of ethics. There is, I think, no harm in that; but if someone looked in this direction to give "norm" a sense, then he ought to recognize what has happened to the notion "norm," which he wanted to mean "law—without bringing God in"— it has ceased to mean "law" at all; and *so* the notions of "moral obligation," "the moral ought," and "duty" are best put on the Index, if he can manage it.

But meanwhile—is it not clear that there are several concepts that need investigating simply as part of the philosophy of psychology and,—as I should recommend—*banishing ethics totally* from our minds? Namely—to begin with: "action," "intention," "pleasure," "wanting." More will probably turn up if we start with these. Eventually it might be possible to advance to considering the concept "virtue"; with which, I suppose, we should be beginning some sort of a study of ethics.

I will end by describing the advantages of using the word "ought" in a non-emphatic fashion, and not in a special "moral" sense; of discarding the term "wrong" in a "moral" sense, and using such notions as "unjust."

It is possible, if one is allowed to proceed just by giving examples, to distinguish between the intrinsically unjust, and what is unjust given the circumstances. To arrange to get a man judicially punished for something which it can be clearly seen he has not done is intrinsically unjust. This might be done, of course, and often has been done, in all sorts of ways; by suborning false witnesses, by a rule of law by which something is "deemed" to be the case which is admittedly not the case as a matter of fact, and by open insolence on the part of the judges and powerful people when they more or less openly say: "A fig for the fact that you did not do it; we mean to sentence you for it all the same." What is unjust given, e.g., normal circumstances is to deprive people of their ostensible property without legal procedure, not to pay debts, not to keep contracts, and a host of other things of the kind. Now, the circumstances can clearly make a great deal of difference in estimating the justice or injustice of such procedures as these; and these circumstances may *sometimes* include expected consequences; for example, a man's claim to a bit of property can become a nullity when its seizure and use can avert some obvious disaster: as, e.g., if you could use a machine of his to produce an explosion in which it would be destroyed, but by means of which you could divert a flood or make a gap which a fire could not jump. Now this certainly does not mean that what would ordinarily be an act of injustice, but is not intrinsically unjust, can always be rendered just by a reasonable calculation of better consequences; far from it; but the problems that would be raised in an attempt to draw

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a boundary line (or boundary area) here are obviously complicated. And while there are certainly some general remarks which ought to be made here, and some boundaries that can be drawn, the decision on particular cases would for the most part be determined κατὰ τὸν ὀρθὸν λόγον "according to what's reasonable."—E.g. that *such-and-such* a delay of payment of a *such-and-such* debt to a person *so* circumstanced, on the part of a person *so* circumstanced, would or would not be unjust, is really only to be decided "according to what's reasonable"; and for this there can *in principle* be no canon other than giving a few examples. That is to say, while it is because of a big gap in philosophy that we can give no general account of the concept of virtue and of the concept of justice, but have to proceed, using the concepts, only by giving examples; still there is an area where it is not because of any gap, but is in principle the case, that there is no account except by way of examples: and that is where the canon is "what's reasonable": which of course is *not* a canon.

That is all I wish to say about what is just in some circumstances, unjust in others; and about the way in which expected consequences can play a part in determining what is just. Returning to my example of the intrinsically unjust: if a procedure *is* one of judicially punishing a man for what he is clearly understood not to have done, there can be absolutely no argument about the description of this as unjust. No circumstances, and no expected consequences, which do *not* modify the description of the procedure as one of judicially punishing a man for what he is known not to have done can modify the description of it as unjust. Someone who attempted to dispute this would only be pretending not to know what "unjust" means: for this is a paradigm case of injustice.

And here we see the superiority or the term "unjust" over the terms "morally right" and "morally wrong." For in the context of English moral philosophy since Sidgwick it appears legitimate to discuss whether it *might* be "morally right" in some circumstances to adopt that procedure; but it cannot be argued that the procedure would in any circumstances be just.

Now I am not able to do the philosophy involved—and I think that no one in the present situation of English philosophy *can* do the philosophy involved—but it is clear that a good man is a just man; and a just man is a man who habitually refuses to commit or participate in any unjust actions for fear of any consequences, or to obtain any advantage, for himself or anyone else. Perhaps no one will disagree. But, it will be said, what *is* unjust is sometimes determined by expected consequences; and certainly that is true. But there are cases where it is not: now if someone says, "I agree, but all this wants a lot of explaining," then he is right, and, what is more, the situation at present is that we can't do the explaining; we lack the philosophic

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equipment. But if someone really thinks, *in advance*,[1] that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration—I do not want to argue with him; he shows a corrupt mind.

In such cases our moral philosophers seek to impose a dilemma upon us. "If we have a case where the term 'unjust' applies purely in virtue of a factual description, can't one raise the question whether one sometimes conceivably ought to do injustice? If 'what is unjust' is determined by consideration of whether it is *right* to do so-and-so in such-and-such circumstances, then the question whether it is 'right' to commit injustice can't arise, just because 'wrong' has been built into the definition of injustice. But if we have a case where the description 'unjust' applies purely in virtue of the facts, without bringing 'wrong' in, then the question can arise whether one 'ought' perhaps to commit an injustice, whether it might not be 'right' to? And of course 'ought' and 'right' are being used in their *moral* senses here. Now either you must decide what is 'morally right' in the light of certain *other* 'principles,' or you make a 'principle' about *this* and decide that an injustice is never 'right'; but even if you do the latter you are going beyond the facts; you are making a decision that you will not, or that it is wrong to, commit injustice. But in either case, *if* the term 'unjust' is determined simply by the facts, it is not the term 'unjust' that determines that the term 'wrong' applies, but a decision that injustice is *wrong*, together with the diagnosis of the 'factual' description as entailing injustice. But the man who makes an absolute decision that injustice is 'wrong' has no footing on which to criticize someone who does *not* make that decision as judging falsely."

