Des R3. $\vdash(a)\,(x)\,(a\ \text{Des}\ x \supset (\text{PrimNm}\ a\ \text{v}\ \text{PropUnitSumNm}\ a))$.

Den R1. $\vdash(\text{E}z)z\ \text{Subs}\ \text{y} \supset (x)\,(\text{a}\ \text{Den}\ x \equiv x\ \text{Subs}\ \text{y})$, where y is a primitive or common unit-sum name and a is its shape-description.

Den R2. $\vdash(a)\,(x)\,(a\ \text{Den}\ x \supset ((\text{PrimNm}\ a \cdot (\text{E}y)\,(\text{E}z)\,(a\ \text{Des}\ y \cdot z\ \text{Subs}\ y))\ \text{v}\ \text{ComUnitSumNm}\ a))$.

Den R3. $\vdash(a)\,(\text{Nm}\ a \supset (\text{E}x)\,(a\ \text{Des}\ x\ \text{v}\ a\ \text{Den}\ x))$.

Den R4. $\vdash(a)\ (\text{ComUnitSumNm}\ a \supset (x)\ (a\ \text{Des}\ x \equiv (y)\ (a\ \text{Den}\ y \equiv y\ \text{Subs}\ x)))$.

Des R1 is the *Principle of Uniqueness*, and *Des R2* specifies precisely what the primitive and proper unit-sum names designate. It is the *Principle of Designation*. *Des R3* is the *Limitation Principle for Designation*, that only primitive or proper unit-sum names designate. *Den R1* is the *Principle of Denotation*, specifying precisely what denotes what. *Den R2* is the *Limitation Principle for Denotation*, that only primitive names (that designate something having an haecceity) and common unit-sum names denote. *Den R3* is the *Limitation Principle for Names*, that only expressions that designate or denote are names. And *Den R4*, the *Principle of Common Unit-Sum Names*, interrelates Des and Den by specifying that a common unit-sum name designates an x just where it denotes just the haecceities of x.

A full semantics for the theory is provided by these rules, including a theory of truth.

If the foregoing considerations are acceptable, we have a genuine third alternative, in the philosophy of mathematics, between the platonistic and nominalistic extremes.[16] Moderate, Scotistic realism provides this, with no sacrifice of any of classical mathematics. The full power of set theory is achieved in terms of the theory of common natures and subsumption. With a suitable choice of primitive names, a linguistic framework can be provided also for empirical science as well—at least for any area of empirical science that may be regarded as an applied set theory. In this way Peirce's conviction that Scotistic realism supplies "the philosophy which is best to harmonize with physical science" is shown at least to be a cogent one.

[16] For the latter see especially the author's *Whitehead's Categoreal Scheme and Other Papers* (Martinus Nijhoff, The Hague: 1974), VI and VII.

RADICAL SUBJECTIVITY: MORALITY VERSUS UTILITARIANISM[1]

By Anselm W. Müller

1. DEMOCRITUS' MAXIM

For the purpose of this essay, *Democritus' Maxim* (DM) is to be understood as the conception that it is better to suffer wrong than to do wrong. This maxim forms a central part of our moral tradition. In naming it after Democritus, I am deferring to a thinker whose whole ethical thought impresses one as an early witness to this tradition[2] and to whom antiquity attributes in particular the basic idea of that maxim.

From amongst the so-called 'Sayings of Democrates' Diels produces a proposition which he claims is a genuine fragment of Democritus' philosophy and which I translate thus: 'He who does wrong is more unhappy than he to whom wrong is done.'[3] For the purpose of the following discussion I shall designate this saying as *Democritus' Proposition*. For the time being I shall simply proceed from the plausible assumption that the DM, as a rule of conduct, ensues from Democritus' Proposition.

We are rather more familiar with the DM as a platonic doctrine or perhaps as a conviction of Socrates.[4] It is discussed at length in the dialogue *Gorgias*. Here Socrates states[5] '...if it were necessary either to do wrong or to suffer it, I should choose to suffer rather than to do it'. He also believes that in the last resort 'you and I and the rest of the world believe that doing wrong is worse than suffering it, and escaping punishment worse than incurring it..'[6]

It is not only from *Gorgias* and other platonic dialogues that we can deduce

[1] In January 1974 I delivered a first version of these reflections at the University of Trier in a lecture entitled 'Democritus' Maxim and the utilitarian analysis of value'. I am indebted to my colleagues at Trier and to several friends for their helpful comments on this lecture.

[2] Cf. Natorp, Paul: *Die Ethika des Demokritos. Text und Untersuchungen*, Marburg 1893.

[3] *Die Fragmente der Vorsokratiker*, Greek and German by H. Diels, sixth revised edition published by W. Kranz, Vol. II, Berlin 1952, p. 156; (Demokritos, B 45): 'ὁ ἀδικῶν τοῦ ἀδικουμένου κακοδαιμονέστερος.'

[4] Cf. for example the dialogue *Crito*, which is generally accepted as an early work and in which Socrates, in spite of his unjust conviction by the Athenians, insists upon an attitude which implicates the DM (49 b); 'Οὐδαμῶς ἄρα δεῖ ἀδικεῖν', ('It is never right to do a wrong') and 'οὐδὲ ἀδικούμενον ἄρα ἀνταδικεῖν, ὡς οἱ πολλοὶ οἴονται, ἐπειδή γε οὐδαμῶς δεῖ ἀδικεῖν.' ('It is never right to return a wrong or defend oneself against injury by retaliation...') The English version is taken from Plato, *The Last Days of Socrates, Crito* 49 b, Penguin Classics 1955, translated by Hugh Tredennick.

[5] *Gorgias* 469 c: 'εἰ δ'ἀναγκαῖον εἴη ἀδικεῖν ἢ ἀδικεῖσθαι, ἑλοίμην ἂν μᾶλλον ἀδικεῖσθαι ἢ ἀδικεῖν.' The English version is taken from Plato: *Lysis, Symposium, Gorgias* translated by W. R. M. Lamb, Heinemann 1967, Loeb Classical Library Series. Cf. also 473 a; 474 b; 479 c–e.

