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Ethics as Scales of Forms

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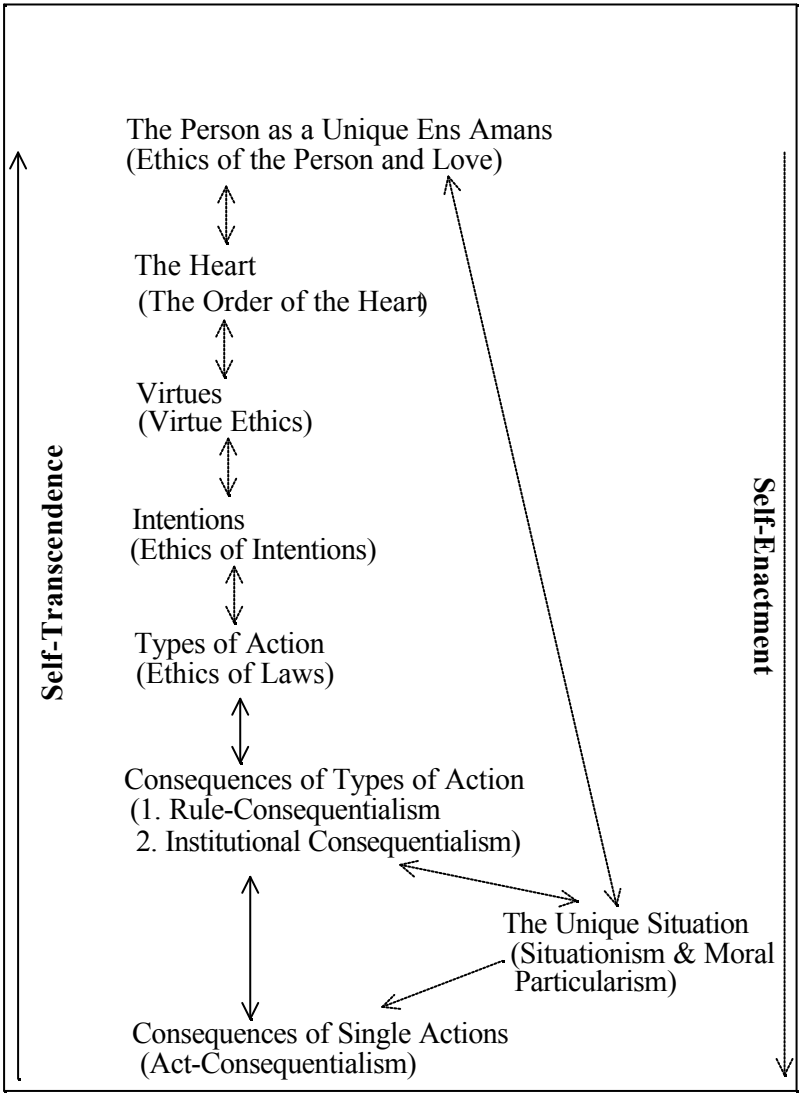
A SCALE OF FORMS
FROM CONSEQUENCES OF SINGLE ACTIONS TO
THE VALUE OF THE INDIVIDUAL PERSON



Chapter One

Scales of Forms and Their Application to Ethics

One of the most pernicious errors in both philosophy and daily life is dichotomous thinking, which assumes that every distinction is a dichotomy, an exclusive "either-or," such that if something is an *A* it cannot also be a *B*. Around such exclusive alternatives are formed mutually exclusive and warring "isms," each of which seizes upon one aspect of the truth and denies the others. For example, in ethics utilitarianism or consequentialism maintains that *only* the consequences of actions are morally significant, and furthermore it divides into two main sects: act-consequentialism which maintains that *only* the results of each individual action matter; and rule-consequentialism which maintains that *only* those of observing certain rules matter; and within these there have recently appeared even more sub-sects which I shall ignore in this study. A third form, which I shall call "institutional consequentialism," focuses upon whole bodies of rules and appears to be less exclusive. Similar assumptions surround the ethics of laws. And the opponents and perhaps some proponents of virtue ethics, justly revived following Alasdair MacIntyre's *After Virtue*, seem to assume that it must hold that virtues *alone* should count.[1] To ascertain why this mind-set of mutually exclusive "isms" should be so prevalent, and not only in ethics, would be an interesting project, which cannot be pursued here. It must suffice to note that "ism-ism" thoroughly distorts one's thinking and is a long way from *philosophia*, the love of wisdom. Instead of seeking the truth of the matter, some people seem to spend their time defending their own "isms," and perhaps carving out new "sub-isms," and attacking others. The result is the production of counter-examples and counter-counter-examples and of epicycles upon epicycles in order to accommodate within the supposedly all-sufficient "ism" those facts and principles which, despite themselves, its adherents have to admit to be genuine even though they officially claim the contrary.

What, then, could replace such logomachy and polemics? It is certainly not the counter error of mere eclecticism, simply adding "ism" to "ism" and

now using one set of principles, laws, goals, etc., and then another without rhyme or reason. Even pluralism, which rightly recognises the manifold nature of reality, is not enough, for it merely places the varied aspects of reality side by side without trying to find some deeper unity. Instead, what we need is a way of systematically combining the partial truths grasped by each "ism" into a whole in which their distinctions are maintained while their opposition is overcome. That suggests that we should look for a unity underlying and differentiating itself into those partial truths. That is precisely what Collingwood offers in his conception of a scale of forms, as set out in *An Essay on Philosophical Method*. In a scale of forms what may seem to be mutually exclusive forms or species of the same genus, constitute a series of levels each one of which incorporates the previous level and hence is a fuller and more adequate realisation of the common essence. Thus in the scales of forms of knowledge, as constructed by Plato, Descartes, Locke and others, the higher forms are more truly knowledge than the lower, and the lowest is hardly knowledge at all. I think that Collingwood's conception needs amendment, and, indeed, he himself later amended it in one respect and implicitly recognised four different types of scales of forms. But because this study is not *about* Collingwood and scales of forms but *uses* and modifies them when necessary, I shall say only a little more about them here, though in the Appendix, I set out the main features of Collingwood's conception of scales of forms and also summarise Collingwood's own applications of scales of forms to ethics. Ethics does seem a particularly fruitful field for applying scales of forms, as Collingwood's own examples suggest. For example, the three types of consequentialism, the ethics of laws and virtue ethics, as we shall see, are all necessary to the moral life, and need each other, and other levels as well. And they do so in a systematic manner: the assessment of the consequences of our actions needs guidance by laws and the observance of laws needs to be expressed through attention to the former; and observance of laws requires the virtues for it to be properly motivated and directed, while virtues, genuinely to be virtues, need to be expressed through the observance of moral laws, and thence in turn through appropriate consideration of likely consequences both of types of actions and of particular actions. Here we find a two-way relationship: of presupposition by each lower level of the next higher level, and the necessity of each higher level to enact and express itself appropriately in and through the next lower. That, in brief, is the scheme of a scale of forms that will be used in this study.

As for the matter for the scales, that will be taken, as by Collingwood, from *within* ethics, from partial and therefore rival conceptions of what is right and good, of what we should do, become and aim for. Rival theories *about* ethics, such as emotivism, relativism and "intuitionism" do contain partial truths and err by denying others, but as yet I do not see how they form a scale. And for the specific ingredients for a scale, I propose in the next eight chapters to take the question, "To what aspects of the agent can moral qualities be attributed?," and the answers that have been given to it. The answers given to that question constitute significant proportions of both the phenomena of the moral life and the "isms" in ethics. Then in the final four chapters we shall consider the question of the wider sets of values and ends which the previous scale has presupposed, plus how the two scales can be related. That will include consideration of the "isms" of "deontological" ethics versus "axiological" ethics, those of duty versus those of value. To some extent that coincides with another, that between, respectively, emphasis upon "the good man" and "the good for man." It would be foolish to suppose that the scale or scales to be constructed will answer all questions in ethics, and at appropriate points I shall mention in passing some other questions and the one-sided answers which have been given to them.

Fig. 1 presents in graphical form a summary of the whole scale that will be constructed. The upward dialectical nature of the scale, the presupposition of each higher level by the previous level, is indicated by "self-transcendence." This, I would argue, is an essential feature of human life, that properly to attain anything in life we must aim at something more important in it, as in the familiar "paradox of happiness," that the pursuit of happiness is self-defeating unless we devote ourselves to something other than our own happiness. Likewise, the downward requirement of each lower level by the one above it is indicated by "self-enactment," that for each higher level properly to be itself, it must, *ceteris paribus*, go forth and enact itself in and through that lower level, as intentions are not really intentions unless expressed and enacted in appropriate actions as and when the occasion arises except if one has had good reasons for changing one's mind in the meantime or has genuinely forgotten what one intended to do. But frequent changes of mind and forgettings, unless they have a pathological basis, suggest that the persons in question do not form genuine intentions, otherwise they would have thought things out more carefully and then would have had fewer reasons to change their minds or would have made more of an effort to remember what they meant to do.

This terminology of "higher" and "lower" could be inverted into one of "surface" and "depth," or lateralised into one of "outer" and "inner," each signifying, with respect to the individual person, what is furthest and so least important and what is closest and so most important. The point of this, irrespective of the terminology employed, is the dual dependence of each aspect of the person and his activity: the lower, shallower or outer presupposing the higher, deeper or inner; and the latter requiring to be enacted and expressed in and through the former.

The danger with any intellectual schematism is that the data of experience may be distorted or denied if they cannot be properly assimilated to it, rather than the schematism adapted so that it can properly assimilate them. That is precisely what the conception of a scale of forms will be invoked to do in respect of the distortions and denials of the relevant "isms." It would be wholly against the intention of this study if the scale of forms itself were to be forced upon its subject-matter and not to be adapted to it. For example, act-consequentialism, as well as obviously being a sub-form of consequentialism, is also a sub-form of "situationism," which claims that all action should be evaluated and decided in terms of the individual situation at hand, and frequently situationists elaborate their principle in terms of the consequences of the particular action in the individual situation. Moreover, one prominent version of situation ethics is derived from the ethics of love, and, further, from the specifically Christian ethics of love, as shown by the dotted line in Fig. 1. How then should it fit into the proposed scale? I have found it more convenient to deal first with the consequences of individual actions, as what is furthest from the agent, and thus with act-consequentialism; to follow that with the consequences of particular types of acts and then of whole bodies of types of actions; and finally to deal with the individual situation in general and with some notable versions of situation ethics and moral particularism, as also presupposing laws and the ethics of laws. Furthermore, the proponents of situation ethics have some valid points to make which are independent of the valid arguments of act-consequentialism and which therefore should be considered in their own right. The consideration of consequences of actions and consequentialism also raises another problem of procedure: whether to deal with what is common to its three versions, which do form a scale among themselves, before or after the specific features of the three versions. I have found it convenient first to set out the general importance of the consideration of likely consequences, next to examine the specific

importance and deficiencies of each form, and finally to set out the deficiencies common to all consequentialisms .

Another messy aspect is that what is the next higher level for most purposes may not provide answers for all, and so some questions left open by the next lower may have to be carried forward to yet another level. This has proved to be especially the case with the questions that the ethics of law raises. Some can be answered straightaway in terms of intentions but others only in terms of virtues, which are more inclusive than intentions, and both intentions and virtues raise the question of a unifying fundamental intention or virtue. Hence I have found it more convenient to treat intentions and virtues together as jointly answering some of the questions raised by laws.

In the following chapters I shall not attempt to deal with each level or form in full but only with its essential features. Doubtless in some at least of the detailed amendments to and elaborations of the central tenets of the "isms" and their sub-forms, there will be positive and valid suggestions. But not everything can be considered at the same time, and in this study I am primarily concerned with the wood and want to avoid losing sight of it in trying to examine all the trees. And so I shall by-pass much of the very detailed discussions of the merits and demerits of particular moral systems which have been published. They often take the form of objections, replies, counter-replies, and so forth, because they tend to arise from disputes with some other exclusive and hence competing "ism." Ironically, in such debates the advocates of an exclusive "ism" fail to do justice to the positive elements in their own position, because, denying or interpreting in their own terms the positive elements in other "isms," they cannot show how their own affirmations are required by those of the other "isms." Likewise, the critics of another "ism," by criticising it solely or mostly from within their own, are perhaps likely to make its adherents yet more defensive. In contrast, the arguments of this study will be primarily "internal" and aimed at showing (a) that each level has an important and necessary place within ethics, and (b) that, *within its own terms*, each form or level in the scale, thus its "ism," logically needs completion by what its "ism" denies and so it should take its proper place in a scale which encompasses them all. This will mean that there will be some recapitulation, repetition and anticipation in each case. For the overall aim is to show that each "ism," by wrenching its particular form or level from the whole of which it is both essentially a part and an essential part, destroys that form or level, as if the body could exist without the heart and as if the heart

could not only exist apart from the whole body but could do by itself all that it takes the other organs and systems to do.

In each chapter I shall refer to and quote exponents of the relevant "ism"—some older and some more recent, some well-known and some less known—so as to show that these are real issues and not merely abstract possibilities. Inevitably only the main and most relevant points made by each author can be mentioned and examined. As for the positive content of the scales, various references, especially towards the end, will indicate that it owes a lot to Max Scheler but at times only in broad outline and general suggestions.

Much of the following argument relates to all forms of personal action and existence, as the examples will show, and not just to obviously moral activity. That raises the question of just what distinguishes the moral from the non-moral. The usual view seems to be that there are distinctive moral moments and aspects of life which stand out against a non-moral background. But some moral systems claim, explicitly or implicitly, that the whole of life is a moral concern. In short, I shall show that the whole of life is potentially of moral significance and that some aspects and moments are morally urgent, such that a responsible attitude is required throughout it, although specifically moral concerns and considerations are likely often to be latent and implicit rather than manifest and explicit.

Two final preliminary points. This study is primarily concerned with the facts themselves, the constituents of the scales of forms, the aspects and levels of the person and the objective values and ends which we should appreciate, pursue and realise, and only secondarily with the exclusive "isms" that unfortunately are formed around them. To focus attention upon the "isms" would be to commit the very error that I am seeking to overcome. And the endnotes will be used primarily for references with some short additional comments, and longer incidental discussions will usually be put in Additional Notes at the ends of the relevant chapters.

Note

1. As MacIntyre complained about some critics of *After Virtue*, and pointed out that on pp. 150-2 he himself had said that virtue requires laws just as laws require the virtue of justice (*Whose Justice? Which Rationality?*, ix).

Chapter Two

Consequences of Single Actions

1. The Importance of the Consequences of Actions

We shall begin at that which is furthest from the person himself, namely, with the consequences of his actions, and thus with judging his actions, and ultimately himself, as good, worthless or bad accordingly and thus only as the quite separable and distinct causes of those consequences. "Utilitarianism" is the historic name for the doctrine that actions are to be appraised and then only as useful, useless or counter-productive for a given end. Hence it evaluates them in terms of what they bring about, and hence their consequences. But it has mostly also incorporated the assumptions that happiness is the only good (eudaimonism), and specifically that happiness equals pleasure (hedonism). Therefore it would be better to use the more recent term "consequentialism" for the doctrine that *only* the effects of actions can, and should, be counted as good or bad, irrespective of the particular end or ends which actions should promote.

Furthermore, it is now usual, and rightly so, to distinguish between "act-consequentialism" which asserts that the consequences of *single* acts are to be calculated and evaluated with respect to the end or ends to be achieved, and "rule-consequentialism," which asserts that what is to be calculated and evaluated are the results of acting according to rules to perform or abstain from certain *types* of action. Previously, utilitarians failed to make it clear, even to themselves, which they had in mind. In addition, there is a consequentialism of whole bodies of rules, as advocated by Hayek who developed some of Hume's ideas, which affirms that what matters is the effects of the whole body of rules and laws upon the persons subject to them, and thus of each rule upon the rest. But, before we come to those specific forms, it will be more convenient to state now the general case for action in accordance with estimates of consequences—the necessary places that such estimates occupy in the proper conduct of human life, and thus the real truths that

consequentialism articulates. The following applies to all actions, or perhaps every action and its likely consequences may be liable to scrutiny in the following ways.

(1) Actions themselves are obviously successful if they achieve their aims, unsuccessful if they do not, and counterproductive if they achieve the opposite of what is intended: any attempt to repair a machine will be successful if the machine then works properly; unsuccessful if the fault persists; and counterproductive if the machine ends up in an even worse condition or causes damage, or yet more damage, when used. Assessment of actions must include assessment of their success, failure and counter-productivity, and therefore of their consequences.

(2) Whether or not an action is performed in order to bring about certain results apart from the action itself, it is likely to have effects beyond itself and at least some attention should be given to them, for they may be undesirable and could outweigh any good inherent in the action itself or in the results it is meant to bring about. Hence effects or consequences can be categorised as intended or unintended, and it would be irresponsible not to consider the possibility of unintended effects which would be undesirable. Similarly consequences can also be categorised as central or side-effects. The latter pair is not quite the same as the former, because a side-effect can also be intended. Indeed, if one way of bringing about *A* will also bring about a desirable side-effect *B*, then that will be an additional reason for choosing that way of achieving *A*, and thus the accompanying realisation of *B* becomes an intended result though not the central aim. To go to an appointment in London by train rather than by car may also permit me to prepare better for the appointment, as well as being as quick and costing about the same. Conversely, the likelihood of adverse side-effects can and should at least give us cause to stop and estimate if they outweigh the benefits of the central effects, as tragically happened with thalidomide.

(3) Furthermore, all actions have one set of undesirable side-effects, that they require and expend resources, if only of attention and time. Hence the question of the efficiency of an action always arises as well as that of its effectiveness: Are the means employed the most efficient way of achieving the goal? Less efficient means waste resources which could be used for other purposes, and likewise ineffective means not only fail to achieve the aim but also are themselves wasted in futile efforts. It follows that in reality there is no mere inefficiency nor mere failure, but that all inefficiency and failure entail some degree of counter-productivity. The servant, in the Parable of the Talents, who buried the money that his

master had entrusted to him, proved an unprofitable one, because, although the money remained intact, merely storing it incurred his master the "opportunity cost" of not gaining any return on it.[1] That all action, in this world at least, has its costs entails that it is not the case that the end justifies the means, but, on the contrary, that the end must be worth the means. That I want a new car does not by itself justify the expenditure of the money that I have available or could borrow, for there are always other and possibly better uses to which I could put it. Economics is the "dismal science" because it dashes fond hopes and wishful thinking about obtaining things for nothing and without any possibility of unwanted results.

(4) Each action has its generic, specific and individual aspects, to which the questions of effectiveness and efficiency will apply. Thus the generic act of helping a friend to get a job can be realised in specific ways such as mentioning him to employers whom one knows and who have suitable vacancies, directing him to employment agencies and websites that deal with what he can do, helping him with his studies for a relevant vocational qualification, and so on. And each specific action is executed in an individual action or set of actions, such as mentioning him to a particular employer or helping him with his accounting homework tonight. It follows that the individual action has to be appropriate to the specific course of action and that in turn to the generic action: it would be useless to advise someone looking for work in a finance department to take an "A" level course in history. What one intends to do has to be thought through and carried out in the way that is most likely to be successful.

(5) That last consideration is also illustrated by the next higher level of types of action and the ethics of laws, which, so far from being opposed to this lower level of the consideration of consequences, must logically express and fulfil itself through it, at least from time to time. Not only are some individual and collective laws and rules aimed at beneficial consequences, or the avoidance of harmful ones, such as a regime for keeping fit and legislation to promote public health, but each law or rule has to be executed in specific ways and those in turn in individual actions in order to be appropriate to the specific or individual situation. Thus the obligation to pay a debt can be executed by paying in cash, by cheque or with "plastic," and in person, via an agent, through the post or on-line. It is no use to leave the payment to the last minute and to intend to do it on-line without having determined whether or not one's creditor has a website with that facility, or to send a cheque by second-class post for delivery in the morning. Moreover, as we shall see in a moment and again in the next

chapter, acting according to one rule or law can have the consequence that one thereby breaks another, and one law may generally have consequences that breach others. No responsible action according to rules and laws can neglect the possibility of such consequences.

(6) In private and public life there are many decisions which are rightly made in the light of the consequences of the courses of action open or attractive to us, such as moving house when one can afford something bigger or better, or changing one's job when there is no threat of redundancy. On the one hand, we are not be obliged to do so nor obliged not to do so, and, on the other, it would be foolish to do so without consideration of all the favourable and adverse consequences. And there are occasions when we may be subject to a law which obliges us to make certain decisions in the light of the consequences of the courses of actions which are possible there and then, as when trustees, who are obliged by their responsibilities to do their best for the persons or organisations in their charge, have to decide how to invest the funds that they have in trust and thus to balance the chances of higher returns against those of greater risks.

In summary, all responsible action must pay some attention to its likely results, in terms of success, failure, counter-productivity, beneficial and harmful side-effects, and efficient use of time and resources. The road to Hell is not paved with good intentions, for, had the intentions been genuinely good, the likely results would have been estimated and weighed against each other, and thus fewer policies likely to result in more harm than good would have been initiated. Time and time again we see governments totally ignoring the lessons of economics and history, and once more embarking upon costly but futile schemes, while congratulating themselves upon their noble purposes and condemning their critics as mean-spirited and hard-hearted. Likewise scatter-brained, thoughtless, careless and impulsive individuals refuse to think about what they are letting themselves and others in for. And considerations such as these apply to the results both of single acts and of actions according to rules. It is the former that we shall now examine in more detail.

2. The Importance of the Consequences of Individual Actions

The specific difference of act-consequentialism is that it holds that the single action, and each single action, must be judged by an estimation of

its likely consequences in promoting or hindering a given goal or end, or set of goals and ends.[2] No sane and responsible conduct can neglect such considerations. Nowhere in life can we act solely by laws and rules. Not only are there always exceptions, but the very application of any rule or law requires at least a glance at the likely consequences of the individual action to be taken in order to fulfil and execute the intention to follow the relevant rule or law. For example, a responsible doctor does not automatically prescribe the same medicine or other treatment for every case of a given illness or injury, for he must be open to the possibility that there may be complications such that the usual treatment will be ineffective or do more harm or good. To do his duty by his patients he must be ready to vary his prescription in detail in order to achieve the same goal, that of curing or, at least, alleviating the illness or injury suffered by his patient. As Emerson said, "A petty consistency is the hobgoblin of little minds." And not only petty consistencies: a general, like Robert Nivelle in 1917, whose strategy and tactics are always to attack, will soon be defeated by those who appreciate the maxim of wiser Frenchmen, that at times it is necessary *reculer pour mieux sauter*. Always to do the same *specific* thing will, sooner or later, entail not doing the same *generic* thing, and always to do the latter requires readiness not to continue to do the former. This not only applies to actions specifically performed in order to achieve something beyond themselves, but also to those whose purpose lies in themselves: I am not being a good and generous neighbour if I give a bottle of whisky to the alcoholic next door who implores me for one. As mentioned above, even in a system of laws and rules, the individual action may have consequences that require that it should not be performed, as when, contrary to Kant's and Aquinas' opinions, to give a truthful answer to the question posed by an intending murderer about the whereabouts of his target, would result in aiding and abetting the crime.[3] The likely consequences of the single action are always a consideration that may need to be borne in mind when possible.

3. The Limits to Considering the Consequences of Single Actions

But can they be the *only* relevant considerations as maintained by act-consequentialists? Can act-consequentialism be practised or does it condemn itself *in its own terms* by proving futile or counter-productive? As a partial truth it is incontestable, but can it be the whole truth? These

are the central questions to be asked next about it, and any others are irrelevant or concern only minor details.

We can dismiss, on two grounds, the argument that it is impracticable because we cannot foresee all the effects of our actions, because: (a) estimations of the effects of at least some of our actions are required generally by any responsible moral system, as we have seen; and (b) the degrees of remoteness and of difficulty of estimation can be reduced by the rational and morally responsible choice of more determinate, proximate and practicable goals, such as the well-being of oneself, one's dependants and those with whom one comes into contact, instead of indeterminate, distant and impractical goals such as the greatest good of the greatest number, as in fact Mill proposed.[4] Common sense and not abstract system-building is what we need in life and therefore in moral theory.

Nevertheless, act-consequentialism has fatal flaws: to live by it is logically impossible, and, even when modified, it is practically impossible for most of the time when people have to co-operate with each other.

(1) Like Kant's ethics and situation ethics, act-consequentialism requires each single act to be assessed, and this is logically impossible. For to stop and consider the consequences of an intended or possible action or whether it conforms to the Categorical Imperative, is itself an action. Therefore the agent must stop and consider the consequences of stopping to consider the consequences of the action in question or whether it conforms to the Categorical Imperative. But to do that is again an action whose consequences, etc., have to be considered before its performance, and so on *ad infinitum*. Therefore nothing could be begun, and if the performance of some other act were to be required along with and after that of every act, then, similarly, no act could ever be completed. It is a fallacy to assume that what can be done some of the time can be done all of the time, and so it is logically necessary that only *some* actions can be assessed in terms of their likely consequences, etc.

(2)The previous point is not a merely logical quibble, for it has practical applications, namely, those situations in which we have insufficient time to consider the likely consequences of any action, or whether its maxim could be a universal law, or really is the loving thing to do, etc. So, then, how can we recognise those occasions when we must consider the likely consequences, from those when we need not? In particular, just what do we do in those situations in which there is no time to stop and think and so we must act immediately or not at all? The answer is that we can learn to grasp their salient features in a global apprehension and immediately select what we think will be the best course of action to take. A batsman facing a

fast bowler has less than half a second to select the best stroke to cope with the ball and the field. Through practice he acquires a repertoire of strokes and the skill to adjust them so that he can choose, adjust and execute the appropriate one unreflectively and instantly. In life generally, we learn to recognise recurring patterns of events and what we can and cannot do about them, so that, when there is no time to stop and think, we can often make an immediate judgment about what is likely to be the best thing to do. Practical knowledge and judgment consist of essentially tacit powers to recognise familiar situations, to acquire tacit repertoires of appropriate actions, and quickly and even immediately to select from the latter what is likely to be most appropriate to the former when we meet an example of it. And this practical knowledge therefore also includes the ability to recognise the exceptional and the urgent. We can tacitly apprehend that something is different or that something must done immediately. For we take the normal for granted because of its familiarity and consequently what is abnormal tends to stand out and strike our attention. We tacitly rely on the exceptional to announce itself, and could not do otherwise. None of this helps the consistent act-consequentialist, for it exhibits our continuing reliance upon regularities and patterns in things and events, so that we can act in rule-guided ways in relation to them. Nevertheless, anyone confronting a novel but urgent situation will have to respond more or less blindly, whatever action he takes, including that of doing nothing and so letting events take their course, and therefore not every action can be judged beforehand by its likely consequences. Conversely, if there is nothing to suggest that the situation is exceptional apart from giving no time for reflection, in default of anything else we can responsibly do only what *in general* is likely to result in taking these *types* of action in situations of this *pattern*. With experience, practice and luck, we may be able to make some tacit adjustments as we proceed, but, in novel and urgent situations, we cannot know beforehand just what is the precise course to take. Hence we shall have to act in accordance with a the usual rule and not according to the prescriptions of act-consequentialism. It is notable that so ardent an advocate of act-consequentialism as Smart concedes this need for rule-guided conduct for much of the time.[5] True, he takes rules to be rough guides and rules of thumb, but nevertheless they are rules and ones, as he says, normally to be followed when there is to time to estimate consequences or it is counter-productive to do so. Yet he regards this as being consistent with his position, rather than its refutation, and much of his argument consists of railing against the "law worship" of rule-utilitarians who do not allow any exceptions. It is clear that what Smart

wants, and all that he can logically argue for, is a readiness to recognise exceptions, but who does not do this in one way or another? Only Kant, perhaps. Even the Pharisees, rigid in their adherence to often petty laws, allowed a shepherd to rescue a sheep on the Sabbath as an exception to the law prohibiting work on that day.[6]

(3) If a consistent act-consequentialism were logically possible, then it would thereby make it an absolutely universal and exceptionless rule or law that we should always act according to estimates of the consequences of the actions open to us. Far from being the antithesis of law-guided action, it would be its apotheosis, once more equal to Kant's system, in which likewise there is only one law, to perform only those actions the maxims of which conform to the Categorical Imperative. Again, Smart recognises this dialectical inversion of total act-consequentialism into the acknowledgment of but one, exceptionless law, and the parallel with Kant.[7] But because act-consequentialism is impossible, as Smart implicitly concedes, its prime role is to deal, not with the normal, usual and routine, but with the exceptional, and then often only in part, as when we realise that a normal course of action would result in the breach of a more important rule or law.

(4) We require rule-consequentialism not only in urgent situations but in the whole of life. For no estimation of what is likely to happen, and no thinking at all, is possible without the recognition of things and events as being instances of given types and as exhibiting recurring patterns. Only by learning that A is usually followed by B, can we surmise, and not blindly guess or assume, that by doing A_1 we may be able to bring about B_1. This does not mean that we cannot apprehend what is unique or what cannot be assimilated to our existing categories and classifications, and that we cannot, necessarily tacitly, adapt the latter to the former. But a knowledge of causal relations among pure singularities would necessarily be of use only once in each case, and would give no guide to the future. Even when I do A for the first time, see that B follows, and surmise that B will follow upon my next performance of A, I act on a general presupposition that like will tend to follow like, without which it would be impossible to gain any grasp of events in the world. Hence only as I act in similar ways in similar situations, shall I acquire an awareness of more or less dependable causal sequences in the light of which I can estimate that if I perform acts of type A in situations of type B, then events of type C will follow. It follows that I can act as the act-consequentialist would have me do—by estimating the individual results of this individual action—only insofar as I have previously acted in a consistent, and therefore rule-guided, manner, according to *types* of situation and actions and *patterns* of results. Far

from rule-consequentialism collapsing into act-consequentialism, as is usually argued by opponents of the latter, act-consequentialism is logically and practically dependent upon the former. As argued above, the importance of taking into account the consequences of individual acts, in a large part, derives from the role played by rules and laws in our lives, and the need properly to adapt to varying situations the ways by which they are fulfilled.

(5) Furthermore, act-consequentialism and other forms of situationism are parasitic upon the observance by others of an ethics of specific roles and their duties. Human co-existence and co-operation can go only a short way and achieve only a little unless the participants can rely on others to act in regular ways and, in particular, to do as they have agreed to do. A daily and weekly routine enables everyone to know in advance what he is expected to do and can rely on others to do, and when and in what ways he can please himself. The more complex life becomes, the more this is necessary, and the more each can rely on others, the more diverse can be the life that all may lead. The division of labour is not just an economic principle in the narrow sense. Indeed, as the derivation of "economy" shows, it is the more or less spontaneous falling into differentiated roles and routines among the members of a household that is the paradigm of co-operation for mutual benefit. But a situationist or act-consequentialist who really acted as he professed to believe, would not be bound by any such considerations. That, by an explicit or tacit agreement, he was always to do one job and the others theirs, would have no binding effect. Each day he would work out anew what, in view of the consequences of the courses of action open to him, would be the best thing for him to do. In his calculations he would assume that the others would follow the agreed routine, and, indeed, without that assumption there would be little that he could calculate: compare driving on the public highway when it is busy with driving a dodgem car at a fun-fair. The consistent situationist or act-consequentialist would therefore trade upon the fact that others will continue to conduct themselves according to routines, roles, rules and laws which he himself does not observe. "Materially," even if not "formally," he would be in the same position as the "elect," "pneumatics," "superior souls" and "supermen" *vis-à-vis* the damned, "psychics," inferior beings or "herd." But to the extent that the act-consequentialist acted in that way, the others would not be able to count upon him, and the whole arrangement for co-operation would at least partially break down, as it does with those who are scatterbrained, temperamental and inconsistent. If most of us, let alone all, were to be situationists or act-consequentialists,

then none of us could be. Exceptions presuppose rules: a "psychic" bid in bridge or a *ruse de guerre* is logically possible only if there are accepted rules for bidding and conducting military operations; and the more such exceptions are practised, the less they are effective. Effective action with and among others is possible only if each knows for the most part what the others are likely to do. Hence we all must usually act in routine and predictable ways, and therefore be guided by rules.

In summary, it is important, responsible and obligatory in a variety of situations, as outlined above, to decide what to do by an estimate of the likely consequences of each course of action, including inaction, open to the agent there and then. But to do so presupposes, in more ways than one, that we primarily conduct our lives according to routines, roles, rules and laws. It is both logically impossible in that way always to decide what to do, and practically impossible to do so for most of the time. Act-consequentialism, if it could be consistently acted upon, would soon prove to be impracticable, and so it refutes itself. Action primarily according to rules and laws is not immediately incoherent and certainly is more practicable in respect of the consequences of so doing. But are rules and laws themselves to be evaluated and adopted solely in respect of the consequences the beneficial consequences of acting according to them, and therefore is rule-consequentialism a sufficient account of them? To those questions we now turn.

Additional Notes

1. The Categorical Imperative and an Infinite Regress

It may be objected that Kant's requirement that each act be tested against the Categorical Imperative need not always lead to an infinite regress because once the agent has tested a proposed action against the Categorical Imperative, then he can be assured that all actions of that type are ones that either he should perform or ones from which he should abstain. In this way he can build up, or be taught, a body of case law which will enable him to make at least some immediate judgments by recognising straightaway the *type* of situation and the *types* of action possible within it and so to discern what he should and should not do on an increasing number of occasions. That is true, but when the agent has to act blindly

whatever he does, he cannot tell if his actual choice is universalisable or not. Neither can he act upon the universalisable maxim of "Always choose whatever you think to be the best course of action," for he has, *ex hypothesi*, no such option.

2. Exceptions to Technical and Non-Technical Rules

Act-consequentialists assimilate all rules to those of technique. Therefore they assimilate exceptions to rules to exceptions to rules of technique, that is, to cases where a harmful result is brought about instead of a beneficial one, and following the rule is right or wrong only as the results in each case are good or bad. But consider Aquinas' and Kant's example, or, rather, the case which they refused to admit to be an exception. There telling the truth to the intending murderer would result in aiding and abetting him in his intention to murder. The observance of one non-technical rule, always to tell the truth (but there is no such duty, only ones not to lie and not to remain silent when harm would result and when asked a reasonable question, unless one has a prior duty of confidentiality not to divulge the truth to anyone or to the particular questioner), would result in the breach of another and more important non-technical rule, never to murder or abet murder. To avoid the latter, it is necessary not to tell the truth, and, if one suspects that silence will not prevent the intending murderer from finding his victim and if one were to have no chance of overpowering and disarming him, it would be necessary to lie, and to lie convincingly, in order to send him elsewhere. This, to the plain man, is the obvious thing to do when it is necessary to breach one moral law in order to avoid breaching a higher one. Here the rules are right in themselves, and exceptions occur only when more important ones will be breached. Hence it may be possible to formulate further rules, such as choice of the lesser (or least) evil, to cover some such cases.

Notes

1. Mt 25: 14-30, Lk 19: 12-27.
2. A forthright argument for act-consequentialism has been given by J. J. C. Smart in his "An outline of a system of utilitarian ethics." See also his "Extreme and restricted utilitarianism." But Smart spends much of his time railing against

rule-consequentialism and fails equally to do justice to it and to the truth in his own act-consequentialism. We shall find similar failings in Joseph Fletcher's *Situation Ethics*—see below, Ch. Five, §2.

Three useful collections of articles defending and criticising both act and rule consequentialism are: Hooker, B., Mason, E., and Miller, D. E., (eds) *Morality, Rules and Consequences*; Pettit, P., (ed) *Consequentialism*; and Scheffler, S., (ed) *Consequentialism and Its Critics*.

3. Kant, "On a supposed right to lie from altruistic motives," ("Ueber ein vermeintes Recht aus Menschenesliebe zu luegen"). All references to Kant's other works will be given as follows:

   CPR = *Critique of Pure Reason*, with page numbers for both the first and second editions;

   CPPR = *Critique of Pure Practical Reason*, with page numbers for that of the Royal Prussian Academy;

   G = *Grundlegung zur Metaphysik der Sitten*, with page numbers for the second edition and, in brackets, for that of the Royal Prussian Academy.

   MM = *Metaphysik der Sitten*, with page numbers for the translation by Mary Gregor and, in brackets, for the edition of the Royal Prussian Academy.

   Curiously, Aquinas (ST IIa-IIae, 109, 110) agrees with Kant on lying, but otherwise he allows exceptions when higher laws would be broken, e.g. allowing that a man may steal to feed his starving dependants if no other course is open to him (ST IIa-IIae, 66,7), while Hume, a consequentialist of whole bodies of law, is a rigorist on this (*Treatise*, II 2) and presumably on all other such matters.
4. *Utilitarianism*, Ch. 2.
5. "Outline," 42-5, where he also concedes the disutility of calculating the effects of expressions of warm emotions (they would then appear "unnatural" and so have the opposite effect), and quotes G. E. Moore (*Principia Ethica* 162) who said that, according to act-consequentialism, one should never act upon it. But that goes too far the other way.
6. Mt 12:11.
7. "Outline," 11-2.

Chapter Three

Consequences of Types of Action

1. The Importance of the Consequences of Types of Action

It is important that there be rules and laws in human life for the consequentialist reasons to be listed below, and that the consequences of following them be assessed and that they be repealed, amended and supplemented accordingly. The following points summarise and expand those made in the previous chapter about the need for rules and laws in respect of estimating the consequences of single actions. These are the valid elements in rule-consequentialism, some of which may perhaps be undervalued by its partisans.

(1) It is possible to estimate the consequences of individual actions only in the context of actions performed according to rules formed by induction from what has been found generally to happen. In particular, a system of rules and laws enables people going about their daily business, and especially the participants in a co-operative enterprise, more economically to co-ordinate their individual actions for their mutual benefit, especially in the form of roles, functions and routines.

(2) Many aspects of individual and social life, neither obligatory nor prohibited in themselves, are responsibly to be decided largely in terms of their effectiveness, uselessness or counter-productivity for promoting the relevant purposes, and this may require that a rule is followed: for example, to keep fit by undertaking some exercise every day, and to conduct a joint enterprise more effectively by allotting specific and recurrent duties and responsibilities to each member of a group. The latter also reduces the demands upon whomsoever is in charge of an organisation, for he does not need to make all the decisions.[1] It follows that the rules, regulations and institutions established for such purposes are not held to be sacrosanct, and it is a serious error to make them sacred cows and shibboleths, uncriticisable and immune to any reform, as if they had been delivered on tablets of stone. For what matters is their results, their comparative benefits and costs, and that is what they are to be judged by.

In some cases the point is simply that there be a rule, as on which side of the road to drive, rather than what it specifically enjoins.

(3) Similarly, to enable people to fulfil more effectively the duties incumbent upon them, such as taking reasonable steps not to harm the persons and property of others, a set of rules is often necessary, again as with traffic regulations to promote safety on the roads.

(4) General rules and laws may need to be executed in specific ways which must be chosen in terms of their effectiveness and efficiency for that function, or be qualified in specific ways. For example, promises can be made orally, by gesture and in writing. For many important and complex matters, the last is rightly preferred and so now it is a rule of custom and usage. Again, because of the importance of keeping promises, we need to bear in mind a supplementary rule not to make them rashly but to consider the consequences of having to keep them, so as not to commit ourselves to what we should have foreseen to be beyond our power or what we would later regret.

(5) As with individual actions, rules and laws are likely to have consequences that need to be taken into account, either as incurring costs and other disadvantages or promoting additional benefits: parents whose habit and implicit rule is to give their children whatever they ask for thereby produce spoilt children. On a larger scale, one great benefit of an education in classical economics is the disposition it inculcates to look for unintended consequences, especially those harmful ones which may outweigh the intended and beneficial results: price-control drives goods off the shelf; minimum wages decrease opportunities for employment; and a generous system of benefits encourages people to qualify for them, or not to disqualify themselves for them as by genuinely seeking employment or honestly admitting that they are again fit for work. Yet again, the road to Hell is not paved by good intentions but by spuriously good ones which have never considered the consequences.

(6) These last examples demonstrate that among the consequences to be considered are the effects of observance of an individual rule upon the observance of other rules, which can often frustrate the purposes to be promoted by them.[2] Another example is that detailed and constant monitoring of the departmental functions within an organisation, in order to ensure that they are effectively and efficiently performed, can prove counter-productive by diverting effort, time and resources away from those functions to the tasks of form-filling and box-ticking required by the monitoring. This has brought us to the "institutional consequentialism" of Hume and Hayek which focuses upon the importance of consideration of

the likely consequences of a whole body of laws, and hence of particular laws upon each other and especially the whole, and not just of each particular law by itself.

The likely consequences, for good and bad, of the following of a rule or law, or of the whole body of rules and laws, clearly need to be borne in mind, and in some cases, at least, are decisive.

2. The Limits of Evaluating Rules and Laws by their Consequences

We now turn to rule- and institutional-consequentialism and the claim that rules and laws, either singly or together, can and should be judged solely by their consequences, and thus be treated as rules of technique, for doing actions of type *A* in situations of type *B* in order to produce results of type *C*.