In this argument "wrong" of course is explained as meaning "morally wrong," and all the atmosphere of the term is retained while its substance is guaranteed quite null. Now let us remember that "morally wrong" is the term which is the heir of the notion "illicit," or "what there is an obligation *not* to do"; which belongs in a divine law theory or ethics. Here it really does add something to the description "unjust" to say there is an obligation not to do it; for what obliges

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[1] If he thinks it in the concrete situation, he is of course merely a normally tempted human being. In discussion when this paper was read, as was perhaps to be expected, this case was produced: a government is required to have an innocent man tried, sentenced and executed under threat of a "hydrogen bomb war." It would seem strange to me to have much hope of so averting a war threatened by such men as made this demand. But the most important thing about the way in which cases like this are invented in discussions, is the assumption that only two courses are open: here, compliance and open defiance. No one can say in advance of such a situation what the possibilities are going to be—e.g. that there is none of stalling by a feigned willingness to comply, accompanied by a skilfully arranged "escape" of the victim.

is the divine law—as rules oblige in a game. So if the divine law obliges not to commit injustice by forbidding injustice, it really does add something to the description "unjust" to say there is an obligation not to do it, And it is because "morally wrong" is the heir of this concept, but an heir that is cut off from the family of concepts from which it sprang, that "morally wrong" *both* goes beyond the mere factual description "unjust" *and* seems to have no discernible content except a certain compelling force, which I should call purely psychological. And such is the force of the term that philosophers actually suppose that the divine law notion can be dismissed as making no essential difference even if it is held—*because* they think that a "practical principle" running "I *ought* (i.e. am morally obliged) to obey divine laws" is required for the man who believes in divine laws. But actually this notion of obligation is a notion which only operates in the context of law. And I should be inclined to congratulate the present-day moral philosophers on depriving "morally ought" of its now delusive appearance of content, if only they did not manifest a detestable desire to retain the atmosphere of the term.

It may be possible, if we are resolute, to discard the notion "morally ought," and simply return to the ordinary "ought", which, we ought to notice, is such an extremely frequent term of human language that it is difficult to imagine getting on without it. Now if we do return to it, can't it reasonably be asked whether one might ever need to commit injustice, or whether it won't be the best thing to do? Of course it can. And the answers will be various. One man—a philosopher—may say that since justice is a virtue, and injustice a vice, and virtues and vices are built up by the performances of the action in which they are instanced, an act of injustice will tend to make a man bad; and essentially the flourishing of a man *qua* man consists in his being good (e.g. in virtues); but for any X to which such terms apply, X needs what makes it flourish, so a man needs, or ought to perform, only virtuous actions; and even if, as it must be admitted may happen, he flourishes less, or not at all, in inessentials, by avoiding injustice, his life is spoiled in essentials by not avoiding injustice—so he still needs to perform only just actions. That is roughly how Plato and Aristotle talk; but it can be seen that philosophically there is a huge gap, at present unfillable as far as we are concerned, which needs to be filled by an account of human nature, human action, the type of characteristic a virtue is, and above all of human "flourishing." And it is the last concept that appears the most doubtful. For it is a bit much to swallow that a man in pain and hunger and poor and friendless is "flourishing," as Aristotle himself admitted. Further, someone might say that one at least needed to stay alive to "flourish." Another man unimpressed by all that will say in a hard case "What we need is such-and-such, which we won't

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get without doing this (which is unjust)—so this is what we ought to do." Another man, who does not follow the rather elaborate reasoning of the philosophers, simply says "I know it is in any case a disgraceful thing to say that one had better commit this unjust action." The man who believes in divine laws will say perhaps "It is forbidden, and however it looks, it cannot be to anyone's profit to commit injustice"; he like the Greek philosophers can think in terms of "flourishing." If he is a Stoic, he is apt to have a decidedly strained notion of what "flourishing consists" in; if he is a Jew or Christian, he need not have any very distinct notion: the way it will profit him to abstain from injustice is something that he leaves it to God to determine, himself only saying "It can't do me any good to go against his law." (But he also hopes for a great reward in a new life later on, e.g. at the coming of Messiah; but in this he is relying on special promises.)

It is left to modern moral philosophy—the moral philosophy of all the well-known English ethicists since Sidgwick—to construct systems according to which the man who says "We need such-and-such, and will only get it this way" *may* be a virtuous character: that is to say, it is left open to debate whether such a procedure as the judicial punishment of the innocent may not in some circumstances be the "right" one to adopt; and though the present Oxford moral philosophers would accord a man *permission* to "make it his principle" not to do such a thing, they teach a philosophy according to which the particular consequences of such an action *could* "morally" be taken into account by a man who was debating what to do; and if they were such as to conflict with his "ends," it might be a step in his moral education to frame a moral principle under which he "managed" (to use Mr. Nowell-Smith's phrase[1]) to bring the action; or it might be a new "decision of principle," making which was an advance in the formation of his moral thinking (to adopt Mr. Hare's conception), to decide: in such-and-such circumstances one ought to procure the judicial condemnation of the innocent. And that is my complaint.

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[1] *Ethics*, p. 308.