[6] *Gorgias* 474 b in W. R. M. Lamb's translation, as above.

that a conception of this sort was anything but a matter of course at the time of Socrates (about 470 to 399) and Plato (428/7-348/7); for instance, Isocrates (436-338), who was a pupil of Gorgias, regarded Socrates' attitude as a sign of inferiority and 'defeat'.[7] Demosthenes (384-322) in his speech 'For the Liberty of the Rhodians' reveals a similar attitude to this matter.[8] Aristotle (384-322) however reflects entirely the attitude of his master to this question.[9]

Scholars have noticed that Plato's attitude to wrong-doing was held already by Democritus. Natorp[10] calls our fragment a 'very platonic-sounding proposition' without however devoting particular attention to its content. In his note on the *Gorgias*[11] Apelt likewise points out the connection. Diels[12] calls attention to the almost literal correspondence of Democritus' fragment to a line in the *Gorgias* which reads 'It is always the wrongdoer who is more wretched than the wronged.'[13]

Natorp also considers whether one can assume that Democritus influenced Plato, and arrives at a positive conclusion: 'Plato in fact agrees with his predecessor not only accidentally here and there, but also associated himself consciously and deliberately with Democritus and followed his lead in matters of considerable importance.'[14] And Dihle gives the following account of the essence of Democritus' ethics[15]: 'This concentration of moral judgment on the inner attitude leads on to the recognition that it is worse for man to do

[7] Isocrates II with an English translation by G. Norlin (Loeb Classical Library 229) London 1968, p. 444: *Panathenaikos* II 7: The Athenians rightly considered 'it better to choose to do injury to others rather than to suffer injury themselves'. And II 8: 'This is said to have been a cause which all sensible men would prefer and desire for themselves, albeit a certain few of those who claim to be wise men, were the question put to them, would not accept this view.'

[8] Demosthenes I, with an Engl. tr. by J. H. Vince (Loeb Classical Library 238) London 1970, p. 428: *For the Freedom of the Rhodians* 28: ('If every state were bent on doing right it would be disgraceful if we alone refused; but when the others, without exception, are preparing the means to do wrong, for us alone to make profession of right, without engaging in any enterprise, seems to me not love of right but want of courage.')

[9] *Nicomachean Ethics* VII, 1138 a 28-35; *Rhetoric* I 7, 1364 b 21-23.

[10] As above, p. 103; a further reference to the agreement on p. 165.

[11] *Platons Dialog Gorgias,* translated and elucidated by O. Apelt, second revised version (*Phil. Bibl.* 148), Leipzig 1922, p. 172.

[12] As above, p. 156 (note to B 45).

[13] *Gorgias* 479 e: '...καὶ ἀεὶ τὸν ἀδικοῦντα τοῦ ἀδικουμένου ἀθλιώτερον εἶναι.' (A difference between 'ἀθλιώτερος' ('more wretched') and 'κακοδαιμονέστερος' ('with a more evil spirit') which would touch the meaning of the sentence cannot be made out.

[14] As above, p. 177. In contrast to this, Julius Stenzel, in his essay 'Platon und Demokritos' (*Kleine Schriften zur griechischen Philosophie,* edited by B. Stenzel, Darmstadt 1966, pp. 60-71, particularly pp. 60f and 70f), restricts his remarks to the connection between Democritus' atomism and the transformation of the concept of idea in the *Timaios.*

[15] Dihle, Albrecht: *Die Goldene Regel. Eine Einführung in die Geschichte der antiken und frühchristlichen Vulgärethik* (*Studienhefte zur Altertumswissenschaft* 7), Göttingen 1962, p. 49.

wrong than for him to suffer wrong...an insight which Plato was to substantiate extensively.' At this point let me say in anticipation that to focus attention on inner attitude alone does not explain the peculiarity of the DM, and that the 'extensive substantiation' by Plato is based on suppositions which at the very least are problematical.

As far as I know, the characteristic philosophical implications of the DM have not received particular attention either from those scholars researching into Plato and Democritus or otherwise in the course of the history of philosophy; although the maxim itself is no marginal phenomenon but actually a vital part of our moral tradition and as such probably still accepted today to a great extent—at least verbally so. It seems therefore appropriate to examine it more closely.

As an approach to such an examination, I want to inquire whether the DM is compatible with the equally widely held (utilitarian) conception that the moral quality of *behaviour* is exclusively determined by the way in which one would assess the *state of affairs* which this behaviour would probably bring about. Against this thematic background I shall then go on to ask which other conceptions or points of view might contribute to an understanding or even substantiation of the DM. In the following sections I shall give a brief formal description of utilitarianism (2.) and then proceed to attempt to answer the first of my questions (3. and 4.) and to demonstrate the significance of the second (5. and 6).

2. UTILITARIANISM AS EVENTISM

In order to elucidate the first question I must say a little about the ethical theory which I intend to measure the DM against. In this context it may be called 'eventism' after the Latin 'evenire' ('to occur', 'to come to pass'). This theory states that the rightness (or wrongness) of behaviour depends only on the value of the *state of affairs* which that behaviour will probably constitute or bring about. Let me briefly explain the terminology of this formulation. I would describe the realization (individuation) of *a mode of behaviour* (e.g. of writing) by a person (Gertrude) at a particular time as a piece of behaviour. Such behaviour *constitutes* the *state of affairs* (the fact, the circumstance) that Gertrude is writing at such and such a time. The behaviour—or also the state of affairs—*brings about* (causally) other states of affairs. I shall describe a state of affairs which is constitued or brought about by behaviour as a *result* of that behaviour.

This formal characterization of eventism admits different variants which are determined according to the way in which one answers the following questions: (1) When one is assessing states of affairs, is one concerned with the concrete results of concrete behaviour or rather with the typical results of a mode of behaviour?—and how general or specific is the demarcation of such

a mode of behaviour to be? (2) Is it the actual or the expected results which make an action right or wrong? (3) Which results count: everything that would not have occurred–or not exactly in the same way–if one had not behaved in this very fashion? Or how could one define the *relevant results*? Is it that these are important for *me*?[16] for a society? for all mankind? or for all living creatures? (4) How does the bringing-about of good results compare with the avoidance of bad ones? How is one to balance good results against bad ones? By what measure of good and bad results is behaviour to be qualified as right or wrong? (5) Does one also assess the state of affairs *constituted* by a piece of behaviour, or is it really only the consequences which count? (6) What makes a state of affairs good or bad? And would the answer to *this* question provide a definition of the meaning of 'good' and 'bad' or a correlation of another kind (which kind)?