(1) A narrowly consequentialist attitude is liable to look for manifest benefits, and, if it sees none, to declare the rule, law, role or institution redundant. Some earnest reformers of the law wish to dispense with all the formalities of wigs and gowns, the use of "m'lud" and "m'learned friend," and the "dock" in criminal courts. But these formalities, these rules of dress, address and layout, do perform an important function, namely, to make it clear that serious business is in hand; that rights, property, liberty and even life are at stake; that the individual persons of the judge and the barristers are irrelevant; and that they are servants of the law and the court and colleagues in the task of administering justice. Generally rituals and formalities are what Collingwood called "magic," the practices that sustains the emotions needed for the activities of daily life.[3] Customs and usages that have grown up over the years may perhaps not be wholly suitable to current conditions, yet they may have functions and bring benefits of which even the practitioners may not be aware.[4]

(2) Not all rules are ones of technique. Games have two sorts of rule, as has been pointed by Searle.[5] A rule such as "second player plays low" in whist is a merely technical one, which prescribes what is usually the best thing to do in that position. But there are clear exceptions, such as when one has the ace of the suit, or the king if the ace has already been played, lest it be trumped the next time when that suit is led. But that each player follows suit, if he has a card of that suit, is not a technical rule but a "constitutive" one. It, with the other constitutive rules, *defines* what whist

is, and what the players must do to be playing that game. They are the rules to which the players commit themselves always to follow. Not to observe these rules is not to play the game, and to pretend to do so, when not doing so, is to *cheat* or to commit a foul. It is one thing to make a "psychic" bid in bridge, to deceive the opposition into thinking that one has a strong hand instead of a weak one, in order to inhibit them from confidently bidding their own hands and thus from reaching a sound high-level contract. In doing so, one also deceives one's partner, possibly with disastrous consequences if he has a good hand. But it is quite another to deceive the opposition, but not one's partner, by using an undeclared convention or by a system of secret signals. These are breaches of the constitutive rules. Even so, constitutive rules are themselves judged and amended in the light of their consequences for the enjoyment of playing the game. Hence in tournament bridge, uttering bids was replaced by silently pointing to symbols on a board in order to eliminate the private transfer of additional information to one's partner by tone of voice. So too in other activities: company law, since the introduction of limited liability, has been constantly amended in order the more effectively to balance the interests of directors, shareholders, customers and the general public. The constitutive rules of an activity prescribe what may, must, and must not be done within the conduct of that activity. Within them, the participants may adopt, change and abandon whatever strategies and policies they find to be effective or ineffective. But the constitutive rules are what they are obliged *always* to keep, so long as they are engaged in it and until those rules are supplemented, amended or revoked by mutual agreement or the competent authority.

(3) What holds the participants to the constitutive rules of a practice is something that cannot be included in the rules themselves: that is, that the participants bind themselves to observing the rules of the practice, and thus to keep this promise. A declaration of such a promise, such as the oaths of allegiance for MPs and judges, may be required, but such declarations themselves require in turn an essentially tacit resolution to keep them. The self-imposed obligation *always* to observe the rules and never to breach or flout them, and in turn to keep this implicit or explicit promise, cannot itself be a rule to be judged upon its consequences, for it is a precondition of *any* constitutive rule. Without it, constitutive rules become ones merely of technique, which no one is *obliged* to keep and which consequently cannot be broken. The manager of an investment fund does not break his code of practice and relevant commercial law if he does not track the market. On the contrary, he does his duty to his investors by

selling what others are buying if he has legitimate reasons to think that the market is about to peak, and vice-versa if he thinks it is about to recover. Conversely, he fails in his duty to investors generally, and now breaks the law, if he engages in "insider trading," that is, if he uses privileged knowledge of a company's intentions or impending reports to take an unfair advantage by buying or selling its shares in advance of the publication of the former.

(4) It is at this point that rule-consequentialism either transcends itself or collapses. Hayek recognised the necessity of this self-transcendence but seems not fully to have grasped its implications. He frequently quotes three passages from Hume on the necessity of observing the laws of justice on all occasions irrespective of the particular benefits of not doing so on some occasions and of the particular disadvantages of doing so on others:

> 'Tis certain that the whole plan or scheme is highly conducive, or indeed absolutely requisite, both to the support of society and the well-being of every individual.[6]

> The benefit [of justice and fidelity] is not the consequence of every individual single act; but arises from the whole scheme or system, concurred in by the whole, or the greater part of the society.[7]

> It is sufficient, if the whole plan or scheme [of the laws of property] be necessary to the support of civil society, and if the balance of good, in the main, do thereby preponderate much above that of evil.[8]

Again, Hayek frequently quotes and endorses Hume's contention that the foundations of freedom, peace and prosperity in society are "the three fundamental laws of nature, *that of the stability of possession, of transference by consent, and of the performance of promises*."[9] But Hayek also says, and rightly, that these great goods of freedom, peace and prosperity are the largely unintended and unknown results of observing the rules of justice as an ultimate value,[10] upon *all* occasions irrespective of the particular consequences, and therefore "not as means but as ultimate values, indeed as the only values common to all and distinct from the particular ends of the individuals."[11]

Whether they are the only common values may be doubted, but what is indubitable is that the rules of justice, to bear the fruits of freedom, peace

and prosperity, must be observed in and for themselves, as *categorical* laws and irrespective of their particular consequences, and not for the sake of their results. For the duty to observe any particular rule or regulation because it is generally beneficial to do so, itself logically rests upon a *categorical* law that all such rules and regulations are to be observed. For example, the duty to keep one's promises is essentially implicit, because it is a matter of each person's attitudes and commitments: as noted above, formal and explicit oaths can be required, but they are merely the explicit acts which can themselves be duplicitously performed. Likewise every version of act-consequentialism presupposes something beyond itself, namely, the one categorical law to do on every occasion whatever will best promote the given end or ends.

In modern complex and highly regulated societies, most statute law consists of rules and regulations whose contents are not good or bad in themselves, but are convenient for the general good, or held to be so. Hence one does not do anything morally wrong in itself when one drives over the speed limit or does not complete a tax-return by the due date. But observance of such regulations logically presupposes a spirit of law-abidingness among the public, a belief that it is one's duty to comply with constitutionally enacted regulations even when they seem pointless or perverse. Freedom, peace and prosperity are diminished and eventually lost as that spirit of law-abidingness weakens. The same applies to unwritten customs: the rules of polite conduct, the codes of good manners, vary over time and place and are often of little importance in themselves. But one soon notices the difference between those who observe a code and those who do not and thus the contribution that politeness makes to the quality of life with others. And what underlies rules and regulations cannot be a matter of rule and regulation. Underlying variable and local rules and regulations are unchanging and universal *laws*, especially those of justice and the keeping of promises, without which the former are of no effect at all.

Though this does not apply to Hayek himself, an unalloyed consequentialism of systems of laws would be, in effect, the view of a Nietzschean superman who decrees, or at least approves of, moral laws and their observance by the "herd" who believe that they have been delivered "on tablets of stone," whereas the superman knows either that he has arbitrarily decreed them or that they are in fact the herd's own invention, a fact of which the herd is conveniently ignorant. The *inherent* goodness and evil of what is, respectively, prescribed or proscribed by moral laws, would be known by the superman to be an illusion but he would regard it

as a very useful illusion because of the peace and prosperity that results from the herd's conviction that it is not an illusion. Hayek transcended his consequentialist leanings but not wholly so, and even Hume wondered if the moral scepticism entailed by his philosophical assumptions was really useful, but turned to backgammon and the writing of history instead of radically rethinking the empiricist and atomist philosophy that he had inherited and had in fact refuted by showing that it resulted in total scepticism even about the existence of the person thinking it.

It remains to be seen if, to enjoy the secular and genuine goods of peace and prosperity, we must first seek the kingdom of God and *then* shall have these other things added to us. But what is certain is that we can bring about the beneficial consequences of a general observance of moral laws, such as those of justice and fidelity, only by observing such laws primarily for their own sakes and not for the sake of the benefits which will accrue if we do so.[12]

In the previous chapter we saw how act-consequentialism requires rule-consequentialism in order to be able to calculate the results of interpersonal actions and thus to be effective. And in this chapter we have seen how rule-consequentialism requires that at least the fundamental moral laws of justice and fidelity, be observed for their own sakes in order for the benefits of observing them to accrue as a by-product. Consequentialism does seize upon certain important and necessary truths, but it necessarily transcends itself and requires the next higher level of an ethics of laws. Yet before we examine that, there are some general limitations of all consequentialisms that need to be explored.

Notes

1. See Plato's transition from the philosopher-king, of the *Republic*, who decides everything by individual decrees, to rule according to a system of laws, in the *Laws*, and note that in each case what matters are the results, the general good of the *polis* and its inhabitants. Compare Hayek's arguments from ignorance against "particularist" or act-consequentialism: *Studies in Philosophy, Politics and Economics*, Chs. 1 and 2, 89; *New Studies in Philosophy, Politics and Economics*, Ch. 2, 87-8; *The Constitution of Liberty*, 29; *Law, Legislation and Liberty*, vol. 2, 39. When using these arguments, Hayek implies that, if we could be omniscient and foresee all the consequences of our actions, then the

moral laws of justice and fidelity, and the virtues of observing them, would be otiose. But contrast this with what follows below on his conclusion that we have to observe them for their own sakes in order to reap the benefits of observing them.

2. See the references to Hayek in n. 1 above, and, for a summary of Hayek's arguments, my *Beyond Liberalism*, Ch. 7.
3. *The Principles of Art*, Ch. IV.
4. On the participants' ignorance of the effects of their rules, see Hayek, *The Fatal Conceit*, 13-4, 23, and M. Gluckman, *Politics, Law and Ritual in Tribal Societies*, especially 59, for particular examples.
5. *Speech Acts* (London, CUP, 1969), 33-4.
6. *Treatise of Human Nature*, 497; cf. 579. This and the other two are quoted at greatest length in *The Constitution of Liberty*, 454-5, n.18.
7. *Enquiries Concerning Human Understanding and the Principles of Morals*, App. III, 304.
8. ibid. 305.
9. *Treatise*, 526.
10. *Law, Legislation and Liberty*, vol. I, 110-1.
11. ibid., vol. II, 17; cf. *The Constitution of Liberty*, 67.
12. Compare the implicit transformation of motive and of the idea of happiness in Socrates' argument against Cratylus in the *Republic*: see below, Ch. Twelve §4. This raises fundamental questions about the relation of the good man and the good for man: see below Ch. Eleven §4 on eudaimonism.

Chapter Four

The Limits and Errors of All Forms of Consequentialism

Consequentialism generally is attractive to persons who pride themselves on being practical and upon having a hard-headed and no-nonsense attitude towards life. Consequences and usefulness are facts that can be observed unlike airy notions such as values or unobservables such as intentions. But consequentialism proves to be insufficient, impracticable and disutile: on its own terms, it condemns itself. As we have seen, act-consequentialism is incoherent and transcends itself into rule-consequentialism, which in turn transcends itself into the consequentialism of whole bodies of rules, and, finally, the last transcends itself into that which is beyond mere rules.

Yet there are further errors of consequentialism, those which apply to it generally and thus to all its variations. It will be worthwhile to examine them, for we shall find in those errors clues to further truths.

(1) All forms of consequentialism obviously require something beyond consequences, an end or ends with reference to which consequences are to be evaluated. The problem is that consequentialism is indifferent as to the ends which it is to serve: it is like a computer ready to have applications loaded or a bureaucracy ready and waiting to do whatever its political masters require. By regarding all actions as means to their consequences, consequentialism makes its prescriptions merely a means to an essentially external end. At this point consequentialists usually fall back on something "obvious" and "factual" such as pleasure or happiness, "what most people want," an unspecified "greatest good," or something which they claim simply to "see" to be valuable, as, for example, G. E. Moore with respect to friendship and aesthetic contemplation. At the most, consequentialism could show that, generally or in particular cases, certain courses of action are bound or likely to fail, and thus should be ruled out from consideration.[1] But this is a merely negative criterion, and so consequentialism has again the same fault as Kant's ethics, against which it has often been posed as the direct opposite. It can rule out some courses

of action as impracticable, but it cannot say anything positive about what we are to aim at, just as Kant's formalism can tell us only what cannot fit the form of the Categorical Imperative. Both require an axiology, a doctrine of value or valuable ends, which neither can supply.

(2) In addition consequentialism faces the difficulties posed by Hayek's important distinction between "monotelic" and "polytelic" utility, that is, between means useful in relation only to one end or purpose and means useful in relation to many, such as money.[2] Historic utilitarianism was *prima facie* attractive precisely because it was monotelic in having but one end, pleasure, and therefore appeared feasible. But a polytelic consequentialism, though truer to the facts of life in which we have many ends and purposes, faces the problem of having to weigh its ends against each other. How can that be done within a consequentialist framework? One way of solving that problem appears to be cost-benefit analysis: set out all the benefits and costs of a particular course of action, and choose that which gives the most for least. But that is to reduce them all to one end, such as the polytelic means of money, and to assume that they can all be priced and priced with some degree of precision, for only what is numerable can be computed. Thus the former step denies the problem, and the latter is false, and so the practitioners of cost-benefit analysis have to assign arbitrary monetary values to everything that really matters. Hence cost-benefit analysis provides no solution to the problem of comparing different ends apart from their costs. For example, the achievement of one goal may be thought to be preferable to that of another despite the greater cost of the former, but consequentialism can say nothing about this, except on those occasions when monetary or other calculable considerations are paramount. Hedonistic consequentialism, by reducing everything to pleasure and pain, appears to have solved the problem, but, as will be seen in (3) below, pleasure is not a uniform experience for it takes its whole character from the activities which it is pleasure *in*. It may be replied that we all have to face these problems of weighing ends and purposes against each other, as well as their own obvious benefits and costs. That is true, but within wider perspectives these problems can at least be reduced in number and gravity. Within a system of laws, for example, some means may be ruled out from the start as inherently immoral, and some actions may be required despite their undesirable consequences on occasions. The general point is that any polytelic consequentialism will be forced to reduce itself to a monotelic one as much as it can, because that is the *only* solution it can provide for these problems.

(3) Consequentialism regards actions solely as means to ends beyond themselves, and means are usually substitutable and disposable: I can go to London by train, bus or my own car; and having arrived, I do not need that particular train or that particular bus again, and I could possibly sell my car and buy another or return by bus or train. But this is a seriously insufficient account of action. Consider taking exercise in order to keep fit. Though I do not have to perform any given mode of exercise, such as running or press-ups, I cannot keep fit except by physical exercise. I cannot substitute anything else for it nor cease to engage in it if I wish to keep fit. Therefore it is not merely instrumental but what elsewhere I have called "foundational," a necessary, unsubstitutable and permanently required means.[3] Moreover, the foundational shades into the "ingredient," that which is an essential part of the whole and not a only support of it. For example, some people walk, not to keep fit or not primarily to do so, but because they enjoy it. On the above model of action, that enjoyment must be a result separable from the walking, as pleasure was for Bentham and the Associationist psychology which he took for granted and in which states and acts of mind have only causes and effects and never objects.[4] Hence the pleasure of walking can be only a set of sensations caused by and so occurring after the act of walking, or at least after each step. But in reality the pleasure is the pleasure of *walking*, different in kind from other pleasures, obtainable only *by* walking, *when* walking and *in* the walking. Riding is both even more useful for keeping fit—it reveals muscles one never knew one had—and also even more pleasurable, in kind as well as amount. Here action is certainly more than instrumental and even foundational for it is "ingredient," an essential character within the whole experience.[5] It is what MacIntyre distinguished as an "internal" good in contrast to "external" goods.[6] He gives the example of a child who is persuaded to learn to play chess, in which he is not interested, by being given sweets, which he does like, to play and more sweets when he wins. The sweets are, for him, an external good to be attained by the playing of chess. That means that he has no reason not to cheat and every reason to cheat. But the hope is that there will be a transformation of motive and desire so that the child comes to enjoy playing chess itself, an "internal" good, and that irrespective of any "external good," such as companionship, which may also be enjoyed. Indeed, the enjoyment of playing chess itself is also a self-transformation, away from what the player wants simply for himself and to an appreciation of excellence in chess whoever displays it. Of course, a chess player plays to win, and there is little enjoyment in playing against opponents who aren't eager to win or

are too easy to beat. But the love of chess includes respect for and admiration of the skill of the opponent when he wins, just as it is still the case that the players and spectators at cricket matches will applaud the performances and achievements of the other side. It follows that consequentialism, valuing actions in terms of their external results, cannot allow for actions which are their own goal, in which we engage for their own sakes, and which provide, or rather, *are* "internal" goods. Practising playing the piano it can appraise as effective in learning to play the piano well, but playing the piano, because it is an action, can have value only as an effective means to something distinct from it. It too can be good or bad in respect only of *its* effects, and so on without end, in both its senses of "goal" and "termination."

Consequentialism therefore requires that the ultimate effects by which actions are to be appraised are *mere* effects, events which involve no activity on the part of the persons affected, just like the "impressions" upon a blank tablet in the Associationist model of the mind. Consequentialism has a glimmer of plausibility only within such a psychology. Listening to someone playing the piano would have to involve no action at all on the part of the audience, otherwise that in turn could be good or bad only it terms of *its* effects. Therefore it would not have to involve paying attention to the music, carrying forward what has already been heard into the hearing of what is now been played, or recognising the changes of tone, tempo and expression. But a passive and inattentive audience is no audience, and the playing of the piano would have no effects upon it, and so could never be good or bad. Again, archaeologists dig trenches in order to build up a yet more comprehensive picture of the human past from what they find in them. But that entails a series of further actions such as publishing records of the results in *Antiquity* and displaying some items which they have recovered on site or in museums for both fellow specialists and the general public to read, see, understand and appreciate. And reading, seeing, understanding and appreciating are themselves things which we *do*, and so they could have value only in bringing about certain effects in turn and could not be the ultimate reasons for the work of archaeologists. Yet again, consider Moore's ideal consequentialism, according to which it is their effects in terms of promoting or impairing friendship and aesthetic contemplation that makes actions good or bad. But friendship and aesthetic contemplation are themselves activities in which we engage. Even when two friends silently enjoy each other's company, they are not doing nothing at all but are aware of the presence of each other. And so either

the actions constitutive of friendship and aesthetic contemplation are to be judged good or bad in terms of their effects, and so on *ad infinitum*, or some actions are good or bad in themselves and not solely in terms of their effects. Consequentialism of all stripes therefore refutes itself by generating this infinite progress that can find no goal by which to judge the effects of human actions upon how we live. Not only does it require a set of values and goals external to itself, but it is logically incompatible with any set that includes actions, as distinct from automatic reflexes and physiological processes. Only a few actions, such as the suicide of someone who is entirely isolated from everyone else and who would never have come into contact with them, or perhaps the digging of trenches and then doing nothing with them or with what is excavated from them, could escape this infinite progress and thus the impossibility of any purely consequentialist assessment of human action. In the latter case, it seems that only pointless actions would avoid the infinite progress. Nor would the infinite progress be avoided by a cosmic consequentialism in which the value and purpose which human actions are to serve lies outside humanity and human well-being altogether, as if, in one of the old compacted cosmologies, our sole function and duty were to be the service of the gods. For the whole point of being their slaves would be to maintain and enrich their lives, their patterns of activity. In such a case, either their actions would have some inherent value—and if so, why not ours?—or again be of value only because of their consequences. The only other possible end of human action would again be the realisation and maintenance of some completely impersonal state of affairs, but where would be the point in that? It is strange that, not only have no advocates of consequentialism seen this fatal flaw in their systems, but that, to the best of my knowledge, neither have any of its critics.

(4) Coupled with its implicit identification of all goods as external ones, the plausibility of consequentialism also rests upon ambiguities regarding the corresponding internal and external success and results of actions. Though the skill of the bricklayer and the ballet dancer are each the result of their training, of practising their craft or art in order to be able to perform it well, the success and intended result of bricklaying is a wall or a whole building, a consequence distinct from the actions of the bricklayer who could possibly be replaced by a machine, whereas the success and intended result of dancing is primarily the performance of the ballet. Likewise the intended result of walking home from the pub is arriving home, but that of walking for pleasure is an enjoyable walk. Of course, actions can be performed with more than one intention: one can go walking

for both health and pleasure, and Salome danced in order to gain a favour from Herod. But consequentialism lacks any idea of "performer- and performance-value," of being good *at* or *as* something in contrast to being good *for* something else. Performers and performances of activities whose point lies beyond themselves, are obviously good *at* or good *as* bringing about that in which their point, end or purpose lies: a bricklayer is good *at* bricklaying insofar as he builds walls as specified, and thus he is a good man to employ *for* building walls. But a ballet dancer is good simply *at* dancing and *as* a ballet dancer.[7] And even bricklaying can be practised at least partly or even primarily for its own sake and as the enjoyable exercise of a skill, as by Churchill at Chartwell in the 1930s. For the consequentialist, dancing and dancers would have to have value only for something beyond themselves, say, producing pleasure in the dancers or the audience, a pleasure once again separable from the dancing itself, which could therefore equally be produced by some other means, just as Bentham regarded poetry and pushpin. Consequentialism once more transcends itself, and requires the next higher level of actions and their inherent values as performances of activities which have their point, meaning, end or purposes primarily in themselves. The failure to appreciate the ambiguities of "success" and "result" means that consequentialists ignore the distinction drawn between actions performed for the sake of something else and those performed for their own sakes, that is, for their own inherent value.[8]

(5) This distinction in turn suggests another, that between the "internal" and "external" results of an action, the former being the result of the successful performance of a particular action of a given type, and the latter being the further consequences of that individual act. Thus the internal result of the successful murder of the local crime-boss would be his death and its external results would be ones such as the sorrow of the victim's family and friends (if any), the relief (perhaps temporary) of those who have been robbed and beaten by him, and the installation of oneself in his place or as the local hero. But what the consequentialist must take "result" to mean is only the external results of the act, and likewise "success." The murderer would be successful only if he were to succeed in his *further* aims and these would be the results to be counted and weighed. Hence no act of murder, or of anything else, would ever be good or bad, right or wrong, in itself but only in respect of its "external" results. Even when a murder were committed for its own sake, out of revenge or sheer hatred, it would have to be assessed in terms of purported external results, such as sensations of pleasure at its accomplishment. Utilitarians and

consequentialists, from Bentham and Mill onwards, seem never to have faced this implication of their doctrine because they have never distinguished between the "internal" and the "external" consequences of an action, and thus they have tacitly assumed murder and other patently immoral actions to be always wrong because of their "internal" consequences, whereas they have explicitly judged everything else in terms of "external" consequences, yet without acknowledging this ambiguity.[9]

(6) At this point, we can conveniently examine a further logical flaw in consequentialism which will take us beyond even the ethics of laws: its inability to distinguish actions and their consequences, a distinction which is essential to it. Actions are defined by their intentions, and in three respects:

(a) Intentions distinguish actions from non-actions such as reflexes and random movements. Actions have a purpose and an aim. Even a "blind" and impulsive lashing out aims at hitting the other person or persons, and the first is clenched in order to inflict pain and damage. Its intention is to do just that and usually the punch will be aimed in a particular direction. Moreover, an action will be modified during its course according to its intention and to the changing situation or different perception of the situation, whereas reflexes and random movements show no such adaptation. Note that an "unintended" action is either no action at all or one that is not explicitly intended, as when a restless person suddenly stands up and wanders around, or when a driver skilfully negotiates his way along the road while thinking about something else and then suddenly realises what he has been doing.

(b) The specific intention defines and determines what sort of action it is. One man hands a bundle of twenty-pound notes to another. Only as we can discern his intention, what he intends or means to do, can we recognise what he is really doing: giving a present, paying for goods or services received or to be received, paying a bribe or blackmail, passing on one of the foregoing on behalf of another, or performing some other act. Conversely, each of these actions can be performed in other ways, as by paying with a cheque, "plastic," electronic transfer or in kind. Nevertheless, the actual intention will usually shape the action in a specific way: payment of a bribe or blackmail will be performed in surreptitious ways, and tone of voice will usually indicate if a present is given from genuine friendship or out of mere form. A donation to a charity made in full public gaze we may well suspect to be additionally, even primarily, intended to gain public credit for the donor as well as, or rather than, to

help the charity in its work. Hence from the details can normally be read the intention and thus the specific act, or combination of acts, that is being enacted.

(c) The intention defines and determines the particular action and only by grasping it can we distinguish it from others and when it begins and ends, and thus distinguish it and its consequences. With respect to the former, consider the following sequence: someone sitting in a chair in the lounge; then standing, going to the door, opening it, stepping into the hall, closing the door, putting on a coat, going to the front door, opening it, stepping out, closing and locking the door, walking to and around the park and back to the house, and performing the previous actions in the reverse order. How many actions have been performed and upon what basis do we distinguish them? One answer is that this sequence, from standing up to sitting down again, is all *one* action of going out for a walk and returning home, and that its governing intention of going out for a walk divides it, with sub-intentions, into its constituent phases. That answer is implied in saying of it that the person went out for a walk. Hence, in respect of the second distinction, the governing intention of "going out for a walk" marks off the whole action from both what precedes and follows it and also from its consequences, such as the walker getting wet when caught in a sudden shower and then catching a cold. If, as behaviourists pretend to do, we were merely to observe the physical movements, we would not be able to distinguish one action from another nor an action from its consequences: there would be only continuous streams of movements interspersed by periods of inactivity, which themselves could well be periods of non-physical activity such as silent prayer, fondly remembering a holiday or daydreaming. Again, consider how we distinguish someone who in temper intentionally swipes the crockery off the table (at least in American films) from one who, animatedly waving his arms about at the table, accidentally does so.

What place, then, can intentions have in a consequentialist evaluation of human action? The only part they can play is that of the causes, or of one set of the causes, of actions which in turn are the proximate causes of their consequences, the only objects of inherent and primary moral significance. Likewise with virtues, emotions and desires, and the whole "order of the heart," of which consequentialist accounts could be and have been given.[10] To some extent such an account is legitimate and is certainly often pragmatically necessary in order to bring home to people the good and the harm which appropriate and inappropriate intentions, traits of character and emotional and conative dispositions can respectively bring

about. For example, in technical work skill is not enough, and proficiency also depends upon bringing the right attitudes and emotions to the work, care and not carelessness, patience and not impatience.[11] Yet such an account is insufficient and misinterprets the relation between attitudes, emotions and intentions on the one hand and actions on the other. The former are not *causes* of the latter, nor in general is the relation between mind (better, person) and body one of causation. Rather, it is one of expression and execution. Our actions express and execute our attitudes, emotions and intentions, or, even better, *we* express and execute the former in and through the latter. Hence, in the case of the actions of others, we *read* the former as the meaning of the latter and do not *infer* the former from the latter in accordance with a posited causal link. The relation is internal and intimate and not external and disjoined. We are present in our actions, monitoring and adjusting them in the light of what we intend to do and of the circumstances in which we act. To the extent that we do not do this, but act absent-mindedly, distractedly or without bothering about what exactly we are doing, then we are not acting but making only certain movements and not paying attention to their effects. The intentions, attitudes and emotions of the agent are primary and his actions secondary because the former initiate, guide and terminate the latter and give the latter their whole character and meaning, or rather, the agent himself does this through the former. Consequentialism must again transcend itself and do so in two ways: it needs to overcome its adherence to inappropriate causal categories for understanding personal existence; and it needs to appreciate that it is the character and temperament of the person that really matter. This has already taken us beyond the next level of types of action and laws.

In summary, to judge actions solely by their consequences proves to be an incoherent and logically impossible means of assessing and guiding human conduct, without the next higher level of the assessment of the value of *some* types of actions in themselves, in terms of their "internal" results and only secondarily in terms of their "external" ones. Yes, the external or further results of actions do need to be taken into account, but that is possible only if actions can be good or bad in themselves. Therefore consequentialism refutes itself by being wholly impracticable: the consequences of trying consistently to live by it would be chaotic, wholly and self-frustrating, whatever ends we were to aim at, and those aims could themselves be only pointless ones devoid of human participation, such as digging trenches simply to have trenches dug and not for the purposes, say, of archaeology, or to supply water, electricity, gas, and telephone and

internet connections and thus to provide comforts and conveniences for their users. Moreover, on its own terms, the intentions, attitudes and emotions of the person as moral agent are more important even than his actions, since they are the sources and shapers, and not the merely external causes, of the latter. Consequentialism is not mistaken merely in the light of some other moral system but according to its own premises. Act-consequentialism is incoherent and impossible without rule-consequentialism; that is seriously defective without consideration of the effects of individual laws upon the whole body of rules; and together they cannot work without that which transcends all consequentialism, the acceptance that there are types of action which are essentially good and bad, obligatory or prohibited, and, as we have already seen, without yet greater importance being given to the intentions, character and temperament of the person. But before we move onto those themes, it will be more convenient to consider a parallel level of the individual situation and the exclusive "isms" that have been formed around it.

Notes

1. As G. E. Moore recognised, contrary to the usual assumption that he separated ethics entirely from metaphysics, metaphysics can guide action by showing us what (universally) is possible or impossible, *Principia Ethica*, 115-7.
2. *Law, Legislation and Liberty*, vol. 2, 18-22. See further my *Beyond Liberalism*, 120-2, and the rest of Ch. 7, and below, on Hayek's "polytelic" utilitarianism of whole bodies of laws and institutions. Compare Burke on utility, which "must be understood, not of partial or limited, but of general and public utility, connected in the same manner with, and devised directly from, our rational nature," *Tracts on the Popery Laws*, *Works*, vol. 9, 355. Much of politics is rightly concerned with utility as thus understood, the promotion of the general good, and primarily negatively by discouraging what is generally harmful.
3. *The Structure of Value*, 21.
4. See Bentham, *Introduction to The Principles of Morals and Legislation*, Ch. V, on his classification of pleasures only according to their causes. See also below, Ch. Eleven §1, on the error of assimilating pleasure, which has objects and not causes, to pain which is the experience of a distinctive felt quality and so does have causes and not objects.
5. *The Structure of Value*, 23-4.
6. *After Virtue*, 175-6.

7. *The Structure of Value*, 26-8. In activities which aim at a separate end-product, the latter has "product-value" as the more or less good product of what is, respectively, a more or less good performance and performer of that activity. See the whole of *The Structure of Value*, Ch. 3 on the categories of value, and Ch. 4 on activities proper, those whose point lies in themselves, as the foundations of values in setting the standards for good performances and performers of them, and for other things, including other activities and their products, as helpful, harmless or harmful to, or as ingredient in, their performers and performances. Value therefore arises only in the realms of life, intelligence and personhood, and the merely physical can have value and disvalue only in relation to them, as instrumental, foundational or ingredient for or in their activities.
8. On doing one thing, the "end," by doing another, the "means," in one course of action, see Collingwood, "Goodness, Right and Duty," NL 437-40. This is the schema of the bricklayer, who builds a wall by laying rows of bricks upon each other, but not of the ballerina whose actions *express* the choreographer's ideas and emotions and also her own in interpreting them (see *The Principles of Art*, Chs. I and VI).
9. Again see Bentham, *Introduction to The Principles of Morals and Legislation*, Ch. XVI where he classifies offences by their "internal effects," and thus by their inherent character and the intentions governing them, and not by their "external" effects.
10. E.g. Julia Driver, "The virtues and human nature." In Chs Seven-Nine, I shall briefly comment on consequentialist accounts of virtues, emotions and desires, and the *ordo amoris*.
11. On those needed by a mechanic for the proper performance of his work, see Robert Pirsig, *Zen and the Art of Motorcycle Maintenance*, especially Ch. 24.

Chapter Five

Individual Situations: Situation Ethics and Moral Particularism

1. The Importance of the Individual Situation

Act-consequentialism is a specific version of situationism or situation ethics, when the latter is understood to be the claim that all conduct must be determined solely with respect to each individual situation and not by the application of any principle, law or rule. We have already noted two reasons why it is important and responsible to consider the individual situation and, conversely, why it is irresponsible, careless, reckless and negligent not to do so. They are that the specific action in question must fit the particular situation so that we do in fact do what we propose to do, and that a possible consequence of a course of action, which in itself may be legitimate and perhaps obligatory, could result in something undesirable or definitely wrong or foreclose something more important. Examples of these are, respectively: choosing my words carefully to make sure that an important and complex message will be understood by the intended recipient; and making sure that I can afford a tempting offer in the sales lest I end up unable to pay bills that will soon be due. No responsible action can ignore the individual situation, its possibilities and its exigencies.

The general reason why the individual situation is important is that it determines what I may, should and should not do *here and now*. Whatever it may be good, right, obligatory, bad, wrong or impermissible for me to do in general and abstract terms, it is only the individual situation that I am in which tells me what courses of action are open to me here and now. Thus, I may have an important meeting to go to tomorrow and shall need to find time to prepare for it today, because all my time these last few days has been taken up with sorting out a sudden and serious problem that had to come first. In contrast, the day after tomorrow will be Saturday, and, with luck, there will be little that I shall have to do then and so I shall be able to please myself for much of the time. The situation at hand should determine what specifically is to be done or may be done there and then and how it is

effectively to be done. Only a fool, or an ideologist in politics, would think otherwise and pretend that one can go straight from a general principle, law or rule to a concrete action. As Edmund Burke said,

> Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind . . . . Is it because liberty in the abstract may be classed among the blessings of mankind, that I am seriously to felicitate a madman, who has escaped from the protecting restraint and wholesome darkness of his cell, on his restoration to enjoyment of light and liberty?[1]

This applies equally to every practical and moral principle. That consideration of the individual situation is necessary, is necessarily true, otherwise we would not know whether we are in fact doing what we intend to do. But that consideration of the individual situation is sufficient, without the application of general principles, laws or rules, is another matter altogether. That contention is "situationism," "situation ethics" or "moral particularism."

I propose briefly to examine now the central claims and arguments of three versions of situationism: "extreme situationism," statements of which are frequently made but of which I have not yet met any published statement; the modified situationism of Joseph Fletcher's *Situation Ethics*; and the more complex moral particularism of Jonathan Dancy's *Ethics without Principles*.

2. Extreme Situationism

By "extreme situationism" I mean the claim that laws, rules and principles have no place whatsoever in ethics. Apart from act-consequentialism, it is implied by the frequently made claim that each situation is unique and hence no laws can apply to it, an alternative version of which is the assertion that each situation is to be judged on its merits, themselves implied to be unique and unrepeatable.

If extreme situationism were true, we could neither recognise a situation for what it is nor know what to do in it. As we have seen in respect of the latter, act-consequentialism tacitly trades upon inductive knowledge of

causal regularities in order to be able to estimate the likely results of given actions in each situation. If nothing were ever the same or similar, then nothing could be predicted from what had previously occurred and what might be happening now. Consequently, we could never know, nor make reasonable estimates of, what is likely to happen, and action would be entirely and always blind and so not really action at all but random movement. Moreover before that, we could not even recognise a situation for what it is, because to do so requires discernment of at least some central features of it in general terms. For example, a doctor in the situation of being faced with a patient with an unfamiliar disease must at least recognise that here is *a* person with *something or other* physically wrong with him, otherwise he does not know that he is in *that* situation. If everything were unique, we would always experience everything for the first and only time and so would have no cognitive mastery of anything. Only when recurrences, regularities and patterns are noticed does knowledge, *re*cognition, emerge from confusion and meaninglessness. In lieu of our ordinary knowledge of recognised recurrences, we would have to be granted some sort of miraculous revelation. As Fletcher says of certain Gnostics who claimed to be free from law and to have extraordinary illumination, such persons would be anarchic, impromptu, unprincipled and intellectually irresponsible improvisers.[2]

Those who give utterance to these two contentions make three errors: (a) they confuse two meanings of "unique"; (b) they assume that if something is unique then it is unique in all respects; and (c) they ignore the question of relative importance.

As for (a), "uniqueness" has two meanings, namely, "accidental" and "essential" uniqueness. The former is a combination of repeatable attributes that has (so far) occurred only once, such as being the only red-haired, single woman, aged 30, in Coventry who is fluent in both Spanish and French Basque, Finnish and Hungarian. One version of such uniqueness is that of being the first to do or be something, as Capt. Webb from Dawley was the first man to swim the English Channel, or the only one to have done a certain thing to date, or to have done it in the shortest time. But it is logically possible that two or more persons could have tied for first place, and that other persons could also succeed in the attempt in future or to be yet faster at doing it. In contrast, essential uniqueness is logically unrepeatable. It has been frequently denied, at least implicitly, that there can be any such thing and that everything that can exist or happen is necessarily a complex of "universals" and so could be unique only as the sole co-instantiation of a given set of universals. As we shall

see in Chapter 9, justice presupposes that essential uniqueness is both possible and actual in the case of persons.

Thus (b), even if a situation has something essentially unique which can never be repeated, that does not mean that it is unique in every respect. In the case of accidental uniqueness that will be less likely. A bridge player faces the theoretical possibility of a large number of distributions of the cards among the four hands, and so it could take a long time for any one of them to recur. But most of the time players meet distributions within familiar ranges where they can use the standard techniques of bidding and playing with fair chances of success. (Computer-dealt hands do throw up the otherwise rare and extreme distributions, such as 10 of one suit and 3 of another, and voids in the other two.)

That also illustrates (c). For much of the time the exact location of every card does not matter. What always matters is the location of the higher cards and how many of a given suit a player has. So even if a distribution is unique, at least in the sense that a given player has not met it before, its unique feature or features may be irrelevant to how the hand should be bid and played. In every situation some features are more important than others, and some not important at all. What matters when we are catching the bus is that a bus for the relevant route arrives on time and not which particular vehicle it happens to be. Therefore any unique features of a situation will matter only if they are important.

The most important features of moral situations are those that define them and make them *moral* situations, and such features are mostly constituted by moral principles and laws, which clearly apply to and define similar situations for oneself and for others.[3] If my present situation is the duty to repay a debt, then that can be the case only because I have a general duty to repay debts. Likewise if I should here and now take my injured neighbour to the nearest hospital, that is my duty because we all have a general duty to help those who need our help. My particular circumstances can obviously affect the urgency or otherwise of performing this duty and how it should be performed, such that the debt is due next week and I do or do not already have all the necessary money, or that my neighbour is obviously in a bad way, there is no one else with a car available and an ambulance may take too long to come were I to phone for one. Conversely, my colleague's liking for garish ties does not place me in any moral situation unless some general duty arises, such as that of general beneficence which would bid me to warn him, tactfully, against

wearing one at an important meeting where it would make him look ridiculous in the sight of people whose opinions would matter.

Therefore the situationist, by focusing solely upon the individual situation, ignores the general situations which persons in similar circumstances find themselves or create for themselves: as creditors and debtors, buyers and sellers, parents and children, teachers and pupils, employers and employees, neighbours, fellow citizens, fellow men. Note that these are roles, "stations" or "offices," the last from the Latin for "duties," the duties of those who hold or fulfil them. Some, and the consequent duties and responsibilities, are circumscribed and relatively determinate, while others are open and indeterminate. The duty of any and every debtor is to repay his debt to his creditor. How and when he does that will be determined by his individual situation, which, in some cases, may coincide and conflict with another situation in which he finds himself in, such has having immediately to visit and take care of his widowed mother who has been severely injured. One of these duties, in that double situation, may have to give way to the other, at least for the moment. Nevertheless this individual situation and its conflicting duties is itself a combination of two general situations and their general duties. By appealing to such examples to show that only the individual situation matters, the situationist tacitly assumes that *anyone* placed in a *similar* one would be faced with a *similar* conflict of duties, as does Fletcher in his examples.[4]

Another familiar and connected expression of situationist claims is the assumption that the occurrence of exceptions shows that there is no rule or law, which, to be a rule or law must be followed on every conceivable occasion. On the contrary, exceptions presuppose a rule. If no rule of the road were observed, there would be no pattern in the movements of people and vehicles and hence no possibility of exceptions to it. Consider the rule against overtaking on the inside on a multi-laned road. Two regular exceptions, included within the rule itself, are overtaking trams where tramlines are in the centre of the road, and overtaking on the inside when all lanes are congested and the traffic on an inner lane is moving less slowly than that on the next outer lane. Irregular exceptions are ones for which there is no sub-rule but which may be permissible in an emergency or when conditions prevent observance of the rule, such as crossing a double white-line when the road is blocked. It is obviously important these days that the rule of the road is observed and also the regular exceptions, and that other exceptions are made only when necessary and then with care. Observance of the rule of the road is the default response to every

situation when driving: it is to be followed unless its explicit exceptions apply or when a breach of it is unavoidable.

In summary, situationism is correct in maintaining that consideration of the individual situation is needed in order to know what can, may or should be done there and then, and that unique, novel, irregular, abnormal, and freakish situations do occur and cannot be dealt with solely by laws, rules, regulations and standard techniques. But extreme situationism errs in denying that laws and rules have no role at all and even more so in denying that they have the primary role in defining situations and enabling us to recognise them for what they are. Hence it ignores the fact that there are general and similar situations in which all or similar persons may find themselves.

3. Fletcher's Modified Situationism

The above deals with thorough-going situationism. Fletcher's form of situationism is that of the expression of Christian love. It is at least a partly articulated expression of love in the form of "illuminators" and does not go straight from the injunction to love to the individual action in the individual situation. Hence, as will be seen, it approximates to some extent to the resulting scale of forms that is being constructed here. For that reason and because of its influence, it merits particular consideration.