It seems that the only prominent version of eventism is in fact utilitarianism.[17] It is of course a fact that utilitarians themselves disagree to a greater or less extent over the six questions listed above, but they almost all share the opinion that correct behaviour consists in the *optimal preservation and propagation of the happiness of all mankind.*[18] What is disputed is the question

[16] Cf. also note 18 on this question.

[17] Nevertheless, I feel that the introduction of a new term is justified here. By using the word 'eventism' I intend in the first instance to stress an ontological aspect of utilitarianism. But it also happens in deontic logic that eventistic suppositions are tacitly made without expressly advocating a utilitarian ethic. Cf. the article 'Logic, Deontic' by A. N. Prior in *The Encyclopaedia of Philosophy*, edited by P. Edwards, New York 1967, Vol. IV, pp. 509–513. If, for example, we wanted to apply Chisholm's deontic syntax to the DM, we could begin by saying: The situation requires that x does not suffer wrong from y *and* that x does not do wrong to z. If, however, x has to choose between the two evils, then according to Chisholm the question could only read as follows: Does the situation (and inherent in this situation is the fact that *one* of the two evils will occur)–does the situation require that x suffers wrong from y *or* that x does wrong to z? There is of course no answer to this question (unless one wrong is less grave than the other and perhaps therefore 'required' by the situation). Chisholm's syntax simply cannot express *from whom* the situation requires something. (Cf. Chisholm, Roderick: 'Practical Reason and the Logic of Requirement' in *Practical Reason*, edited by S. Körner, Oxford 1974, pp. 1–17.) Just recently I stumbled on a case of an expressly eventistic analysis of norms which has given additional special relevance to my inquiry: 'It is even possible to limit oneself to admitting only events as arguments of evaluative concepts. For if one says for example: "Suffering wrong is better than doing wrong" one can also express this in the following way: "For all persons x: if x suffers wrong, then that is better than if x does wrong." One can therefore transform evaluative statements concerning modes of action into evaluative statements concerning actions as events.' (Kutschera, Franz von: *Einführung in die Logik der Normen, Werte und Entscheidungen*, Freiburg/Munich 1973, p. 86). The fact that the author could choose this most unfavourable of all examples whereby to elucidate his thesis shows perhaps how obvious eventism can appear on account of its plausible logic.

[18] There exists also an egoistic version of utilitarianism which need not necessarily be conceived eventistically. We are concerned here with the current 'universal utilitarianism', which is necessarily eventistic. I cite two definitions: a) One way of characterizing utilitarianism is as a purely formal teleological moral theory, whose criterion of right action is the maximization of some particular sort of consequences of actions. (Brock, Dan W.: 'Recent work in Utilitarianism' in *American Philosophical Quarterly* x (1973), pp. 241–276, here p. 246.) b) According to George Edward Moore (*Ethics*, London 1912, p. 232) the utilitarian maxim reads as follows: 'It is always the duty of every agent to do that one, among all the actions he *can* do on any given occasion, whose *total consequence* will have the greatest intrinsic value.'

whether this happiness may be construed as pleasure, welfare, the satisfying of desires or something else.

Utilitarianism is English in origin and even today it is discussed predominantly by Anglo-Saxon philosophers. I need not go into its history and problems here.[19] Its best known representatives are Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873). Dan Brock, who provides us with an excellent review of the discussion during the recent past,[20] is inclined, on the basis of the controversy so far, to regard utilitarianism as an 'unacceptable moral theory'.[21] My own arguments will concern and question only *one* aspect of utilitarianism: an aspect, however, which as far as I know has up till now been relatively ignored–viz., precisely, its eventistic thesis which locates the criterion for right and wrong *behaviour* in the quality of *states of affairs*.

At first sight, this thesis appears to be thoroughly plausible. Why, for example, should one not lie? Our answer to this question will certainly have to be related to the possible ill effects of misleading someone (by lying). In this light, the current–or at least formerly current–view that it is bad or not allowed or wrong to lie does not seem to conflict with utilitarianism.

This impression is also supported by the following reflection. A moral rule of conduct which forbids a mode of behaviour V appears to admit the following conversion of (1)[22] into (2):

(1) It is true of every person x that x should follow the rule 'I ought not to do V'.

(2) It is true of every person x that it ought to be the case that x does not do V.

If V is a bad mode of behaviour then it is also bad–or, as we sometimes say, a bad thing–that (let us say) Herr Keuner does V. The utilitarian says: V is wrong because *states of affairs* like this one (i.e. that Herr Keuner does V) result in bad *states of affairs*.[23]

[19] I refer to J. J. C. Smart's article 'Utilitarianism' in *The Encyclopaedia of Philosophy*, Vol. VIII, pp. 206–212; further references are given there.

[20] As above. Brock's bibliography of the last ten years occupies more than twelve columns.

[21] As above, p. 269.

[22] Proposition (1) could also read as follows: (1′) It is true of any person x, that x should not do V. However, (1′) could be understood in the sense of (2), whereas a generalized maxim not to do V is intended.

[23] Ultimately, for instance: the reduction of the level of prosperity in the universe. But we are not concerned here with the determination of any such content.

This consideration suggests that there is only a grammatical difference between a proposition such as:

(3) It is bad to lie

and one such as

(4) It is bad that anyone should lie.

Whether it is my intention *not to lie* or whether I attempt to ensure that *A.W.M. does not lie*–does this not amount to the same thing? Or can it be that behind the different formulations there lurks a difference in conception? It is precisely when we come to examine more closely the DM and in particular the way in which it is applied, that it will become more evident that the differentiation here is not a merely verbal one.

3. DM AND UTILITARIANISM

Let us suppose that someone is threatening to wrong me and that I can only avert this by committing some wrong myself. ("A wrong"–for German '*Unrecht*'–does not mean of course the same as "wrong (or incorrect) behaviour"–for *falsches Verhalten.*) One can distinguish between different versions of this sort of situation. First of all, I must make the point that we are *not* concerned here with cases of 'self-defence', in which an otherwise bad action is generally agreed to be justified by extraordinary circumstances. These are cases in which there is no question of any wrong being done at all. In this context we need not discuss *when* such an action is justified and *whether* that 'general agreement' can be supported by argument. I am only assuming *that* there are modes of behaviour which must be called a wrong even when they are supposed to prevent a wrong being done by another person. Therefore my inquiry is based on the perfectly formal concept of a wrong as behaviour by which one voluntarily harms another person who has not deserved it or by which one deprives another of a benefit which is due to him. It is irrelevant here to consider under what conditions a person has deserved either benefit or harm.

We have now defined the scope of the DM and can classify it according to different points of view. For instance, the wrong with which I am threatened might, by some standard, be equal to, or greater or smaller than, the wrong by the doing of which I could avert that other wrong. Again, we can group together those cases in which the wrong done by me would be directed against the person who threatens to do wrong to me. ('Reciprocal situation'. For example: I slander someone in order to discredit his malicious remarks about me.) These cases may then be compared to others in which the wrong done by me would be directed against a third person. ('Transmissional situation'. An example of this follows.) But, whatever the character of my situation, according to the DM, in every case I should have to suffer the wrong done to me by another person rather than commit any kind of wrong myself. Let us take an historical case by way of illustration. Socrates, who defends the maxim in the *Gorgias,* can give the following account of his own behaviour:[24]

> ...when the oligarchy came into power, the Thirty Commissioners in their turn summoned me and four others to the Round Chamber and instructed us to go and fetch Leon of Salamis from his home for execution. This was of course only one of many instances in which they issued such instructions, their object being to implicate as many people as possible in their wickedness.... When we came out of the Round Chamber the other four went off to Salamis and arrested Leon, and I went home. I should probably have been put to death for this, if the government had not fallen soon afterwards. There are plenty of people who will testify to these statements.

What would a utilitarian say about this behaviour of Socrates? Is it, according to his standards, right? wrong? or neither of the two? How could he argue?– If behaviour A is to be more correct than its (only) alternative B, the utilitarian would need to find the reason for this in the fact that the situation which A constitutes or brings about is, on the whole, better than the situation which results from B.[25] Can we say that in Socrates' situation behaviour A (refusal to obey with the probable consequence of execution) creates a better situation (e.g. perhaps more happiness or prosperity or satisfaction of desires) than B does (which entails participation in the execution of (obviously innocent) Leon)? Of course, it *could* be the case that Leon has more dependants to care for than has Socrates; it could be that Socrates, as a result of exhausting nocturnal disputations, will have to face the possibility of an untimely end through heart attack anyway, whereas Leon's way of life gives him expectations of attaining a happy old age; above all, it may well be that, setting an example, A is, in contrast to B, more likely to influence the political situation in a positive way etc. In addition to this, Socrates can guess that B is far more likely to result in Leon's death than A is to result in his own death. Would we not have, then, a fine utilitarian justification for applying the DM to Socrates' situation? Well, the situation *could* equally well look quite different: Xanthippe and her sons would be far harder hit by the death of Socrates than Leon's family would be by his execution; Leon is a notorious alcoholic and the doctors only give him another six months for his liver to disintegrate

[24] *Apology* 32 c–e in the Penguin Classics translation by Hugh Tredennick of Plato, *The Last Days of Socrates,* p. 39.

[25] For simplicity's sake, I allow myself, in this section, to talk of behaviour when, according to our teminology, I ought rather to be talking of a (relatively specific) mode of behaviour.

entirely, etc. Moreover, Socrates can tell himself that Leon will not escape from the thirty commissioners even without his (Socrates') participation (B): why should he therefore needlessly add one more victim to the number by refusing to obey orders (A)? According to utilitarian criteria, in this state of affairs Socrates should decide to do B (i.e. in favour of doing wrong). At any rate, the actual description he gives us of his situation in the *Apology* does not hint in the least at a possible basis for a utilitarian justification of his decision.

For a general assessment of the relationship between utilitarianism and DM, two aspects are decisive: (1) One cannot possibly exclude cases in which behaviour required by the DM cannot be legitimated in a utilitarian sense. (2) The DM does not permit wrongdoing even when it happens that (far) less 'total harm' is caused by this wrongdoing than by any alternative behaviour, whereas the utilitarian believes that it is precisely and only by *balancing* the probable results, one against the other, that we should arrive at our decisions.

Accordingly, there arises a conflict between utilitarianism and ethics in the spirit of Democritus which could be summarized as follows: As far as my wrongdoing creates as bad a situation as your wrongdoing, I have no utilitarian grounds on which to prefer one to the other–and if one of two evils must occur, it does not matter from a utilitarian point of view *which* occurs, as long as one does not exceed the other. But if, on the other hand, I adhere to the DM I cannot ignore the fact that *one* of two intrinsically bad alternatives would be realized *through me*; and I may not even avert a greater wrong by perpetrating a lesser *wrong*.

This enables us to perceive by what means the DM is particularly suited to illuminate the connection between utilitarianism and traditional morality. The cases in which one may use the maxim exhibit the following *symmetry*: the situation in which wrong is done to person *a* by person *b* and the situation in which *a* wrongs another–*c*, or even *b*, are equally intrinsically bad (if one leaves aside other circumstances which might differentiate between them). Even the fact that I myself am one of the participants, say *a*, does not alter the symmetry in any way. Therefore we fail in our attempt to transfer the conversion by which we obtained (2) from (1) onto cases in which wrong can only be averted by doing wrong. By analogy to (1) we can vary the DM as follows:

(5) It is true of every person x that x should follow the rule: 'I ought to suffer wrong rather than do wrong.'

If we now relate the demand (the 'ought') not to the mode of behaviour but–as in (2)–to the corresponding kind of circumstance, then we get:

(6) It is true of every person x that it should rather be the case that x suffers wrong than that x does wrong.

If we ignore cases in which *a group* appears to be the subject or object of wrong action, we can render (6) as follows:

(7) It is true of any persons x, y, z, that it should rather be the case that x suffers wrong from y than that x does wrong to z.