He positions his situationism as the golden mean between "legalism" and "antinomianism." Under the latter he includes any denial of the place of laws in ethics, including the moral scepticism that arises from the total separation of "ought" from "is," which he himself later endorses and thus has to embrace the fideism of a blind and unreasoned leap of faith to the supreme value of Christian love.[5] More important for the present purpose is his use of "legalism." Ordinarily that term implies an abuse of law, regulations and rules, such as following the letter of the law, especially to one's own benefit, and not its spirit. Fletcher, however, means by "legalism" the assumptions that ethics requires a system of moral laws and nothing or little else, and that no law can admit of any exceptions. He is fond of quoting examples of bad casuistry in order to invalidate the whole practice and the moral laws which it seeks to apply. Yet he has to practise casuistry himself, as we shall see in a moment, and recognises "that law and order are good when they promote the best interests of love."[6] Indeed, it is difficult to pin down exactly what he is arguing. Perhaps, in the end,

there is only a verbal difference between Fletcher and those, such as Bishop K. E. Kirk, whom he criticises, often unfairly. For, apart from Kant, who has ever thought that laws have no exceptions and that they cannot conflict? Indeed, the very phrase "as a rule" implies that exceptions will occur.

I shall now give a brief summary of his exposition of the *method* that is situationism, with some even briefer remarks upon his own substantive Christian situationism in order to illustrate his application of that method.

Maxims, principles and general rules are not "directors" but "illuminators." That is, they are not hard-and-fast laws to be followed on every occasion but are to be used to understand the situations in which we find or land ourselves. Only love, *agapé*, or some other principle or law in other forms of situationism, is supreme and unconditional; no other universal principles can be deduced from it; and everything else is contingent and is valid only if it serves that one supreme principle. Classical casuistry wrongly sought to anticipate actual situations but situationism is a "neo-casuistry" which operates only with the concrete and present situation. Therefore it can accept the "internal consistency" of a principle with itself, its freedom from self-contradiction, but it rejects the "external consistency" of analogy, the rule that the same principle must apply in all similar cases, for that would be to harden it into an immutable law. On this, Fletcher quotes Edmond Cahn, "Every case is like every other case, and no two cases are alike." Therefore every supposed law is to be thrown aside if it conflicts with the one supreme principle.[7] In any case, all laws are rules of technique and thus rules of thumb, such as "second player plays low" in whist and bridge.[8] Fletcher thus appears to be an act-consequentialist. But, as already noted, he does allow a place for system of statute and presumably customary law, and so includes something of an institutional consequentialism of a whole body of laws.[9]

As for his specifically Christian situationism, Fletcher also rightly emphasises that Christian love is, in St Augustine's word, *diligere*, "careful" love and thus expresses itself as "prudence" in its proper meaning of the careful estimation of what one should do. He therefore, and rightly, rejects a mere conjunction of love and justice, though he errs in simply identifying them, for, on his own showing, love includes but also goes beyond justice, as in generosity and forgiveness.[10] Hence his ethics of Christian love is at least a partially articulated one, through virtues such as prudence and justice and then through principles and maxims as "illuminators" of concrete situations.

Nevertheless his ethics is an unbalanced one, because, reacting against some undoubtedly legalistic elements that have been present in Christian moral theology and other systems of ethics, he fails properly to do justice to the real place of law in any sane moral system and espouses, at least verbally, some elements of extreme situationism. The quotation from Cahn does not rule out the use of analogy, which does apply in so far as cases and situations are alike. Indeed, principles and maxims could not be "illuminators" unless there were similar situations whose similarity is encapsulated and made explicit by general concepts such as "debt," "debtor" and "creditor," and the moral rule or law that debts are to be repaid. If every case or situation were unique, and wholly unique, then nothing in any one could illuminate anything in any other. True every case may be different in some respects, but Fletcher appears fallaciously to assume that every case will be different in every respect or that every aspect is equally relevant. But that it is now Richard Roe and not John Doe who has to repay a debt, or that the sum is now £2,000 and not £20, do not *in and by themselves* make a relevant difference to the duty of either to repay what he owes. Indeed, for an *ad hominem* argument against Fletcher's specifically Christian situationism, one could point, as does Kirk, to the use of consistency and analogy in the Gospels themselves, especially of an *a fortiori* sort in the parables: what properly applies in worldly affairs applies even more so in the kingdom of heaven.[11] Indeed, Fletcher himself tacitly assumes that, *ceteris paribus*, what applies in one case applies in every similar one. He mentions the commandment 'be perfect even as your Father is" in the context of giving a merely "practicable" interpretation of it, but does not notice the use of analogy in it as in other sayings, that as God's love is universal in scope so too should be ours.[12] Again, in considering the love of oneself and the love of one's neighbour, he also gives a general rule for future application: "self-concern is obligated to cancel neighbour-good whenever *more* neighbour-good will be served through serving the self"; and he gives examples of it, just as any benighted "classical casuist" would.[13] This is not meant as cheap point-scoring against Fletcher but as an illustration of the impossibility of reasoning without general principles and of using them in giving general advice for guidance in future applications.[14]

Fletcher would no doubt reply that these are not hard and fast laws to be observed on all occasions. But that does not mean that even technical rules of thumb are not to be regarded as the default response in any similar situation. In the particular situation more important considerations may override my duty to keep a promise but it still has a claim upon me. For

much of the time, there is no problem as to what we should do, though there may be one in getting ourselves to do it. We live, and must live, largely by routines, habits and familiar roles and the regular duties that come with them. But for the out-and-out situationist life must be a never-ending series of crises and dilemmas with no pattern to it, and, as Fletcher said, thought and action would then be wholly improvised, random and anarchic. So too would they be if, for the most part, the ordinary principles of morality could not be applied in a largely straightforward manner for most of the time. Conflicts of duty that cannot be decided relatively easily according to other principles, such as that of the lesser evil, must be the exception. And any moral system that cannot be followed by the ordinary person in the ordinary course of life must be mistaken. Therefore any rational ethics requires a commonsense system of laws and their application.

Fletcher appears to oscillate between acceptance of this and extreme situationism as in his rejection of analogy, that is generalisation from one case to others similar to it. In that mood he thinks Kirk to have been in despair when he wrote:

> It seems that we have reached a point at which the whole ambitious structure of moral theology is revealed as a complete futility. Every man must decide for himself according to his own estimate of conditions and consequences; and no one can decide for him or impugn the decision to which he comes. Perhaps this is the end of the matter after all.[15]

To this Fletcher adds: "*This is precisely what this book* [i.e. *Situation Ethics*] *is intended to show*."[16] But Kirk is referring, not to all situations, but only to those in which the person concerned cannot work out which of the courses of action open to him is the lesser or least evil. In such a case, one can only make an arbitrary choice, including that of doing nothing, and hope that it is the right one. Of course, in one sense "every man must decide for himself according to his own estimate of conditions and consequences" because he has to decide the particular way in which his duty is to be performed here and now, such as the previously mentioned ways of repaying a debt. On the one hand, if Fletcher does mean what he says here, then he throws the whole burden of *every* decision in *every* situation upon the solitary individual who cannot hope for guidance from others, not even the guidance, in a *general* formula, about the changing priorities of self and others that Fletcher himself gives. On the other, if Fletcher does not mean quite what he says, then it seems that there is no,

or only a little, real difference between Fletcher's "illuminators" and the laws of which he is so critical. Note that Kirk takes a type of action to be wrong "in itself" only if it would be sinful to perform it in any circumstances, whereas, when it is the lesser or two evils it would be right and one's duty, and not wrong, to perform it though would still be an evil. And Kirk also considers a general priority of one law or rule not to be an absolute one because the gravity of a breach of a law normally superior to it may be less in a particular situation, as a lie instead of the truth or silence (from which the truth is likely to be inferred anyway) may prevent a greater evil which would be more certain to occur than any breach of trust between the parties that may be caused by the later realisation that it was a lie.[17] Again, only a fanatic would disagree.

In summary, I suggest that Fletcher spoils his case in three connected ways: (a) by setting up a distorted picture of all those who recognise that law has a central role in ethics as holding such laws to be hard and fast and not needing careful consideration of the situations in which they apply; (b) by not recognising that, for most of the time, he practises what they practise and not what he is usually preaching; and (c) by explicitly acknowledging that it would be impossible for anyone to follow extreme situationism and by appearing nevertheless also to advocate it.

4. The Moral Particularism of John Dancy

Dancy's book is a much longer, complex and deeper argument for something broadly similar to Fletcher's account of situation ethics in general. It is impossible fully to examine it here, and so I shall make do with a very brief summary of his principal contentions and then suggest why they are mistaken.

His position is stated in terms of two pairs of contrasts:

1. *Particularism* and *Generalism*: respectively, that the possibility of moral thought and judgment does not depend on general principles and that it does so depend.

2. *Holism* and *Atomism* in the theory of reasons: respectively, that a feature that may be a reason in one case may be no reason or an opposite one in another, and that it must be a reason and retain the same polarity in any other.[18]

Dancy's position is Particularism plus Holism as just defined, and that moral reasoning is no different from other forms of reasoning. He refines Holism, or his version of it, as holding that a feature which can have a certain effect when alone, can have the opposite effect in a combination.[19] He then argues that moral principles, in order always to apply as the generalist assumes, would have to be so complicated, in order to take in more and more sorts of exception, that they would be useless.[20] The upshot of his arguments would be a situationism (though he does not use the term) that uses reasons but not general ones. It would therefore genuinely mediate between a system of laws with attention to the concrete situation and the irrationalism of extreme situationism in a way that Fletcher failed to do. But is it a coherent position or is it only a little different from what any sensible "generalist" would maintain? To answer that here, it will suffice to focus our attention on his principal argument that reasons are ambivalent in combination, though some passages in the book are interesting and likely to be helpful for thinking about reasons for actions, such as his discussions of "contributory" and "overall" reasons and his distinctions among "favouring," "enabling" and "intensifying" contributory ones.[21]

Here are some other examples of reasons, drawn from outside ethics, for drawing conclusions about what to believe and to do.

1. "The composition, colouring, figures and their expressions and gestures in this previously unknown painting are definitely in the style of Raphael."

2. "The MP in question stated in a letter to the chairman of his constituency party that he would vote against the Bill despite the three-line whip."

3. "The results of this series of observations are in line with what the hypothesis would predict."

Each of these can count either way in at least some contexts. (1) is a reason for lovers of Italian Renaissance art, and of Raphael in particular, to try to see the newly discovered picture, but perhaps would not have been so for the Pre-Raphaelites, except to remind them of what they were trying not to do. (2) is a reason to admire and support the MP for sticking to his principles and also to detest him and to try to unseat him for voting against his party. And (3) would be welcomed by those who favour the hypothesis and would also be a spur to those who think the hypothesis is completely mistaken to show that these results are flawed. So far, so good for Dancy's

holism and particularity of reasons, except that they would function in the same ways in the cases of other artists, MPs and scientific hypotheses. Ambivalence is itself a general property.

Yet, ironically, in other contexts matters may be different. (1) not only favours attributing the painting to Raphael, or to Raphael and his pupils, but strongly favours it, and always favours it and would never count against it. It would need contrary evidence, such as complete lack of provenance and the constituents of the paints being wrong for the period, respectively to cast doubt on the attribution and to disprove it altogether. So also is (2) strong evidence that the MP did intend at the time of writing to vote against the Bill, even if he gave way at the last minute, unless there were counter-evidence to show that at the time he did not mean what he wrote. Contrast a satirical composition, parody or *reductio ad absurdum*, such as Swift's *A Modest Proposal*, which shows that the author really meant the opposite. As for (3) even the opponents of the hypothesis would have to admit that the observations support it, if genuine. Hence there are reasons which are never ambivalent in certain contexts, notably being evidence for or against (or irrelevant to) certain *sorts* of thing and not just the particular matter in hand: the attribution of paintings, the intentions of persons, the truth of hypotheses. Other examples are rules for the conduct of experiments, for the design of questionnaires and for statistical interpretation of the results of surveys, and the principle of stratification in geology and archaeology—that what is lower is older and what is higher is later. That something conforms to those rules or to that principle is a reason for accepting it as intellectually respectable and never counts against. Likewise, for the layman with respect to what lies beyond his knowledge and competence, the opinion of an expert, and, even better, the consensus of the experts, are always good reasons for acting accordingly. They may be mistaken but they are more likely to be right than the layman. Reasons, evidence, rules and principles such as these are like perception and memory: they are to be relied upon unless proven otherwise in the particular case or set of specific cases. Holism, as Dancy defines it, does not explicitly deny this, and, as Dancy says, when contrary evidence outweighs what would be a reason for believing something, then it is no longer a reason for believing it. But it remains a strong reason for believing it unless and until it is outweighed by contrary evidence, and would never count against it. The default response should be to accept it unless there is strong or stronger evidence to the contrary. This is in fact how we do think in such cases, and so the truth of the matter lies between the extremes of holism plus particularism and generalism plus "atomism."

There are *general* principles of evidence such as these which apply *as a rule*, but they can be outweighed, not only in particular cases, but in sub-types of case, as when an attribution is contradicted by proof that the paint is from a later period, which itself will *always* prove decisive. Conversely, proof that the paint is contemporary will never count against an attribution.

Even Dancy's own example proves these rules and that the same or similar ones apply in the same or similar contexts. Normally, he says, that something seems red to me is some reason, but not a necessary one, to believe that it is red. But, he adds, if I know that I have taken a drug that makes red things appear to be blue, then it is a reason not to believe that it is red but that it is blue instead.[22] That is, we take our perceptions to be correct unless there is reason to think otherwise; this is itself a general rule; and there are exceptions. Some exceptions are only particular ones, like the one I experienced as a boy when I thought that a group of Frisian cows glimpsed through a hedge were men in white flannels playing cricket — I had just left the butcher's shop and had been recalling that the butcher still played in the village team whereas my father had retired from it. Others are more common, to oneself or to others, such as thinking that one has just seen, out of the corner of one's eye, someone walk past the window when no one has. Others yet again are standard and repeatable, such as the hypothetical drug that Dancy invokes, or two parallel lines of equal length one of which appears longer than the other when arrowheads are added to it at each end or shorter if arrow tails are added. Exceptions to one rule can themselves be examples of a sub-rule, as was noted in Section 1 above. Hence Dancy is himself implicitly maintaining *generalism* in the very act of supposedly refuting it, and what he actually does is to refute a *universalism* which nobody in fact actually believes and lives by. The very phrase "as a rule" means that what it refers to is the normal, standard or default case and that there are exceptions. And how could we ever think or act if there were nothing that happened or could be applied "as a rule" until proved otherwise in the particular case?

Dancy, as mentioned above, has an objection specifically to principles in ethics: that to specify what is to count as a similar case would be either too detailed to be repeatable or would need particular judgments to decide that any case is relevantly similar independently of whether the action is right or wrong. The former part would apply to all attempts to make generalisations, let alone to formulate universal principles. We can never anticipate everything but have to rely on our personal judgment at the time to grasp what there and then is similar or dissimilar and to what extent.

Even when we can specify some items to look for, we can never specify exactly what they are. I can readily recognise my friends' faces and spot ones similar but not identical, but could never put into any words just how they look and just how another person looks similar but not the same. I could mention a few features but that would always be inadequate. At some point, and usually very soon, rules have to be applied without further rules for applying them, and similarities recognised without further similarities by which to recognise them. We have a tacit power of recognising similarity, and degrees of it, which it is impossible to specify adequately and so we must rely on another's power to do the same and to recognise the same similarities. That may take time and experience: the trained physician can recognise symptoms and diagnose diseases that appear indistinguishable to the first-year medical student, but even he may be unable to describe or point to specific features of them.

As for the latter part of his objection Dancy therein wrongly assumes that situations, cases and circumstances exist and can be recognised in themselves before we begin to consider what to do in or about them. This may seem to be obviously true. I am walking along the street without an umbrella and a raincoat, and it suddenly starts to rain heavily. That is my situation, and now I need to find shelter quickly. That raises the question as to which is the nearer, the bus shelter I passed a minute ago or the awnings over a shop window just ahead. These relative distances, or rather my judgments of them, constitute the contributory reasons for my decision to run to the one or the other in order to shelter from the rain. Surely nothing could be clearer? But something has been taken for granted: my desire not to get wet. If I were in a warm climate and wearing only shirt, shorts and sandals, I might not be bothered at all about getting wet, as in fact happened to me when I was living in Trinidad. The rain would then be as incidental as the particular vehicles that pass along the road, simply there and of no real concern to me. Or, if it has been hot and sticky, I might even welcome and enjoy being in the rain. It follows that a situation cannot be defined only in terms of what is external to the particular person or group whose situation it is. His current activity or project, the phase he has reached, his other concerns, his policies, principles, likes and dislikes, attitudes, and so on, mark out from everything around him those things which are relevant to them and thus both constitute his present situation, or more likely, his present situations, for we always carry several actions, plans, projects and purposes along with us. Someone who doesn't care at all about what promises he makes and breaks would not, as far as he is concerned, be in a situation of having to decide whether to break a promise

or forgo the chance to do something he has been eagerly looking forward to do, should they prove incompatible. The promise would not be a contributory reason against doing what he has been wanting to do, but simply irrelevant and no reason at all.

What Dancy, like all situationists, does is to run together two stages or "moments" in assessing what we should do. The former, logically even when not temporally, is the recognition, in relation to one's aims, desires, principles, etc., that one or more them is now affected, "alive," active or brought into play by something that has come to one's notice, such as a desire not to get wet and the sudden downpour, respectively, and that therefore one needs to consider what to do about it, such as where to find shelter. The latter is the assessment of the particular situation and exactly what one can now do and how one can do it. It is the former that situationists and moral particularists ignore. My situations are created and defined primarily by "constitutive" commitments which determine what is relevant to them, and secondarily by the occurrence of relevant events. This is what makes the situation similar to others. Thus finding that I have to do something unexpected but urgent, I therefore have to change my plans for the day. But I have experienced this sort of situation before, even though the particular task suddenly imposed on me today may be otherwise unlike previous ones. So straightaway the sorts of thing I have done previously come to mind, such as to delegate some of what I had intended to do myself, to postpone a meeting scheduled for this afternoon, and to phone home and say that I cannot do in the evening what I had promised to do. In this I am guided by further principles and policies, such as the obvious one to delegate tasks to those who can complete them, provided they are not already engaged on more important ones. We all acquire repertoires of schemes, devices and alternative methods to deal with similar situations, which we can quickly deploy as we judge appropriate at the time, so that we are not left completely clueless and at a loss even in an emergency, as parodied by Robert Stack in the film *Airplane!* And some of them are explicitly formulated and taught in schemes of practical training such as "time management."

This also answers Dancy's claim that he has never seen an argument made for the preponderance of normal cases over abnormal ones,[23] even though he assumes that it is so in his example of *normally* (his own word) taking seeing something as red to be red. Indeed, the preponderance of the normal is a truism: if nothing is preponderant then there is no norm or set of norms. Even in something as fluid and full of crises as modern warfare, there are tactics and strategies that can be taught and practised.

The same applies to specifically moral situations, as was also shown in Section 1. Finding myself in a situation of having to break either of two promises the fulfilment of which has proved incompatible, presupposes that I care about keeping promises in general, otherwise I would not be bothered about it and would break either or both without a thought. That a promise should be kept because it is a promise, and that I acknowledge this as a moral law, is what makes it, not just a reason that merely contributes to my deliberations about what I should do here and now, but the *defining* feature of my situation. Likewise the *general* principle of choosing the lesser of two evils, or least of several, defines the specific moral problem that I now face, namely, that of working out which is the lesser or least. And I am in that situation only as I globally apprehend all the options before me as bad in one way or another, that is, bad as examples of types of bad action, such as telling a lie, hurting someone's feelings, putting people into financial difficulty, or leaving someone in danger. Only then do I turn to particular features of the options which offer themselves as favouring or disfavouring those options. But in emergencies I have to rely upon an immediate global apprehension of the total situation, tacitly informed and structured by previous experiences of the same sorts of events and their details, and to hope that one course of action will stand out as what I must do without any delay.

Finally, I would like to question Dancy's objection to there being two sorts of reason, the variant and the invariant, and his preference for but one sort with a basic logic.[24] Surely that is contrary to his own fundamental position of the multifariousness and ambivalence of reality and of its reflection in genuine thinking about it. To my mind, this is an example of one of the great faults of much modern philosophy, viz. the tendency to undue simplification in defiance of the multiform nature of reality and the desire to impose a set of abstract categories upon it instead of accommodating our intellectual frameworks to it. What we find in life, as already suggested, are not two sorts of reason but two functions: the constitutive and the contributory. The former mark out a situation, case or set of circumstances for the type of situation that it is, or what it is most similar to, and the latter apply, as favouring, enabling or intensifying the apprehended possibilities of action within it, as Dancy has helpfully distinguished these further roles. And within each function are levels or degrees of generality, from the default classification or response, unless and until proved otherwise, to variable detail that can count either way or not all, but even then some patterns and similarities are likely to emerge over time so that it would count the same way or be irrelevant in some

similar circumstances. As we saw in the three examples above, the same feature can be constitutive in one set of cases and contributory in another, and likewise invariant or ambivalent, depending upon the perspective, approach or concern with which it is viewed or in which it is encountered.

In summary: the individual situation, case, context or set of circumstances cannot be ignored, and situationists and particularists are right in reminding us of this. But they are mistaken to the extent that they think it can be recognised and dealt with without the use of general concepts, principles, rules, valuations, methods, schemes, policies, attitudes, and so on, which have to be appropriately adapted to it. Indeed, they themselves cannot avoid using general conceptions and the like, both implicitly and occasionally explicitly as we have seen both Fletcher and Dancy to do. Situations vary from the merely routine and largely familiar to the very exceptional and radically novel. It is very easy to be so taken up with the problems presented by the latter that one ignores the existence and preponderance of the former. Even worse is so to focus on the latter, as in some schemes of formal moral education, that it would turn our duties into doubts. Young people are often susceptible to the fallacies that what may not always apply never does and that a rule or law that has exceptions is not a rule or law at all.

Additional Note

John Macmurray on Laws, Roles and Functions.

Another moralist who at times rejected the place of law in ethics, yet without becoming an antinomian, was John Macmurray. In his *Freedom in the Modern World*, he dismissed the whole notion of moral law: obeying it is being a slave, and so being the instrument of another's purposes and a mechanical automaton; we want laws for the selfish purpose of having others behave in predictable ways so that we can safely make our own plans; and law inhibits the personal and moral values of freedom and spontaneity (183-8; 205). Yet later he recognised that "the functional life is *for* the personal; the personal life is *through* the functional life," ("Persons and Relations" (1941) in *John Macmurray: Selected Philosophical Papers*, 149). There, and in the later chapters of *Persons in Relation* and with

reference to laws, he showed in detail, against both the sociological reduction of persons to the dimensionless points of the intersections of their roles and functions and also against Romantic and Gnostic revolts against roles and functions altogether, that persons need roles and functions while transcending them. Yet, between these two publications, he once again denied any place for law in the Christian ethics of love ("Prolegomena to a Christian ethics" (1956), in *John Macmurray: Selected Philosophical Papers*, 184-6). There he seems to have committed the fallacy of taking "not enough" to mean "not needed at all."

Notes

1. *Reflections*, V, 14. Cf. "The situation of man is the preceptor of his duty," "Speech on Fox's East India Bill," *Works*, IV, 44.
2. *Situation Ethics*, 22-3. Fletcher cites Eph. 6:12 and I Tim. 4:1, but no such claims are mentioned there.
3. But there are right and even dutiful courses of action which need not and even cannot be universally prescribed: see below, Ch. Six §2. Nevertheless, most of life has to be led according to general principles, rules, roles and routines.
5. *Situation Ethics*, 37-9 and 163-8.
6. *Situation Ethics*, 25, with reference to Sartre and Simone Weil, and 46-9, with a particular reference to Hume. Anselm's *credo ut intellegam* is very different for it is *fides quaerens intellectum*.
7. *Situation Ethics*, 100. Contrast 18-22 , 31-7 on "legalism." He is particularly unfair to K. E. Kirk, as a reading of the pages which he cites will show. Kirk explicitly allows for all the flexibility and attention to the concrete situation that Fletcher requires. Fletcher does not mention that Kirk himself deals with the misuse of casuistry in *Conscience and its Problems* Ch. III, §7, and that he begins Ch. IV, "Casuistry and Christianity," with a survey of Christ's own statements, restatements, interpretations and applications of law as recorded in the Gospels.
8. *Situation Ethics*, 26, 31-2.
9. *Situation Ethics*, 28.
10. Fletcher quotes Augustine's famous *dilige et quod vis fac* (*In Epistolam Joannis ad Parthos*, 7.8). Fletcher states that Augustine here used "diligere," and not "amor," to refer to love in a consciously chosen and rightly ordered manner. Perhaps, but elsewhere they are interchangeable.

11. *Conscience and Its Problems*, 156-8. The Sermon on the Mount, Mt: 5-7, is especially rich in examples. Note that the Ten Commandments are not annulled but deepened, as also in Mk 10:19 and Lk 18:20.
12. *Situation Ethics*, 108; Mt 5:47.
13. *Situation Ethics*, 113.
14. See Burke again: "I never govern myself, no rational man ever did govern himself, by abstractions and universals. I do not put abstract ideas wholly out of any question because I well know, that under that name I should dismiss principles; and that without the guide and light of sound, well-understood principles, all reasonings in politics, as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion," "Speech on the Petition of the Unitarians," *Works*, X, 1-2.
15. *Conscience and Its Problems*, 375-6.
16. *Situation Ethics*, 37.
17. *Conscience and Its Problems*, 313-5.
18. *Ethics without Principles*, 7. For discussions of Dancy and moral particularism, see B. Hooker and M. Little (eds), *Moral Particularism*.
19. *Ethics without Principles*, 8.
20. *Ethics without Principles*, 131.
21. *Ethics without Principles*, Chs. 2 and 3.
22. *Ethics without Principles*, 74. See also his example of an adolescent learning that tact does matter, that is, tact generally and not just in a particular case (157). As he says in the same place, the move from what we say about one case to another is not automatic. Yet, if there were no principles or general rules, it would be hard to see how it could be made at all.
23. *Ethics without Principles*, 76.
24. *Ethics without Principles*, 77.

Chapter Six

Types of Action and Ethics of Laws

1. The Necessity of Law

The primary function of rules and laws is to *define* what is to be done, may be done, and is not to be done, that is, to specify types of action that are prescribed, permitted or proscribed. Both elements in law, *generality* and *command*, "Thou shalt (always), thou shalt not (ever)," are central to ethics, and are to be found wherever there is *homo sapiens*.[1] It is in law that moral considerations are most prominent, in the imperatives of "Thou shalt" and "Thou shalt not" which override other considerations with manifest obligations and prohibitions. Hence it is easy to identify ethics with such clearly defined duties.

As we have seen, laws, principles and rules are implicitly required, but explicitly denied, by any purely consequentialist or situationist ethics, save for the one law that each presupposes but cannot account for, viz., to realise the prescribe good or objective. In summary, laws provide:

(A) Types of actions which have their own inherent merit, because the chain of doing action a_1 to bring about the doing of a_2 to bring about that of a_3, etc., must end either in a pointless state of affairs in which no one does anything or in something to be done for the sake of the value inherent in it and not merely for the sake of its consequences.

(B) Regularities in conduct upon which we all may count to at least some extent, but which cannot be done if all actions and types of action are to be appraised solely in terms of their external consequences or if all situations are to be assessed in terms of their purely individual and thus unique features.

(C) General and repeatable features of situations which constitute those situations, and so by which we can recognise them for what they are and which give us at least some guidance as to what to do or not to do in them.

At this point, and with special reference to (B) I wish to sharpen a distinction partly recognised in ordinary use between laws, on the one hand, and regulations on the other. The distinctive meaning of "law" is

what is to be done as a matter of principle, whereas that of "regulation" is what should and should not be done in order to maintain and promote a specific practice or end or set of ends, and so regulations are adjusted, amended, supplemented and replaced in that light. "Rules" can be used to mean both but it seems that the word tends more to regulations than to laws, though those of cricket are called "laws." Rule- and institutional-consequentialism deal with "regulations," but, as we have seen, they need something above mere regulation to make that possible, namely, as Hayek says, the attitude of observing the fundamental rules of justice for their own sake, and thus as laws in the specific meaning of that term. For example, limited liability was introduced in order to promote economy activity and thus general prosperity by making it easier to attract capital from many sources which was necessary for enterprises on a larger scale such as railways. It was soon abused, and so the law had to be amended. The primary abuses were moral ones, ones of *cheating*, of doing what the existing law did not proscribe but which robbed investors and creditors of what was surely due to them. For the same reasons company and financial law continue to be amended, for example, to maintain the integrity of the stock market by outlawing insider trading. But regulations are useless without an attitude that transcends the specific practices and ends which they serve: without the implicit promise not to cheat, no game can be played; without a belief that we should be polite, no code of good manners will be observed; without a general deference to the law of the land, because its aims, if not its particular contents, are held to be good and right in themselves, mere regulations are null and void. The demand for a government "of laws not men" is futile, for laws cannot govern anything. What is really meant is a government of law-abiding men, and that will not be possible without a mostly law-abiding population.

The above summarised the case for law "from below," as made in the previous chapters. There is also one for it "from above." The yet higher levels of moral activity require that of moral law through and in which to express themselves and so to be what they are meant to be. No general intention to do what is good and right, no moral virtue such as honesty, and no love, can exist unless it goes forth when needed into concrete and particular actions. Max Weber distinguished between *Gesinnungsethik*, the ethics of attitude or intention, and *Verantwortungsethik*, the ethics of responsibility.[1] One is justified, by the former, if one has the right attitudes, principles, intentions or ultimate purposes, irrespective of foreseeable outcomes, whereas, according to the latter, one must take responsibility for

one's actions by assessing and acting according to their foreseeable consequences. Hence moral intentions require the boundaries and directions defined by moral laws in order to be good intentions: "I meant well" is no excuse if one has failed beforehand to consider the general aspects of one's actions and abstentions. There is no honesty if one treats as one's own money entrusted to oneself nor love if one takes no responsibility for one's children.[2]

Macmurray's valuable formula has already been quoted: "the functional life is *for* the personal; the personal life is *through* the functional life."[3] As noted above, functions and roles, because they are defined in the general terms of the rules to be followed and the responsibilities to be undertaken, are applications and embodiments of the element of law. Macmurray's point is that they are necessary for human life, but their overall function is to *serve* the personal, and that the personal is not to be subservient to them. The "personal" especially includes those higher levels of the person which we have yet to examine: his aims and intentions; his virtues, character and temperament; his fundamental dispositions; and above all the unique person that he is. All these aspects and levels of the individual cannot exist except as expressed in concrete activity, and concrete activity requires the guidance of general laws and rules, of what to do and what not to do. On the one hand, wholly general advice, such as "love thy neighbour," "take care of your children," "be honest in your dealings," is useless unless it can be specified in more concrete yet still general terms about what to do and what not to in certain types of situation. On the other hand, detailed instructions for a particular situation or task have to be generalised, with allowances for differences, if they are to be of any use in similar situations. What happens in fact is that we tacitly apprehend from and in particular remarks, the examples of what others do and experiences of how we are treated, not only general principles, but also a "spirit" or attitude which goes beyond everything that could be explicitly formulated.

2. The Limits of Law

Law is necessary in human life yet it is not enough, although, as the most obviously moral moment in human life, it may seem to be most important and even the only one. But it also has it limitations, again those that apply below it and those that apply above, such that it needs the

lower properly to express itself in concrete action and the higher to resolve questions that it raises but can answer by itself. Any attempt to ignore either results in abuse of law.

We have already noted its limitations in respect to what is below it, and shall merely summarise them here.

(1) Laws cannot apply themselves. As Kant recognised, the subsumption of a particular instance under a law or concept cannot itself be guided by any law or concept and so is a function of "mother wit,"[4] that is, of our essentially tacit and personal powers of judgment. Likewise, no law can indicate the specific and individual actions which will effectively implement the general law in the specific and individual situation in which one is placed. And no formulation, or set of laws and sub-laws specifying exceptions and special cases, or code of laws, can ever fully anticipate every case, situation or problem such as those of conflicts among laws and general duties. In respect of the latter, some general principles can be formulated, such as to give more weight to what is more urgent or which avoids more evil, the principle of "the lesser evil."[5] But there are necessary limits to this, and, just as even more specific laws can never prescribe what exactly is to be done in particular cases, so no higher laws can never cover all exceptions nor determine in every case which is the more important duty. Only an insane logicism, such as produced Bentham's "felicific calculus," could ever suppose that the complexities of human life could be clearly and exhaustively specified, and that all situations of conflicting laws could be codified in a manual of casuistry which would answer every question posed to us. There is no substitute for the judgment, sometimes guesswork, of the individual person in his individual situation and informed by his experience and, when available, the advice of others. This obviously raises further questions, such as the limits of the individual's intelligence, experience and knowledge, and whom to ask for advice. Yet it would be strange indeed if the mental abilities, experience and knowledge of the ordinary person were insufficient for the duties and situations of ordinary life, and if the plain man or woman were unable to discern persons of greater knowledge and experience. Of course, experts can be mistaken, but all we can do is to act in accordance with the best knowledge and insight that we have, whether our own or others', and thus of "formally" doing the right thing. If that is mistaken in the particular case, then it is a matter of what moral theologians have called "invincible ignorance," in which I include invincible error, which has led us to do what is "materially" the wrong thing when we could not have known better. In contrast, to act in "vincible ignorance," and error, is itself a "formally" wrong action, for it

is acting against the awareness that we all have of our ignorance of many things, of the need to be circumspect and also to seek the advice of others in matters of which we know little.

(2) Casuistry, the application of general laws to particular cases, also illustrates the limitations of law in respect of what is above it. For it got its bad name, not from its logical deficiencies, but from its misuse, its twisting of general laws, and especially of principles for deciding among more specific laws when they conflict, in order falsely to legitimise what individuals were intent on doing anyway even though they realised that they shouldn't. Hence casuistry, to the extent that it is possible, requires more than insight and powers of reasoning and has to be properly motivated, that is, to be conducted with a genuine intention to discern, and then to do, what is right and good.[6] It therefore depends upon the next higher level of intentions, just as intentions will need to express themselves in genuine attempts to apprehend concrete good and duty and to act accordingly.

(3) A system of laws requires the next higher level of right intentions also to avoid the decline into legalism. Legalism is the use of the letter of the law without its spirit. It is the *déformation professionelle* of lawyers, whose strictly legal advice to their clients consists in pointing out what the law states they must do, must not do, and may do, and not what is right, wrong or for the best. Legalism inevitably minimises one's commitments, and is adopted in order to do just that. It was a lawyer who asked, "But who is my neighbour?" which was the occasion of the Parable of the Good Samaritan.[7] What the lawyer really wanted to know was who wasn't his neighbour, whom he need not love as himself. Legalism is assisted by the fact that it is easier to specify what should not be done than what should be done. In the Decalogue,[8] for example, the negatives (against having other gods, idolatry, taking the name of God in vain, killing, stealing, adultery, false witness, and covetousness) are more numerous and determinate than the positive ones (to worship God alone—implied in the prohibitions of worship other gods and idols; to keep the Sabbath holy—itself further specified in largely negative terms; and to honour one's parents). This difference in degree of specification and determinateness has been somewhat misleadingly expressed in the long-standing distinction between "perfect" duties and "imperfect" duties. Because negative obligations are usually more determinate or "perfect," any tendency to be more precise will usually result in limiting obligations. Here, at least, Nicholas of Cusa's axiom does hold, that *omnis determinatio est negatio*. For in defining more closely what is or will be required, we rule

out other possibilities, as when in stating the number of hours to be worked per day, we rule out any greater as well as any lesser number. And while a tithe, giving ten per cent of one's income to charity, would undoubtedly demanding for many, some can easily give more but could consider themselves has having done their duty by giving *only* ten per cent. Minimum requirements tend to become maximum ones, and though "charity begins at home" is very true, it is often, indeed always in my experience, invoked to mean that charity stops there. Yet at times some more determinate specification is necessary. For example, it is important to be clear, for the sake of all concerned, just what we are letting ourselves in for when entering into contracts that involve significant financial obligations, lest we find ourselves unable to meet them. But generally to expect precise definitions of duties in every sphere or moment of life is implicitly to turn one's back upon any obligation to perform such wide, indeterminate and "imperfect" duties as those of a parent, spouse, citizen, and neighbour.

(4) Furthermore, no matter how small the print and how much there is of it, it is impossible to provide for every possibility in advance. Hence adherence to the letter of the law without its spirit proves counter-productive. This was shown, in the days when the trades-unions were over-mighty subjects in the land, by the practice of "working to rule," whereby the employees did everything that the rule-book and their terms of employment required, whether or not it was actually necessary there then, and *nothing more*. The intended and actual result was sooner or later to bring the whole enterprise to a halt as effectively as a strike yet without losing any pay. What any co-operative enterprise requires, besides differentiation of roles and responsibilities, is a spirit of "give and take," a willingness to do more than what is explicitly required, as when one covers for an absent colleague in addition to doing one's own work or works overtime to get a special order out on time, or when everyone gives up everything else to cope with an emergency. Even during the war, some dockers would not load ships with urgently needed military equipment until they were assured that they would be paid the union rate for the specific job.

(5) The observance of laws is especially liable to the corruption known as "formalism," going through the motions or observing the letter but lacking the spirit of the law, outward observance in performing the prescribed gestures, saying the words, ticking the boxes, filling in the forms ("formalism" in every sense!) but without really meaning them or fulfilling the purpose for which they were instituted, yet usually thinking

oneself to have done what is required, the attitude of the "jobsworth." The more a way of life becomes a code, a set of specific duties to be performed, the more it is liable to this corruption, in limiting what is to be done to the obvious and specific requirements of the code. This is not so much a defect of law as of the human heart. Yet it marks the insufficiency of law by itself and without its spirit, the genuine intention to do what is right and good which will go beyond the obvious and specific.

(6) A further deficiency of laws is that, although they give clear directions for the conduct of life, the formal concept of law cannot itself supply its own "matter," just what in general is to be done and not to be done. Kant's error was to think that it must and could. His Categorical Imperative requires sets of concrete duties which it could not honestly supply, because of his inability to rise from the idea of "goods," *things* of value, to values themselves, and thus to rise above a eudaimonism in which moral conduct serves a happiness distinct from it, and so he surreptitiously imported specific duties into his pretended deductions from the merely formal and necessarily empty concept of universal law.[9]

This last is also the central ethical problem for modern and post-modern moral philosophy. Having abandoned the idea of natural law, following late mediaeval nominalism in logic and extreme voluntarism in theology, distinctively modern and post-modern thinking take moral laws to be merely human conventions and decisions. The voluntarist God, who arbitrarily lays down laws for human beings, has been replaced by voluntarist man who, individually or collectively, arbitrarily decrees laws for himself or all. The actual result of living by such a doctrine would be mayhem and chaos, and so attempts have been made to derive a new form of natural law from human will itself: Hobbes and his appeal to the taken-for-granted human fear of death; Rousseau to an undefined "general will" which had to be given determinate content by Robespierre, its self-appointed incarnation; Kant, inspired by Rousseau, and his pretended deductions from the empty form of universal law itself; Hegel and his immanentist cosmology of a self-defining *Geist*, which dialectically and via "the cunning of reason" is about to come to its true and fully rational form in Hegel's own philosophy and the modern state of the "Germanic world" of northern Europe and North America; Marx and his inverted materialist dialectic which claimed to trace a similarly necessary process which would be consummated in the elimination of alienation (production for non-immediate use) in a classless and wholly undifferentiated society; Sartre and his attempt, in *Existentialism and Humanism*, to derive a law from the absolute and empty freedom that is the "nothingness" and "fold

in being" of *être pour soi* or human being, to promote that very freedom—an attempt which he later repudiated and then he tried to interpret Marxism in his own existentialist terms; the utilitarians and a taken-for-granted desire for pleasure or undefined happiness; much Analytic moral philosophy, after Hare, and its attempt to provide an otherwise empty Kantian universalism with the "matter" of generally utilitarian assumptions about what people happen to want. All these vain attempts serve to prove that the formal notion of law, central to ethics, requires a "matter" which it cannot supply for itself, and neither can that of "rational will," let alone bare will itself.