Whilst (5) is consistent in itself (and only contradicts the utilitarian theory according to my thesis), proposition (7)–and therefore also (6)–contradicts itself. In fact, among other things, we can derive from it:

(8) It should rather be the case that *a* suffers wrong from *b* than that *a* does wrong to *b*.

But equally, it yields:

(9) It should rather be the case that *b* suffers wrong from *a* than that *b* should do wrong to *a*.

In other words, one obtains from (7) that one and the same state of affairs is both more and less desirable, both more and less valuable than a certain other one. What does this mean? Nothing less than that the assessment or requirement of a *mode of behaviour* cannot be reduced in the eventistic manner to the assessment or requirement, respectively, of *states of affairs–at least not in this type of case.*

I am, in fact, convinced that moral maxims generally–and not only Democritus' maxim–do not admit the utilitarian conversion. For example, between the following two statements:

(3) It is bad to lie.

and

(4) It is bad when someone lies.

there is a substantial difference in meaning. However, the kind of proof which I was able to apply to the DM is not possible in this latter case.

4. THREE CRITICAL REACTIONS[26]

a)

One possible reaction to my thesis that the DM is incompatible with eventism and, in particular, with utilitarianism, is to ask whether the thesis really

[26] In a private communication Dr. Peter Röper (A. N. U., Canberra) emphasizes the significance of the fact that in cases which figure the kind of example produced here an asymmetry is present in as far as it depends on the decision of only one of the persons concerned as to which wrong occurs (or can be expected to occur). Most every utilitarian maxim ignore the special position of this person? It is certainly no accident that only from Socrates' viewpoint can the account taken from the *Apology* furnish an illustration

raises serious objections to utilitarianism or whether it in fact argues for a revision of our morals according to utilitarian principles?

In order to answer this question I shall first have to speak briefly about the function of moral philosophy. How does it relate to the way in which we verbalize and practise moral norms in our everyday lives? I think that phrases such as 'understand and explain', 'discover the basic principle or principles', 'account for and justify', 'criticize and correct' may, so to speak, provide a job description for moral philosophy which would be acceptable to most, if not all, traditions and positions with which the term 'moral philosophy' is generally associated.

I admit, then, that it is also the business of moral philosophy to criticize and correct moral convictions; but there are limits to this which, though vague, are yet conceptually required. A new cookery book may modify the traditional recipe for German Christmas cake by stipulating the additional use of ginger, or by omitting some ingredient which was recommended in the first version of the book, or by giving different quantities or substitutes; but the recipe is not *modified* if, say, cherries, cream and refrigeration are substituted for eggs, flour and oven temperature. The result of a revision must be recognizable as a version of the original.

to my theme; for it is he and not the tribunal who is faced with the question: to do wrong or to suffer wrong? Naturally, this alternative, which is central to my investigation, will generally only exist for one of the participants–in cases, namely, where one person is faced with the *choice* after another person has *already made* his decision. Does *this* asymmetry affect my argument? I would like to make three points in answer to this question:

1. My attitude towards the DM will indeed show, primarily, in choices made under circumstances as described. However, it will *also* be a matter of whether I more deeply regret committing wrong than suffering it and whether, in the face of an imminent delicate situation, I obviate my own temptation to inflict wrong to at least as great an extent as I obviate the danger of suffering wrong etc. In behaviour of this kind one can exhibit a preference between two possibilities each of which can be realized without rendering impossible the realization of the other one.

2. Let us suppose that a man x is faced with the question whether it is better to suffer wrong than to do wrong only in a situation in which y threatens to do him wrong. It would be possible for a utilitarian to assert, with regard to persons x and y *in the given situation* and with regard to any persons z, that it would be better that x should be wronged by y than that x should do wrong to z. Is not my argumentation rendered invalid by the insertion of such a condition? But one must ask whether this is in fact a *relevant* condition i.e. whether a *worse total result* may be expected if x does wrong in the given circumstances than if he suffers wrong. However, one cannot prove that this is generally the case–at least, one cannot prove it on utilitarian premisses (cf. Section 4.b).

3. In particular, one cannot suggest that both alternatives differ substantially from each other through an additional intention (of x) of doing wrong. One would have to show that this intention is *incorrect* (i.e. wrong in the utilitarian sense) i.e., presumably that what was intended is wrong. But a utilitarian can only characterize a mode of behaviour as wrong on the basis of a comparison with the possible alternatives. If then such a comparison should be set up between the alternatives open to x, we cannot, without circularity, claim that his intention of doing wrong is a disqualifying characteristic of one (or perhaps more) of the alternatives (cf. also Section 6).

As a moral philosophy, utilitarianism wishes to interpret, justify and, where necessary, even reform existing moral convictions;[27] it does not wish to *replace* morality by a new system of norms constructed on utilitarian principles, nor does it wish to supplement morality by a system comparable to the rules of etiquette or the laws of the BGB (*Bürgerliches Gesetzbuch*–the German Citizens' Code of Law) which, although closely connected with morality, do nevertheless exist *side by side* with it. If, then, in the course of a utilitarian analysis of our moral norms, as central a component as the DM drops out,[28] utilitarianism cannot be credited as a successful *or* unsuccessful critical *interpretation of our morals*, but at best only as a projection of an *alternative*. For if utilitarianism did on the whole require the same behaviour, protect the same goods and promote values in the way that our moral tradition does–one would have to examine this point by point–even then the decision for or against Democritus' maxim signifies a radical difference in attitude to personal responsibility and integrity. Naturally, these concepts need clarification and a mere reference to them does not provide an answer to the question still remaining, which is whether our morals are superior to utilitarianism in point of view of rationality or in any other important respect.

b)

There is a variant of utilitarianism which validates the maxims of traditional morality by attempting to establish their validity as such (although not every case of its observance) on the utilitarian principle of maximizing desirable results. So far I have talked about the classical conception which is known as 'act-utilitarianism'. According to this, one assesses not only the *value or non-value* of a concrete happening on the basis of its usefulness, i.e. on the basis of its actual contribution to a general state of the world which is as 'worth-while' as possible; but also (according to act-utilitarianism) *my decision for or against* this or that behaviour should be directly determined by whether the state of affairs which my behaviour constitutes promises to provide such an optimal contribution in the concrete circumstances. In contrast to this, so-called rule-utilitarianism demands that the assessment and choice of an individual action be referred to the basic goal (perhaps the maxi-

[27] Cf. Brock, as above, p. 253 f.: 'Both utilitarians and non-utilitarians have usually accepted the methodological position that normative ethical theories are to be tested, at least in some part, by their capacity to account for our considered moral judgements.'