(7) That raises the question of the source of the contents of law which the formal concept of law cannot provide for itself.[10] In particular, the most important sphere for the application of law is that of justice, those types of action which we must and must not perform in relation to our fellows: not to steal from them (not to appropriate their property without their consent); to repay what we owe them; to perform that which we have promised to them; not to harm them; not to kill them; not to deceive them; not to lie to others about them and thus not to give false witness against them; not to slander or libel them; and to help them when their rights are threatened or impinged. These are not arbitrary laws, and no one is a moral sceptic when it comes to his own case in these matters just as no one is a general sceptic in respect of what he himself claims to know, including the truth of scepticism itself. For the laws of justice all serve to protect the individual person, and likewise groups of persons. Consequently they presuppose that the individual person has a value in himself such that he is not at the arbitrary disposal of others, and therefore has his rights. Conversely the most common defect in moral systems, or their application in practice, is the restriction of one or more of the laws of justice so that they exclude some persons, such as the lower orders, the bourgeoisie, capitalists and landlords, those not of one's own family, clan or tribe, or even everyone else. But this source of the laws of justice, in the inherent value of the person, is necessarily above those laws.[11]

(8) Justice is that with which moral laws are especially concerned, while law in its public form of courts and judges is primarily established to secure it. But note again, how easy it is to define justice negatively, so that Hayek comes close to saying that it requires the individual to do nothing positive but merely to abstain from acts of injustice.[12] There is a genuine principle of the "priority of the negative," that one's first moral concern should be not to do what is wrong and evil, and this is what justice encapsulates with respect to our treatment of our fellow men. And so, as Macmurray says,[13]

justice is both the essential foundation of ethics, the absence of which corrupts everything else, as the 20th century saw to its great cost in the millions of lives wantonly sacrificed by totalitarian schemes for a tomorrow that never came nor could come, and yet justice is also manifestly incomplete in itself. On the one hand, justice prevents me from robbing Peter to pay Paul, yet, on the other, by itself it does not prompt me to go out of my way to help Philip when he is in need. It tends to be retrospective, as in paying or returning what is owed to others, rather than prospective in looking to their better condition: a just father would not excessively chastise his children; but, if he were merely just, would he be prepared to forgive them for their bad behaviour? Hence the idea of justice is often extended: either to include all virtuous actions and attitudes, as with *dikaiosuné* which became extended to mean "righteousness"; or, in modern times, every duty and right action towards others is interpreted as being based on a "right" (an "entitlement") that they have to it, and thus to supply that right can be called "justice" and not to supply it "injustice," and even our duties to animals have been supposed to arise from rights possessed by them.[14]

(9) If the element of law is interpreted, as by Kant, as a set of imperatives—"Thou shalt," "Thou shalt not"—then ethics will consist entirely of obligations and prohibitions, duties to perform certain actions and duties not to perform certain other actions. That may seem obviously true because of the centrality and prominence of law in the moral life. But an ethics of imperatives alone has the consequence that if it is not my duty to do a certain sort of thing, then it is my duty *not* to do it. If it is not my duty to go to the cinema, then I would not be doing my duty were I to go and so it would be my duty not to go but to do something else instead, something which would be my duty. There would be no *tertium quid*. Kant himself raised this question of the possibility of a *tertium quid* to the Categorical Imperative which either commands or prohibits, that is, a sphere of what is permitted but not obligated, but he gave no answer to it.[15] Indeed, the very terms in which he posed it, as the morally indifferent between the obligatory and the prohibited, reveal how strong was the grip of the notion of imperatives upon his mind. In the legal order, as distinct from the moral order, that which is legal is that which is according to law and usually signifies that which one may do and which one is neither required to do nor prohibited from doing. It is the sphere of rights, for a right is the possession of a right over one's right, the right to exercise it or not. I cannot drive upon public roads without a driving licence and third-party insurance, but, having obtained them, I can legally drive there

but do not have to drive to any particular place or at all. Likewise the franchise: in the Netherlands and Australia, attendance at a polling station is required at a election but one can still spoil one's ballot paper and so not cast a valid vote. Voting itself, as distinct from attending the polling station, therefore remains a right and not an obligation. Is there a parallel in ethics to the lawful and licit but not compulsory? Not, as Kant realises, if ethics is solely a matter of imperatives to do or not to do. Anything outside that would be morally indifferent. But duty is what I should do, and if I do something that is morally indifferent then I am not doing my duty. Doing nothing or simply amusing myself are not like telling lies, stealing and torturing but they are not doing as I *must* do.

It would follow that the whole of life should be filled by doing one's duty, by the observance of obligations. Paradoxically, this is just what is required by all forms of consequentialism with their one law of "Maximise *X*" whatever the chosen end may be. In those systems every moment is to be spent, for example, in maximising pleasure or general happiness, or in cultivating aesthetic pursuits and friendship, for *all* actions, as individual or as types, are to be judged and performed for the sake of the chosen end. There is no time when one can be off duty.

But can everyone live like that? One result would be some self-righteous casuistry: "You go to the cinema, watch television, play cricket, and so on, just to amuse yourself. But I do such things, not for such selfish and immoral reasons, but because it is my duty to cultivate myself so that I can perform duties to others as I expect them to help me (as Kant said I should[16]), and part of the fulfilment of that duty is taking some time off other duties so that I can perform more of them the better."

The only alternative appears to be, as often assumed, that moral concerns and duties arise only in specific moments and departments of life. It is Saturday; I have no specific obligations; and so I can do as I please. Unless something unexpected and serious happens, I am off moral duty for the day. This certainly seems to be our common experience.

But can that have a meaning, even apart from an ethics of imperatives alone? Being off duty has application within specific roles, offices and stations, as for the hourly paid at the end of their working day. But even then some roles cannot be confined to specific times and actions, such as those of parents, the police, firemen and members of the armed forces: at any time, duty may call for such persons. And apart from such moments, am I free to do *exactly* as I please when I have no specific duties to fulfil? At the least, there are the standing moral prohibitions to be observed. In addition, the distinction between "perfect" (i.e. more determinate) and

"imperfect" (i.e. less determinate) duties could be invoked. "Imperfect duties," such as self-cultivation, remain when "perfect ones" have been completed for the moment. But "imperfect" duties are still duties, what I should do though with discretion as to what exactly I shall do in fulfilment of them, and so we are back where we began.

Curiously, moral philosophers have paid little attention to this question. Bradley was one exception, and for part of his answer he said that a man does not leave his character with his coat at the door and that a moralised character will pervade all a person's life.[17] Of course, some people do compartmentalise their lives, but Bradley's point is, rather, that we should not leave our moral characters at the door and that our virtues, such as patience, kindness and generosity, can and should be displayed in all moments and departments of life. Obviously, such an answer has gone beyond the sphere of law to that of virtue and virtue ethics, and is one that cannot be provided within law itself.

So also does another answer, not an alternative but a complement, namely, that what is required is an axiology, specifically an axiology of human activities each of which it is good to pursue, good but not compulsory, perhaps simple ones like walking or ones involving more skill such as gardening, model-making and embroidery. Such would constitute a sphere of the morally licit, what may be done because it is good although it is not required. To this we shall return.[18]

(10) As Scheler said, ethics, when taken solely as a system of imperatives, reduces the significance and value of the person to "an *X* of possible *doings* that ought to be done."[19] In this respect, there is some consistency in Kant who never mentions the value of the person himself but only that of an abstract humanity, rationality or set of moral laws, of which the person is therefore merely the vehicle, an instance or an executor.[20] His system turns out to be a higher consequentialism: the person is a really a *functionnaire* whose role is to bring about results largely external to himself, namely, laws observed, imperatives obeyed and the corresponding right actions performed and wrong ones avoided. In and by himself he has no value, just as in the familiar lower consequentialisms.

But moral law, as justice, itself points beyond itself, to the implicit value of the individual person in and by himself. Were the person's value to be simply that of his moral merits, his balance of virtues and vices, his good and evil deeds, then there would be no reason not to execute a hardened evil-doer and thus to save the expense of continually arresting, sentencing, releasing him and then repeating this cycle. On the contrary, justice, respect of a person's rights, presupposes a unique value in the person

himself, behind even his good deeds and virtues, a value which would be disfigured by any evil deeds and vices.

(11) Next there is the question of actions beyond what the law requires. In the legal order there are such actions: the terms of a contract may require that I pay the other party what I owe to him by a certain date. But that neither requires nor precludes my paying him earlier to help him when he has a cash-flow problem. Again, no co-operative enterprise can be conducted in accordance solely with strict legal requirements but only with at least some degree of give-and-take and doing more than is strictly required. As with a sphere of the licit but not commanded, is there also, in the moral order, a sphere of good actions beyond what is required?

One argument against the possibility of acts "above and beyond the call of duty" or of "supererogation" as they have been called in moral theology, is that they can have moral value and be legitimately praised, only as in fact those who perform them are after all doing what they see to be their duty, as in doing all of it or doing it thoroughly, where others would not recognise it to be their duty or would be able to do only a part or not so well, or for doing it cheerfully and in especially difficult circumstances.[21]

It would seem that there would be no genuine place for medals to honour acts of outstanding courage, as opposed to blind recklessness, or other devotion to duty, unless there is an ordinary standard of duty for all above which some rise. That may be the case within a specific sphere of life, such as the armed services, police and fire brigade. But in the moral order it seems inescapable that anyone in the similar circumstances, and with similar powers at his disposal, *ought* to have acted in same way. Actions "above and beyond the call of duty" could be above and beyond only a set and expected level of performance, a pass mark of "satisfactory," below which is "failure" and above which there are levels of "merit," "distinction" and "excellence," admirable but not obligatory.

Nevertheless there are actions which it is logically impossible for all to perform, and which, according to the Categorical Imperative and its contemporary equivalent of "universalisability," must therefore be downright immoral, namely, those of self-sacrifice. Consider the rich young man who was told to sell all he had and give the proceeds to the poor.[22] Such an action cannot be "universalised" or made, as Kant would require, into a "universal law of nature," because, even if there were no poor, every seller requires a buyer. On Kant's logic, to act thus would be as immoral as theft. Wantonly to make oneself dependent upon others, to be a scrounger, is wrong, but can it be wrong to live by the donations of others

in order to devote oneself wholly to a worthy cause? Consider also the example of Capt. Oates who sacrificed himself in order that Scott and his remaining companions would have a better chance of returning to their base. Every member of a group can be willing to *risk* his life to save the others, but only one or some can choose to *lose* it to save the rest. Such choices can be obviated by such practices as drawing lots, "the short straw," when there is a particularly dangerous task to be done. Nevertheless there are manifestly heroic (and often unspectacular) decisions which are wholly voluntary and which cannot logically be "universalised," such as volunteering to be a test for new drug or surgical procedure which could turn out to have even lethal side-effects.

This raises the question of other "non-universalisable" decisions, such as difficult choices that parents may have to make between non-treatment of a child with a terminal illness and a treatment that could equally cure him or kill him straightaway. No one faced which such a choice would presume to legislate for all mankind, as Sartre once required in his vain turn to Kantianism in order to escape from the nihilism of *Being and Nothingness*.[23] All one could say is, "I hope this is the right choice." Nor is such a choice one forced by ignorance, which could be reduced by, say, a reliable statement of probabilities which favoured the one course rather than the other. For even so, it would remain heart-rending to make because of what might still happen. Again, there are choices which a person may make for himself which he would not presume to advise for others, let alone prescribe for them, such as to give up everything else to undertake a long course of study and training for a given profession, the outcome of which might be very uncertain.

Non-universalised choices can be universalised to some extent within a moral system, such as Christian ethics, that acknowledges the possibility of individually addressed "calls" which it would be wrong to refuse, and thus would be generalised in a law that one should always obey such an individual "call." But that still leaves open the possibility of making non-universalised or non-universalisable choices without experiencing an individual call to make them: "I can; it would not be wrong; and so I shall, do this," rather than "I, and everyone one else in a similar situation, must do it."

(12) Finally, law is essentially incomplete. Not only can it not anticipate all cases and situations which might fall under it, as already mentioned, but it cannot resolve all conflicts of laws, even though some higher laws or principles, such that of the lesser or least evil, can be formulated. Hence it requires a tacit ability to decide just what is to be done in such cases. Yet

that itself requires some guidance, even though of a very general nature. Hence in matters of justice, from Aristotle onwards, "equity" and what is equitable (*epieikés*), has been invoked when strict justice itself appears too simple and so unjust, or when no existing formulations or even no universal rule at all seem applicable.[24] This, Ricoeur glosses as "a sense of justice."[25] More generally, as Ricoeur argues at length and in relation to any deontology, what is required to fill its inevitable gaps, is a notion of the good, what this is all *for*.[26] This will take us beyond the present scale altogether to that of the forms of human fulfilment, and thence to the union of both.

In summary: laws, of what must and must not be done, are at the centre of ethics, and make moral considerations superior to all others, such that is immoral to ignore them. Yet they cannot fulfil what they presuppose, such as higher and yet higher laws to resolve conflicts among them and the moral values that make one set of types of actions inherently right and another inherently wrong. Nor can they wholly account for individual acts of self-sacrifice for what is right and good. And they cannot of themselves provide the "spirit," the intention really to do what is good and right without which law descends into legalist minimising and merely formal observance. Hence law requires what it does not supply, the next higher level of intention, and yet higher ones beyond it.

Additional Notes

1. Law as Command and Legal Positivism

That law has an aspect of "command" does not mean that law is merely a command, of the sovereign or God. For all law begins as customary law, and only later does the law-giver appear, and law-givers at first publish summaries or parts of customary law more than make new laws of their own. The utilitarians, being unable to give any inherent reason for obeying the law of the land, had to interpret it solely as a command and to rely on the fear of the consequences of disobeying it. Thus Bentham reduced all law to criminal law, because the only reason available to him for obeying civil law was the criminal penalties to be enforced upon those who do not pay the damages awarded against them by a civil court (*An Introduction to*

the Principles of Morals and Legislation, notes added to Chapter 18 in 1789, 430-3; Chapter 3, 147-8). Likewise, law implied "sanctions" without which it would not be law at all: Hell in the case of divine law, fines and imprisonment for statute law, and social disapproval for moral law (*Introduction*, Chapter III; cf. Mill, *Utilitarianism*, Chapter 3). Again, John Austin concluded that international law is only improperly so called, for there is no superior power to command and enforce it (*The Province of Jurisprudence Delimited*, Lect. 1, 12-4, 142, 201). Bentham raised the question of whether rules for sovereigns could be called laws but then failed to answer it (*Introduction*, Chapter 18, 429; notes added in 1789. Cf. *Of Laws in General*, 16, which is silent upon the question except to state that treaties between sovereigns, as between a sovereign and his subjects, are not law but concessions and promises). But this consequentialist account of law refutes itself. If fear of the consequences of breaking the law, is the sole reason for keeping it, who is to deter the deterers? Another set of police, judges and prison warders would be needed to deter the first from not doing their job, and so on *ad infinitum*. Likewise, legal positivism, of which a consequentialist account of law is a species, has always had to presuppose what it seeks to eliminate, viz., a "natural law" or "basic norm" which cannot be an item in positive law, that the decrees of the legislator and the judgments of the courts are to be obeyed. This Kelsen explicitly acknowledged (*General Theory of Law and State*, 116). Similarly, theological positivism, of which legal positivism is the secularised form, has to admit, implicitly or explicitly, one natural law that is not an arbitrary decree of God, viz. that all God's arbitrary decrees are to be obeyed, as was implicit in Locke's posthumously published *Essays on the Law of Nature*, of 165?-64, wherein that appears to be sole content of natural law.

2. "Fact" and "Value," *Phusis* and *Nomos*

The modern antithesis of "fact" and "value" is parallel to the Sophistic dichotomy of *phusis*, "nature" or "what occurs of itself," from *nomos*, "(customary) law," and so took the latter to be *mere* custom or "convention." The explicit idea of what later was called "natural law" arose, with Plato, in reaction against the Sophists, along with a different, and dynamic, view of "nature": see J. Wild, *Plato's Modern Enemies and the Theory of Natural Law*. (Compare MacIntyre on "teleological" and "functional" conceptions of human being in *After Virtue*, Chapter 5.) In *The Structure of Value* I have shown how non-moral values and norms are

integral to organic and mental existence, and moral ones to personal existence. Classical and Scholastic theories of natural law partly relied upon an incompletely differentiated view of existence which attributed tendency and directedness to all reality, and thus success and failure in reaching and maintaining its inherent goals. The correct expulsion by modern science of the idea of "final causes" from physics and chemistry has been mistakenly taken to entail that tendency and directedness should also be excluded from biology, and even from human studies. This entails that all evaluative concepts have to be excluded along with them, because anything that has a direction or function necessarily succeeds or fails, wholly or in part, to achieve its goal or fulfil its function. Organisms are necessary whole or injured, healthy or diseased, functioning or malfunctioning, fertile or sterile, immature or mature or senescent, alive or dead. It is logically impossible to avoid such concepts and evaluations, and consequently they are implicitly re-introduced while being explicitly denied, as in Kant's renaming of them as "regulative concepts," ones to be used *as if* we held them to apply to reality yet without acknowledging that by using them we do believe that they do so.

3. Kant and the Duty of Self-Cultivation

For Kant, unable to distinguish between goods (things for use or enjoyment) and values, any axiology must introduce "heteronomy," the subjection of morality to something other than and inferior to itself, which he assumes always to be pleasure—see also below, Chapter Twelve §3, on Kant and the value of happiness. But he can make his empty formalism work only by surreptitiously importing "heteronomous" elements into it. If the good will is, as he maintains (G 1; (393)) the only bearer of genuine moral value, then the only self-cultivation that his system can approve and prescribe is that of the good will itself or that which will directly promote and support it, and not self-cultivation *per se*. Physical dexterity and literary taste make no clear and direct contribution to the good will in myself or in others, and hence there can be no warrant for devoting some of my time to them. But Kant, from a need for some self-cultivation for the sake of the good will, jumps to self-cultivation for its own sake on the spurious grounds that, as rational, a person cannot will not to cultivate all his talents, even though Kant admits that such self-neglect could be universalised as on South Sea islands (G 55-6, (423)). But if the good will is the sole value, then rationality and self-cultivation have no value save as

promoting it. In any case, for lack of opportunity, many of us cannot cultivate *all* of our talents, and we may well think that one outweighs others: not every artist thinks it worthwhile to have *un violon d'Ingrès*. Kant plays the same trick a few pages later when he argues that self-cultivation is commanded because it is a duty to promote humanity in ourselves and others (G 68-9; (430)). For, again, according to him the one and only thing of real worth in humanity is the good will. Kant also mentions the understanding as especially important in raising us from a merely animal state. But that is to presume that human nature is itself good apart from the good will. Yet that would be a "material" value and so it would be "heteronomous" to will it. All that Kant can logically prescribe is that I have a duty to keep myself in a modicum state of physical fitness and mental alertness so that I can perform my other general duties, but no more, except for any studies and training for duties which I have made specific engagements to undertake, such as those of my employment. Anything else may be a credit to Kant's humane spirit but not to his logic.

Notes

1. "Politics as a Vocation," in *Max Weber: The Vocation Lectures*, 83ff. Weber perhaps does not quite do justice to the Christian attitude of doing what one hopes to be right and leaving the outcome to God. Every sane system of ethics must cater for those situations where the person cannot foresee to any degree the outcomes of his action and can only hope that what would normally be the right thing to do will turn out to have been such in his present situation. The Christian attitude seeks to relieve the person from undue anxiety about what he has done in that sort of situation and thus to help him to act as he thinks best rather than be completely paralysed by doubt, and not to encourage an irresponsible neglect of likely outcomes.
2. As by Rousseau, who having congratulated himself on his "warmth of heart," "keenness of sensibility," "innate benevolence for his fellow creatures," etc., then mentions that he sent his third child to the foundling hospital (*Confessions*, Bk 8, 1751). See further Ch. Eight §3, on the ethics of feeling.
3. See Ch. Five, Additional Note.
4. *Critique of Pure Reason*, A 133.
5. Kant's purely formalist ethics cannot provide for such principles because all breaches of the Categorical Imperative are equally immoral as non-universalisable, since it has no content and is a bare and empty logical

form, and hence a lie would be as bad as murder. The Stoics also held all wrongful actions to be equally wrong. In this respect, the consequentialist has the advantage, for his one law, "Maximise *A*," does have the "material" value that is *A* of which actions will produce, impair or abort greater or lesser amounts, although *A* is extraneous to consequentialism itself and therefore arbitrarily chosen.

6. Cf. Aristotle on the moral and other requirements for the study of ethics, *NE* Bk 1, 3 & 5; and Scheler, "The nature of philosophy and the moral preconditions of philosophical knowledge" in *The Eternal in Man*.
7. Lk. 10:25-37.
8. Ex. 20:2-17.
9. E.g. his "deduction" of monogamy because, he claims, the giving one oneself in sex as a "thing" for the enjoyment of another is permissible only when mutual and thus the personality of each is restored because both acquire the whole personality of the other (MM 96-7; 277-8). Yet that would rule out employing one person and then another to do a job. See also Ricouer's remarks on Kant on promises, the duty to cultivate oneself and to aid others in need: all these apply only to one who already makes his maxim a universal law (*Oneself as Another*, 264-5). Kant admits this of all "imperfect" or more indeterminate duties (MM 194 (390)). But then he has no answer to those don't care about the ultimate consequences of their actions. There is also the familiar Hegelian charge that Kantian *moralität* requires a *sittlichkeit*. But a more important criticism of Kant, which applies beyond his system to all supposedly deductive systems, is that reason itself in any form is not given to us as complete. In no sphere of life can we deduce in advance everything we wish to know. Mathematicians may construct a deductive system but they partly construct it and then discover its implications. Even more in the moral life can we say in advance what we would do or what anyone should do in difficult situations. Moreover, it is only by practising moral seriousness, and not by lessons in logic, that we can develop moral insight. Hence the futility of pretending to teach ethics by abstract discussions of difficult cases, even with undergraduates let alone pupils still at school. For more on this, with reference to Kant, see A. E. Taylor, *The Faith of a Moralist*, Vol. I, 156-9. For a thorough examination of more of Kant's erroneous assumptions, especially as regards his defective axiology or complete lack of one, see Scheler, *Formalism in Ethics*, especially Pt II, Chs 4 and 5. On Kant and happiness, see below, Ch. Twelve, §3.
10. "Source" also has an historical meaning. On the historical side, all law has its source in customary law, what we have always done. That does not make it what we would now call "convention," that is, doing what is done simply

because it is done. For although the thoughts of less sophisticated people are compacted and less explicitly differentiated, they are also to some extent implicitly differentiated, as, for example, in generally treating some breaches of custom much more severely. As thought and language become more differentiated, then "custom" comes to be identified with what is merely "the done thing." But, note, while the actual gestures and vocabulary of good manners are often purely customary in this sense, that one practices them is not itself merely a custom but the expression of respect due to others. Again, that may be purely customary and have no inherent reason, as today some claim with the deference so far expected from men to women, but that respect in some degree, and its expression is some form or other, is due to all is not a matter merely of custom but is based on the recognition of the inherent value of the person, and therefore is an application or extension of justice.

11. Of course, the actual content and extent of such rights, and the corresponding obligations to respect them, vary and are bound to vary over time and space, for example, exactly what can count as property and what the owner can do with it. Likewise ways of conceiving and reasoning about justice (see MacIntyre, *Whose Justice? Which Rationality?*). But everyone has some notion of what is due to him: even the slave who acquiesces in his condition of slavery will resent being beaten for something which he did not do; and children soon become aware of when they are not getting their fair shares. (As Ricoeur observes, a sense of unjust treatment tends to precede any explicit formulation of what justice is, *The Just*, x-xi). And so I take the protection of rights, both "natural" (or "human" in the current jargon) and "positive," to be the core of justice.
12. *Law, Legislation and Liberty*, Vol. 3, 131; cf. Vol. 2, 162-4.
13. *Persons in Relation*, 188-9. Cf. Nédoncelle on justice as "blindfold charity," the protection of a present level of civilisation achieved by charity (*agapé*, *caritas*), as that which "creates nothing but settles old accounts with severe precision, and is the never-ending transition of the instinctive society that precedes the person to the action of the person who civilises society by love" (*Love and the Person*, 56-7). That is, it protects what has been achieved but of itself cannot add to it. Yet, I would add, it has to be able to recognise and accommodate new claims and adjust old ones as conditions change and the sense of justice deepens.
14. Which animals have which rights? The raptor to hunt, kill and eat its prey, or the raptor's prey not to be hunted, killed and eaten? The cuckoo to lay its eggs in other birds' nests or other birds not to have the rearing of cuckoo chicks thrust upon them? It is strange that man is the only animal to have duties to respect other animals' rights.

15. MM, 49 (222-3). See also Kirk, *Conscience and Its Problems*, 38-52, on "indifferent acts" which are neither obligatory nor prohibited. Kirk tends to view them as concessions to doing what one merely likes, allowable but probably only so far, such as gambling, and not as choices of a positive good to be realised. Note that this question of the morally licit is not the same as that of "imperfect" duties, for the morally licit would not be a matter of duty at all, but of a good which one may or may not realise wholly as one decides.
16. G 85-6 (420-1); MM, 190-1 (386-7):). See n. 9 above and Additional Note 3 below. Very Germanic, this idea of *Bildung*, self-conscious self-cultivation!
17. *Ethical Studies*, 216-7.
18. See below, Ch. Seven, §4.
19. *Formalism in Ethics*, 184, and Ch. 6, passim.
20. E.g. G, 16 n. (401 n): all reverence for a person is properly for the laws which he exemplifies. See also Ricouer's comments on Kant on false promises and suicide, to which we could add sex and monogamy: that what matters to Kant is that *humanity*, in oneself and others, is treated as a means and not the question of personal integrity; that the "consideration of others as ends in themselves" is really irrelevant; and so "the idea of humanity, like that of nature, tends to attenuate, if not to annihilate, the otherness of the other" (*Oneself as Another*, 265, 265 n.41).
21. K.E. Kirk, *The Vision of God*, 522.
22. Mt 19:16-22; Mk 10:17-31; Lk 18:15-19.27.
23. *Existentialism is a Humanism*, 29ff. On this and other examples of non-universalised judgments and decisions, see A. Kolnai, "Are there degrees of ethical universality?"; A. MacIntyre, "What morality is not"; Scheler, *Formalism in Ethics*, 490-4.; J. O. Urmson, "Saints and heroes."
24. NE 1137b-a.
25. *Oneself as Another*, 262.
26. E.g. ibid. 230 ff. with reference to Rawls and Kant.

Chapter Seven

Intentions, Motives, Virtues and Virtue-Ethics

1. The Role of Intentions

As mentioned towards the end of Chapter One, intentions and virtues together answer some of the questions raised but not answered by laws and the ethics of law. Hence it will be more convenient to examine them together than separately, by taking in turn the questions that can be answered with reference to intentions and those that require the broader concept of virtues. And, as was also mentioned in Chapter One, together they point beyond themselves to a unity of intentions and the virtues.

Intentions are intentions to do something. When more or less explicitly formed, as when I say to myself, "That's what I'll do," they, and the acts of forming them, are called "decisions" or "resolutions." Decisive persons make up their minds to act and resolute persons carry out their decisions through thick and thin. Intentions can precede their fulfilment by long periods, as when making financial provision years in advance for one's retirement. Equally, the intention can be simultaneous with the action that executes or enacts it, as when, feeling thirsty, I immediately get up and have a drink of water.

"Motives" are not internal events which "cause" actions, nor "explanations" of others' actions except in a secondary manner, but are our actual reasons for forming intentions to act, and our intentions are the choices we make of more or less specific ways in and through which we propose to fulfil those reasons. This intimate relation to intentions means that often there is only a verbal distinction between them. This can be seen in Alfred Schutz' distinction between (genuine) "because" motives and "in order to" motives.[1] The former refer back to a lived experience from which the person acts, and the latter refer forwards to what he intends to do. Thus to use Schutz' example: when it starts to rain, I open my umbrella, and I do so, *because* it is raining (that is, because I have realised that it is raining) and *in order to* prevent myself from getting wet. The latter is the

motive or more general intention that is fulfilled through the specific action of opening my umbrella. Without the umbrella, I might have fulfilled it by running to the nearest shelter. Both motives refer, or imply reference to, desires, attitudes and emotions which are our more general reasons for acting as we do. Thus "because it is raining," in our example, implies a desire on my part not to get wet, and "Othello killed Desdemona because he was jealous" names both his feeling of betrayal when he was led to believe that she had committed adultery and also his desire for revenge, fulfilled by the act of killing her. We shall consider the role, in the moral life, of desires, attitudes and emotions in the next chapter, and for the moment we shall focus upon intentions and "in order to" motives.

First, the case for intentions "from below."

(1) It is incoherent to value the manifest action alone, let alone its external results, and to claim to disregard the intention, or to treat it solely as their "cause" and thus as being only instrumentally valuable, as consequentialism is logically committed to do. For, as already demonstrated in Chapter Four, it is the intention that defines the action and distinguishes it from its external consequences, and only as we grasp what someone is trying to do, do we understand what he is doing. At times we have to adopt what looks like the attitude of attending only to the manifest action. For the immediate purpose of keeping the peace, it appears to be enough that people do not rob, injure and kill each other, whether or not they aim to do what is right or simply to avoid punishment. But, as previously asked regarding the latter, who is to deter the deterers?[2] Therefore, because the person enacts and expresses his intention in an action or course of action more or less appropriate to the situation, it will make a great deal of difference sooner or later if avoidance of being caught and punished is the sole or primary intention in complying with the law of the land or if one's motive for observing moral decencies is simply to maintain a façade of respectability. When such a person thinks he can get away with it, then he will break the law or ignore the decencies of life. Hence there is a strong consequentialist case for attending to intentions, and also virtues and motives.[3] But, as we have noted before, the desirable consequences will follow only in so far as people intend to observe the moral law and to act virtuously apart from the consequences of so doing. Desirable consequences such as peace and prosperity are ultimately attainable only as by-products and not as intended results.

(2) The right intentions are also required for the proper keeping of laws, for without them, the observance of law degenerates into the abuse of

casuistry, "working to rule," and the minimising of obligations by formalism and legalism. Further specification of laws and their obligations is no remedy for these defects. Indeed, as was also pointed out, greater codification tends to be negative rather than positive, for abstentions tend to be more determinate than positive actions, and further definition of the latter tends to limit them. For example, a commandment to give 10% of one's income to good causes, although demanding for many, would not be demanding on the wealthy, who then could say that they have done their duty in giving *only* 10%. What is required is regard for the "spirit" of the law, the purpose served or expressed in the law, more than its "letter," what it explicitly requires. It is not enough simply to do one's own work within a collective task or organisation but one should be ready to cover for others when they are absent and to be ready in emergencies to do whatever is required. Likewise in everyday life, it is not enough, like the priest and the Levite, not to steal from or injure one's neighbour, but, like the Samaritan, we should be ready to help him when he is in need or trouble. The proper fulfilment of our obligations to our fellow men cannot be confined within a clearly delimited set of specified duties but only with a standing and general intention to be prepared to do whatever is required.

(3) It is not only the case that the right intention is required for the proper performance of duties, for it is required for knowledge of them in the first place. Here it is necessary to reverse a long-held but erroneous assumption that acts of cognition logically, and probably temporally as well, precede all other mental acts such as those of desire, feeling and decision.[4] Surely, you cannot want, love or try to realise what you do not already know or have not already conceived? A complete answer cannot be given here.[5] It will suffice for the moment also to point out that you will not look into what you do not want to know. In other words, we can have a vague awareness of something, and whether or not we make the effort to know more depends upon what we feel, wish and decide about it. The necessity of fitting what we intend to do to the specific or individual situation, requires an effort to grasp that situation. Without the intention to conduct ourselves as appropriately as possible in the present situation, we shall not bother to discern its particular features and thus to make any necessary adjustments to what we specifically intend to do. Again, without an intention to do what is right, we shall not bother about finding out what generally should and should not be done—technically, legally or morally—in respect of a task or project. Despite any subscription to the doctrine that all other mental acts presuppose cognition, moral theologians implicitly recognised the need of the intention to find out what should be

done in their distinction between "vincible" and "invincible" ignorance: if you ignore the signposts, you have only yourself to blame when you become lost; or if you blindly obey the "sat-nav" then you have no excuse when you get stuck in narrow and dead-end lane.

(4) An ethics of intentions can also give something of an answer to three questions left over from the previous chapter: (a) less determinate duties which leave much open to our discretion; (b) the morally licit but not obligatory into which (a) shade; and (c) acts of self-sacrifice which it is logically impossible for all to perform. A general intention to do what is good and worthwhile and to avoid what is bad will help a person to be on the alert for and sensitive to calls upon his attention and time in respect of (a), as in the case of parents who do concern themselves with their children's education, at home and in school, in contrast to those who care little about it and neglect it. Similarly, in respect of (b), such an intention will lead us to do and enjoy what is of value and to avoid things that are worthless and definitely bad. I remember a man who, when he retired, did nothing but passively sit in front of the television all day, and had no hobby or interest, not even in taking a walk and enjoying the exercise and fresh air, and so faded away after a few years. Again, some people are like Silas Marner, and become withdrawn, suspicious of others, cutting themselves off from human society apart what is strictly necessary, and so leading an impoverished life. As for (c), such an intention is at least open to moral possibilities beyond duties incumbent upon us all. The good is wider than the obligatory, and some people at certain times in their lives do experience a "call" or an obligation to do something which either obviously not everyone can do or which one would not necessarily prescribe for others. The moral life cannot be confined within a code of determinate and universal duties, and thus within a set of intentions to do things of types *A* to *N*. In all these ways it requires the general intention to do whatever is good and right. Specific and particular intentions presuppose this general one, which takes us beyond intentions themselves to the fundamental orientation of the person.

As for the limitations of intentions, the first and obvious one is that intentions need to be expressed and executed in effective action as when the time arrives. Hence an ethics of intentions alone, as has already been stated, would not be an ethics, and neither would it be one of intentions. In the first place, it would not be an ethics, because it would be one of irresponsibility by ignoring just what is required to execute one's intention in the specific or individual situation—if I had *really* meant well, I would

have tried to take *effective* steps to realise that intention. Nor, in the second, would it be an ethics of intentions, because, apart from significant changes of circumstances and reasonable changes of mind, an unexecuted intention turns out not to have been a real intention but an idle wish or mere form of words if formulated. If necessary, intentions must reach down to the determination of even the smallest details of what is done, both to be responsible intentions and to be intentions at all.

Intentions also require something more than what can be provided by themselves and the aspects of the person so far examined. To carry out what I intend I require qualities of character such as determination, resolution, persistence and patience; they in turn require self-control; and together they add up to general strength and constancy of will and character. Conversely, those who are irresolute, weak in character and inconstant either do not form any intentions or fail to implement them. Hence an ethics of character and virtues is required to supplement that of intentions.

Yet, before we leave intentions, we should note that, just as law introduced a distinctively moral note into this scale, so intentions take us from the periphery into the centre, that is, from the effects of a person's actions and then beyond his actions to the person himself. For, as mentioned above, the intention is not something external to the related action, or course of action, as its mere cause, but is that which throughout informs, guides and shapes it, adjusting the detail of the action to its circumstances and events as they develop. Or, rather, it is the determining presence of the person in his actions, expressing his attitudes and executing his aims, desires, ambitions and policies. Hence it is the person whose intentions they are that really matters in ethics, and thus those further aspects of himself, such as his attitudes, aims, desires, ambitions and policies, and his motives, as in making snide remarks about someone or in genuine and gracious giving to those in need.

Consequentialists bear witness against themselves by implicitly or explicitly distinguishing intended and foreseeable effects from unintended and unforeseeable ones, for if effects of actions alone mattered then all would. But, of course, the moral agent himself has to make this distinction because he can intend to affect only what he can foresee or estimate. Again, for a consistent consequentialist, there would be nothing of moral significance in an honest or gallant failure. Capt. Oates sacrificed himself to give Scott and the others a better chance of returning to their base, but they died 11 miles short of the next supply dump. Oates' heroism was in

vain, and therefore, in consequentialist terms, of no significance. For, *ex hypothesi*, the person, his aims, attitudes and character, can have no value in and by themselves. These, of course, are external criticisms of consequentialism, and of no import to one determined at all costs to uphold his creed. Nevertheless, the desired consequences can occur only by accident without these virtues of self-dedication, diligence, persistence, courage, and the like, often irrespective of the calculation of likely results. Once one reflects upon one's own and others' practice and experience, instead of constructing abstract theories *de novo*, it becomes obvious that it is the moral agent who is primary, not his deeds and still less their consequences.

2. The Nature of Virtues

Since the publication of Macintyre's *After Virtue*, there has been a refreshing revival of interest in virtue ethics in English-speaking moral philosophy, which has broadened and deepened the whole subject. Greek ethics were predominantly virtue ethics, and moral reflection consisted of discussions and formulations of *aretai*, human excellences, but not without reference to laws. The Romans translated the four canonised virtues of *andreia*, *sophrusoné*, *dikaiosuné* and *sophia* into Latin whence, respectively, our fortitude or courage, temperance, justice and prudence, although it is a sign of the continuing influence of the degenerate moral egocentrism of empiricism upon Analytic philosophy that the last is even now often taken to be synonymous with "looking after Number One" rather than "right practical judgment." With these virtues later Greek and Roman Stoic philosophy further developed the idea of law and duties, and then Christian ethics added its three distinctive and "theological" virtues of faith, hope and charity (*agapé*, *caritas*).

Virtues are valuable qualities of a person, specifically traits of character and standing attitudes, and vices are disvaluable ones. They are not habits, which are specific and regularly performed actions, such as taking the dog for a walk before breakfast each morning, and may be mere mannerisms such as scratching one's head when trying to think. Indeed, a virtue may be shown only once in a person's life, as in an act of outstanding courage which wins a posthumously awarded Victoria or George Cross, or in a deathbed act of forgiveness after a lifetime of harboured resentment at the original injury. Nevertheless virtues are

obviously the more valuable to the extent that they are part of a person's formed character. Then the person is reliable, one on whom we can at least normally count. Conversely inconstant, inconsistent and temperamental persons cannot be relied upon, except not to be reliable. Constancy is itself a virtue and a part of every other virtue, and inconstancy definitely a fault if not exactly a vice.

Though originally and still in some uses "virtue" meant "power," "ability," "skill," and the like, today and especially in an ethical context it refers to the ways in which we use whatever abilities and skills we have, and vices are the ways in which we fail to use them or definitely misuse them. Thus diligent and industrious persons get on with the tasks before them and apply themselves and their abilities to performing them properly, whereas lazy persons do not apply themselves and malicious ones misapply themselves and their abilities in making trouble.

Virtues, therefore, are or include intentions, not intentions to perform certain types of action let alone particular actions, but to conduct oneself in specific ways: justly, generously, bravely, diligently or patiently. This does not mean that they have to be expressed in explicit decisions so to behave, but that they will be so expressed as and when the occasion demands, often in rejections of temptations to act in a contrary manner, as in deciding to be just to someone despite disliking him, not to shrink from an imminent danger, or not to give up on a task when it proves difficult and frustrating.[6]

Virtues are also more than dispositions and general intentions to perform actions. As Christine Swanton shows, they are primarily dispositions to respond to or to acknowledge items within their respective fields, those things which concern them, such as temperance and bodily pleasures (but *only* bodily ones?), courage and dangerous situations, and justice and the rights of others. Such items in the field of a virtue make demands upon us to respond to them, and not only obviously to *do* something about them, such as to promote or realise them, but also simply to acknowledge them, to respect and honour them, to appreciate them, to be open to them, as in friendship.[7] Only when and insofar as we have the right responses can we then perform the right actions. Beneficence dispensed *de haut en bas* is no virtue but a demeaning display of superiority.

The importance of the attitudes, general intentions and right responses that constitute virtues is shown by the error in Aristotle's account of virtues, or most of them, as means between extremes. Courage is said to be the mean between timidity and cowardice, on the one hand, and, on the

other, impetuosity and foolhardiness. But, rather, it is radically different. For at the centre of the other traits is, respectively, an overriding concern for one's own safety that avoids any dangerous situation or backs away from danger when it should be faced, and a lack of concern for possible dangers and for one's own safety and that of others. In contrast, courage is the readiness both to look out for possible dangers and to face them when it is necessary to do so and not otherwise. The courageous person focuses upon what is to be done, and puts that first. Courage is therefore above, not between, its contraries of timidity, cowardice, impetuosity, foolhardiness and the like. The same applies to temperance and its contraries of self-indulgence and self-repression. The temperate person has rightly ordered his desires and emotions, because of his focus upon what is good and right in human life, whereas the self-indulgent person ignores considerations of good and right in relation to his desires and emotions, and the self-repressing person hates himself or despairs of any satisfaction in life and seeks to kill his desires and emotions rather than to correct and redirect them. Again, conscientiousness and a sense of responsibility do not lie between irresponsibility and being over-scrupulous. For, once more, the responsible and conscientious person focuses upon what is to be done, whereas the irresponsible person ignores it and the over-scrupulous person averts his attention from what really needs to be done to some private concern with an undue or unachievable perfection, as in refusing to cut corners in an emergency that requires them to be cut, in wasting time upon perfecting something of lesser importance to the neglect of getting on with something of greater importance, or being concerned more with the purity of his own motives rather than with actually doing what clearly needs to be done. The contraries of a virtue are not insufficient or excessive forms of it but a misdirection of attention and concern away from its field and what relates to it and towards quite different objects and purposes.

In sum, virtues and vices are the intentional and manifold ways in which we comport ourselves, properly or improperly, in the performance of whatever it is that we are engaged in or undertake, not only in obviously doing things but in how we respond to what we encounter or think of. Hence they involve even more of the person than intentions alone. This is particularly the case with temperance, the right ordering of our desires and emotions. It is a foundational virtue, for without it all other virtues are likely to be misplaced or thwarted, as when justice, generosity and mercy towards someone is inhibited by dislike for him, or when courage is overcome by fear or rashness. And patience is an application of

temperance, manifest as willingness to wait, to take one's time and to put aside any felt demand to have satisfaction *now*. For these pragmatic reasons alone, emotions and desires cannot be dismissed as irrelevant.

3. General and Specifically Moral Virtues

Doubtless much more could be said about what virtues are, but the above will suffice to show their importance and place in the moral life. Indeed, all activities in life need for their proper performance attitudes and traits of character such as determination, resolution, industriousness, diligence, application, persistence, patience and self-control. Conversely, lack of determination, irresolution, laziness, carelessness, lack of persistence, impatience, intemperance and so on, prevent a participant from properly engaging in them. Since at some point and to some extent or other all activities are jointly pursued, other standing attitudes and traits of character are then required, such as willingness to co-operate, to give and take, to fit in, to ask for and take advice, to observe the standards of the activity or practice, and to obey the rules.[8] Again, very talented persons have sometimes taken advantage of their indispensability to get their own way and to treat their colleagues with disdain: as Miss Jean Brodie said, team-spirit is for the chorus, not the star. In all spheres of life we see persons whose flaws of character and temperament lead them to waste their abilities or to be destructive.

So far, this is a merely functional, indeed consequentialist, account of virtues, according to which their value lies in the need for them for the proper performance of any activity or practice or for a specific activity or group of activities. In that respect they may be termed "natural" or "general" virtues. But a merely functional and consequentialist account ignores the distinctions between internal and external results and values. As was noted in Chapter 4 with reference to MacIntyre, properly to engage in an activity or practice requires at least some appreciation of its internal values, the fulfilment of engaging in it and observing its standards for their own sake. For example, some people seem to attend adult education courses primarily for something to do and for companionship, which are external to learning about the subject-matters of the courses. Yet they do not go just to any course but to ones in which they have some interest, otherwise they would be bored and also would have no immediate point of contact, the common interest in the subject, with the teacher and the other

members. Likewise, boredom and frustration are the results of an employment the only good of which is the pay-packet. Other external goods, such as companionship, can alleviate it. But even the standards of humdrum work will be properly attained only by some appreciation of them and personal satisfaction in fulfilling them and enjoyment of doing it, as when I rather enjoyed a spell just fetching, driving and neatly lining up cars at a car auction, provided I could get on with it without interference. But previously I had come to dislike working there as an appraiser for most of the time and having to go from one newly arrived car to another, hour after hour, to fill in forms with their details and any damage, and so I was not always as careful as I should have been. Again, Mr J.L.B. Matekoni often complains that his two apprentices at Tlokweng Road Speedy Motors do not care about their work and have no sensitivity regarding the running of motor cars. Even though the ultimate value of a mechanic's skill lies beyond itself, pride in his work and some appreciation of it for its own sake are necessary for it to be done properly. Another example is that of the armed forces. Max Scheler distinguished between *Gesinnungs* ("dispositional") and *Zweck* ("instrumental") militarism, the former valuing the military life for its own sake, the latter for use in limited and specific purposes.[9] But in Soloviev's *Three Dialogues on War, Peace and the End*, after The Politician had put the rational and utilitarian case for war (Scheler's *Zweckmilitarismus*), The General said that after God and Russia he loved his work in the artillery the most. An army with the same attitude as The General would soon defeat one with that of The Politician, just as the *condoterri* in Renaissance Italy, being mere mercenaries, could as easily be bought off as be hired. Yet again, mere consequentialism defeats itself.

The question now arises as to what distinguishes moral virtues from general or natural ones. Of all the virtues that have been suggested, only justice and honesty, if they do not wholly overlap, are unquestionably moral virtues, for they are the virtues specifically directed to observing the rights of persons. Thus they are the necessary minimum that is the foundation and safeguard of all the others, as Macmurray said of justice. Without them all the others can be misapplied. Mercy can become indulgence and generosity fraudulent, while courage, self-control, diligence, patience and others can be displayed in evil causes.

At this point diverge two distinct views of virtues such as these. On the one hand, some, like MacIntyre allow that a trait of character such as courage can be misused, while, on the other, others like Geach hold that in such a case either it would not be courage or that courage is not a virtue.[10]

MacIntyre, with the example of a devoted, intelligent and courageous Nazi, argues against Geach that courage would not be a vice that the Nazi would have to unlearn but would be something on which his re-educators could build. Here MacIntyre is in tune with what most of us would say. But what about a thief who is prepared to risk serious injury? I think that most of us would hesitate in calling him courageous yet he does display something akin to courage—perhaps we would call it "nerve"—while his companion, who shivers and shrinks when danger threatens, appears to lack it. I think that our hesitation here is due to the entirely self-serving, and immorally self-serving, nature of the thief's intentions, whereas the devoted Nazi was risking life and limb for a cause other than himself, evil though it was. We can generalise this example of courage: most of, if not all, the other virtues, justice apart, can be misapplied in the service of evil causes. For example, the German civil service diligently served the Nazi regime, as it had served the Weimar Republic and Wilhelmite Empire. We can even say that it did so conscientiously, in seeking to do efficiently what was asked of it, though, as in any system with unpredictable leadership, it developed a policy of referring anything unclear further up. Evil would rarely succeed if all who served evil causes were cowards, time- and self-serving opportunists, or indolent and careless thugs.

The various virtues therefore presuppose virtue itself, the general orientation and intention towards what is good and right, such that the person employs his virtues and abilities for legitimate and not illegitimate purposes. That means that his concerns are not restricted to a set of specific activities and practices and their internal standards, but embrace wider ones especially justice. To return to the previous example, the truly conscientious civil servant cannot limit himself to diligently applying and following the regulations and obeying the instructions from above when they clearly conflict with justice. In a fee society under the rule of law, such a person could bring his worries about the appropriateness or fairness of a policy to the attention of his superiors, then to his MP, and finally to the public by writing to the press or leaking relevant documents. Elsewhere the only option may be to resign.

4. Further Roles of the Virtues

The case for character and virtues "from below" has already been made in the foregoing, namely, that they are needed for the formation and

effective execution of intentions. As for the questions still left open, it was suggested in the previous chapter that Bradley has provided the answer to the question about those areas of life which moral laws, and the specific duties arising from them, cannot determine, that is, times when we have no specific or immediate duties to perform. It seems that we can please ourselves as to what we should do, yet simply pleasing ourselves cannot be doing our duty. But Bradley's proposal overcomes this apparent dilemma of either a life full of specific duties or a division of it into a moral sphere of duties and a non-moral one of simply pleasing oneself. At the least a person's settled dispositions, to the extent that they are good ones, will ensure that he innocently amuses himself, and, for example, does not cheat at cards, laugh at jokes at others' expense, or partake in malicious gossip, and, positively, that he is, say, courteous and ready to help his companions as the occasion arises. In the everyday affairs of life, character is especially expressed not so much as in what we do as in the manner in which we do it and thus 'adverbially': responsibly or irresponsibly, cheerfully or begrudgingly, courteously or discourteously, with consideration for the other person or without it. Of course, the attitude behind and expressed in the particular action will show itself in the details of the way it is performed: with care and not carelessly; with a smile and not just a forced one; with attention to any help that the other needs, but not fussily or officiously; and with a friendly demeanour and tone of voice.

We may also note how the pleasure of engaging in an activity is enhanced by doing it well and not by playing about at it. Now learning how to do something properly requires and promotes self-discipline and patience, and submission of oneself to the standards set by that activity for its proper performance. Consequently, although it is possible to compartmentalise one's life, acquiring mastery of an art, craft, sport or other practice, is likely in many cases to have at least some generally beneficial effect upon character, as well as giving those taking it up something worthwhile to do, something which should be a central concern in the formal and informal education of the young.

One could insist that the abstentions and actions just mentioned are duties. But no code can specify them all. Therefore only a settled disposition to act in certain ways—helpfully, courteously, considerately, whatever each may turn out to require—can cope with the variations of daily life. Equally, as with everything else, they are learned primarily from examples and not from manuals. For the latter are compiled from examples of good practice: languages with very complex grammars arose and were

spoken centuries before the first grammarians began to formulate their rules and exceptions. Justice is at heart what a just person does, and we tacitly pick up the laws of just conduct from such examples, exactly as we learned the rules and exceptions of our mother tongue by immersion in it.[11] We usually become explicitly aware of tacit rules when we meet something wrong, a breach of them, for we take correct observance of them for granted. As a mistake in spelling or grammar alerts us to a rule or sub-rule of which we have not so far encountered any formulation, so, as noted above,[12] acts of injustice alert us to types of actions which are unjust but about which we have not previously thought, and thus they both deepen and make more explicit our understanding of what justice is. Conversely, those brought up where unjust patterns of behaviour, such as bullying, are prevalent, will tend to conclude that those acts are all right except when they are the victims of them. Even then, some may simply accept that it some sense it is all right for others to abuse them. We learn primarily from examples and model persons, along with ethos and atmosphere, respectively, the set of values (or, indeed, disvalues) actually prized by the members of a group or institution, and the overall emotional tone of that group or institution.[13] The moral life is primarily one of the formation and expression of character and temperament, for better or worse.

The point here is not just that telling people what to do and not to do has far less effect than the tacit influences of ethos, atmosphere and example, very true though that is, but that what is to be done and not done, in morals and in every other practice, cannot be exhaustively specified in a set of explicit rules and laws, and, indeed, that the latter are themselves formulated from what is already but mostly tacitly known in practice. Hence when puzzled as to what to do, we may ask ourselves what an admired exemplar would have done, and then try imaginatively to recapture the unformulatable spirit of his attitude and manner.

The virtues have another cognitive role, that of discernment. Any set of moral laws must leave open their application. That includes the role of prudence as Aquinas defined it, to select the right means for a given end,[14] or, better, to find the best specific and particular actions for executing the general action in the given situation, as noted in the previous section. Furthermore, prudence or wisdom is also required in order to discern which general action is the one to be performed now, or those which I may equally perform. For, as we saw in the previous chapter, no casuistry can cover all eventualities, and the sphere of the licit, left open when no pressing duties oblige us, is a matter of individual or joint choice. Indeed, among the things that I may do, when there is nothing that I have to do

now, are those open duties such as general beneficence. If I have time and means at my disposal, I can work for a charitable organisation, although I do not have to undertake this specific task. Character comes into play here in the making of choices, often unselfconsciously and the better for being so in order to avoid the danger of self-righteousness, to take up things that, in one way or another, have some value and thereby not to take our "licence in the field of time."[15]

Even more so does character show itself in those heroic actions which cannot be universally obligatory and which Kant's Categorical Imperative would have to condemn. In the choice of such paths, certain virtues are displayed in superlative ways (but not necessarily spectacular ones), such as loyalty and courage in laying down one's life for friend or country, and general beneficence in devoting oneself wholly to the sick or poverty-stricken.

As more or less permanent traits of character virtues stabilise conduct. Beyond having the right intention for the individual action, the conscientious person has a standing attitude and intention to do what is right and to see it through. Likewise, the truly temperate person is not one who successfully struggles against contrary inclinations but he who has finally overcome them and has nothing against which to struggle any more. Ultimately the virtuous person finds it unthinkable to do otherwise than what is right and good—Luther's "Ich kann nicht anders." Such a person has reached what St Augustine called the state of *non posse peccare*, of morally not being able to do wrong because he has wholly devoted himself to and identified himself with the right and the good. Then he has transcended our present state of *posse non peccare*, the ability not to do wrong, which too often we fail to exercise.

5. The Limits and Unity of the Virtues

As with intentions, one cannot simply be virtuous but must exercise virtues in action. As we have seen, they are needed for the discernment of what to do and of how it is to be done, and also must be enacted and embodied in appropriate action as the occasion arises and requires. Virtues which are not exercised when the occasion requires are not virtues, and so there cannot be any ethics of virtues alone. But virtue ethics have always been open to the lower levels of the agent's activity. For justice, at the heart of the ethics of laws, is itself a fundamental virtue. So also is

prudence (in its proper sense) by which the agent tries to find an appropriate or the best way of executing in his situation what he intends to do. Thus, as and when necessary, the exercise of prudence will lead the agent to consider the likely effects of generally acting in a specific way and of performing a particular action here and now. Virtue ethics has always been less of an exclusive "ism" than other systems.

In another sense we cannot simply be virtuous for we can manifest our virtues only in and by engaging in some activity, such as work, sport, politics or social life in general, and meeting whatever it may require of us. As already mentioned, virtues are often "adverbial," and are expressed in *how* we comport ourselves and conduct our life—honestly, faithfully, bravely, diligently—and thus need substantive values, an order of value, and also of activities and practices of value in which to engage in virtuous ways.[16]

Nevertheless, our virtues can guide our choices about what we undertake, and that in two ways: to take up a certain course of action or way of life either because it is a clearly virtuous thing to do, such as to enter politics or the Civil Service in order to serve the public good; or because it offers opportunities to exercise a virtue and to enjoy the satisfaction of meeting its demands upon character as well as skill, as mountaineering calls for courage. The former presupposes a virtue, being public-spirited, that is itself good and right, while the latter presupposes that the activity is at least innocent.[17] The former reveals that at least some virtues are not merely "adverbial" but are or presuppose something substantive, such as a definite public good to be served. So too with justice: certain sorts of action and relationships among persons have to be just for us to act justly, that is, to perform or form them and to avoid, ameliorate or remove their contraries. Even procedural justice has its substantive elements, such as not being a judge in one's own cause and in giving the defendant or accused the right to present his case. Once again, the question of a set of values to be sought and realised is raised but not answered.

Finally, as we have already seen, the general or natural virtues presuppose a general orientation and intention towards whatever is good and right and away from that which is evil and wrong. Indeed, that is what constitutes the unity of the several virtues, which transcends that of a whole of parts and is one of self-differentiation in response to the varied aspects of what we are and do and the situations in which we finds ourselves. Prudence is required by all of them for discerning what precisely is to be done in the particular situation, but is itself an expression of

conscientiousness, diligence or a sense of responsibility, all of which refer to the intention properly to perform whatever it is that we undertake. Likewise, that general intention and attitude expresses itself in patience and temperance in attuning ourselves properly to what is to be done; in industriousness in getting on with the task; in carefulness in executing the details; in courage in situations of danger should they arise; and in fortitude and endurance in sticking to our tasks in times of hardship. In joint enterprises conscientiousness expresses itself in reliability, trustworthiness, honesty, co-operativeness and willingness to give and take. Above all, in dealing with our fellows and in life generally, conscientiousness and responsibility express themselves in the distinctively moral virtues of justice and honesty in respecting their rights; in courtesy and politeness in respecting their status as persons; in generosity and beneficence as the free self-giving of oneself, especially to those in need; in loyalty in maintaining relationships; and in mercy and forgiveness in restoring them when broken. Throughout all these self-differentiations of conscientiousness and responsibility runs humility in submitting ourselves to values, standards and laws that require our dedication and observance.

This also answers the question about those virtues which respond to evils in the world. It seems to be the case that without the presence or real possibility of evils and misfortunes, such virtues as patience, endurance, fortitude, courage, forbearance, forgiveness and mercy cannot be exercised, and thus that we would lack them. But that would be both to fail to distinguish a capacity and the occasions of its exercise, and also to assume that the virtues are distinct and separate. As for the former, not exercising a capacity does not mean that one does not have it. Only President Truman has unleashed nuclear weapons in anger, but since then many other heads of government have had the power to do so but fortunately none has done so. And, as for the latter, the one virtue is not a sum of many different ones but they are its appropriate self-differentiations in specific situations. It follows that the truly virtuous person would act patiently, with endurance and fortitude, courageously and with forbearance, and would forgive and show mercy, if and when the respective sorts of situations occurred. That, in a happier state of affairs, such situations might not occur does not mean that he wouldn't if they did. Even on active service, soldiers are not actually fighting for the greater part of their time, but that does not mean that they then lack the courage to fight. This is another part of the answer to the reformist fallacy, previously mentioned: virtue does not require evil in order to exist; for the intention to

alleviate, remove, prevent and overcome evil would be always latent in the virtuous character even if nothing would occur to call it forth.

6. The Virtues as Expression of the Person

But before we turn to what that primary virtue may more specifically be, let us note that virtues have deepened the interiorisation of moral qualities. For consequentialism, intentions and virtues can have significance and value only as the *causes* of actions, and they in turn only as the cause of its good or bad effects, that is, their external effects. But once we have grasped the real relation between inner and outer, mind and body, the person and his mental and bodily powers, as that of the expression and enactment of the former in and through the latter, then we shall recognise that intentions and virtues have the primary value or disvalue, while their outward expression and enactment have but a secondary one, that is, if they are genuine in the first place, such that, *ceteris paribus*, they will be expressed and enacted when the occasion arises. For the "material" expression and enactment may be accompanied and shaped by another intention which devalues and possibly corrupts it, or, conversely mitigates it: financially and in contrast to the rich men's gifts, the widow's two mites were almost worthless; but morally they were of far higher worth, for she gave "all that she had."[17] Hence, as with birthday presents, it is the thought that counts, whether they are genuinely or begrudgingly given. The action symbolises the intention, but it has to be effective, when appropriate, if it is to do so: merely "token gestures" are neither tokens nor proper gestures but pretences and insincere gestures.

The reversal of this relationship also results from a confusion between the legal order and the moral order. Although the law requires a *mens rea*, knowledge of what one is doing and an intention to do it, which is assumed until proven defective or absent, the law and public authority can judge mostly only by the actual deed and not by an unexpressed and unexecuted intention: there are no "thought crimes," although it can be made a crime simply to express certain thoughts, as in "Holocaust denial" in several states. Hence someone who really intends to murder another but is prevented from performing any overt action, as when he finds he has forgotten to load his pistol or that his intended victim has not turned up, may well escape the reach of the law. But morally he is as evil as the one who succeeds in shooting his intended victim: the former meant to murder

and was saved from doing so only by chance. In particular, virtues engage and express yet more of the person than do intentions, as was noted above with reference to Christine Swanton who rightly emphasises responses to values and value-bearers that are not primarily responses to *do* things, but to be sensitive to, respect, admire and even enjoy them. With intentions and virtues we have moved from good and bad acts to good and bad qualities and expressions of persons.

Additional Note

Egoism and altruism

This is an appropriate place to mention two "isms" that do not fit into the present scheme: that the only form of wrong-doing is egoism or selfishness, and, what it implies, that altruism, doing good to and for others, is the *only* form of rightful action (in religion it is the assumption that the only form of idolatry is self-worship or of Mammon, i.e. of one's own wealth, and not other forms of idolatry such as worship of family, tribe, state, nation, race, party, art, science or sex). Therefore, according to altruism, if I do *X* for myself that is selfish and wrong, but if I do it for you that is good and right. It follows that when we are together both of us can legitimately eat for we can feed each other, but when each of us is alone we must either be selfish or starve. On the other errors of altruism or the ethics of "service," see Macmurray, *Freedom in the Modern World*, 192-5, and "Self-realization" (in *John Macmurray: Selected Philosophical Writings*). But he appears to have changed his mind in *Persons in Relation* where he stated that the ideal of personal existence is "a universal community of persons in which each cares for all the others and none for himself" (159). But am I really expected not to wash and shave myself and to expect my neighbour to come round and do it for me, and vice-versa?

Notes

1. *The Phenomenology of the Social World*, 86-96.
2. See Ch. Five, n. 1. Bosanquet's principles, that the law should enforce only those actions which are better done from any motive (with any intention)

rather than not done at all and thus that the state should "hinder hindrances" rather than take positive action, are generally sound in recognising the inevitable limits of state action, though he himself could not keep to them (*The Philosophical Theory of the State*, 173-84).

3. As by Julia Driver, "The virtues and human nature."
4. E.g. Aquinas, ST Ia IIae, 27, 2, but with some qualifications; Brentano, *Psychology from an Empirical Standpoint*, 267.
5. See my "Governance by emotion," "The cognitive functions of emotion," and "Polanyi and the rehabilitation of emotion," and the references there to J. Macmurray's *Reason and Emotion,* Michael Polanyi's *Personal Knowledge*, Max Scheler's "Liebe und Erkenntnis" and *The Nature of Sympathy*, and S. Strasser's *The Phenomenology of Feeling*.
6. That virtues often become explicit in such situations is one source of the widespread "reformist fallacy," that good requires evil as that against which it can struggle, and thus that virtues of the good self require the vices of the bad self. An example of this in respect of virtues is Philippa Foot's remark that virtues are corrective: temperance of indulgence, humility of thinking too much of oneself ("Virtues and vices"). On the contrary, it is evil that is parasitic upon good, for it is the destruction, impairment and obstruction of the good, and itself requires things of worth such as power, skill and knowledge in order to misapply them. When, and if, we have wholly put off the "old Adam," then we shall be truly temperate, prudent, just, and so on, and so we shall be completely free to get on with right and good rather than having to struggle with wayward tendencies in ourselves and not, like Dorothea at the beginning of *Middlemarch*, be left with nothing to do because there is nothing in the world to be put right. However existing evils can have a disciplinary role in spurring us to acquire and exercise such virtues as compassion and general beneficence especially to those who suffer and are in need.
7. *Virtue Ethics*, 19ff, and elaborated in the following chapters. This book gives a balanced treatment of virtues and their place in ethics, which recognises the mutual dependence of virtues and other aspects of the person and the moral life.
8. See MacIntyre, *After Virtue*, 178ff on the virtuous attitudes required for initiation into "practices," the historical and local embodiments of what I call "activities." He specifically picks out justice, courage and honesty, and humility by implication in submitting ourselves to the standards of a practice and to the authority of the masters of it.
9. "The idea of peace and pacifism" (1927) but in 1915 he had justified "dispositional" militarism in general and the German invasion of Belgium in particular.

10. *After Virtue*, 167, referring to Geach, *The Virtues.*
11. On tacit understanding and learning by example and apprenticeship, see Michael Polanyi, *Personal Knowledge*, Ch 4: "By watching the master and emulating his efforts in the presence of his example, the apprentice unconsciously picks up the rules of the art, including those which are not explicitly known to the master himself" (53). On virtues as uncodifiable, see J. McDowell, "Virtue and reason," and R. Hursthouse, "Normative value ethics." See also, see M. Slote, "Agent based virtue ethics," for a balanced discussion of a current and rather sterile debate about whether right actions are to be defined as what a virtuous person does or would do ("agent-based" virtue ethics) or whether virtues are to be defined as performing right actions ("action-based" virtue ethics)—note the dichotomising sectarianism at work here. Virtue-ethics is supposed to require the former and deontological ethics the latter. But, of course, there are no such dichotomies. As everywhere in life, certain examples stand out and become paradigms (though perhaps later revised or even rejected) but they can never exhaust the possibilities. Hence one becomes just by acting in accordance with the obvious and specifiable paradigms of just action, such as returning what has been borrowed, but then learns tacitly to modify, supplement and balance them, and that requires a general disposition to be just, to do whatever may turn out to be the just thing.
12. See above, Ch. Six, n. 11.
13. See Scheler: on examples as models, "Vorbilder und Führer," but he is more concerned with how they inspire their followers and says little about their cognitive role as exemplars of tacitly known rules; and on ethos, *Formalism*, 299ff, 572ff (also on model persons), plus Index.
14. ST IIa IIae 47, 1.
15. On the contrary error of work for work's sake, "work" taken in its specific senses of that which is done to secure resources for other pursuits, and thus usually of "employment" or "occupation," see J. Pieper, *Leisure: The Basis of Culture*, and my "Leisure: the Purpose of Life and the Nature of Philosophy." One form of Puritanism, often wholly secular, is a doctrine of work for work's sake and of identifying everything that is not "work," in the specified sense, with idleness and selfish indulgence. This is often combined with the error of altruism—see below, *Additional Note*—and the actual result would be a universalised slavery of everyone working all the time for everyone else. Pieper (47) quotes Goethe: "I have never bothered or asked in what way I was useful to society as a whole; I contented myself with expressing what I recognized as good and true. That has certainly been useful in a wide circle; but that was not the aim; it was the necessary result." (From Eckermann, *Gespräche mit Goethe*, 1830, to Soret.)

16. On the adverbial aspects of virtues, see Charles Taylor, *Sources of the Self*, Ch. 13, "God Loveth Adverbs," a quotation from Bishop Joseph Hall, 224. Cf. George Herbert:

    "Who sweeps a room as for Thy Laws
    Makes that and th' action fine."

    And John Keble:

    "The daily round, the common task,
    Will furnish all we need to ask;
    Room to deny ourselves, a road
    To bring us daily nearer God."

    Yet there are dangers in hierarchies of value, one of which is precisely the neglect and implicit downgrading of the daily round and common task, and thus of the greater part of the lives of the bulk of mankind: see below, Ch. Ten §3.
17. This raises the question of whether we have a moral right to engage in dangerous sports, such as mountaineering, and similar pursuits which primarily serve the satisfaction of success in them and especially in meeting the challenges of risk. Certainly, those with others heavily dependent upon them ought to ask that question of themselves and seriously reflect upon it before taking them up. Yet it would be an impoverished world in which all elements of non-necessary risk and danger were eliminated, and the sense of adventure with them.
18. Mk 12:41-6; Lk 21:1-4.

Chapter Eight

The Heart and Its Order

1. From the Virtues to Virtue

The distinct virtues neither stand alone nor, with the exceptions of justice and honesty, are good without qualification. All the several virtues are expressions of conscientiousness and a sense of responsibility: we can be conscientious and act responsibly only by exercising such virtues as the occasion requires; and we can rightfully exercise these virtues only insofar as we are conscientious and act responsibly. But conscientiousness and responsibility can themselves be misused for evil ends, and so they require the overarching and directing virtue of self-dedication to whatever is good and right, to direct them to the pursuit of ends and activities that are right and good and to keep them away from ones that are wrong and evil.

It may be supposed that justice (with honesty) as the one unqualifiedly moral virtue, could fulfil the role of the fundamental virtue as we also noticed in the case of *dikaiosuné*, which was extended to mean "righteousness," the general intention to do whatever is right, as in the *koiné* Greek of the New Testament. For justice does underpin the other virtues and without it they cease to be moral virtues. It does so because it is directed to respect of persons and especially to respect of their rights, to giving others their due, not impinging upon their rights and fulfilling what they have a right to expect from us, such as the performance of the promises we have made them. It keeps what may appear to be virtuous intentions from overstepping those limits. Yet it is itself dependent upon other virtues and also it does not cover all that is good and right. On the one hand, it needs other virtues, such as prudence in discerning the particular action that here and now will best fulfil what one is obliged to do and courage to perform it if danger threatens. On the other hand, it does not include rightful actions which go beyond what is strictly owing to others, such as acts of generosity and general beneficence in which one gives or performs what the recipients and beneficiaries have no particular

claim to, as in waiving a debt owing to oneself or giving to a charity that helps the blind. We are morally deficient if we rarely perform such actions, and even more so if we never perform any. But we are not unjust in not doing so: not to waive a debt is not like welshing on one, nor is not to give to those in need the same as to steal from someone. Indeed, as Plato pointed out long ago, an ordinary understanding of justice does not obviously fit duties not to give to others what belongs to them or what they ask for when it would harm themselves or others, such as returning his axe to a man now in a mad rage or a bottle of whiskey to the importunate alcoholic next door. To quote Macmurray yet again, justice is the necessary foundation but minimum constituent of morality.[1]

The fundamental virtue that informs and truly unites all the others, justice included, by differentiating itself into them, is therefore self-dedication to whatever is good and right. That seems rather abstract and vague. One way to give it more substance is to consider an undue narrowing of it and its scope, and then the exact opposite, the claim that what has been omitted is the one thing necessary.

2. The Insufficiency of the Good Will and the Necessity of Emotion and Desire

As intentions lead us beyond actions into the person himself, so virtues lead us to the whole person. We can see this by considering Kant's claim that it is the good will which alone is good without qualification. In doing so he committed three errors: (a) he begged the question by selecting the *good* will and not the unqualified will which like all our other capacities can be misused and disordered; (b) he ignored the need for an objective order of values other than the good will for the good will to will in order to be good; and (c) he wrongly isolated the will from the whole person. As a result and despite all his professions of rigour, he reduced the moral demand to what we can directly perform. Because he assumed that our emotions and desires are "pathological" phenomena which arise and fade in us of themselves and beyond our control, he also assumed that they have no moral significance in themselves but only as aiding or hindering the will to do one's duty. Only "practical" love, that is deeds, can be commanded and hence can constitute the content of duty.[2] For "'ought' implies 'can'," and we cannot have any duty to do what we cannot do. If I cannot swim, I cannot have a duty to jump into a deep pool to rescue a

drowning child, and, agonising though it would be to be unable to do anything, I would not be guilty of failing to do my duty by not jumping in. Hence what matters is that I perform those deeds which I can perform and which I have a duty to perform, and that I perform them because they are my duty, whether I have inclinations to perform them or not to perform them, and likewise for those duties which are acts of abstention.

With regard to the immediate matter at hand that is true. Here and now, although I would like to stay in bed, I must get up and go to work as I have contracted to do. I can hope that in time I may cease to dislike getting up and going to work. Indeed, generally it is better to forget about what we feel and to leave our emotions to sort themselves out. Otherwise attending to them will distract us from what we should immediately do, and we may double our difficulties by feeling guilty about disliking or simply not liking what we know we should do. It is more immediately important that I respect the rights of my neighbours and try to be polite them than that I positively like them. Yet, although it is better to end a quarrel with gritted teeth than to continue to pursue it, it would better still to end it with a warm handshake. Even Kant had to admit that one emotion, reverence for the moral law, was essential to morality.[3] But he tried to isolate it from all others as alone having a real value for its object, because he assumed that all other desires and emotions are self-centred and are either inclinations (i.e. towards what one merely likes or wants for oneself) or fears (i.e. away from what will harm oneself), and it is these, one's self-love, that reverence for the moral law demolishes, no other wrongly directed desires being mentioned by him.[4] Consequently, he never considers desires and emotions directed towards others, such as fear for what will harm them and a desire for their health and happiness, let alone that emotions may have an inherent moral value and not simply an external one in helping the performance of duty for duty's sake. And he took self-love as simply what one wants for oneself, and never raised the questions as to whether it can be misdirected and be insufficient. Indeed, the truth is that most of the time we love ourselves too little and so we waste our time and energies on things that cannot really satisfy us and, worse, on what will harm us.

As Kant implicitly recognised, emotions and desires are intentional and have objects—only moods do not, yet they can exist only as colouring our thoughts and emotions. Thus, on the one hand, emotions are essentially *felt*: to feel glad or miserable, afraid or hopeful, proud or ashamed, satisfied or unsatisfied, is to be what one feels; whereas to feel brave or generous does not entail that one is but suggests that one definitely isn't. But, on the other, equally essential is that which one feels glad or miserable *about*,

the object of the emotion. Now "the object" does not have to be a particular person, thing or event, but can be a whole class of them, as in "I loathe hypocrites," or everything in one's life or in general, as in a generalised nostalgia of "Nothing is what it used to be" (Portuguese *saudades* as expressed in the *fado*) and in the *Weltsmersch* of German Romanticism. Indeed, as in *angst*, the object may be undefined, a mere "something," except in terms of its value or disvalue, and that in only a very general manner—"something in someway seriously untoward that will or may well happen." A vaguely conceived object is still an object. With but one exception, sheer surprise at the existence or occurrence of something, in every emotion the object is apprehended as in some way good or bad, and so all emotions are positive or negative responses to their objects, and thus usually attractions to them or repulsions from them. Often in an emotional response there is a proximate object, at the centre of attention and an ultimate object in the background or presupposed, and perhaps a mediate object between them. If I am afraid of the large dog next door, then I am proximately afraid of the dog, mediately afraid of the harm that it could cause me, and ultimately concerned to avoid bodily harm and pain. If I were indifferent to bodily suffering, I would not fear the dog and what it might do to me, just as in fact I have no hopes and fears about the success or failure of any football club or any contestant in a talent show on television. The ultimate object is valued, and the mediate and proximate objects are evaluated in relation to it. Similarly, if I loathe someone, I may succumb to *Schadenfreude* when bad luck befalls him. And, of course, I can experience emotions that have no connection with myself, as when I see a child run into the path of an oncoming car and am stricken with fear that he may be run over. Conversely the psychopath is devoid of any capacity for emotions centred upon others. There are other intentional structures in emotions, but these will suffice for the present purposes. Emotions and attitudes overlap in having the same intentional structures, and the only real difference between the words is that "emotion" definitely implies the presence of feeling whereas "attitude" does not. Hence aloofness and coldness towards someone would usually be classed as "attitudes," though I suspect that there is usually some degree of feeling in experiences of them, such as pleasure in "cutting" the person concerned.

Desires also have the same intentional structures as emotions: I want an allotment so that I can grow spring vegetables in order to enjoy eating them. Desires can also be felt, as with yearning. Emotions are linked to desires in two ways: they can arise from them and can generate them. Because I value my bodily welfare, I desire not to be bitten by the dog next

door and so will be afraid of it if I think it is likely to attack me. Hence that in turn will generate a desire not to encounter it and to escape from it should I do so. Again, delight and joy, and positive emotions in general, will tend to produce desires to experience their objects again and perhaps to protect and enhance them.

Consequently, without emotions and desires we would do nothing. Elsewhere I have formulated a general schema of the ways in which emotion and desire initiate, direct, sustain, and terminate or renew action, including the interior actions of thinking and understanding.[5] Hence they are fundamental to any realistic ethics and moral discipline. Furthermore, they are morally significant, not merely as the "causes" of action, but in their own right. For as intentional, as thinking about something and evaluating it in a specific way, emotions and desires are themselves acts which we perform, even though there may be no outward sign of them. Hence thoughts, feelings and desires are as much things we *do* as are eating, walking, giving presents and stabbing others in the back. Moreover, as was noted above,[6] the thought, the intention, determines what sort of action the physical motions constitute: waving an arm in the air can be waving someone goodbye, an attempt to attract attention, a specific signal to someone to do something, or part of a routine of exercise. Consequently, far from outward deeds being the primary bearers of moral value, it is the inward thoughts that bear them, for they define and express and enact themselves in the outward deeds. Someone who is given to thinking ill of others and bearing them grudges, even if he does not express his thoughts and attitudes in malicious gossip or spiteful actions, nevertheless is morally at fault. *He* thinks ill of others and bears them grudges, and in doing so he is thinking about them as he ought not to do. Even moods bear moral values and disvalues in their own right. If I get up on the wrong side of the bed in the morning, and so resent any claim by others on my time and attention, then this a mood that I ought not to allow so to colour and inform my thoughts, and thence my manner, words and actions. Even if, when in a bad mood, I don't reply testily when asked to do something but I still resent being asked, then that, as a sequence of thoughts, is something that I do and should not do. My mood, though it has come unbidden upon me, is not wholly "pathological," for it is parasitic upon and informing intentional emotions and desires and the thoughts and attitudes that constitute it.

Moreover, what people think and feel about us can often matter more than what they obviously do. Someone who views another with contempt, hostility, jealousy, envy or any other negative emotion or attitude will

sooner or later betray it, even when trying not to show it, and that can devalue or completely negate the actions which it accompanies. The handshake accompanied by gritted teeth will show that the party in question is not really reconciled to the other, just as we easily recognise the false friendliness of the salesman, the smarmy manner of those who would ingratiate themselves with us, and benevolence distributed *de haut en bas*. Expressions of negative emotions can be even worse than manifestly unjust actions. A teacher who constantly belittles a pupil's efforts, perhaps simply by looks and tone of voice, will be resented even though there may be little obvious injustice in any marks awarded or grades given. Likewise, more harm can be done in a marriage by a spouse who is cold and unresponsive or who constantly nags than by one given to occasional outbursts of temper. What may seem to be little things can finally drive the victim to despair, as has happened with children subject to constant verbal bullying at school, now also perpetrated via text messages. Conversely, above and beyond any obvious acts of goodwill, the comforting arm around the shoulders may be the best help that can be given to one who suffers. And what children need most of all from their parents is the security of knowing that they are loved.

Again, in our better moments, we do think the worse of ourselves for not feeling and desiring as we ought, even though we perform the relevant outward actions. We experience a division *within* ourselves, and not between an ego of will alone and another and alien self forcing itself upon the ego. Impulses within ourselves, that we may feel to be alien and opposed to the self that we really wish to be, are still parts of ourselves and thus we are implicated in them. As St Paul said, "The good that I would do, I do not; but the evil which I would not, that I do." The law of sin in St Paul's "flesh" can seem to be an alien self, "sin which dwelleth in me" which his mind or "inward man" repudiates.[7] But both are *himself*: the divided self must still be one self in order to be divided against itself. And, by still having a "lower self" or the "old Adam," I thereby do not wholly identify myself with my "higher self" or "new Adam." The one side of me is still implicated in impulses, feelings, desires and habits which, on the other side of myself, I reject and wish I did not have. Here law and duty transcend themselves: I can do my duty, in one sense, even though I do it reluctantly, such as having to go out into the wet and cold and in the middle of a good film on television to collect my son from cricket practice at the sports centre. That is, I can perform the actions but inwardly begrudge having to do them. Hence I do less than my duty in not doing it whole-heartedly. Obviously it is better to perform the dutiful action even

though one begrudges doing it than not to perform it at all. Yet it is still better to perform it cheerfully and wholly willingly.

Conflicts of mood, emotion and desire raise the question of overcoming them. There are two ways of doing this. The one way is to suppress emotion and desire and ultimately to eliminate them altogether. This was the route of Hindu and Buddhist asceticism (though the latter also called for sympathy with fellow sufferers), and also of the Hellenistic sage, all of whom sought to reduce or to eliminate suffering, disappointment and frustration by loosening or severing all ties with the world. For if we care less or not at all about what happens, then we shall not be so affected by untoward occurrences or even be wholly unaffected by them. But to eliminate desire for this and then that, and finally to eliminate the desire even to end all desires, is to seek to end all activity and thus to eliminate oneself. For if we do not want to do anything at all, we shall do nothing and thus shall exist only as inert spiritual substances, if that is possible.

The other way is to aim for and achieve a complete moralisation of the self, such that one is wholeheartedly devoted to and cherishes all that is right and good, and abjures all that is wrong and evil, that is, to attain the correct order of the heart. Yet before we examine that, let us halt and briefly consider the exact opposite of Kant's error of the isolation of the bare will as alone having inherent moral significance, namely, the exclusive ethics of feeling.

3. The Ethics of Feeling

The exclusive ethics of feeling holds that all that matters is having the right feelings. One finds this in the Romantic notion of "the beautiful soul" as exemplified in Rousseau's Julie who "never had any other guide but her heart and could have no surer guide, she gives herself up to it without scruple, and to do right, has only to do all that it asks of her."[8] What Rousseau emphasises here is the infallibility of feeling, at least in those of exquisite feelings, so that, having the right feelings, they will effortlessly do the right thing. T. E. Hulme said that Romanticism is spilt religion,[9] but, more accurately, it is spilt Augustinianism, because for Augustine's *dilige et quod vis fac* it substituted *senti et quod vis fac*. The next step, in a parody of Luther on faith, was to disregard action altogether and to regard feeling alone as significant and as justifying oneself, as was noted above with regard to Rousseau's self-congratulation upon his noble feelings

while recording his abandonment of his third child.[10] Robespierre, his most faithful disciple, put Rousseau's politics of the General Will and his ethics of feeling into effect with terrible consequences, and justified himself by his "virtue," "that irresistible, imperious passion, torment and delight of magnanimous hearts, that profound horror of tyranny, that compassionate zeal for the oppressed, that sacred love for one's country, that still more sublime and sacred love for humanity, without which a great revolution is only a glittering crime that destroys another crime."[11] Not only does virtue as feeling not have to be expressed in appropriate action but it can validly express itself in terror and murder.

But are these genuine feelings? If they are never, or even rarely, expressed in appropriate action, *ceteris paribus*, then, as with intentions, they cannot be the feelings that they are claimed to be. For desires and emotions are themselves intentional in having objects, and most emotions arise from, or express themselves in, desires and thus in appropriate actions: anyone who genuinely loves something wants to cherish it and, usually, to be with it. Consequently, feelings wholly detached from effective expression in appropriate actions are not genuine ones but either mere fantasies or pretences, special circumstances apart: Rousseau's professed love for humanity did not apply to his own children. Even more false are feelings identified with traits of character and virtues: either, like Walter Mitty, I merely imagine myself to be a brave and dashing hero, or I credit myself with being brave merely because I feel brave. It follows that an ethics of feelings alone is false in both respects: it is not an ethics because it is irresponsible in ignoring the nature and effects of actions; and it is not one of feelings because the feelings in question are only fantasies or pretended ones.

4. The Importance of the Order of the Heart

The bare will and the Categorical Imperative are both abstractions, and human emotions and desires are too unruly to be relied upon just as they are. The answer to both is the *ordo amoris* which Scheler, following Augustine and Pascal, took up in the essay of that title. It has both descriptive and normative applications. The descriptive one is the overall pattern of a person's, or a group's, loves and hates, and corresponding desires and emotions, which underlies and manifests itself in his or their usual actions and responses. Even persons of apparently inconstant

emotions and desires usually have deeper ones that are constant, such as a desire for emotional excitement which must always seek new particular objects, or to get one's own way by manipulating others by means of lavish endearments followed by sulks and accusations when they fail to respond. The normative one is that objective order of what should be loved and hated as founded upon the objective order of values. Our real task in life is to bring our actual order of the heart into line with the objective order.