[28] The DM is, admittedly, no synopsis of the whole of morals or an equivalent to *Bonum faciendum, malum vitandum*', as was suggested to me in a discussion. For instance, cowardly behaviour is a moral defect but not in every case a wrong. It is also true that not every instance of misconduct towards others constitutes a wrong. Furthermore, I do not presuppose that the DM is logically true, or that it is clearly implied in 'wrongdoing is bad'. (Actually, the resolution to do no wrong under any circumstances does 'entail' the resolution to suffer wrong rather than do it.) Cf. the short comment at the beginning of the previous section concerning the concept of wrong.

mization of well-being) via rules, our moral maxims themselves are legitimated directly by the maximum usefulness of their validity (or perhaps of their major or universal observance). If made in accordance with the system of rules, an individual decision is right even if, in the circumstances, it is really not the most useful—in other words, if it is wrong according to the principles of act-utilitarianism. Would it not be possible, in the light of these considerations, to justify the DM and consequently also indirectly its observance, from a utilitarian point of view?

In Brock's study,[29] different varieties of rule-utilitarianism are presented and examined. It must suffice here to indicate that so far no form of rule-utilitarianism seems to have succeeded in legitimating the unexceptional application of the central and generally accepted norms of our morality *utilitarianly*, i.e. ultimately only on the basis of the criterion of maximizing desirable states of affairs.[30] In particular, one can think of situations in which the utilitarian principle clearly admits or demands an exception (for instance, in the case of the DM) even after one has allowed for the possibility of self-deception and the occurrence of indirect consequences.

Rule-utilitarianism is fond of citing two particular instances of indirect consequences: the bad example, and the corruption of his own good disposition when a person breaks the rule. But only if I *already assume* that the DM is valid is the example of *every* wrong that is done a bad example, and similarly the disposition to avoid doing wrong in every case a good disposition. Failing this, there will also be *'right' (permitted) 'wronging'* (if, for example, no alternative promises better consequences). Socrates, by participating in the execution of Leon, would perhaps have weakened resistance in himself and others to 'right' wrong-doing—which would be bound to please the utilitarian; but it is not clear that, through this, 'wrong' would also have been encouraged. (In this context we must not let ourselves be confused by the category of *a wrong* which is borrowed from our moral tradition and has no utilitarian basis as an evaluation.) No one disputes the right to self-defence on the grounds that the occurrence of death or injury in *this* context would predispose a man to murder or assault.

To my brief discussion of the rule-utilitarian account and justification of the DM I would like to add one last observation: we do not abandon a (moral) maxim like that of Democritus simply because it cannot compare with the utilitarian criterion; but for this very reason, neither would we accept it only on the basis of a utilitarian justification, if in fact one could produce such a

[29] As above, pp. 253–261. See also Hoerster, Norbert: *Utilitaristische Ethik und Verallgemeinerung*, Freiburg/Munich 1971.

[30] Brock, ibid., p. 261: 'In general, possible versions of rule-utilitarianism now seem much less promising for rescuing utilitarianism from the standard moral objections made to it.'

thing. Our attitude to wrong-doing is not dependent on a counting-out and reckoning-up of positive and negative probabilities.

c)

What then does it depend on? Why do we accept the DM in as far as we do accept it? This question is prompted by a third attack on my thesis, an attack which aims at the *meaning* of the maxim. In what way is it 'better' to suffer wrong than to do wrong? What criterion for good and bad are we working on? Have we a sensible reason at all for suffering wrong rather than committing wrong?

To this one could reply: yes—if we care for the happiness of others. In this case we shall not want to do anything that harms them. It follows then that we would not do them any wrong even when, by so doing, we could prevent wrong being done to ourselves. This is a noble-sounding statement but it entails at least two difficulties.

The first of these arises from the straightforward question as to what motivates our interest in others, particularly when, for instance, enemies are concerned. Is it ultimately self-interest? Or is our interest in other people a more or less irrational natural instinct? How also can one reconcile one's alleged interest in others with the fact that we judge a case of self-defence against an enemy, for instance, quite differently from a case in which wrong is done to the same person?

Secondly, no moral maxim requires that we should discriminate against ourselves vis à vis others in terms of benefitting or harming them. If the DM appears to require such behaviour, the explanation must lie in the fact that my suffering wrong is less bad than my doing wrong, *not because* it would be better for me to shoulder the greater harm than that another should shoulder it, but because of another circumstance which appears to have escaped our notice so far.

Should we therefore say that the DM is 'not open to rational interpretation' and that one must simply 'perceive' it and accept it as 'given'? If we said this we would be refusing to answer the question what 'better' means in this context. By stating that to suffer wrong is 'better' than to do wrong we would in fact be saying nothing more than 'People require this from me and I am determined to stick to it. I *treat* the suffering of wrong as something better.'

Democritus and Plato did not think that the question 'better for whom?' was unseemly. They based their case neither on an altruistic argument nor on a kind of intuition which disposes of further questions. They assumed that men wish to be happy and declared that he who does wrong is more *unhappy* than he who incurs it. In this light, it would be better for *me* to observe the DM.

5. 'MORAL ADVANTAGE'

Suppose someone makes the following comment on this thesis: If my wrong-doing actually harms me then the DM recommends nothing more than a particularly subtle egoism. The righteous man ultimately only seeks his own advantage by acting righteously, however sublimely conceived this advantage may be. True morality requires that one should grant and, when the occasion arises, also relinquish every advantage to the other person. Should I not, therefore, in certain circumstances, do wrong myself in order to prevent another person from inflicting harm of this kind on me?–We could be inclined to dismiss such a comment as cynical. But it seems to me this very type of criticism, taken seriously, puts us on a scent which can bring us nearer to a deeper understanding of the DM.