But this has often been obscured from moral theorists for several curiously interacting reasons. One we have already mentioned in relation to Kant: the pragmatic concern with what can be commanded and immediately performed, and consequently with external actions and not with the often longer-term discipline of emotion, mood and desire. For some theorists, like Kant, the utilitarians and much contemporary Analytic philosophy, it is simply self-evident that the question to be answered by ethics is, "What am I do?," and possibilities, such as, "What should I love, desire and feel?" or "What should I be?," are never raised by them. Yet this "pragmatic" attitude, though proximately appropriate, is ultimately counter-productive. For it is the deeper discipline of love, emotion, desire and mood, by ethos, atmosphere and example, as also previously mentioned, that is more effective in the longer term. The heart is the heart of the moral problem.

A long-standing rationalist and intellectualist attitude has also inhibited investigation of the *ordo amoris*. It is the assumption, mentioned in the previous chapter, that emotional responses and desires presuppose and follow from perceptions and apprehensions: surely, boy must meet girl before he falls in love with her? It follows that right action follows upon right understanding, and thus that the primary task of moral education and reformation is to bring people to understand what is good and right. In contrast, modern moral scepticism and subjectivism, following upon the rejection of the ideas of Natural Law and an objective order of values, often turn to emotions and desires in order to provide either a filling for the otherwise empty form of the rational and autonomous will (for example, Hare's combination of Kant, "universalisability," and utilitarianism[12]) or for the source of what people obviously want and so should have (as in hedonistic utilitarianism). Here a descriptive *ordo amoris* is simply taken to be the objective one, and so the latter is not investigated. The same happens in those reductive philosophies, histories, psychologies and sociologies which assume that all action and thinking is motivated by self-

or class-interest, or by the survival of the individual or species, and never by any objective order of values and reasons.

Curiously, the last are, in a way, nearer the truth than intellectualism and rationalism, for they do recognise that knowing is motivated. But it seems never to occur to the propounders of such theories that they themselves are classic "*n*-1" theorists who tacitly exempt themselves from their explicit and universal claims in setting them forth as true and worthy of all men to be believed. No Marxist, for example, ever admits that his own theories are merely the ideological projections of a bourgeois (usually *petty* bourgeois), resentful and often politically impotent revolutionary, who wishes to replace the current ruling class with his own coterie, and uses the real or supposed grievances of the proletariat and other groups as a mask for his own ambitions and fantasies. Again, no "evolutionary epistemologist" thinks that his own theory of knowledge is shaped solely by considerations of what would promote the survival of himself or of his species (but which species?—evolutionary epistemologists, all epistemologists, all human beings?), and not by what is true irrespective of its consequences for survival.

The truth of the matter is that persons, as opposed to animals, are open to "the world," the totality of what exists, and do not merely respond to their "environments" as marked out by what is relevant to their bodily drives and instincts, and gregarious mammals clearly also desire something beyond physical satisfactions, namely, friendship and companionship or something very like them. We soon become aware of not knowing certain things, and hence we can always transcend what we presently know. For our cognition follows from a primary "taking an interest in" which is open and unlimited, though in some persons it becomes limited.[13] We seek to know what we are interested in, or what will aid what we are interested in. But our interests can include anything and everything, and the primary one is the general and open one just mentioned. Conversely, we do not pursue what we are not interested in. For example, the Enlightenment was ignorant with respect to the "Dark Ages," between the collapse of Roman civilisation and the Renaissance, not because little could then be known about them, but because it was assumed that during them the world was mired in ignorance and superstition and so there was nothing worth knowing about them. What the sciences require is neither a neutral and uninterested attitude, which will lead to nothing, nor an interested interest, that is, a narrow, partial and distorting one, but a disinterested interest, a love for knowledge arising from a love for what it is knowledge of, such as the physical structure of the universe or the human past.

Consequently, it is not so much knowledge of good and duty that is usually required—in any case for most of the time people have at least some idea as to what they should love, desire and do—but a change of attitude, a change of heart. Given that, then we shall set out to discover what we still need to know, for example by seeking and heeding advice. It is a peculiarly modern delusion that formal education, explicit teaching and the provision of "information" and "skills," will solve our problems. But these will have no effect upon those who do not want to know or think they know it all already, and "information" can never tell us what to do with it nor "skills" when and where to practise them or not.

Likewise, the proper engagement in all personal activities—the arts, sciences, crafts, sports and games, politics, social life generally—requires at least some interest in them for their own sakes and suffers when particular interests are the dominant ones, as money is now ruining many professional sports. Even bread-winning and business, the obtaining of the means required for the other concerns of life, as we noted earlier, require some liking for the work, enjoyment in the exercise of skill, pride and satisfaction in a job well done, or pleasure in comradeship and friendship at work: what is done only for the money, will often cease to be done properly and then eventually prove to be self-defeating. Everywhere in life, to attain one good, we need to aim at something higher, and what matters most is the attunement of our loves, desires and emotions to the true order of values.

Yet, I suggest, two amendments or clarifications are required of the idea of the *ordo amoris* as Scheler defined it in terms of the pattern of loves and hates. Firstly, to it needs to be added apathy, the lack of any emotion and desire. For that is often as significant as active love, hate or any emotion or desire. It was what the Hellenistic sage cultivated in order to prevent himself being disturbed by otherwise painful events in the world. Indeed, in the form of lack of sensitivity, it can result in the callousness that is indifferent to the sufferings of others which in turn results, not only in not helping to relieve them, but also not bothering about any likely painful effects of one's own actions. It is also the emotional deadness that underlies the boredom and *ennui* that so many seem to feel these days, and which they seek to relieve vicariously by reading gossip magazines and watching soap operas, "reality shows" and incessant news programmes. And, secondly, I doubt if hatred has any place at all in the normative *ordo amoris*. For it is essentially destructive and that on both sides: in hating someone we wish to make him suffer or that he will suffer, or, at least, we rejoice when he does suffer; and hatred eats up the hater

himself, becoming obsessive and blocking out all positive emotions and desires. The same occurs with the hatred in revenge and envy: the desires to pay back and pull down can soon take precedence over any concern for one's own good, so much is one fixated upon them. The theological injunction to love the sinner but hate the sin is based on a recognition of the destructive nature of hatred, yet, taken at face value, it does not fully recognise its obsessiveness. The distorting effect of hatred can be seen in those political reformers whose object may have originally been the improvement of the condition of the poor and oppressed, but whose hatred of the rich and oppressing now makes them more determined to bring down the latter rather than to raise the former, and, in doing so, to be oblivious to any greater harm that they may thereby inflict upon those in whose name they pretend to act. Rather, the appropriate attitudes are an abhorrence of evil, which keeps us away from committing it ourselves, and a sorrow at another's committing of it, which arises from care for him. Both are simply the negative side of love of the good. And beside hatred inspired by some felt harm or injustice to oneself or another, there is that which is constantly denied by rationalist philosophers and even theologians who accept the principle that the will is always determined by the good and thus rule out the possibility of any deliberate evil-doing, namely, sheer unmotivated malice, spite and enjoyment in inflicting and watching suffering. Shakespeare knew better and gave us embodiments of them in his "Machiavels": Richard III, Iago and Edmund.

5. The Normative Order of the Heart

The normative order of the heart is therefore an order of love, desire and emotion. The roles of emotion and desire were sketched above. As for love, the word is used for what must be some very different relations between the one who loves and that which he loves, such as a love of chocolate, roses and cycling; of one's dog, parents, children, home, country, friends and neighbours; and of God; plus also one's love of oneself. I suggest that what underlies all of these is valuation, that love is directed to what we hold to be of value for its own sake. It is because in some way or other that I love (value) myself that I fear what will harm me and wish for what will benefit me. Likewise I have the same fears, hopes and desires for those whom I love. Conversely, I have the contrary ones to persons and things whom I dislike or hate, and I have no emotions,

attitudes or desires at all to those to which I am indifferent. Hence love in one or other of its forms, is the foundation of all our positive emotions, attitudes and desires, and thus of all our actions inspired by them.

It will suffice here to mention some fundamental forms of love and their distinctive features, as set out in Fig. 2.[14]

FIG. 2
A SCALE OF FORMS OF LOVE

Love Proper: ***Agape, Caritas***
Whole-hearted self-devotion

Love of the Unique Individual *Eros*, *Philia*, Patriotism, Parental and Filial Love, etc.	**Admiration** of the superior qualities and achievements of the object
Affection for the familiar and quasi-unique	**Appreciation** of the qualities of the object

Simple Liking and Enjoyment

They are distinguished both by the person's attitude and by the exact object of it. Hence the basic scale is formed by levels of attitude, from purely self-centred concern to devotion to the other, and it branches according to whether the real object is the object itself or some quality of the ostensible object. Thus at the bottom of the scale we have a simple liking in which we implicitly value ourselves and evaluate other things as giving us pleasure, and with little differentiation as to whether it is the individual object or one or more of its qualities that we like. At the next level, our attention is more definitely focused on the individuality or the quality or qualities of the object. In the latter case, our attention also becomes transformed into appreciation of those qualities for themselves in addition to valuing them simply for giving us pleasure. Thus the connoisseur of wine appreciates the quality of a fine wine and shares a bottle of his latest discovery with his fellow connoisseurs so that they too can appreciate it. He does not merely like it, that is, is pleased by its taste, but genuinely loves it on its level. Enthusiasts of all types form clubs and societies to share experiences, tips and advice, patterns, magazines, etc., and to promote the object of their interest. Likewise the appreciative love of nature manifests itself not only in enjoyment of it but in a desire to protect it or at least its more notable features, and a liking for books or paintings becomes an interest in them whether or not we immediately like

them. At the next level, on this branch, the appreciation of the qualities of persons, such as someone's lively conversation or artistry, rises to an admiration in which we look up to notable qualities and achievements irrespective of the opportunities we may or may not have of enjoying them. On the parallel branch, attention becomes redirected to the quasi-individuality of a special relationship of the object to oneself. In affection, in what is now the usual meaning of the word, we value things and persons because they are familiar and we are accustomed to them, and so we feel comfortable and at ease with them. It is a quasi-individuality because, had our circumstances been otherwise or should they change, some other objects would have taken their place or will do so, as one moves house and another place becomes home and other persons neighbours. At the next level, friendship develops from affection or comradeship in a shared purpose or life as at work or in the army into *philia*, in which, as with *eros*, it is the unique and irreplaceable person that we value, not merely his or her particular qualities. Likewise in parental and filial love, in which other attitudes are commingled, such as gratitude in the latter. The two branches join in the fullest of all forms of love in whole-hearted devotion to the unique person in which the good of the other person is our paramount concern. On this I would like to quote Nédoncelle:

> The *I* that loves is willing above all the existence of the *thou*; it subsequently wills the autonomous development of the *thou*; and finally wills that this autonomous development be if possible, in harmony with the value that the *I* anticipates for the *thou*.

Each person has, better *is*, his own "theme," not one wholly determinate but one that requires "variations." Love is the "promotion" of the other's own variations upon his theme and certainly is not the imposition of one's own plan upon him.[15]

Experience teaches us that human love can wither and die. It can also go astray, as when parents try to live through their children whom they groom to achieve vicarious success for themselves, or, when anxious not to lose their children's affection, they indulge and spoil them. Human loves can also be taken to be competitive, as when a child becomes jealous of a new baby who is now receiving all his mother's attention, or when a husband or wife resents the time spent by the other visiting his or her widowed and house-bound mother.

We have already dealt with the errors of essential asceticism as a cure for the disorder of the heart. A similar and limited method is that which takes competition among the objects of love, as in the examples just mentioned, to be unavoidable because either one has only a certain amount of love to go round or its objects are either distinct and antithetical. Hence it divides the possible objects of love into two groups: those which are to be loved the more or are alone to be loved, and those which are to be loved the less or not at all. For example, others in preference to oneself, the collectivity (family, tribe, nation, state) in preference to the individual members, and God in preference to created beings. As for the former reason, time and attention certainly are limited, and two siblings in a large family may feel closer to each other than to the others, but that does not mean they cannot love the latter. Love, or hate for that matter, is not a physical substance of which one necessarily has a determinate amount at any one time and so would have to ration it. As for the latter reason, it is obvious that persons can compete for love in the sense that they resent love and attention given to others, as in the examples just mentioned. But equally love can be shared: mother and child in a joint love for the new baby, husband and wife together caring for the other's mother. Indeed, it is a mostly self-centred love that resents the other objects of its object's love, and wants it all to itself. Lovelace's lines in *To Lucasta: On Going to the Wars*,

> I could not love thee, dear, so much
> Loved I not honour more.

both express a certain identity in the objects of love yet fail to do full justice to it. On the one hand, the speaker's love for Lucasta is deepened and purified by his love for honour. His is an honourable love, seeking the good of its object, and not a merely possessive one. We presume that Lucasta knows this and has the same sort of love for him and therefore does not selfishly want to keep him with her. Yet he still thinks of Lucasta and honour as to some extent competing for his love, with honour getting the greater share, whereas in a fully genuine and mutual love there would be no more and less: for both parties, love would not be love were it not honourable.[16] Competition among the objects of love is therefore accidental and not essential. One is to be sacrificed to another only when they do clash, as if Lucasta had selfishly wanted the poet to duck his duty and remain with her.

This points us to one of the fundamental principles of the *ordo amoris*: that as well as *what* is to be loved, *how* it is to be loved also matters, especially the nature of both its self-regarding and self-devoting aspects. For finite persons, who are not and never can be self-sufficient, there must always be a self-regarding aspect to what they like and love. Naturally, we want to be with what and whom we love, and we suffer when we cannot. It is a refusal of our finite status to pretend otherwise and to think that we can be self-sufficient. Indeed, such pride stems from a false self-love, which in despair turns inwards to reduce or eliminate the suffering and heartache caused by the disappointments that the world has brought and will continue to bring, whereas a true self-love would recognise that we are not self-sufficient and set about finding that which would really complete and satisfy us, our true good whatever that may turn out to be. Equally, another form of false self-love is to strive for or cling to what one simply happens to want for oneself. Too often we see persons in the grip of a desire for something which they themselves know cannot satisfy them such as alcohol, drugs or gambling, or in an infatuation such as that of the woman who lets her lover beat her and the man who lets his mistress twist him around her little finger. In *Paradise Lost* Adam's sin was not "uxoriousness," excessive love of one's wife, as sometimes suggested, but a misguided self-love out of which he could not bear to be parted from her, and so he too ate the apple and left Eden with her. A true love for Eve and for himself would have led Adam to berate her for her folly and then to plead with God to forgive her. Perhaps he would still have followed her out of Eden, if she had persisted in her folly, but he would have done so without eating the apple and with a genuine concern for her and a hope that he could at least protect her from anything worse and might be able to get her to repent and turn back.[17]

Hence love to be genuine must express and articulate itself in and through all the lower levels: in and through the several virtues which are expressions of it in specific ways or in specific situations; in and through a general orientation to whatever is right and good; in and through intentions to act in appropriate ways; in and through the observance and careful weighing of moral laws and the performance of what they command and abstention from what they prohibit, and choices of good and right in what they permit; and in and through the likely consequences of one's actions in the choice of the best particular action for enacting one's specific intention in the situation at hand. One does not love someone if one ignores the laws that specify just action in respect of him or if one does not bother about the effects of one's actions upon him. A

responsible attitude is one that expresses, enacts and differentiates itself throughout all these levels as the occasion requires.

Given, as sketched above, the importance of a person's *ordo amoris* as the foundation of all his desires, emotions, attitudes and acts, it follows, as Scheler said, following Augustine, that "Man, before he is an *ens cogitans* or an *ens volens*, is an *ens amans*."[18] Consequently, it is the person's love, the pattern and qualities of what and how he loves, or fails to love, or hates, that is of primary importance and the ultimate bearer of his moral qualities. Insofar as he is good or evil, it is because of these. Here at last we have come to the person himself, and the consummation of this scale of forms, except for one final addition: that each person is a *unique* stream of love.

Notes

1. See above, Ch. Six, n.14.
2. G, 10-3 (398-9). Fletcher agrees with Kant and thus takes love for one's neighbour as being only a practicable love of action (*Situation Ethics*, 106). But this is not a Christian loving of one's neighbour in and through God's love for him, but merely the first step on the way, a difficult one though it may be. Scheler shows that the deeper we go into ourselves the more important are our feelings and emotions and the less easy is it to control them, *Formalism in Ethics*, 336-44. Moreover, Kant has no place even for will, as Scheler points out (*Formalism in Ethics*, 393n), because, like Descartes, he takes consciousness to be thinking, and his "practical reason" is only thinking about objects to be realised by actions, and not the willing of them.

   On the error of treating emotions as "pathological" events in which we are passive, see my "Passivity and the rationality of emotion." What is called "passivity" is in fact an active receptivity. It may appear to be passive, as in opening our eyes and seeing what is before us, only because we are unaware of the gropings that we made in infancy to see a world of determinate, coherent and enduring objects, and the now automatic and instantaneous assimilation of our "impressions" to the interpretative schemes that we then constructed. Likewise, the words of our native language in its usual script "leap to the eye," though it may take an effort for the beginner to spell out a sentence in Greek or Cyrillic, while Hebrew, Arabic and Indian scripts remain totally opaque for those used only to the Roman alphabet.
3. G, 14-5 (400-1).

4. As Ricoeur points out (*Oneself as Another*, 264), he mentions, in G and MM, only those exceptions to moral laws which are in one's own favour and never any in favour of others. But he did avoid the corresponding error of altruism, that good is doing good only to others.
5. See above, Ch. Seven, n.5.
6. See above, Ch. Four (6).
7. Rom. 7:14-23.
8. *Nouvelle Héloise*, Pt II, Lettre XVII, quoted by Irving Babbitt, *Rousseau and Romanticism*, 112. The whole chapter of the latter, "Romantic morality: the ideal," provides an anthology of the ethics of feeling and a devastating refutation of it.
9. *Speculations*, 118.
10. See above, Ch. Six, n. 3.
11. ibid. 115.
12. *The Language of Morals*.
13. See Scheler's "Liebe und Erkenntnis," and the other works cited in Ch. Six, n. 3.
14. I am following and adding to C.S. Lewis' *The Four Loves*. But Lewis includes parental and filial love within affection. They may be affection but primarily they can be something much deeper and stronger, as shown by the occasions when they expresses themselves in self-sacrifice or go badly astray as in the possessive love that clings to a child. Of course, all these forms of love can be combined.
15. *Love and the Person*, 8. Nédoncelle also rightly regards the love that proceeds from one person to another as the full and true form of love, all others being incomplete (p. vii): for one thing, it alone can be fully reciprocated and that for animals only in part. Note also how love for non-personal objects, such as ships, cars, pets and motherland, tends to personalise them. See below, Ch. Ten §7 on Nédoncelle.
16. On the insufficiency of Lovelace's lines, see also A. E. Taylor, *The Faith of a Moralist*, 236, and Nédoncelle, 169 and n.5 below, although Nédoncelle apparently cites Lovelace in support of what Lovelace omits.
17. Again see below, Ch. Thirteen on Nédoncelle on the mutual involvement of *eros* and *agape*.
18. "Ordo Amoris," 110-1. For Augustine on the *ordo amoris* see *De Doctrina Christiana*, I xxiii 22, xxvii 28, and on man as an *ens amans*, see *Tractatus in Epistolam Joannis ad Parthos*, II xiv

Chapter Nine

The Value of the Individual Person

1. The Unique Individual

In this chapter we shall begin to move from the moral values, in the narrow sense of the merits and demerits of persons, to moral values in the wider sense of those values which we should cherish and cultivate, which the former presuppose, and which so far we have set aside. As we shall see in the next four chapters, the two meet at their common summit.

Here we shall not be concerned with a relatively familiar aspect or level of the person and its moral significance, nor with a definite "ism" which would separate it from all that has gone before and set it up as the only one that matters. For "personalism," at least in the versions that I have met, is not exclusive, neither in singling out one aspect of the constitution of the person nor in so emphasising the individuality of persons that it lapses into a one-sided individualism to the neglect of what persons share, such as universal values, nor of their nature as persons-in-relation. But, because personalist ways of thinking are not so widely known and shared as they deserve to be, it will be necessary to adumbrate some features of distinctively personal existence. This is especially important because too often the merely abstract categories of formal logic and the grossly inappropriate ones of organic and even merely physical existence have often been applied, and are still applied, to personal existence.

Justice is paradoxical: on the one hand, it is blind and no respecter of persons; yet, on the other, it casts a shield around the individual person, and makes him a territory upon which we may not encroach without grave cause or his permission. It bids us set aside everything about the particular person save his rights and the moral quality of his actions and his virtues and vices. Even the latter are irrelevant in respect of certain rights, such as to having a fair trial and some sort of proportionality between the offence and the penalty imposed, and the right to have debts repaid. A thrifty person still has to repay what he owes to one who will immediately lose it at the betting-shop and leave his dependants hungry. Yet precisely in such

a case justice reveals that there is a value in each person other than any general qualities, capacities and virtues which he has or manifests. That is why it is the indispensable foundation of ethics.

The most obvious contrast is with purely consequentialist ethics in which persons can have value only in proportion as the results of their actions maximise the good. Thus for hedonistic consequentialism persons can be valuable only to the extent that they, directly or indirectly, provide pleasure: an aesthete or sybarite with a capacity for exquisite sensations must count more than someone dulled for both pleasure and pain by a hard and monotonous existence, and likewise the popular entertainer more than the teacher of unwelcome truths, while, as the world of commercial entertainment proves, the popular entertainer loses his value when fashions and tastes change or more entertaining performers appear. Thus Bentham and Mill had no justification at all, in their professed framework, for stating that each is to count as one and only one.[1] Similarly, they had no warrant at all for saying that the agent's motives were a credit to him although it was irrelevant to his action and its value.[2] Likewise, in Moore's "ideal" consequentialism persons can be valuable only to the extent that they can enter into or promote relations of friendship and provide opportunities for aesthetic contemplation, and otherwise they could be of value only as hewers of wood and drawers of water for those who are.[3] Again, in the "cosmic" functionalism of Hegel the individual person is explicitly the disposable vehicle for the self-realisation of the world spirit, and likewise as a transient contributor to the Absolute in that of Bosanquet.[4] In all consequentialist and functionalist systems, the person can be only a disposable means for realising whatever is the favoured end or set of ends. Hence such systems must endorse the principle of doing evil to bring about good. If the summary execution of a dozen or so people seized at random will frighten the rest of the populace into desisting from theft, arson and murder, then that is what is to be done, a logic that Jacobins, Marxists, Nazis, and other revolutionaries have ruthlessly followed. For, as with every utopian goal of realising heaven upon earth, all generations prior to that event have value only as means to achieving it.

Even an exclusive system of laws, as was noted in Chapter 6, still makes the person a functionary, for his value can then lie only in the sorts of actions which he performs. Moreover justice, essential though it is, is not enough. Consider the upbringing of children and parents who act justly and treat their children proportionately to what they actually do for good or bad, but would do no more. True, they would be far better parents than those who neglect their children, or bully and batter them, or subject them

to emotional blackmail ("You'll make Mummy cry if you do that"). But they would also be inferior to parents who loved them and showed their love for them, even if they from time to time treated their children unjustly. Children need the security of knowing that they are loved, as shown by acts and expressions of forgiveness and reconciliation when they have acted wrongly, acts that go beyond the demands of justice alone. Likewise, a merely just group of people would be fair and polite to each other, but no more, no spontaneous rejoicing with those who rejoice or mourning with those who mourn. Hence a system of laws proves insufficient and presupposes rather than supplies that value which distinguishes persons.

At this point someone is bound to invoke Kant: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."[5] Humanity is an end in itself, or rather rational nature, as Kant stated earlier in the same paragraph. The individual has value as the bearer or an instance of humanity and that in virtue of the rational nature that it incorporates. Here surely is a value that is internal and not essentially linked to and dependent upon anything external. Nevertheless Kant's formulation is deficient. For, according to it, the individual person is *not* an end in himself. Whatever makes me me or you you is irrelevant and mere "matter" for the abstract "form" of rational nature and its laws of which we are essentially instances and examples. Consider, then, what our value would be if we were no longer examples of rational nature nor potentially such, as we would be if born severely mentally handicapped, or had become incurably deranged or were in the final stages of senile dementia. Devoid of reason, and with no possibility of gaining or regaining any such capacity, we would no longer be actual or potential ends in ourselves, and, having nothing to be respected, we would have no rights. Some people do draw the logical conclusion that such non-persons can be disposed of as the rest of us think fit, just as we would treat mere animals. Hence it cannot be any *general* attribute of the person which constitutes the value of the person which justice presupposes, but something which makes the individual person irreplaceable and indispensable.

Similarly, and also often invoking Kant, some argue that the basis of the individual's rights is his autonomy. As for Kant, Scheler observed that he spoke more of the autonomy of reason than of the person and that, in Kant's philosophy, the person is merely the logical subject of rational acts, which, for all persons in the same situation, would be one and the same and with no individuality.[6] In such a case, the person himself would not matter, only the uniform rational and specifically moral principles and laws

by which he reasons, just as what matters is the computer's operating system and applications and not the particular machine on which they run for they could always run on another. Even more so the contemporary understanding of autonomy as total self-legislation and choice of the very values and standards by which one is to live, undercuts any rights of the person. For, on the one hand, if everything is to be chosen (as Sartre explicitly maintained), then nothing can be chosen for the individual would have no principles or preferences by which to choose, not even that of either *A* or *B* rather than nothing of that sort. All that would be left would be random impulses and movements and no autonomy of the person at all. On the other hand, in so far there might be some approximation to choice, then there would be nothing to validate one choice and not another, because there would be no universal values or standards. I could as legitimately exercise my total freedom in choosing gratuitous murder in order to manifest my total freedom of choice, as you could choose to devote yourself to the relief of poverty and disease. And you would not be able to refer to an overriding and universal right to life against my choice of your patients or you yourself as the individuals on which I would demonstrate my total freedom. Autonomy can only be a derivative value, one founded upon a universal and objective natural law or order of values which commands our allegiance and employment in making the choices through which our autonomy is responsibly exercised, and which we do not choose. Autonomy presupposes and cannot replace the uniqueness of the individual person as the foundation of justice.

Here we come to one of the central errors of much philosophy, the identification of essence with universality, of *what* something is with *what sort of thing* it is. This was made explicit in the Greek ontology of "form" and "matter." The "form" or "idea" tells us *what sort of thing* a given being is, or to what class it belongs. Therefore each particular being is essentially an example or instance that sort of thing. What makes it this particular example or instance and not any other, is its "matter." Thus teaspoons issuing from a cutlery are all instances of teaspoons in general and of a specific design, and each is distinguishable from the rest as its "matter," in both the philosophical and everyday senses of the term, makes it separate from everything else by occupying a unique track in space-time. Any individuality it has, any unique features, are merely "accidental," again in the philosophical and now everyday senses of the word, such as flaws acquired in its manufacture, and scratches and tarnishing acquired in use, which another teaspoon could also have. This has been articulated in the doctrine that all attributes, both essential and accidental, are universals

and consequently that every existent is a "collection of universals." It follows that nothing is essentially unique, and usually it has been assumed that bodily existence and spatial location are the source of all individuation.

The Scholastics in this respect went beyond Greek ontology and held that the human soul is specially created and is not individuated by the "matter" of the body which it informs, and thus, in effect, that it is unique. But distinctively modern philosophy, it seems, has reverted to an implicit denial of genuine individuality though without the original ontology of form and matter.[7] On the one hand the person is the total result of his experiences or of his genes, or some combination of both. Thus he is individualised by his body, either directly by one or more of its constituents (now primarily his DNA) or indirectly by giving him a unique position and path in space-time and thus a unique set of experiences: even conjoined identical twins do not share exactly the same set of experiences. On the other hand, as Scheler often complained, it has been concluded by such as Avicenna, Averoes, Spinoza, Kant (by implication), Fichte, Hegel and (we may add) Bosanquet and Brand Blanshard, that, insofar as individuals think alike, and especially as they think rationally, then their minds will coalesce or be manifestations of one mind, one logical process eternally rehearsing itself. But, as before, it is the poets, and the writers of popular songs, rather than the philosophers, who have expressed the truth of the matter. Their universal testimony is that, in romantic love at least, it is the radical uniqueness of the beloved that is known and loved, and which no one else can replace: "only you" is their constant theme. And it is precisely that which justice, the foundation of all ethics, safeguards and presupposes. That the individual has rights which are to be respected, irrespective of his character, capacities and actions, presupposes that he is irreplaceable because he is essentially unique or has a unique essence, and one that is itself a value, a unique value, otherwise it would have no moral import. Thus Scheler referred to the person's "individual-personal value-essence," which is recognised through love for him, is also the object of that love and the object of his own true self-love, and is his "salvation," that state of being which he is called to realise.[8]

This does not entail any exclusive "individualism" or simple "self-expression" because it is a presupposition of universal justice itself, and thus binding on all. Indeed artists who set out to express themselves and to be unique usually end up producing just the same sort of work as everyone else, or, at least, in not fully developing what individual talent they do have. It is through self-submission to at least some standards that

one acquires and comes to master a language, that of the chosen medium of music, dance, drama, literature, sculpture or painting, and of some specific style within it: one cannot speak "language" but only a particular language and then some version of it. Only when it has been mastered can any individual style begin to show. Anyone can display a dishevelled bedroom, though the right connections are needed to make money from it, but it takes discipline as well as talent to be Michelangelo, and Shakespeare had to learn late sixteenth-century English before he could become the greatest master of our language. Furthermore, I may not know in advance just what is my individual style or path but only after I have tried my hand at various things and then look back on the results. And someone else, especially if more experienced than myself, may know me better than I know myself. Furthermore, I may vainly think I am cut out to be one thing and so I refuse to admit I am not much good at it, and at the same time I may fail to recognise that I am fairly good at something else.

Another aspect of "individualism," as an exclusive "ism," is self-centredness, the answer to which is not the opposite errors of "communalism," "collectivism" and "altruism," in which individuals themselves count for nothing except as they serve the whole or other individuals. Persons, as realised by "dialogical" personalists *avant* or *sans la lettre*, such as Buber and Macmurray, and much earlier ones such as Jacobi and I. H. Fichte,[9] are persons in relation to each other. No one becomes a person without the company of other persons, as shown by those children who have lived apart from human society, while those who shut themselves off from others diminish themselves as persons.

2. An *ens amans*

But just what is a person and his "individual-personal value-essence"? It was suggested at the end of the previous chapter that a person is primarily an *ens amans* because the direction and manner of his love (or hate or absence of love) determines what he knows, thinks, desires, wishes, hopes for, fears, and does. Given that, his uniqueness will be that of a unique stream of love or, perhaps, a unique style of love. That in turn will be what others love in and as him. Conversely, apathy and hatred will blind them to his individuality, just as his own apathy or hatred will hide and distort his own uniqueness.

We have seen that the one virtue of whole-hearted devotion to and love of what is good and right, differentiates itself into the specific virtues according to the situations which it encounters: courage in danger, delight and joy in achievement, sympathy with another in distress, and so on. For the one virtue is fully expressed by and in each of its self-differentiations, and it can exist without having to express itself in some of them—the answer to the claim that some virtues need bad or evil situations to occur. The one virtue further differentiates itself into acknowledgement and observance of the fundamental moral laws, especially justice, and thence again into consideration of the likely effects of types of action and individual actions, as and when necessary. This self-differentiation is the distinctive feature of personal existence, and constitutes the unity of a person, transcending the organic or mechanical unity of a whole and its more or less distinct parts. Again, as was noted in Chapter 2 §2, it applies to all a person's intentions which will differentiate themselves into appropriate actions and phases as the whole plan unfolds and is adapted to changing circumstances: for it to remain the same, they have to change in detail. Of course, these are idealisations, for we are not whole-heartedly virtuous nor completely constant and consistent in our purposes even when they are appropriate ones. But the often fragmentary, divided and shifting selves that we are, and the similar intentions that we form, point to an ideal form of a consistent, composed, constant and whole-hearted self that would always be fully itself in all the changing situations in which it would find itself. Throughout its course it would truly be one self. Yet again, what used to be called our mental "faculties"—perception, memory, imagination, reasoning, knowing, feeling, desire, emotion—prove on inspection to involve each other, and so to be self-differentiations of the person who uses them. They too can fall apart, as we fail to use one or another of them when it is needed, such as to imagine what the effects of our actions may be, or as in pathological cases caused by psychological or physiological disorders such as amnesia and schizophrenia. Yet such phenomena of malfunctioning prove the point, that a person is ideally a self-differentiating unity. So then, if love is the initiator, director and monitor of our mental powers, then, once more, a person is his love and his unity, complete or partial, is that of his love.[10]

But personal existence is not self-enclosed. We are essentially ecstatic, orientated to the world and especially to other persons, and active within it and with and towards them. Hence the question necessarily arises as to just what is right and good in the world, and what values we should seek to cultivate within it. Personal existence is itself a value, and a unique one

in each person, yet it is unlikely to be the only one. Lovers, for a while, may be lost in looking at each other, and close friends and relations likewise content to sit together in companionable silence for an hour or so, but there is much more to life than that. A wider range of moral or morally relevant values is still required.

Notes

1. Mill, *Utilitarianism*, Ch. 5 (Mill attributes the formula to Bentham but there is no explicit statement of it in Bentham's works), and also on equality.
2. Bentham, *Introduction to the Principles of Morals and Legislation* in *A Fragment on Governmen*t *and Introduction to the Principles of Morals and Legislation*, 210; Mill, *Utilitarianism*, Ch. 2.
3. Note the blatant self-contradiction between Moore's consequentialism and his choice of two ends in which objects have manifestly "ingredient" values. A friend in need is a friend indeed, but friends are valued for themselves and not for their usefulness.
4. For Hegel, see *Reason in History*, 65; and for Bosanquet, *The Philosophical Theory of the State*, xxxiii-xxxiv; 95; 196, a right is the fact that the function is recognised as instrumental to the common good; *The Principle of Individuality and Value*, 20-2, "The principal thing that matters is the level and fulness of mind. The destiny and separate conservation of particular minds is of inferior importance and merely instrumental to the former"; 68, the whole as the only real individual; 159, the finite individual is an "organ through which ... the whole maintains itself"; *The Value and Destiny of the Individual*, 17-8, "the vice of finiteness . . . weakness and worthlessness of finite existence *per se*," the value of the finite individual is his "contribution as offered to the Absolute"; 40, "a person is his own object; but what he is worth depends upon what there is in him"; 49-52, no really unique contributions; 60, bodily differences prevent fusion into one mind; 229, the finite and therefore fragmentary individual should find its fulfilment in its contribution to the true individuality of the Whole; also 260-1, 282-3, 328. That Bosanquet did not apply this to his politics, even though the State constitutes an intermediate level of wholeness, a distinct mind, between the Absolute and the individual person and therefore is superior to the latter, was a credit to his heart but not to his logic. His fundamental political principle, that the state should enforce only those actions and abstentions which it is better to perform from any motive than not to perform at all, has no justification at all in his metaphysics

of the unreality of the finite individual and hence of his inner moral worth, the lesser unreality of the State as a more inclusive mind, and the genuine reality only of the all-inclusive Absolute.

5. *The Moral Law*, 91; 429.
6. *Formalism in Ethics*, 371-2; cf. 494-501.
7. Even Raymond Tallis, in an otherwise faultless examination of human existence, affirms that the body is the principle of personal individuation, and follows Strawson in explicitly denying the possibility of unique essences: *I Am: A Philosophical Inquiry into First-Person Being*, Chs. 4-6 passim, 276-81. See my "Raymond Tallis and the alleged necessity of a body for personal identity."
8. Scheler, *Formalism in Ethics*, 488-92; *The Nature of Sympathy*, Pt II, Chap. 1.
9. See the references in Bengtsson, *The Worldview of Personalism: Origins and Early Developments*, especially Ch. 4. Bengtsson shows that the "dialogical" or essentially relational nature of personhood was a distinctively new contribution to the understanding of persons on the part of the movement of personalist thought initiated by Jacobi in the *Pantheismusstreit* against Fichte and Hegel. Macmurray in *Persons in Relation*, it appears, allowed too much to the presence and influence of the mother upon the infant child and underestimated the already complex and personal capacities of the latter, which, however, still require personal responses from the parent: see, C. Trevarthen, "Proof of Sympathy," with extensive references to empirical research.
10. See my "The unity of the person."

Chapter Ten

A Scale of Values or Ends and Personal Fulfilment

1. The Need for, and Some Questions about, an Objective Scale of Values

The contemporary dichotomy of deontological or axiological ethics is false, like most others. Indeed, not only is it impossible for a system of ethics to be exclusively deontological or exclusively axiological, but neither can either deontology or axiology be properly said to be superior to the other, for without the other each loses its meaning. On the one hand, every system of duties presupposes a value or set of values which it is our duty to realise and safeguard, otherwise its commands would be pointless and arbitrary and hence not moral ones. And, on the other, every system that focuses upon values or ends needs a categorical duty or duties, namely, to realise and protect them, for otherwise they would not have any claims upon us and so would not be moral or morally significant ones. Kant and hedonistic utilitarians illustrate this nicely from each side, perhaps despite themselves. Kant's Categorical Imperative needs a value for the good will to realise, and so he tried to make it its own object, and hedonistic utilitarians had to invoke one duty and one law, "Maximise pleasure!" or "Work for the greatest happiness of the greatest number!" The supposed dichotomy is an exaggeration of the error of systems such as these which stress the one aspect at the expense of the other.

Yet there seems to be little discussion in contemporary Analytic moral philosophy of the values or ends to be realised by and in our moral activity, "the good for man," the *summum bonum* or "man's final end" as they used to be called. One reason for this may be the prevalence of the sceptical Liberal assumption that, there being no agreement possible on such matters, the only universal good or end can be only the purely formal one of the freedom of each to find his own so long as he does not interfere with the equal rights of others. The meaning of life, to put it another way, is

for each of us individually to try to find some meaning in life. This, I suggest, is a counsel of despair, and instead we should at least try to find something that is both substantive and universal.

In Chapters 2 to 9 we have constructed a scale of forms for those aspects and levels of the person which can bear moral values. Each level is necessary to all the others, as presupposing those which are above and as requiring those which are below it for its own proper self-enactment and expression, just as it is presupposed and required in turn. None can be taken out of the scale and upheld as the sole concern of ethics. But each level and the whole scale are, as they stand, an abstraction because at every turn they require something apparently outside themselves, namely a value or set of values to be loved, cherished and realised, and which will define as good or evil the consequences of actions, types of actions, intentions, general virtues, emotions, attitudes, desires and loves. This applies, as was noted at the end of the previous chapter, to the person himself, because we have to express and enact ourselves in activity, and so we need a scale of values to guide us. Therefore another scale of forms of value or ends is required to complement the scale already constructed, which would likewise show how rival "isms" in this respect err by focusing upon only one such good or value, each of which in turn presupposes and is required by the next. If we can construct such a scale, the question will then arise as to how it is related to our previous scale, that is, how the wider range of values and the human good is related to the moral values in the narrow or specific sense of those of the moral agent, those which make him a good person. Are they quite distinct, and with no essential connection between? Is the one subordinate to the other? Is only one of them a real value? Or, ultimately, are they one and the same, such that if we can become what we ought to be that will bring us our true satisfaction but without the latter being simply identical with the former?

Some partial answers have already been given. The levels of consequences and consequentialisms are indifferent to the values or ends which are to determine the goodness or badness of the consequences of actions, except that they can rule out those which we cannot possibly realise. The level of types of action and ethics of laws requires a corresponding axiology of types of action which have their own inherent value, but again it does not supply it, although justice, a central concern of such an ethics, does presuppose the value of the person in and for himself. Similarly the level of intentions and virtues, and its corresponding ethics, requires a set of valuable activities in which we should engage, while that of the heart requires an objective *ordo amoris*. It would appear that a

similar scale of values and ends may be likely to repeat this pattern, and, perhaps, that in some way the two may coincide at the highest level of each in the unique value of the person as an *ens amans.* Yet it would be wrong to presume that this will be the case, and, if it is, it should emerge naturally from a careful examination of the phenomena rather than be imposed upon them. But before we consider any possible scale of values or ends, there are some preliminary matters to be considered.

2. The Unity of Values and Personal Fulfilment as the Unifying Value or End.

One question that should not be begged is that of the unity of values, which some have explicitly denied, for if there is no unity among them they cannot be arranged into any sort of scale. Again, others speak of ends and not of values, and thus the question arises as to how they are related. And when values and ends have been arranged in a scale or a hierarchy, some false inferences have been drawn from their ordering.