Superficially regarded, the critical comment outlined above is based on a misuse or on a misleading interpretation of the word 'egoism'. This word signifies an exaggerated concentration on one's own interests as these are ordinarily conceived of; the moral advantage of acting righteously does not constitute any such interest. But a moral advantage is also no *advantage in the normal sense* and we must ask ourselves *why* the term 'egoism' *cannot* be extended to the moral 'interest'.

Let us for once adopt the point of view of that 'altruism'[31] which underlies the above criticism of Democritus and Plato. If we then concede to these philosophers that whoever does wrong harms himself, we must infer that he also harms himself who–judged 'altruistically'–denies to another the (moral) advantage of suffering wrong rather than doing wrong. If our 'altruist' were then asked to choose between either suffering wrong from person *a*, or himself doing wrong to person *a* in order to anticipate *a*–he would have to do two contradictory things. On the one hand, he ought to opt for the (moral) disadvantage of doing wrong himself; on the other hand, though, this 'generous' conduct is in turn a moral advantage which he ought to relinquish to the other person (*a*). One could thus (by using a recursive definition) construct an *unending* list of incompatible advantages. But unfortunately a theory dies on one single irremediable contradiction.

But which theory has been disproved by this? What we have achieved is a *reductio ad absurdum* of the somewhat frivolous application of altruistic argumentation to moral advantages and disadvantages. In consequence, it has also become meaningless to accuse the person who observes the DM of egoism. I can only be an egoist where there exists the alternative of a consistently altruistic mode of behaviour.

[31] By this I do not mean here a particular philosophical doctrine, but generally an attitude which does not subordinate the interest in the welfare of others to one's own interest but places it equal to, or even above, it. In the present context, I shall discuss only an application of altruism in this sense to a rather special sort of interest.

However, that comment on the DM which prompted our *reductio* argument can be understood as a protest against *the concept of moral advantage*. The contradiction which has just been made evident only confirms the suspicion that my (morally) good conduct has nothing to do with that which is good for me in the sense of 'advantageous'.

Now, this protest does nothing towards answering the question which was discussed earlier on, namely, what kind of 'better' is meant in the DM. The democritic-platonic answer seemed to be the only alternative to untenable interpretations of the maxim. On the other hand, so far this interpretation has not been further substantiated. In the *Gorgias* we find the following argument:[32] Doing wrong is uglier than suffering wrong–something is beautiful in as much as it is either pleasant or advantageous–something ugly is therefore either unpleasant or disadvantageous, and the uglier of two things must be more unpleasant or more disadvantageous than the other thing (or both); doing wrong is not more unpleasant than suffering wrong–it must therefore be more disadvantageous, if it is to be uglier. At first sight, there is much that seems dubious in this argumentation. In particular, one might object that doing wrong could be ugly, without in fact being unpleasant *or disadvantageous for the doer*. I do not wish either to attack or to defend the argument of the *Gorgias* here. Instead, I would prefer, in concluding my discussion, to attempt to circumscribe the essential basis of the DM and by doing so also to cast a new light on the problem of 'moral advantage'. I am fully aware that the following reflections are incomplete, but I am still anxious to present them since, via an interpretation of the DM, they could perhaps lead us to a central factor in the whole of morality.

6. RADICAL SUBJECTIVITY

Let us return once more to the situation of Socrates on the Tholos. We will assume that by assisting in Leon's execution, Socrates would not be doing a greater wrong than that which threatens him if he refuses to obey; i.e. as far as a comparison is at all possible, the wrong done by those in power would be as great or even greater than that done by Socrates. Objectively, and by this I mean: by a judgement that anyone could pass, given the knowledge of the situation, nothing speaks against that particular alternative which consists in Socrates' obeying the command of the Thirty Commissioners, *if* we accept that *one* wrong is certain to happen.

This 'objective' approach suggests a model: I stand outside and, as an impartial expert, observe the doings of mankind, and I am able at any time to ascertain the value or non-value of human behaviour according to the criteria of utility. I can also evaluate and compare alternative complexes of action

[32] Here I am summarizing *Gorgias* 474 c–475 e.

which are possible in any given situation (and, if need be, I can do this in relation to different characterizations of further circumstances). Let us assume then that by doing this I arrive at the result: the obedience of Socrates (B) would be better than his refusal (A). Assuming the role of a demiurge, I would then perhaps be more inclined to create a world in which Socrates does wrong and is not executed, rather than one in which a (greater) wrong is done to him.

If, however, I am a citizen of this world, then *my* preferences and decisions for this or that alternative belong to this world, and can thus *also* be assessed. On this assumption we must necessarily abandon the model. In real life it is inevitable that at *some point or other* I shall *no longer* acquire the criterion for my considered choice from the comparison of alternative eventistic possibilities in the face of a particular situation, since my choice, which only proceeds from the comparisons I reflect on, does itself modify the situation or the relationship of the alternatives one to the other (and it may do so relevantly). I do not maintain that the DM marks 'the point'. (Must there be *one* such point? I said it was 'inevitable that at some point or other...', not: 'at some point or other it is inevitable that...') Our morality removes a *considerable* portion of what we effect from the area in which various possible modes of behaviour may be compared with a view only to their result and are accordingly chosen or omitted on the basis of a corresponding assessment. Morality makes that position an object of stringent demands. (Doing wrong is not right—as is killing—in certain *exceptional cases* i.e. as an element of certain states of affairs).

How *can* a mode of behaviour (such as A) be any better than an alternative (B) without the (anticipated) *result* being better in one case than in the other? As I have said before, this is tied to the way in which a man is related to his own conduct. There is *one* man whose possible modes of behaviour I can present to my will not only in expressions of the form '*x* does so and so', but also in expressions of the form 'to do so and so'. The intentions of this man (A.W.M.) are *my* intentions; the deliberate behaviour of this—and only this—man can (and must, in general) be the object of my intention in a way other than by my wanting, wishing, having the intention etc. *that he does so and so.*[33] In other words, I intend primarily *to do so and so.* (I cannot intend that something should be the case without the intention of doing or not doing something so that it should be the case. *This* intention is not the intention that A.W.M. should do or not do something.) *On the one hand* I can assess

[33] I have treated the ethical as well as the logical side of this issue in more detail in other connections. Under the title 'Moral Objectives' in my contribution to *Practical Reason* (see note 17), pp. 212–220, I distinguish between 'propositional' and 'attributional objectives'. Concerning the logic of 'I' statements cf. 'Reply' to A. N. Prior's 'I' in *Jowett Papers 1968–1969*, edited by B. Y. Khanbhai and others, Oxford 1970, pp. 11–22.

the behaviour of A.W.M. as the content of such an intention (in comparison to other possible contents); *on the other hand* I can assess the result of his behaviour (in comparison to alternative circumstances or happenings). I can therefore judge his conduct in different ways according to the light in which I look at it.

Hence it turns out that by observing the DM I make my decision on the basis of a *radically subjective* point of view; on the basis of a point of view which differentiates the (alternative) states of affairs to which my behaviour can lead in a way that cannot be contained and cannot be accounted for in an objective description of these alternatives, i.e. in a description that everybody could, in principle, give.

This subjectivity of morals which consists in the fact that my criterion for moral behaviour in a particular situation must not be the criterion for the comparative asssessment of alternatives in the sight of God (so to speak)—as I have tried to show, it *cannot,* ultimately, be that—this radical *subjectivity* must not be confused with the somewhat shallow ethical *subjectivism,* which leaves the individual person to judge for himself authoritatively as to whether any given modes of behaviour are right or wrong. On the other hand, there is probably a distant but profound connection between the subjectivity of morals and the subjectivity, properly understood, of knowledge, which is likewise distinctly different from a subjectivism of unassailable individual beliefs. I cannot arrive at a correct decision by assessing on a comparative basis alternative possibilities to which my decision itself contributes as a factor among others; similarly, I cannot secure the dependability and propriety of a conviction of mine by including in its grounds its own verification. In both areas there is a 'reflecting' (on the one hand of the will, on the other hand of the intellect); but this 'reflecting' cannot help modifying, in its turn, the reality which it reflects, so that renewed reflection and therefore a 'more objective' point of view always remains possible.

The morality characterized by Democritus' maxim does not incorporate the acting subject within the horizon of his assessments and choices as one object amongst others, whereas utilitarianism, by attempting this very thing, seeks to occupy a standpoint which is removed from any involvement in a decision-making situation. This basic and, to my mind, most basic difference between morality and utilitarianism also explains their different treatment of certain traditional ethical issues such as the significance of intention, the concept of integrity and the difference between bringing-about and letting-happen. I can only mention this briefly here.

The subjectivity of morals is also able to throw a little light on the question as to whether the democritic-platonic argument against wrong-doing implies any kind of egoism. The question was whether a moral advantage, if it really is an advantage, is not bound to be something one can renounce. We

can now explain why this is not the case where the abandonment of a moral advantage is connected with wrong-doing, or more generally with one's own moral disadvantage. In such a case my bad behaviour reveals an assent to badness, which in turn abrogates the good in the assent to another person's moral advantage. Otherwise I could, for example, anticipate my potential slanderer by slandering him myself–arguing that he would suffer more harm by slandering than by being slandered (which, of course, may be *true*!)

I believe that the subjectivity of morals described here is radical in a double sense: firstly, because it belongs to the *roots* of our ethical thought, and secondly, because it cannot be reduced to objective assessments. I have not shown on what scale and how in particular this radical subjectivity determines our moral maxims. What I hope I have shown is that the DM is not compatible with utilitarianism and that the reason for this is to be found in a fundamental subjectivity of that maxim, for which utilitarian thought has no place. I have also examined the question in what sense and why it is better to suffer wrong, without however arriving at a conclusive result. Question: Who says that such an explanation is necessary and possible? But also: Who says that our belief in the DM constitutes a rational attitude and not a vain illusion or a compulsive superstition?

TRANSLATED FROM THE GERMAN BY S.C.

THE CONTRIBUTION OF EMPIRICAL SCIENCES TO DISCUSSIONS ON ENDS AND VALUES VERSUS THE SUSPICION OF TECHNOCRACY

By Bernhard Kraak

It is generally taken for granted that we need empirically verifiable causal theories, i.e. theories about conditional connections (sometimes also called nomological or nomothetical theories), if we wish to select the means by which to achieve certain given ends, that is, if we are to decide on a method. Conversely, however, theories about conditional connections have no contribution to make, if it is a question of deciding on the ends, i.e. of deciding on the desirability or non-desirability of states, structures, results, forms of behaviour.

Scientists and theoreticians of science who insist on a distinction between factual and value judgments and who demand that factual judgments must be tested by being compared with reality, are accused of reducing science to problems concerning the technological control of objects and people. They are accused–and sometimes even accept the criticism–of leaving the ends of human actions to subjective arbitrariness, thereby severely limiting the 'social relevance' of such studies (Lemberg, 1973, p. 74).

Claims of this kind have a long tradition (Grassi, 1950). In our time they have been advanced with considerable vigour by representatives of the 'critical theory', especially Habermas, who has frequently expressed the view (e.g. 1969, pp. 155-191, and pp. 235-266; 1970, pp. 95 ff.; 1972, pp. 301 ff.) that the demand for the empirical verifiability of scientific theories and the ensuing distinction between these theories and value judgments results from a 'technologically-oriented epistemological interest bent on providing, technological recommendations for a rationalized choice of means to achieve given ends' (1969, p. 182).

It is astonishing how widely such views are held and accepted considering that there is no lack of counter-arguments. Max Weber frequently wrote on this matter. Albert too has stressed–in part referring back to Weber's arguments–that the discussion of values, ends and norms may indeed profit from the findings of causally oriented research. He therefore considers a solution to the 'bridging problem' as perfectly feasible: a bridging of the gulf between 'value-free knowledge' and social practice, thus allowing for rational solutions even to problems of values, norms and ends (1971, p. 95).

Admittedly Weber was not concerned with the bridging problem. He was trying to argue that value judgments cannot be scientifically justified by means of causal theories and empirical research:

> Es gibt schlechterdings keine Brücke, welche von der wirklich nur