We have already seen that the specific virtues are self-differentiations of the one virtue that is self-devotion to whatever is good and right, and thus is love in its highest and truest form, and that it must also specify, express and enact itself appropriately in the lower levels which led up to it. Can we reasonably expect that values and ends manifest a similar ordering? One indication is that if they have nothing in common among themselves, then any preference of one over another must be purely arbitrary and, when we have to choose, decidable only on the principle of better any one rather than none at all. While it would be equally wrong to expect a neat calculus for weighing one against another, the fact that we do make some choices that seem not to be arbitrary suggests that there is some degree of underlying unity. Moreover, resistance to the idea of their unity often stems from examples of false unifications wherein one valued quality, condition, state of affairs, and so on, is either preferred over others or stretched to include them, as hedonism reduces everything to pleasure, aestheticism values art and aesthetic experiences above all others, and Puritanism rejects any concerns other than religious ones narrowly understood. Even a generous eudaimonism, finding happiness in a range of pursuits, nevertheless ultimately places happiness above specifically moral values and ends, as we shall see.[1] All the same, such examples do not exclude the possibility that there may be something of which other

values or ends are specific forms and that perhaps in an order of increasing completeness. Indeed, we may find a clue in Mill's implicit repudiation of mere pleasure and hedonism in favour, not merely of happiness and eudaimonism but of a happiness that can encompass even frustration and disappointment. For if Socrates unsatisfied is indeed better than a pig satisfied, that points not only to pleasures higher and more pleasant than sensual ones, but also to something yet higher, that of knowing that, even in defeat, failure and disappointment, one has done one's best. In this way at least, virtue can be its own reward and perhaps the only yet inclusive good, though the Stoics, as also Kant, were ambivalent about the value of happiness.[2] Thus here we have an incipient scale of values—pleasure, happiness, virtue—as successive levels of human fulfilment of them and with that as the unifying value or end.

And what else could moral concern and action be appropriately aimed? Justice, we saw, presupposes that the individual has, or is, a unique value, and hence his fulfilment is also a prime value. Furthermore, every world-and-life-view, every account of man's place and destiny in the world, includes or implies as a central feature of what would be human fulfilment even if it is ultimately unattainable, as in Sartre's claim in *Being and Nothingness* that we are condemned always to seek the impossible conjunction of "being-in-self" and "being-for-self" which would be God. Thus even an apparent exception can include a conception of the good, although perhaps in a back-handed way. Another example: in the old compact cosmologies the purpose of human existence is to support and aid the gods in maintaining the cosmic order and thus also the requirements for human life and prosperity, although, as with the Aztecs, many people have to be sacrificed to do so. Even in the original teaching of the Buddha, of "suffering and the causes of suffering," where, logically if not explicitly, *nirvana* is the final dissolution of the bundle of attributes that is each person, there is a negative form of fulfilment in release from suffering. Likewise in Advaita (Non-Dualist) Vendantism suffering is ended when the illusion of finite existence and the desire to continue to exist are overcome, and so at death the individual soul is finally released from the otherwise endless cycles of reincarnation and merges into Brahman-Atman (Ultimate Reality which is also Soul or Self), "as a drop dissolves in the ocean," or finally realises that it has always been an illusion and that only Brahman-Atman is real. Furthermore Brahman, and the self that has realised its unity with Brahman, is also *sat-chit-ananda*, "being-consciousness-bliss," though, since that consciousness is supposed to be pure and objectless, deeper than the deepest sleep, one ancient text

includes the comment that it does not appear desirable.[3] A similar destiny is implicit in ancient Gnosticism, as we escape our entrapment in the evil of physical existence and make our way back through the circles of the world to the one Light of which we are sparks, from which we have fallen and into which (it is implied) we shall merge. In the Absolute Idealism of Bradley and Bosanquet the finite person cannot achieved the wholeness that he seeks and, it seems, has to be satisfied by and in knowing that his existence does contribute to the Absolute. The whole intention of Hegel's more complex philosophy is to reconcile finite persons to the world by showing how they are the vehicles of the self-realisation of Spirit which is about to come to its full realisation as Absolute Spirit in the institutions and life of the Germanic world (northern Europe and North America) and in Hegel's philosophy. The one wholly anti-human world-and-life-view that I have come across, though I have forgotten where I found it, seems to be expressed in some extremes of the "Green" movement, in which humanity is again a cosmic mistake, but not because of our bodies but because of our minds which, via species-selfishness and technology, have upset the otherwise perfect balance of Nature. If seriously held, that would make our moral life itself an immorality except for the one duty of the suicide of our species, curiously the only one to have a sense of right and wrong and the goodness of Nature. Given that personal fulfilment provides the scale of values or ends that ethics requires, the next question is that of what it may consist.

3. A Preliminary Question and a Caution

Still before we come to any substantial answer, there remain two general questions to be answered. First, the relation between values and ends. Older philosophy, and theology, spoke of "good" and "goods" (*bonum*, *bona*). But that terminology elides the distinction between values (types of good, such as moral, intellectual, aesthetic, technical and bodily ones) and the bearers of value (good objects). Ends and purposes are therefore bearers of value and disvalue, for some are good and others worthless or bad, in one way or another. The ends to be pursued and achieved need to be valuable ones. It has already been mentioned that values both guide and arise from activities, and that activities are what human life consists of and not passive states as the terminations of actions as entailed by any consequentialism and also by the versions of the

reformist fallacy according to which the moral life would come to an end once all evil had been eliminated.[4] At this point it is necessary to distinguish the values *in* an activity, those which participants seek to realise and the standards set by it for its proper performance, and the value *of* an activity. The two are probably inseparable but they can diverge and so should not be identified. For example, natural science is often identified with technology, and valued or disvalued because of that. But the values in each are not the same: the prime value in natural science and which guides, or should guide, research within it, is truth, specifically truth about the natural world. Specifying or subordinate to it are other values such as those which make discoveries more or less valuable (e.g. generality, coherence and precision) and those which aid the search for and comprehension, expression and communication of it (e.g. coherence among theories and discoveries, elegance of explanation, clarity). The same also apply within the technological sciences, but the directions and extents of its research projects are also constrained by other values, especially the commercial, medical, military or other applicability of the likely results, according to standards of profitability, effectiveness and efficiency. What may be very interesting in itself may have no obvious utility, and one way of producing something may be more technically efficient but too costly and hence would not be developed any further. Consequently human activities cannot be appraised simply as valuable, worthless or disvaluable in fulfilling ourselves, but they can also be directly valuable because of their constitutive values and standards, indirectly valuable because they serve one or more the former, or because of both. The particular values and standards of games and sports, for example, may sometimes seem rather trivial, but there is specific satisfaction in the acquisition and exercise of skills of any sort which is at least on a higher level than undemanding entertainment provided by others. The detailed contents of our projected scale will therefore be the activities appropriate to each level of human fulfilment in terms of their own values and standards.

Finally, a caution about any scale in this sphere. The most detailed treatment of the subject that I have found is that in J. N. Findlay's *Values and Intentions*, especially Chapter 8, in which the ordering of the ranges of value, and especially in relation to duty and moral value (in the narrow sense) is carefully treated, with the warning that only a "few, vague, tentative generalizations as to the content of human duty" are, and can be, hazarded.[5] That warning needs to be heeded, especially with respect to the question of the priority of one level in relation to another. Both a higher

and a lower level can be given priority over the other, the higher in terms of preference and the lower in terms of requiring to be fulfilled as a prior condition. Scheler and Abraham Maslow provide, respectively, examples of undue rigidity in assigning priority to the one or the other.

Scheler lays down as two of his *a priori* axioms for a non-formal ethics that good is the value that is attached to the realisation of a higher (or the highest) value and that evil is the value that is attached to the realisation of a lower (or the lowest) value.[6] Likewise Augustine and the Scholastics held that sin consists in the choice of a lower good in preference to a higher one. That is true of specifically moral values in relation to all others. But as previously remarked, it is an error to assume that in other cases lower values have no place alongside higher ones: that cultivation of the mind requires bodily asceticism; that only the novels of, say, Jane Austen, George Eliot, Joseph Conrad, Henry James and D.H. Lawrence, and not those of Mrs Gaskell, Dickens or Trollope, are to be prescribed for study in secondary and higher education; or that Eric Coates and, yes, Albert Kettelby, have no place alongside Elgar and Vaughan Williams. Mr Darcy may have said that the most important accomplishment of a lady is "the improvement of her mind by extensive reading," but provision needs to be made, especially in formal education, for the non-bookish and those more inclined to practical activities such as crafts and sports. The lower levels are still valuable and worthy of a place in human life. The same error results from imposing lists of priorities upon organisations, for what is not listed or is at the bottom of a list easily becomes ignored altogether. Human life is often a varying balance among several things, giving priority to one and then another as the situation requires and not neglecting any.

Nevertheless, there is something in what Scheler, Augustine and the Scholastics have overstated. For example, something is lacking in a person such as Silas Marner, when he turns away from human contact, and so rarely responds and rises to any values on the level of society, neighbourliness and companionship. Even more so there is something wrong with those who are actively hostile to cultural values and activities, such as philistines (including those who also see no value in science and scholarship except when they bring technological and thence economic benefits), fanatics of work for work's sake who regard everything except obvious labour as useless and idleness, and Puritans who hate beauty, the ordinary pleasures of life and any cultivation of the mind for its own sake and not for narrowly religious purposes—each of these attitudes has been coupled with each of the other two. Again, there is surely something grotesque in the physical distortions and narcissism of those who devote

themselves to "physical culture," just as in those who live to stuff their mouths and stomachs or to indulge their exquisite sensibilities in respect of food and drink. But it is not immoral simply not to take any part any one particular activity of a higher level: keeping oneself to oneself is not the same as harming one's neighbours. Yet is certainly better for us, and for others, if we do exercise and develop our powers and other aspects of our selves in and through such activities and the service of such values.

In Maslow's well known hierarchy of "needs"—physiological, safety and security, social and belonging, esteem, self-actualisation and (added later) self-transcendence or metaphysical awareness of Being[7]—the lower needs are said to be reached and to require to be met before the higher such that someone living on a higher level will have to descend when necessary to a lower one. In some ways this is obvious: it may be necessary to take time off work (meeting security needs and perhaps those of belonging and self-actualisation as well) to have an illness treated. But would an oarsman who feels hungry in the middle of the Boat Race stop and have a quick snack? And what about people who put up with cold and hunger and even risk death in order to achieve higher values, such as those of self-realisation in learning, art, or mountaineering, and, more significantly, sacrifice themselves for a greater cause? Nor is it obviously the case that the children of people living in real poverty need to be and should be fully nourished, clothed and sheltered before they are given any education. Again, Orwell noted in *The Road to Wigan Pier* that even the poorest people would sacrifice something more basic for a little luxury now and then: some luxury is a necessity. Even with extensive revision, especially a redirection away from egocentric "needs" (needed for what?) and to genuine values, Maslow's scheme could be only a broad guide, and perhaps applicable only in urgent situations when life itself is threatened.

3. Levels of Human Life, Activity, Fulfilment and Love

The scheme that follows is only a sketch but it should be sufficient to show that it is possible to set forth a coherent and plausible set of values and goals (continuing and not terminating ones) for human life based on a series of the levels of our existence and the forms of satisfaction that they yield, to which I shall add the forms of love previously outlined. The scheme is based on Scheler's but with some amendments. It is one of values as related to levels of human existence, and also to the feelings and

emotions experienced upon them. Different levels of emotions can be distinguished by the simultaneous experience of contrasting emotions, as positive or negative responses to their objects, such as feeling a localised bodily pain and at the same time a general feeling of health and strength in respect of one's whole body or, like Housman, finding consolation in exact scholarship and Nature while experiencing despair in the face of a meaningless world. In this way Scheler discerns four such levels:

1. Values (and disvalues, as also in the following) of the agreeable and disagreeable (which I shall rename as the pleasant and unpleasant), related to localised bodily sensations.
2. Values correlated to "vital feelings" of the whole body, such as feelings of health and sickness, ageing and approaching death, strength and weakness. Scheler, for reasons that I have never grasped, regards these as forms of the "noble" and "vulgar," and also associates some forms of certain emotions with them, such as gladness, sadness, courage (not an emotion!), anxiety and revenge.
3. Mental and spiritual values independent of any reference to the body and its environment. They fall into to three groups: (a) the beautiful and the ugly; (b) the right and the wrong, independent of any positive laws (i.e. primarily justice); and (c) the "pure cognition of truth," which Scheler assigns to philosophy for he takes natural science to be guided by a desire to control nature (more intellectual control than practical control via technology). "Cultural" values are symbolic and technical ones pertaining to these and embodied in "goods," that is, valuable things such as works of art, legislation and scientific institutes.
4. The metaphysical or religious values of the holy and unholy, belonging to "absolute" objects, which, irrespective of any particular conceptions of them, are approached as personal beings. To these values correspond the feeling states of bliss (or despair) in respect of one's whole fate and destiny and thus beyond ordinary happiness and unhappiness.[8]

Scheler's scheme approximately corresponds to our provisional scale of fulfilment, and to the forms of love as previously discussed, as follows:

(1) is a level of pleasant and painful sensations, and thus of simple liking. But it contains elements that point to the next level and also to (3). Hence it will provide a convenient place to examine hedonism and its identification of fulfilment with pleasure.

(2) is the level of the whole body and our direct experience of it and its values of health, strength and fitness, the corresponding disvalues. These

are the values of physical well-being and so a higher level than mere pleasure, for some bodily and other pleasures are disvaluable with reference to them. Consequently, this level belongs more to (3) than to (1), and is one on which satisfaction is happiness rather than pleasure.

(3) is the distinctively human and personal level of cultural and social activities and their constitutive values, and of appreciation of them and of admiration of achievements in them, on the one side, and of affection and companionship and comradeship, on the other. Each activity, or group of activities, on this level has its own satisfaction, but together they constitute happiness. Hence this will be the place to consider eudaimonism, which holds that happiness is the true and inclusive form of fulfilment. Scheler includes justice within (3), because it is necessary to happiness within human society. But, with other distinctively moral virtues and values, it constitutes a level of its own, higher than that of happiness. In one way, virtue is or can be its own reward—in satisfaction at doing what is right and thus in self-respect. But, as we shall see, the exponents of virtue as the sole value have an ambiguous attitude towards happiness, and do not achieve any genuine integration of duty and fulfilment. That can be found only in Scheler's fourth level, with its form of love, love for the unique person, the sum of all other loves and all virtues and itself the fullest fulfilment.

In the next chapter, we shall examine pleasure as human fulfilment along with hedonism, and then happiness along with eudaimonism. In Chapter Twelve, we shall examine virtue as fulfilment and the claim of the Stoics and Kant that it is the highest good. And that will lead us, via Plato, to the final union of the scales of the moral qualities of the self and of fulfilment upon them in love as both what we ought to be and what will truly fulfil us.

Additional Note

Duties in Respect of Non-Personal Entities

It may be thought that this chapter begs a fundamental question: why should it not be the case that the values to be served are not those of the human good at all? As just noted above, in the old compacted cosmologies the function of mankind was to serve the gods in maintaining the cosmic order, which, however, included the well-being of the communities whose

cosmologies they were, and so it was not wholly extrinsic to the human good, but rather the primary aim. And, as was also argued above (Chapter Four (4)), there would be no point in having, as the goal of moral action and personal existence, the realisation and maintenance of a totally impersonal state of affairs. Yet there is still a question about duties in respect of non-personal beings. Do we have such duties only in order to serve human well-being, such as to preserve rain forests in order not to cause changes in the climate which would be injurious to human existence in the future, or irrespective of any such consideration? In respect of sentient beings, one obvious duty is not to cause them unnecessary pain. As for non-sentient ones, I would merely repeat what I wrote in *The Structure of Value* (94-6): that to say that they are good is to say that in some way, primarily aesthetic, they merit or even command our attention; and, in any case, that such actions as avoidable pollution and wanton destruction manifest some disorder in our hearts, some total indifference to or even hatred of anything other than ourselves, some liking of destruction for destruction's sake, and so they are wrong irrespective of any harm they may cause to human life. Within a theistic worldview, such action would also be an intended insult to the Creator of the world.

Notes

1. See below, Ch. Eleven on eudaimonism.
2. See below, Ch. Twelve.
3. *Chandogya Upanishad*, VIII, ix. "Such a man, it seems to me, has no present knowledge of himself so that he could say, "This I am" ..... Surely he might as well be a man annihilated. I see nothing enjoyable in this."
4. See above, on activities and values.
5. *Values and Intentions*, 350.
6. *Formalism in Ethics*, 26. The Scholastic principle assumes that "the will is determined by the good" so that envy, spite and malice are really a choice of the pleasure given by such acts instead of benevolence.
7. "A theory of human motivation," and *The Farther Reaches of Human Nature*, Ch. 3.
8. *Formalism in Ethics*, 104-10, 332-44.

Chapter Eleven

Pleasure and Hedonism, Happiness and Eudaimonism

1. Pleasure and Pain

The level of localised bodily sensations is directly experienced as one of pleasurable and painful ones, and some which are neither. These are the only values possible on this level, which would seem make it an appropriate starting place for consideration of pleasure and its value or status as a value. But there are dangers in so doing, especially in treating pleasures and pains as the positive and negative versions of the same sort of experience, such as localised bodily sensations. But that is not the case, for the two words are not applied in parallel ways. "Pain," like many other terms for bodily sensations, is used in two senses: the primary one and the secondary one. The former sense refers to a group of sensations along with our emotional reaction to them. In the case of "pain," that response is an adverse one, and the sensations, comprising aches, sores, stabs and stings, share a similar felt quality as well as having their own specific qualities. We also react in the same averse way to itches and some tickles, but they lack the felt character of pains, though there are mixed cases such as itches that also sting. Furthermore, it is possible to separate one's reaction from the felt character of a pain, as by focusing upon the latter so that for a moment one's reaction against it is inhibited, even in the case of a severe toothache, and only the ache, sore, stab or sting is felt.[1] The latter sense is the extended one which we apply to all experiences in which we respond to their objects in a similarly negative way. Even if the legendary headmaster had been sincere, he would not have referred to quite the same thing when he said that caning the boy would hurt (pain) himself as much as the boy. In contrast, "pleasure" refers to our positive, welcoming and enjoyed response to its object, and never to any group of sensations distinguishable independently of that response to them. I can experience a pain in my foot but never "a pleasure," only a pleasant sensation which may well have nothing else in common with any other type of sensation.

Hence when I say that I am pleased by hearing that my son has got a job at last, I am still using the word in its primary sense and not in any secondary and extended sense. The extended senses of "please" and "pleasure" are now the rather archaic ones of "wish," "want" and "will," without any suggestion of liking what we wish, want or will, as when a mentally disturbed offender is sentenced to be detained "at The Queen's pleasure" (if that phrase is still used) and not given a determinate sentence. Thus, whereas "pain" refers primarily both to an experience of one of a more or less distinct set of sensations plus our usually averse emotional reaction to it, "pleasure" refers primarily to our welcoming emotional response to an object. "Liking" is synonymous with "pleasure" and "disliking," "loathing," "suffering," and so on, refer to more appropriate negative counterparts to pleasure than does "pain."

The significance of this difference is that pleasure is always an intentional response to an object whereas pain is primarily a mere sensation that has a cause and which is usually the object of an averse emotional response. Only in the extended sense does the word refer to an emotional response to an object. But hedonism perhaps trades on the seeming parallel of pleasure and pain, and as we noted above,[2] it must do so if it is attached to a consequentialist account of moral activity, for then its desired end-state of more pleasure and less pain would have to be a totally passive one. Even if we were to discount our emotional responses as acts that we perform, on the higher levels pleasure is certainly not a passive reaction to any cause.

Pleasure is not confined to localised sensations, nor even also to Scheler's next level of positive feelings of the whole body, in which we are aware of and enjoy being healthy, fit and strong. We can also be pleased by objects on the third level of distinctively human and personal activities: by a new novel, making a scientific or scholarly discovery, scoring a century, or at a friend's success. If "pleased by" or "liking" are not adequate terms for some of these experiences, then that is because they imply lower degrees of emotional response, while "delighted," "relieved," "cheered," "charmed," "joyful," and other terms signify ways of positive response which are more emotionally intense, experienced in specific situations, or definitely involve additional attitudes and desires which pleasure need not—I can enjoy reading an ordinary thriller without any wish to read it again.

Therefore, in the scale of forms of love, pleasure is simple liking. Yet even on the level of localised bodily sensations, it can rise to appreciation in which the quality of its object is savoured, and a taste for, delight in and

discrimination degrees and nuances of it, are cultivated, as by the connoisseur of wine or perfumes. Simple liking stops at what immediately pleases oneself, whereas appreciation involves a greater attention to the object that gives pleasure. Of course, its pleasure-giving properties are paramount, and further and perhaps greater ones are discovered. But, as a result, what initially was pleasing may become less pleasant and even unpleasant, because of this greater attention to the qualities of the object and not just to its immediate effect upon oneself, as in a shift in taste from sweet to drier wines.

For such a person, the enthusiast and connoisseur, there is an additional pleasure in the exercise of his developed powers of discrimination, his expertise at distinguishing, not just one wine from another, but one vintage and one chateau from the rest. This is not the pleasure of a bodily sensation but a pleasure in the performance of, or engagement in, an activity, as Aristotle saw all pleasure to be. Likewise, the pleasure felt in being healthy, strong and fit, is much more one arising in the exercise of our physical powers than one occurring when we are still and doing nothing. Such efforts are not any distinct causes of pleasure but its objects, what we take pleasure *in*, as was also noted above. Their value is therefore one of "ingredience" and not mere instrumentality.

2. Pleasure as a Value and Hedonism

That pleasure is a value or something valuable and a fulfilment of human, personal and animal existence, hardly needs to be argued. It is the simplest reason for doing something: nothing more needs to be said other than "Because I like (enjoy) it," except in cases where the action seems bizarre, perverse or pointless. Many of the things we do, we do simply because we like them and it would be pointless to continue with them if we didn't. I agree that *Middlemarch* is an important novel, but on the whole I did not enjoy reading it and see no chance of coming to do so. That may be the result of a defect in me, but it is surely a good enough reason for me not to read it again, and it would be a sort of literary Puritanism and even masochism to do so. Conversely, no one really wants to experience anything that is painful, unless, immediately or later, it brings lesser pain or much greater pleasure that could not be attained otherwise. Those who voluntarily eat mere bread and margarine today do so in order to get butter plus jam tomorrow, and the masochist seeks not the pain itself but, by

emotional identification, to compensate for his felt weakness and inferiority by sharing in the strength and superiority of the one who inflicts it on him.[3] Conversely, dislike, pain and suffering are sufficient reasons, *ceteris paribus*, not to do something which would incur them.

Of course, there have been and still are those who reject pleasure for one reason or another. Mostly, if not always, they do not wholly reject pleasure but only certain sorts or levels: for example, doing things that we merely enjoy and which have no other and greater value, as did Matthew Arnold with the sports of the "Barbarians" and the "fun" of the "Populace";[4] or lower ones because they deflect us from far greater fulfilments, as by the more ascetic strands in religion; or merely certain pleasures while indulging in others, such as the Puritans of the 17th C. who condemned games, sports, dancing and the theatre, but to whom Samuel Butler referred when he said that he who would eat well should dine with the Saints. Even the most world-denying and world-fleeing systems, such as Non-Dualist Vendantism and ancient Gnosticism, offered, explicitly or implicitly, something beyond the world that would be, in merging into the bliss (*ananda*) of Brahman-Atman or in reunion with the one Light, far greater than mere pleasure and relief from evil and suffering. The Hellenistic sages and original Buddhism, despairing of the world and with no hope of anything beyond it, sought more to diminish disappointment and suffering ran than to achieve any positive fulfilment. Hence the Epicurean sought only moderate pleasures and the Stoic found his fulfilment in the exercise of virtue and indifference to the turns of fortune. They did not spurn pleasure as such but sought to reduce their losses, the risks of disappointment, loss and suffering, which in their estimation often outweighed the chances of pleasure.

But can pleasure be the only value and form of fulfilment? The following considerations show that it cannot:

(1) Pleasure is the only value with respect to the level of localised body sensations. But painful ones reveal to us that something is wrong: that something in the body is diseased or injured in one way or another. In doing so, they make us aware of something other than bodily pleasure: the functioning of our bodies, bodily well-being and its specific values of health, vigour and wholeness, to which correspond the disvalues of disease, weakness and injury. They are more important than bodily pleasure, for bodily pleasure is itself is evaluated by them. Some things that give us pleasant sensations can also harm the body: too many sugary things rot the teeth and tobacco smoke can induce lung cancer. Such pleasures are not unequivocally good and may be greatly outweighed by

the harm that they do. Equally, some pains at least may be beneficial in alerting us to diseases, deficiencies or excesses and injuries, and therefore merely to suppress them by analgesics would be a mistake. For the hedonist, that assessment can be a matter only of comparing likely pleasant and unpleasant experiences to come. But health and illness are not matters of feelings, though the latter can be effects and signs of them. We can be well or ill without feeling it or feeling nothing remarkable. A fatal cancer can grow without causing pain until it is too late, and someone feeling "out of sorts" and "under the weather" may not be ill but depressed at being generally bored or frustrated.

(2) If pleasure were the only good then everything else would be good only as instrumental or a foundation for it. Hedonism therefore entails a consequentialist ethics, with all the problems that would incur as set out in Chapter 4. In particular, it would direct attention away from the activities in which we find pleasure to what would be supposed to be their end-result, which has plausibility only in the case of bodily sensations some of which can be brought about by external means, such as the warm glow from a glass of spirits, and, even more so, the alleviation or removal of pains by means of drugs. But, pleasant sensations apart, pleasant experiences have objects, not mere causes, and those objects are "ingredients" to which we attend and in which we take pleasure, as was shown above.[5] The enjoyment of a walk in the country, our previous example, is *in* the walking itself and also, most of the time, *in* the beauty and peace of the countryside, especially for the town-dweller. Health, vigour and fitness are some of the defining values of bodily functioning, whether or not we *feel* healthy, vigorous and fit. Likewise the beauty of the scenery and peace of mind. Indeed, it may take effort, unpleasant effort, to appreciate such values: for the hypochondriac to cease wallowing in self-pity and claims for attention; for the philistine to put aside his antipathy to beauty; and for one who is frenetically active or a workaholic to stop and calm himself. For us properly to enjoy them, we must attend to them for their own sakes and not just for the pleasure they yield. Aiming directly at pleasure would leave us only with what we now like, and put us off any redirection of our likes and dislikes, especially ones initially involving demanding and unpleasant efforts. Pleasure is more of a shadow value, a by-product, of the attainment of other and substantial values. Even in sports and games, the whole point of which is enjoyment of them, what is enjoyed is the exercise of skill and proficiency in them, and, at times, that may be somewhat unpleasant to acquire and to exercise, as in playing rugby on a cold and wet day.

(3) The deflection of attention from what we are doing to what we expect from it, incurs the paradox of pleasure: to seek it and it alone, is sooner or later to miss or destroy it. On the one hand, to put what we like, that is, what we happen to like, and its power of pleasure-giving first, is to shift our intention, attention and focus away from the activity itself and thus not fully and properly to engage in it, and hence to reduce the chances of its proving pleasant. And, on the other, without a remaking of our likes and dislikes, ultimately our *ordo amoris*, the pleasures we enjoy will soon pale or become addictions, such as to drugs or gambling. Consequently, mere pleasure- and "fun"-seekers end up in a self-defeating chase of more and more fleeting excitements, alternating with periods of boredom and disappointment. The ultimate self-defeats of the hedonist are the *ennui* that ensues when all mere pleasures have been tried and have grown stale, and, yet worse, the craving of the addict for mere relief from the pains of his craving and not for any positive pleasure which has now become impossible. The latter proves beyond all doubt that pleasure cannot be the only good because there are some pleasures that can destroy us. Pleasures are therefore good and bad according to a standard beyond pleasure themselves, namely that which is fulfilling and that which is destructive. Yes, pleasure is good, but it is really good only as accompanying engagement in and through activities in which the person can flourish, and which we need to pursue primarily for their own sakes.

(4) Again, if pleasure were the only good then we could not find anything pleasant because it is good, and thus we could find pleasant only what we would happen to like. We could not be pleased by the elegance of a vase, of a batsman's cover-drive or of mathematical proof, for to do so is to find a value in them that is the object of our pleasure. It would also be impossible to recognise that something has value in one way or another and yet not to like it or to like it only a little, as with my response to *Middlemarch*. Nor could we recognise that we like something in part because of some personal attachment to it in addition to its specific merits, as I especially like English landscape paintings because they are of English scenes. Indeed, we could have no conception of good but only of what we like, do not like and definitely dislike. It follows that, in such cases, pleasure is not a value in its own right but a shadow value that can accompany the realisation of the substantive values of objects.

(5) More importantly, hedonism would not be even a consequentialist ethics, for it would be incompatible with any ethics. Pleasure is what pleases me and what I like, and no more. By itself it is totally fortuitous or arbitrary. Either I just happen to like *X*, to be indifferent to *Y*, and to dislike

Z, or I decide for no reason at all to do *X* and not *Y* or *Z*, for, *ex hypothesi*, there are no other reasons, no other values, which could override the likings and dislikings that I find myself already to have or which could guide my decisions. In other words, there is no genuine good or value in the hedonist world and for the hedonist agent. Emotivism and Sartrean existentialism in ethics would both be true: "good" and "bad" would mean, respectively, "I like" and "I dislike" or "I choose" and "I reject." Your pleasure would mean nothing to me except as an object for mine, so that I would be using you as a *voyeur* or would be emotionally parasitic upon you and live in and through your emotions.[6] Indeed, I could equally like or choose to dislike and decrease your pleasure and to like and increase your suffering, as do those who laugh at others' mishaps, sadists and those who act out of *Schadenfreude*, envy and malice. As well as Sartre's claim that all choices must be arbitrary, psychological as well as axiological hedonism would also be true. On that score at least, Bentham was right.[7]

In summary, pleasure necessarily transcends itself, for apart from pleasant sensations, it is essentially pleasure in the unimpeded engagement in an activity itself presumed, often tacitly, to be good apart from whether we happen to like it or not, something which calls forth our powers and requires some discipline of the self and attention to its own self-set standards and to a task well done. Pleasure thus becomes a value, not really to be found when directly sought, but found as an accompaniment to engagement in activities that have their own internal values and standards and which are of value because they develop and exercise our powers and in that way prove to give pleasure. Our reason for taking up many of them of may well be that they are what we like to do, but we like them and continue to like them because they are fulfilling and not merely pleasant. And hedonism, ignoring or denying the real nature of pleasure, could be only a consequentialist ethics, which also must transcend itself, as we have already seen. Indeed, by making pleasure the only value, hedonism has nothing that is of value and thus also no possibility of duty, and so could not be an ethics at all. Because of its dependence on other values, and even pleasant sensations are not unconditionally good, pleasure as a value is at the lowest level of the scale, and so it almost illustrates what Collingwood thought would be the fate of such a status, that is, not really being a member of the scale at all.

3. Happiness

Genuine pleasure is therefore to be found principally in the activities that bring, or rather constitute, personal fulfilment, and thus is the happiness that accompanies unimpeded engagement in them. As it stands Aristotle's formula rules out those activities in which the overcoming of difficulties and obstacles is an essential part of what we enjoy, such as coping with an overhang in mountaineering or the tactics of our opponents in competitive games and sports. In such activities there is little enjoyment in facing challenges that we easily meet or that always defeat us. The difficulties and obstacles that suitably challenge us are ones internal to the activity whereas external ones, such as injuries and blizzards that make climbing too dangerous, reduce our abilities and opportunities.

Pleasure alone cannot fulfil us because it accompanies fulfilment in the successful engagement in some activity to which we give ourselves. Why do so many people, especially youngsters, appear or claim to be bored? As a previous sufferer myself, I can safely say that it is because they have found nothing worthwhile to *do*. Such failure results from the world around us in the way of lack of opportunities, and more importantly from within ourselves, fundamentally laziness and impatience, as in expecting fulfilment simply to happen or be given to us, demanding instant gratification, and lacking the will to get up, look for and apply ourselves to something worthwhile. In short, we need to forget ourselves in order to find ourselves, to forget whether we immediately like something or not and set ourselves to get stuck into rambling, reading, cookery, bridge, gardening, painting or whatever seems to be something that will suit us and will develop and exercise our abilities and capacities. That means, when we take up something, aiming to do it well. There is no enjoyment in being careless and slapdash, and so what I want must be subordinated to what the activity requires in order to be done well, at least up to some level. So, I shall never be a second Constable or Turner, yet as Chesterton once said, if a thing is worth doing, it is worth doing badly. (I presume that by "badly" he meant "badly in comparison with the efforts of those much more capable than oneself," and not "badly in comparison with what one could do if one really tried.") Therefore I can set myself to learn as much as I can and to do the best I am capable of, and then I shall find some satisfaction in my attempts at painting landscapes, if I have some degree of ability. On the one hand, happiness lies in finding something that will prove fulfilling, and, on the other, making the effort to do one's best at it.

Although we can say that we are happy with something in particular, happiness has an essentially global dimension, for it is directed to most things or the most important things or the supremely important thing in our lives. This is not merely a matter of verbal usage but marks a distinctive aspect of experience. We all inhabit a "world," a totality, and are always tacitly aware of it as the background to whatever particular feature of it concerns us at the moment. This may be called the "vertical" dimension. Thus feeling pleased that the garden is looking nice this spring, I shall still be aware that I may be suffering from a serious illness, and thus shall not be really happy. There is also the temporal or "horizontal" dimension, of what has happened and what will happen. This was the truth that Sophocles expressed in the conclusion to *Oedipus Rex*: "Call no man happy until the day of his death." At any moment one's world can be overturned and one's happiness destroyed. Conversely, we may wish that something would occur which would change our present state of misery or frustration into one of happiness. Also the past may still cast its shadow or light into the present: previous and unforgettable sufferings can mar any present enjoyment, and memories of past successes and periods of happiness can relieve or even outweigh present disappointments and sorrows.[8]

Happiness therefore requires the balancing of one aspect or element in one's life against the rest, such as not becoming so obsessed with making money to be saved up for the future that there is no enjoyment today or that work itself becomes an addiction and thus one cannot settle down to anything else on holiday or in retirement. It may mean some hard decisions, such as to give up some things that one would dearly like to do in order properly to fulfil oneself in at least one of them rather than fail in all.[9] It therefore requires virtues such as patience, temperance and prudence. Moreover, it requires propitious circumstances, such as a stable civic and social order—even the warrior requires a reliable source of arms and food, and if all were warriors, all would soon die—and the products of civilised existence, especially institutions and established practices in which to participate. And because we are persons in relation to each other, it will normally require comradeship, companionship and friendship. Hence it spreads out into a common life with individual and group variations, and all the dispositions and fulfilment of duties required to sustain it. This, in brief, is the portrait of happiness as set forth in the classical statement of eudaimonism, Aristotle's *Nicomachean Ethics*.

Scheler's third level, along with his second as that of our physical well-being directly experienced as feelings of health, vigour and

wholeness, is the sphere of distinctively human, personal, social and cultural life. And fulfilment in and through its activities brings, or is, happiness. Yet his specification of those activities is inadequate. Although it is a level of distinctively human life, Scheler has omitted social life as lived for its own sake in companionship, friendship, marriage, family, etc., a very curious omission in view of the attention he gave to fellow-feeling. Typically for a philosopher, he has also omitted practical activities such as crafts, sports and games, in and through which persons can find also fulfilment. He has also omitted the whole economic sphere, of the obtaining ("bread-winning") and use ("house-keeping") of the means of life, which, though its prime objective is to serve the higher levels, can also be part of them, as for those who earn their living by what they would like to do anyway or who find some other satisfaction in doing it, such as the exercise of a skill or companionship—as we noted earlier, the more economic life can be lifted up to a higher level the better it will also be economically. More importantly the values of the right and the wrong, primarily justice, are not on a par with the others, but outside, above and overriding them. Justice demands that persons are not to be sacrificed to any other concerns on this and lower levels save for very great cause. This is what sets specifically or narrowly moral values apart from the wider range of values of moral significance. For justice is imperative, what we must or must not do unless even more important considerations override it. In contrast, all the other items mentioned here, and doubtless others that could and should be added to them, are not matters of definite obligation but of the good, what we may choose and is worth choosing but what normally we do not have to pursue or take up. As for any other worthwhile activities on this level, I suggest that the principle on which we in fact act: the presumption of innocence, that they are good unless found to be otherwise, and that only experience can tell us what they are.

4. Eudaimonism

Eudaimonism, the doctrine that happiness is the highest value, is both a great moral advance upon hedonism but also seriously inadequate in respect of distinctively moral concerns by placing them on a par with the rest of this level, just as Scheler has located some of them, even though he thoroughly exposed the errors of eudaimonism. For hedonism, as we have seen, cannot accommodate good and duty, and, even if it could, moral

values, in the narrow or specific sense of the merits of the moral agent, would be entirely subordinated as wholly external means to its goal of pleasure. In contrast, eudaimonism recognises, or should recognise, that the agent's virtues especially are an integral and continuing part of the wider human good, for there can be no peace and order and thus no unavoidably fettered human flourishing without them. Hence it can both accommodate and supply guidance for those levels and values of the moral agent which are law, intentions, virtues and the order of the heart. Not only that, for those levels are needed, individually and collectively, in order for happiness to be attained. But in the end it still subordinates the moral aspect of life to the wider cultural life or to the particular activities which the individual eudaimonist elevates above the rest as providing the truest fulfilment.

Furthermore it has two other central flaws: (1) that it must decline into hedonism because the deeper emotions on which happiness depends cannot be directly willed; and (2) that happiness can be only the happiness of concrete persons so that our own happiness remains our prime motivation. As a result of these two, it faces a third question which it cannot answer except by transcending itself: (3) which matters more, the person or happiness? That last question we have just asked and answered, in effect, but it deserves to be considered more deeply, along with the other two.

(1) Scheler's argument that the deeper we go into ourselves the less we can directly control our emotions, has already been mentioned.[10] There is plenty of everyday experience of this. Having been betrayed by someone, I still spontaneously feel resentment towards him whenever he comes to mind, and cannot directly prevent myself from so feeling. But what I can do is to act as if I felt differently, as by not expressing my resentment and trying not to think about what he has done instead of dwelling on it, and to hope that eventually I shall cease to feel it. In contrast, pleasant sensations, as the felt results of bodily events, are much more under my control: I can enjoy a cool shower on a hot day by going to the bathroom. Hence, Scheler suggests a tendency of eudaimonism in practice to turn to what I have called "welfarism" and to focus upon the alleviation of bodily suffering and the provision of bodily comforts.

(2) The utilitarians fudged the question of whose pleasure, by talking of pleasure in the abstract. So also to some extent do eudaimonists talk of happiness. But, as Burke said of freedom, happiness in the abstract, like other abstractions, does not exist. Happiness can be only the happiness of actual persons. Now unlike bodily sensations, pleasures in the

performance of activities and thus happiness as a life dominantly composed of such activities and their pleasures, can be shared. Together we can enjoy a ramble (community of feeling) and, more importantly, we can share in each other's enjoyment of it (fellow-feeling or sympathy proper). Nevertheless this shared pleasure and happiness is still that of two or more actual persons. The happiness that eudaimonism makes the highest value is thus the happiness of concrete individuals and of groups of individuals bound together by fellow-feeling. Which then is the more important, the person or his happiness? Perhaps the eudaimonist would say that this is a false distinction, for the person values his happiness and to respect and promote him is to respect and promote his happiness and vice-versa. Thus if we were to have good cause to think that someone had a false idea as to where his happiness lies, we could simultaneously promote both by trying to persuade him to redirect his interests. All the same, they can be distinguished in thought and in life. Imagine someone who has no prospect of or capacity for happiness. If happiness were the sole value, then such a person would have none in himself, and so we could treat him as we will. Conversely, if the person himself is the highest value or a value higher than happiness, then our duties in respect of him will remain whatever his condition while his happiness would still be a value for us as for him, because he himself would be a value and his happiness would be both the fruit of and an ingredient in his fulfilment. Even more significant is the relative importance of the moral character of the individual and his happiness. This, too, may ultimately be a false distinction but proximately there can be a very real difference. For duty may incur danger, suffering and even death. So how should we act in respect to someone placed in such a situation? Which should we advise him to choose? And which should we choose when we face such a choice? Less dramatically, is children's happiness a sufficient guide for their upbringing or should we attend also and primarily to their moral character? Again, ultimately, this may be a false distinction, but proximately it can be very real. A "spoilt" child is precisely one whose parents have not wished to make unhappy and whose character they have therefore neglected. True, they have also sacrificed the child's deeper and longer-term happiness, but without thought as to whether the child will be happier, either now or immediately, it is incumbent upon parents to teach the child not to lie, cheat, bully or be cruel, and to encourage the corresponding virtues.

(3) That brings us to the third flaw. If happiness were the only value, then the agent's own happiness would be his prime concern. Even though

happiness can be genuinely shared, your happiness would matter to me because either it increases mine or because you matter to me. But eudaimonism rules out or subordinates the latter, and thus only the former would be possible or paramount. Now it is perfectly legitimate that I should be concerned with my happiness. For example, if what I have taken up does not satisfy me, even when I have made a genuine attempt to immerse myself in it, then there is no point in continuing with it, and I should try something else. Why read through the rest of *À la Recherche du Temps Perdu*, if, half way through the first volume, you have found that Proust is not for you, as I have just given up both that and, at the same point, Robert Musil's *A Man without Qualities*? At this level we may please ourselves, and in other matters as well, as when Elizabeth Bennett replied to Lady Catherine de Bourgh when asked to promise never to become engaged to Mr Darcy: "I am only resolved to act in that manner, which will, in my own opinion, constitute my happiness, without reference to *you*, or to any person so wholly unconnected with me." But not wholly so, for Elizabeth implied that she, unlike Lydia, would be prepared to consult the claims of those in some way connected to her. Here then is both the merit of eudaimonism and a real problem for it. Because persons are persons in relation to each other, our fulfilment requires a well-ordered social context and hence the virtues and actions which will sustain it. But they in turn may require the sacrifice of our happiness itself, or, at least of what we intend as our happiness. Duty and honour require that the poet must leave Lucasta and go to the wars, and maintenance of the public peace requires adults in general, and not just the police, to risk injury and even death in facing up to the gangs of feral youths that now terrorise many of our streets. If we all were to retreat within our double-locked homes, there would be no peace or safety for anyone outside them. And so putting happiness, our own happiness first, will sooner or later defeat itself. We saw this in Chapter Three in respect of the consequentialism of whole bodies of laws. To secure freedom, peace and prosperity a body of just laws must be observed as ultimate values and hence the former, and the happiness that rests upon them, must be subordinate to them. At its best, eudaimonism treats the virtues and other moral qualities of the person as an ingredient in its supreme value of happiness, individual and collective, and not merely as a foundation of it. Yet, as something to be aimed at, happiness may have to be sacrificed to justice and mercy, and, at times, that of individuals to the general good. Hence again it transcends itself and therefore cannot be the highest value after all.

Even though eudaimonism accommodates and requires the narrower or specifically moral values of the person as a foundation of and ingredient in happiness, sooner or later it will face a choice between them, and also between happiness and the value of the individual person. If it chooses happiness, then it destroys its own moral claims. If it subordinates happiness to the moral values of the person, then it ceases to be eudaimonism. Consequently, eudaimonism must transcend itself. How, then, can it do that, and how also can these two sets of values be properly related to each other? To those questions we now turn.

Additional Notes

1. Sympathy, Emotional Identification and Emotional Parasitism

The valuing of the other person and his fulfilment in sympathy and fellow-feeling should be clearly distinguished from emotional parasitism in which the empty self seeks vicarious satisfaction in the experiences of the other through emotional identification with him. Identification can take two forms, distinguished by Scheler as "idiopathic," in which one realises oneself in and through the other whom one dominates, and "heteropathic" in which one feeds emotionally off the other and, in a face-to-face relationship, may be dominated by him (*The Nature of Sympathy*, 18ff). Gossip magazines, soap operas and popular fiction and films are produced precisely to afford material for heteropathic identification in order to fill the emotional emptiness of the present day. Sympathy (as "fellow-feeling"), in contrast, is founded on love, and maintains the distinction between the two persons, and so rejoices with those who rejoice and mourns with those who mourn. See Scheler's treatment of the whole subject of the forms of fellow-feeling in *The Nature of Sympathy*, Chapter II.

2. More on Welfarism

Governments and humanitarian charities tend to operate a "welfarism" in which the primary value is the welfare of the body and thus provision of the goods of food, water, clothing, shelter, medicines and medical treatment. That such things are important and often urgent only a heartless

person would deny in his own complacent enjoyment of them. Also they are matters about which individuals, groups and governments can obviously *do* something, though at least one charitable organisation does seek to feed people's minds by supplying books to people in poor countries. Even T. H. Green seems to have fallen into this error:

> It is no time to enjoy the pleasures of eye and ear, of search for knowledge, of friendly intercourse, of applauded speech or writing, while the mass of men whom we call our brethren and whom we declare to be meant with us for eternal destinies, are left without the chance, which only the help of others can gain for them, of making themselves in act what in possibility we believe them to be. Interest in the problem of social deliverance ..... forbids a surrender to enjoyments which are not incidental to that work of deliverance, whatever the value which they, or the activities to which they belong, might have (*Prolegomena to Ethics*, §270, 321).

To this there are four answers: (a) a short, *ad hominem* "*tu quoque*," that there was much that Green did that had no bearing on helping the poor and sick; (b) that he speaks first only of the "pleasures" of art, friendship, etc., and then ignores other values they may have; (c) that it will never be the time, for, even if social reforms were to be successfully carried out at home there is still even more poverty, illness and misery abroad; and (d) that man does not live by bread alone, and if no one in the past had attended to art, science, philosophy and the other constituents of civilisation, or were to do so today, then there would be nothing to feed anyone's mind. At the end of the book, Green did modify his position and apply it to such situations as that of an intending musician in a debased Italian principality of the 18th C. (§381, 469). We need not endorse the impromptu comparison of the artistic achievements of the Italy of the Borgias with those of peaceful and democratic Switzerland that Orson Welles delivered as Harry Lime's self-justification in *The Third Man*, to appreciate what has come down to us from times in which there was much distress. See also the words of Goethe quoted above, Chapter Seven n. 15.

Notes

1. See R. Trigg, *Pain and Emotion*, especially Ch. II.
2. See above, Ch. Four.

3. See Scheler, *The Nature of Sympathy*, 22.
4. *Culture and Anarchy*, Ch. III. In Ch. II Arnold takes advantage of the ambiguity of "doing as one pleases" ("doing what one enjoys" and "acting wholly arbitrarily") to imply that what Liberalism encourages is utterly valueless. As we shall soon see, if pleasure were the only value, then all activity would be valueless.
5. See above, Ch. Four
6. On emotional infection and parasitism, see the Additional Note below. As we shall see in the next chapter, this is also Kant's view of human life apart from duty for duty's sake.
7. *Introduction to The Principles of Morals and Legislation*, 125.
8. For a detailed account of happiness, see Strasser, *Phenomenology of Feeling*, Chs. 12 and 13. I commend the whole book for a thorough and insightful treatment of emotion generally.
9. "Self-sacrifice is too often the 'great sacrifice' of trade, the giving cheap what is worth nothing. To know what one wants, and to scruple at no means that will get it, may be a harder self-surrender," Bradley, *Appearance and Reality*, 5, and *Aphorisms*, No. 34. An exaggeration, but one sees the point. Unlike Ingrès, Wellington gave up the violin to concentrate on his other interest, a military career.
10. Ch. Eight n.2, *Formalism in Ethics*, 336-44. See also below, Additional Note 2.

Chapter Twelve

Virtue and Happiness: Stoicism, Kant and Plato

1. Beyond Eudaimonism

We are following up the clue to a scale of fulfilment provided by Mill, as he himself did not, with his dictum that it is better to be Socrates dissatisfied rather than a pig satisfied, which hints that there may be some satisfaction for Socrates after all, and a higher and perhaps deeper one at that. Pleasure, though not to be abjured, is hardly a fulfilment at all apart from fulfilment at higher levels than the mere pleasure of bodily sensations. Eudaimonism, seeking happiness, either reduces to hedonism in practice or transcends itself by reversing its ultimate subordination of specifically moral values to happiness. The question then arises as to whether they are simply to be preferred to happiness or if and how virtue can itself bring or, better, *be* a fulfilment and perhaps even one at a higher level than happiness in the successful engagement in other activities. For, since pleasure, as Aristotle said, is experienced in the unimpeded exercise of a capacity, then, as with all our capacities, the exercise of virtue to the best of our abilities will itself be a satisfaction, not just in the tautologous sense of recognising that we are actually doing what we intend, but in the additional sense of a *felt* satisfaction. Furthermore, the exercise and satisfaction of our distinctively human and personal capacities should, *ceteris paribus*, bring greater satisfactions. Hence Greek ethics, always eudaimonist to a greater or lesser or extent, found the true fulfilment, at least in the cases of Socrates, Plato, Aristotle and the Stoics, in such higher levels of the self. Moreover, Socrates, Plato and the Stoics, unequivocally placed justice or the exercise of virtue generally as the highest level of all and that which brings or is true happiness. Indeed, the Stoics maintained that it was the only good and thus sufficient for happiness, although they came to allow that some other things are advantageous to us and thus preferable. Similarly Kant in the modern world held the good will alone to be unquestionably good, briefly stated

that it brings its own satisfaction, but thought that the virtuous deserve to have happiness added to them. In contrast, Plato showed how the other good things of human life do not have to be set aside but become even better when ordered in a thoroughly moralised self. Hence we shall not follow the historical order but consider Stoicism, Kant and then Plato as giving increasingly adequate answers to our present questions.

2. Stoicism[1]

In their ethics the Hellenistic philosophers such as Sceptics, Epicureans, Cynics and Stoics, were not so much eudaimonists as *eudaimonistes manqués*, for they aimed more at avoiding distress, loss and disappointment, rather than at attaining positive happiness, and thus at withdrawing from the world rather than engaging with it, in order to achieve tranquility (*ataraxia*) in *apatheia*, emotional detachment from as many things as possible. For example, the Epicureans limited themselves to moderate pleasures. The Stoics were distinctive in engaging politically with the world, as *kosmopoliteis*, "citizens of the world," although they too sought at least a notable degree of emotional detachment from it so as not to be disturbed and to find tranquility by attending to only what one can control, i.e. one's judgments and decisions. At first, with the Cynics, they held the practice of virtue to be the sole good or real good and also to be our real fulfilment, yet they began to distinguish what is "advantageous," for the practice of virtue, from what is merely indifferent. To understand what they meant by this and how they came to maintain it, we need briefly to consider their cosmology.

They viewed the word as a necessary and rational order, providence (*pronoia*) or fate (*heimarmené*). At first this was conceived in a wholly immanentist and pantheist way, with Reason (Logos) or God being identified with the world or Nature (*phusis*), then as the world-soul, and last as its ruler. Often two or all three conceptions are used together. But, despite that, the upshot is always the same: that whatever happens, happens according to Reason or the will of God, and therefore must be right, whether, for example, one will meet or not meet one's friend at a given time and place. Hence the wise and virtuous man will accept whatever happens, and so have nothing to upset him (e.g. D I 14; M I 8, 9, 58).

Also like the Cynics, they held that we should live "according to nature," but, unlike the Cynics, they held man's distinctive nature to be

reason. Just like non-rational beings we naturally seek our good, and so for us that means living according to *our* nature, that is reason which also governs the universe. Virtue is the choice of harmony with oneself and the universe because it alone is good and it is chosen for no ulterior motive. Having made that choice, one is free from "passions," which are aroused by external objects to which we unconsciously ascribe unfounded values or disvalues and thus we make ourselves dependent on them. By ceasing to make those unfounded judgments, attending to what is under our control (judgments and actions), and accepting what comes to us and what we lose as the ordinances of reason or God, we shall cease to be affected by events in the world and thus shall never experience unhappiness (D I 4, 19, 24, 25, III 3, IV 1; M. I 9, V 26, VII 28, VIII 28, IX 1). Happiness, therefore, is not the direct goal but a side-result of living according to our nature, which is reason, the nature of the universe. Since virtue, the excellence of and the good for man, is the only moral good (*kalov*) and depends only upon ourselves in our choice of it, the Stoics classified everything other than virtue as "indifferent" because it contributes neither to happiness or misery. Thus all external things, including wealth, poverty, strength, weakness and health and disease, are indifferent. Yet, inconsistently, they came to distinguish those indifferent things which have value (*axia*) and are to be preferred, those which are to be shunned, and those which are wholly indifferent. Wealth, strength and health, for example, are typically appropriate for us though perhaps not always, and so are to be preferred (D I 4, 27, II 9). But Marcus Aurelius, regarded as wholly indifferent those things which befall the good and bad alike, and cited death, life, good and ill repute, pain, pleasure, wealth and poverty: in effect, everything that happens in human life (M II: 11).

Such an ethics is noble ideal in many ways but it has its difficulties. Two connected ones are particularly relevant here: the ambiguities regarding things indifferent, and the extent of emotional detachment. Now if all events happen according to Reason or God and thus should be accepted equally, they ought to be positively welcomed as good even if some appear to be bad. But could a Stoic bring himself to *rejoice* at the death of his child or his friend's bankruptcy? And at the back of all this was surely a conflict between a desire to retreat into satisfaction with virtue alone, as an obvious good and one that is wholly under our control (as they assumed), and a recognition that at least some other things, not wholly under our control, are also good.

This conflict also reveals itself in the attitudes to be taken towards others. Marcus Aurelius' list of things indifferent would logically include

the same sorts of events as happening to others as well those which happen to ourselves. If we are to be indifferent to the latter, we should also be indifferent to the former. What then would become of the *kosmopolités*, the citizen of the world? His aim, surely, is to help maintain the good order (*kosmos*) of the Commonwealth for the benefit of its citizens, and that must mean maintaining such supposedly indifferent things as peace and prosperity. And why should anyone bother with doctors and a proper diet for himself or others, if both health and sickness are indifferents? It was not enough that some indifferents should be reclassified as advantageous or harmful, for at least our right relations with our fellows presuppose that they are definitely good or bad for them, although in a given case other and more important matters may override them.

As for emotions themselves, Marcus Aurelius himself distinguished "natural affections" such as genuine love for one's family and children, in which he thought Roman patricians were wanting, from "passions" such as anger (M I 11). The former, we presume, are rational and moderate emotions, whereas passions are irrational and violent. In that case, life and death, wealthy and poverty, and so on, are again not so indifferent after all. If I love my children and my friends, shall I not be grieved at their deaths or bankruptcy? A saying of Epictetus reveals the compromise that would likely be made to alleviate these conflicts:

> What harm is it, just when you are kissing your little child, to say, "Tomorrow you will die" or to your friend similarly, "Tomorrow one of us will go away, and we shall not see one another any more"? (D III 24: quoted Long, 238).

Where in such a person is the warmth, the real love that would give the child the emotional security it needs? Paradoxically, the emotional security of detachment sought by such a Stoic parent would not nourish the child's emotional security of knowing that it is accepted, belongs and is loved. Likewise, the person who would protect himself from feeling the loss of his friend would not be much of a friend. Epictetus' Stoic would hardly mourn with those who mourn and rejoice with those who rejoice. But often the comforting arm is what a mourner requires, certainly more than Epictetus' advice. The point here is a strictly moral one: that, for the sake of avoiding one's own distress, Stoicism implies a contraction of that human sympathy which we all should give just as we all need to receive it. In contrast to the Hellenistic contraction of emotion, Tennyson, in grieving at the death of his friend Arthur Hallam, did not envy those who have no emotional

involvement, not because of any Romantic wish for intense emotional excitement of any sort ("feeling *alive*"), but because it would entail lack of moral involvement. It was for that reason that he wrote:

> I hold it true, whate'er befall;
> I feel it, when I sorrow most;
> 'Tis better to have loved and lost
> Than never to have loved at all.[2]

In ways such as those just mentioned *eudaimonisme manquée* sacrifices elements of our duty and true good to a largely self-centred desire to be free from negative emotions, even when it intends to put virtue first. I suggest that the conclusion to be drawn from Stoicism's limitation of the scope of both virtue and our fulfilment is that the fulness of each entails that of the other. It seems to be a matter, not of the one or the other, nor of the two mechanically put together, but of both or neither. But before we consider that, it will be helpful to examine Kant's attempts to join virtue and happiness while repudiating any hint of eudaimonism.

3. Kant: Happiness and Duty for Duty's Sake.

It will be necessary to consider Kant's account of happiness and its relation to the good will in some detail, because it is not clear cut. Kant's dualism of reason, plus the unqualified goodness only of the will that enacts only the categorical and universal imperatives that it has autonomously and by rational necessity legislated by and for itself, versus heteronomous determination of the will by externally aroused, merely empirical and so non-rational, self-centred "inclinations" and "interests" (desires and emotions), with merely hypothetical imperatives for satisfying them (e.g. G 1-3 (393); 16n (401n); 38n (413n); 39-41 (414-5); 87-96 (440-5)), would logically rule out any moralisation of our existing emotions and desires, a remodelling of one's actual *ordo amoris* so that it exemplifies the ideal *ordo amoris*, and instead would require their suppression. It would also follow that the only permissible happiness would be that of satisfaction in doing one's duty in obeying universal and categorical imperatives. Kant even argues that that reason and will (conscious self-direction) are not merely superfluous for happiness but antithetic to it, because the more that reason is cultivated the more do we stray from real

contentment, which would be better attained by "natural instinct." Consequently, on the assumption that nature does nothing in vain, our endowment with reason means that it is meant for something else, namely, to be practically exercised in the form of the good will as an end in itself and not a means to something else. That may well result in actual unhappiness, though reason can bring its own unique contentment, that of fulfilling a purpose determined only by reason itself, namely, the exercise of the good will solely for its own sake (G 4-8, (395-7); cf. MM 377-8). Yet, instead of elaborating this notion of happiness in the fulfilment of duty, he seeks to add to the dutiful life the attainment of a happiness other than contentment in exercising a good will. He does this in two ways:

(1) Despite what he has just said about the inherent opposition between reason and inclinations and also happiness, he also argues that we have at least an indirect duty to assure our happiness because being unhappy and dissatisfied could easily lead us not to do our duty. Moreover, he claims that happiness is an Idea, a rational necessity of all thought, such that a rational being necessarily seeks his own happiness, otherwise he would not be rational. The Idea of happiness is its form, that in which all inclinations are combined, "an absolute whole, a maximum of well-being, in my present, and in every future state." But this Idea of happiness is often overruled by the appeal of a determinate satisfaction of a particular desire, as when one who suffers gout eats what he likes and puts up with the consequences. Hence happiness is bettered secured by acting according to law and because it is one's duty and not from inclination, and thus it also has real moral worth (G 11-2 (399), 46 (418)).

Yet later Kant denied that we can have a duty to seek our own happiness precisely because we cannot but seek it, whereas duty is "a *constraint* to an end adopted reluctantly" (MM 190 (386); 203 (402)). Spontaneous goodness is possible only for a "holy will," God, and not for man (G 39 (414); 86 (439)). Kant is in error here on two counts. First, quite a few people do not seek their own happiness: on the one hand, those who wholly sacrifice themselves to a cause, and, on the other, those who persist in doing things which they know will destroy them and those who wallow in misery, moaning, resentment, victimhood, self-pity and the like. And second, it would follow that I could discover my duty only if am predisposed not to do it, whereas if I would whole-heartedly respond to doing it, I could not be informed of it! It would be impossible really to want to find out what one should do. Why would Kant think like that? One possible reason, which we shall meet again in a moment, is the slide he seems to make from the fact that the good will stands out clearly when the

person acts against contrary inclinations and despite the pains that duty will incur, to the conclusion that it can be exercised only in such situations. Another is his constant assumption that "inclinations" are always both irrational and self-centred.

But, to return to his other argument, the whole meaning of happiness is satisfaction of inclinations, of what we desire, as Kant rightly recognises, and therefore *feeling* satisfied is essential to it. If, for example, I were not able to *feel* hungry and replete, I could not enjoy eating a good meal. Though I could know that I need to eat and have eaten, that knowledge would not make me happy.[3] To be happy in any way I must want something and *feel* satisfied when it is attained, as in wanting my son to get a job at last. Simply to believe that it would be a good thing if he did and then that he has succeed would have no effect upon me, just as I have no interest in the fate of any football team. But moral action for Kant is action from explicit motives of duty and never from inclination. Hence, as he goes on to say, love can have moral worth only as practical action performed from duty and not from "propensions of feeling" which are merely "pathological" (G 13 (399)). So either I do something from duty alone or from feeling, and thus I should never act from feeling (save reverence for the moral law) and should set it aside altogether.

Yet, it may be claimed, the sense of duty can endorse what feeling prompts, when it can be willed as a universal law, as well as prohibit it when it can't. But that raises the question of the morally licit but not obligatory, which Kant raised but did not answer, as we have seen.[4] It also raises the question of mixed motives. Is an "inclination" to perform an action which conforms with duty compatible with also doing it from duty? At least one of Kant's examples in the *Grundlegung* suggests that he thinks that they are not compatible. Some are ones of emotional conflict with duty and acts clearly performed from duty (the man who in despair longs to die but preserves his life) or not from duty (those who anxiously take many precautions against losing their lives). But in the case of the grocer, Kant infers from the fact that the man knows it is in his interest not to overcharge inexperienced customers, that another motive such as practical love or doing his duty cannot be assumed, and that therefore self-interest must be his motive: that is, a negative answer to the epistemological question about knowledge of other motives seems also to give a negative answer to the logical question of their compatibility. Again, helping others is a duty and some people, not moved by self-interest or vanity, take pleasure in spreading happiness, but Kant holds that their actions lack moral worth because they are not done from duty. Thus Kant

infers from the fact that they are not known to have motives of duty but are known to like what they do, that they do not act from duty. In contrast, the actions of one who helps others though himself lacking any sympathy with them because of his own sorrows, and even more so those of one who is cold of heart by nature, would have moral worth. In all of these examples Kant confuses the logical issue with the epistemological one: moral worth can be perceived by an observer only when a person has inclinations or self-interest *not* to do his duty, and when he is inclined or it is in his interest to do it, he is assumed not to act from duty (G 9-11 (397-9)). Why should Kant assume that lack of evidence for the right motive is evidence of a lack of the right motive? Either he is guilty of a simple confusion between a fact and the evidence or lack of evidence for it, or he assumes that any other motives, possible as well as actual, for doing what is one's duty entail that one does not also it because of duty. It seems that Schiller was right after all: precisely because I like helping my friends, I cannot do right in helping them.[5]

(2) In the first *Critique* (A806-19, B834-47), published before the *Groundwork* and in the second *Critique* (124-48), published soon after it, in answer to the question, "What can I hope for?" Kant contrasts the empirical question of what one must do in order to attain happiness and the purely rational (*a priori*) and moral question of what must one do to deserve happiness. And thus, consistently or inconsistently, he takes the conjunction of worthiness to be happy and actual happiness to be a higher good than virtuousness alone, and in turn argues that we can be morally certain that God and immortality exist so that it can be brought about. Therefore it is because happiness, *if* it is a genuine good, is not integral to duty for duty's sake, that God, as the Judge and Celestial Mechanic, has to be brought in artificially to attach it to the good person who deserves it but does not experience it simply by and in being good. Had Kant elaborated the idea of virtue and duty as themselves being satisfactions, and, indeed, the only rationally and morally acceptable ones on his premises, the problem of adverse circumstances which defeat our hopes of fulfilment and happiness, would not have arisen. For having done all we could to do our duty, we would have all the satisfaction that rationally and morally we could want, irrespective of everything else that happens in the world. That is the satisfaction of a rearguard that has stood its ground as ordered, fought to the last bullet and man, and upheld its honour in enabling the rest of the army to escape. In a religious context, it is what St Ignatius Loyola, a former soldier, prayed for: "To labour and not to ask for any reward, save that of knowing that we do thy will." Alternatively, Kant

could have revised his assumptions that reason is exclusively a matter of logical necessity, that therefore moral conduct must be solely the explicit and self-conscious exercise of the will in the enactment of categorical imperatives, and that such a good will alone is genuinely good. In that case he could have recognised the genuine goodness of all aspects of the person and of the activities in which they can be exercised and expressed, including spontaneous action from genuine responses to real values, and thus in a happiness that is wider than that of doing one's strict duty. Furthermore, he could have recognised that our "inclinations" could be moralised and re-ordered rather than set aside, as he appears to imply. For that, we shall now turn to Plato.[6]

4. Plato and the Happiness of the Just Man

Plato's central aims in the *Republic* are to set forth the nature of justice and virtue generally, the happiness that they bring directly and without regard to anything external to the individual, and the individual, social and political conditions for realising them. Unlike Kant and the Stoics, he has no problem with the satisfactions of lower levels of the self, provided they are controlled and ordered. For convenience he employs a model, probably of Pythagorean origin, of three levels of human motivation (not quasi-physical "parts" of the self), distinguishable by being able to conflict with each other. They are: appetite, especially relatively blind cravings such as hunger and thirst, and also for money as a means of satisfying desires; spirit (*thumoeides*), notably anger, resentment, indignation (defensive desires and emotions), courage, and the desires for victory and a good name, plus a sense of honour; and reason (*logistikon*), or wisdom, judgment, forethought. Justice (*dikaiosuné*) or righteousness is the proper functioning of each of these: reason to rule the whole by judging what is right and good; spirit to be subordinate to it and to assist it by courageously executing its judgments; and appetite to be regulated by the other two and to be prevented from gaining dominion over them by means of the strength of bodily desires. Such a person will display wisdom (*sophia*), courage (*andreia*), and temperance or self-discipline (*sophrosuné*), and so will act justly in all spheres of life (436a-444a). When, in Book 9, Socrates returns to deal directly with how the right ordering of the self directly brings happiness, the three "parts" of the soul are renamed as the "money-loving" or "gain-loving," the "honour-loving" or

"ambitious" which aims at power, victory and a good reputation, and "knowledge-loving" and "wisdom-loving" or "philosophic" (580a-581a). This is, in name as well as fact, an *ordo amoris* and also a scale of forms of love in which that of wisdom is the full form. It may well require some corrections and additions but it will suffice for our purposes as well as Plato's, who offers three arguments for the superiority of wisdom in respect of happiness.

The whole scheme is adumbrated at the end of Bk 4, immediately after the sketch of the just man as noted above. It relies on the analogy with bodily health common in Greek thought. Justice is the health of the soul resulting from the proper ordering of its "parts," and so injustice results from its disordering. Hence just as bodily health is essential to well-being and happiness, so too is justice, whereas injustice, like disease, will ruin it. Only with justice is life worth living (444e-445b). This sounds very abstract and contrary to at least some of the facts of actual life. More detail is given in the review of the five types of individual and society which increasingly diverge from the ideal of "kingly" or philosophical rule of wisdom in both. In each of the five, despite appearances, the individual is more ruled by something within himself than by himself: competitivity and ambition in the lover of honour (timocracy), the desire for money and other necessary things in the lover of wealth (oligarchy or plutocracy), the love of anything and everything without restraint in one who loves his "liberty" above all (democracy), and finally the unjust man or lawless despot driven by his passions who cannot do what he really wants and so is unsatisfied and fearful (544c-579e). Whatever limitations this scheme may have, there is much psychological insight in the detail, such as the plight of the despotic person who depends upon people of whom he can never be certain. It can also account for one who does not display the riot of desires typical of the "democratic" man, but, like Napoleon, disciplines himself ruthlessly to achieve his ambition, the one desire that he does not control but which controls him, and, likewise, the fanatical devotee of an ideology. Neither person can ever be satisfied: for the one there is always something more beyond the horizon, Russia for Napoleon and the lands beyond the Indus for Alexander; and the ideologue will always have his dream thwarted by recalcitrant reality yet will always think that more of it is the solution and not the exacerbation of the problem.

This review is the first of three reasons that Plato adduces for the superiority of the "philosophic" and just life in respect of happiness. The second is that only the philosopher can judge which of the three lives, of appetite, spirit or wisdom, is the pleasantest, because from childhood he

has experienced those of the other two, whereas those dominated by appetite or spirit have not experienced, and could not experience, those of wisdom. Moreover, his judgment will also be supported by reflection and reasoning, whereas the other two have only experience to go by. Hence his judgment that the life of wisdom is the best and not merely a personal preference (582a-583a).

The third reason turns on the distinction between positive pleasures and feelings of relief at the mere diminution or disappearance of pain. Many confuse the two and so they take the middle state of neither pain nor pleasure to be pleasure when they begin to feel less pain and to be pain when they feel less pleasure. This applies to the pleasures of the money-loving and honour-loving, which are the result of only a temporary filling of hunger and thirst for them, whereas those of knowledge and wisdom are permanent gains like their objects. The conclusion drawn from this is that the person guided by wisdom will experience solid joys not only in respect of wisdom itself but also in respect of the honour- and money-loving parts of himself (583c-587a). For one thing, he will not suffer the pains of excess: Socrates neither spurned symposia nor got drunk at them. Platonic asceticism is disciplinary and not eliminative, a way to the goal of the rightly ordered self and not the goal itself as with the Puritan, the Gnostic and the Hindu "renounced one."

From all this, it is clear that it does not profit a man to be unjust and self-indulgent, which will make him a worse man, even though he were to gain money and power. Nor does it profit the unjust man not to be found out and not to undergo the punishment which could reform him (588e-592a).

In these ways Plato tries to show that the life of virtue is both its own reward and brings genuine happiness in respect of the whole self, and thus he would have avoided the contradictions of Kant and Stoicism. For Kant, Plato's line of argument could mean only "heteronomy," the illegitimate subordination of virtue to something other than itself: "become good in order to be happy." But consideration of what justice or righteousness requires shows that, certainly in the short run, it could be more painful than pleasant. And that is precisely why we too often do not make the effort to change our ways, even when, as with the smoker faced with lung cancer, the drinker with cirrhosis of the liver, and the gambler with bankruptcy, not to do so would be disastrous. Moreover, there is in implicit in Plato's argument a transformation of motive. He may not have given a parallel to the explicit Gospel injunction to seek first the kingdom of heaven and then to have the ordinary goods of life added to us, but it is fairly clear from

what he says that that is what we are required to do, that happiness has to cease to be our primary goal and that we shall have to pursue wisdom, the knowledge and *practice* of what is right and good, for its own sake and not just in order to be happy. For example, and here Kant does have a point about the uncertainty of calculations of future happiness, in a given situation it may not be clear as to what, as we are, may make us happy or more happy, and such situations are likely to be more frequent than ones in which we are uncertain as to the best way of fulfilling a clear and pressing duty. If we put duty first and do our best to fulfil it, then at least we shall have the satisfaction of having done so even when we fail in achieving our particular goals.

As well as these internal conditions of happiness, what we can at least immediately start to do something about, there are also the external ones which cannot be ignored. For even if virtue alone were good, the virtuous person could not be morally indifferent to the events around him. To care about justice is to be grieved by the injustice in the world. Virtue brings its own sorrows, and it is a deficient virtue which is concerned only about one's own rectitude. Moreover, in a corrupt society or one in fear of a ruthless tyranny, the virtuous individual may be able to do little more than keep his head down and do his best for his family and immediate neighbours. Such was the situation of millions in Europe in the 20th century. So too, even in the relatively sober Athens of the time of composition of the *Republic*, Plato concluded that the just man would not enter public life, and that the ideal city previously sketched, in which he could effectively play a part in government, could not be realised on earth (588e-587a).[7] So, as usual when he lacked knowledge, Plato ended the *Republic* with a myth, the myth of Er, and the hope that virtuous souls would find fulfilment in immortal life with the gods, and, by implication, in the vision of the Form of the Good, finally seeing it as it really is (540a: see also the account of Beauty in the *Symposium*).

On the whole, I suggest, and irrespective of any relatively minor errors or omissions in his argument, Plato has made his case. But there are two more important and connected respects in which it needs to be amended: the emphasis on wisdom and knowledge, and thus on the lengthy intellectual training needed to acquire them. What this means is that genuine virtue could be possible only for the few who have the intellectual capacity, leisure and education, as well as the right intentions, to *know* what it is. True, that education culminates in something that cannot be taught, the vision of the Form of the Good, but the rest of us would have to rely upon a sound tradition of conduct, a tradition that can be kept sound

only by those who know. Yet, surely, it is axiomatic that performance of the ordinary duties of life is possible to the ordinary person with his ordinary knowledge of good and bad, right and wrong, so that what is required is much more a change of heart than more knowledge. Indeed, it is not so much that the extensive education in science and mathematics would be possible only with those with the intellectual capacity for it, but, rather, that all formal education is of the head and not the heart, and that the moral life depends upon the *ordo amoris*, as Plato himself recognised. Furthermore, to become wise one needs to love wisdom, that is, to be a philosopher. But one is a lover of wisdom precisely because one lacks it and hungers for it, so that when one becomes wise the love of wisdom terminates in possession. Love, therefore, is the way to virtue rather than virtue itself, longing and not devotion and cherishing which would continue when longing had been filled.

5. Virtue as Its Own Reward

The strong point of Stoicism and of Kant, is to have discerned that, as an expression of our nature, or of its highest and leading part, the exercise of virtue is itself a fulfilment of our nature and hence brings its own satisfaction. That satisfaction, especially for the Stoics and Kant, must be one that does not depend upon worldly success, in the one case because they wished to be emotionally free from the ups and downs of life, and, in the other because it would mean heteronomy of the will. Now any fulfilment of our capacities necessarily brings, not just satisfaction in the tautological sense of realising or properly exercising those capacities, but also an experienced and felt satisfaction in doing so and having done so. Therefore doing our duty to our utmost and exercising our virtues appropriately necessarily yield the felt consciousness that we have done our duty, our best, all that was asked of us, all that we could do, even if our efforts fail to bring forth the hoped for results. In turn it brings with it a clear conscience and self-respect. Furthermore, the consciousness of having done one's utmost can give one the strength of character to continue and not to be disheartened.

Here, as everywhere, it is important to distinguish the use from the abuse. The abuse, as often elsewhere, is to focus attention on oneself and not on what is to be done, and thus to be self-satisfied, complacent and self-deceivingly concerned primarily with having a clear conscience, clean

hands and pure motives, as especially shown in talking about them. As often in life, there is a fine balance to be maintained, in this case, by taking sufficient notice of ourselves as we go along to be able to start to correct our faults and not to ignore them, while also not making ourselves the primary concern. A clear conscience, for example, is a result of right action and not its object

Finally, the satisfaction of doing one's best is not confined to the performance of strict duty and the most serious business of life. At all levels genuine enjoyment comes from rising to the demands of an activity rather than easy self-indulgence, in mastery of an art or craft, to the extent to which we can achieve it, and not in playing about at it, in meeting the challenge of a difficult contract at bridge, tackling the interpretation of a puzzling text, finding a solution to a knotty mathematical problem, or even in keeping the house clean and tidy and building a brick wall in freezing conditions as shown in *A Day in the Life of Ivan Denisovich*. Kant, certainly, was mistaken in ignoring the daily round and common task that inevitably form much of our lives. Nevertheless, we still have not quite found that which would be at the same time the unity of both everything that we ought to be and of everything what would fulfil us.

Notes

1. To give some substance to the following summary of Stoicism, I shall cite examples from Epictetus' *Discourses* and Marcus Aurelius's *Meditations* (widely available in several translations). A helpful introduction to Stoicism is J. Sellars' *Stoicism*, and for Epictetus see A. A. Long, *Epictetus: A Stoic and Socratic Guide to Life*. To avoid interrupting the text with references to citations in the Notes, I shall include them in the text using "D" for the *Discourses* and "M" for the *Meditations*, with references to Book and individual discourses or mediations. Likewise in the next section on Kant, I shall use the abbreviations and page numbers as before, and in that on Plato the usual Stephanus references for the *Republic*.
2. *In Memoriam*, §XXVII.
3. See Scheler, on the case of a woman who was incapable of any emotion and desires and so could act only as bidden and by the clock or other people, never spontaneously ("On the meaning of suffering," 156-7). Santayana imagined such a person, and drew the same conclusions (*The Sense of Beauty*, 25).
4. MM 49 (222-3). See above, Chap. Six n.15.

5. *Die Philosophen*. Despite what Paton says (*The Moral Law*, 132, note to G 71 (431-2)), Kant's principles and assumptions, unless he is simply confused, really do require the renunciation of all inclinations and interests.
6. On Kant on virtue and happiness, see further, A. E. Taylor, *The Faith of a Moralist*, 146-53.
7. The philosopher, having reached the vision of the Good, then returns to the Cave, the everyday world, to govern the state with true insight (521b). In an imperfect society, he will act as a missionary to try to persuade his fellows to turn towards the Good, and thus Plato founded the Academy in an effort the better to prepare the next generation for leadership.

Chapter Thirteen

The Unity of All Values in Love

We now arrive at the general question as to how these other values, such as those of the body and of cultivation of the mind, are to be related to specifically or narrowly moral values, those of the good person, of the virtues and rightly ordered love. In one respect this is a merely verbal question as to whether "moral" is to include the good as well as the obligatory. If its use is restricted to the latter, then, as by Scheler and Nicholai von Hartmann, moral values are said to ride upon the backs of non-moral values, and some way is still required to distinguish morally significant ranges of non-moral value from ones that have no or but little moral significance. In another way the question of how to relate the two spheres of value is answered by the reflection that good is usually and best realised in an unselfconscious manner, as in spontaneous acts of giving oneself up to worthwhile pursuits and acts of charity, and *not* (*pace* Kant) from a sense of duty, which, in the latter case, can make the other person merely a means to one's own exercise of charity, and, in the former case, can result in the self-congratulation of explicitly taking up something because it is good whereas others do so only because they happen to like it. An explicit sense of duty usually and properly arises when we encounter urgent or other paramount demands, temptations not to act as we know we should, experience conflicting obligations or have some doubt about the legitimacy of what we are doing or are thinking of doing. Furthermore, a person's primary duty is not to attend to his own virtues and vices but to do what he must or may rightly do with respect to the persons and things around him, above all to make sure that he does nothing that is evil. Self-examination and self-reform are required but the proper concern should not be with *my* merits and demerits but with how I can better respond to the situations which I encounter: for example, to recognise that I must check my impatience or facetiousness when the occasion arises, or to resolve not to dwell on the injury that someone has done me; and then to get on with the ordinary business of life with the right sorts of attitude.

Nevertheless, there is a very real question concerning the relations between the two sets of values, and it has been wrongly answered, as we

have seen, by hedonism, eudaimonism and any consequentialist ethics in wholly or ultimately subordinating the specifically moral values to the wider range; by Stoicism in equivocating about the latter and assuming that the exercise of virtue must always be a happy experience; and by Kant in also equivocating about the latter and having happiness added on to virtuousness in only an external manner

So, what can be learned from these inadequate answers? Clearly there must be a distinction between the specifically moral qualities of the good person and the wider range of genuine values. Neither can be collapsed into the other, nor can the former be merely subservient to the latter. Therefore the wider range when realised must allow for the continuing activity of the virtues—"reformism" (that doing good equals struggling against evil), utopian visions of social systems "so perfect that no one will need to be good," and hedonism eliminate this possibility—and the good person needs a range of values other than his own love and virtue that he can cherish and realise in order to have proper objects for his love and virtues. Yet there must also be some intimate connection between the narrower and wider ranges and especially in respect of the unique value that the individual person is. In some way virtue must be its own and complete reward, *ceteris paribus.*

Part of the answer is given, implicitly at least, by Plato, whose scheme is not only an *ordo amoris*, but also a scale of forms in which the highest level of wisdom is presupposed by the lower ones as that which rightly orders them, while it enacts itself and in and through them when so doing, as well as aiming at a level of value and activity above mundane concerns. What remains is not so much to replace wisdom by love as to realise that it too is an expression of love, rather than being only the desire, as yet unfulfilled, for wisdom.

Our progress through Chapters 2 to 9 showed that it is the person himself as an *ens amans* and hence his own *ordo amoris*, that are the real bearers of good and bad in terms of moral agency, and not the consequences of his actions, the types of action that he performs, his intentions, nor even his virtues and vices, relevant as all of these are in increasing degree. And he himself, as a unique and irreplaceable individual, is the most important bearer of the objective (in both senses, "real" and "to be aimed at") order of values which it is good and dutiful to protect, realise and enhance. Personal life is both devotion to what is good and also the prime object of duty. All that contributes to personal existence is good and is what we are called to realise, and thus the good person and the good for

persons mutually involve each other. If we were what we should be, then *ipso facto* we would find our true satisfaction, *ceteris paribus*.

This may seem to be a somewhat abstract conclusion and another of those philosophical sleights of hand whereby one thing is apparently proved to be identical with another while all the same we remain doubtful that it could be. It needs more substance to be made really convincing.

Given that each person is a unique *ens amans*, what could fulfil us the most but to love and be loved in return? *Amor amare amat*: love loves to love, and finds fulfilment in loving. Yet is not this to import self-centredness and egoism back into ethics? I would love in order that I might be loved. More subtly I would want lovingly to give myself and therefore I would *need* someone to love, and thus the other person's primary value to me would become his serving as an object for my serving of him. In both *eros* would triumph over *agape*. Now as well as being a denial of our finite and essentially incomplete status, such an objection falsely dichotomises *eros* and *agap*e as, respectively, wholly self-serving love and wholly self-giving love. And the overcoming of that dichotomy will also show how love can be its own reward, just as doing our best at something can give a certain satisfaction even in failure.

At this point I cannot do better than summarise Nédoncelle's account of how *eros* and *agape* are mutually involved and of how self-giving love "implies the desire to be loved, and in a certain sense, the fact of being loved."[1]

First how *agape* involves *eros*. Rightly, Nédoncelle takes the love of one person for another as its full form and other forms, as for animals and things, as incomplete[2]—for one thing, there is either limited or no reciprocity and sharing in the lesser forms: a dog can find its fulfilment in total devotion to its master, as did Gelert and Greyfriars Bobby, but his master has much more about him than what his dog can fulfil for him. Rejecting Scheler's understanding of love as contemplation of its object without an essential will towards it, Nédoncelle states that the *I* that loves "wills above all the existence of the *thou*"; subsequently it wills the autonomous development of the *thou*; and finally it wills that the latter be, if possible, in harmony with "the value that the *I* anticipates for the thou."[3] That means that the *I* does not impose its own scheme upon the *thou* but discerns, or tries to discern, the individual and unique value of the other and would seek to help the other the better to be what he, and he alone, can and should be.

Yet love can obviously be disappointed, and that in two ways: by being thwarted (as by rejection and indifference) and by discovering the

moral mediocrity of the other. Nevertheless this reveals the *eros* in the *agape* of one who loves, not imperfectly (as if *eros* were to infect *agape*) but perfectly. Such a person experiences both forms of disappointment as one: "'My satisfaction is your value; my sorrow is your refusal to fulfil the value that was in you and that my love wants to help you to realise'." The *eros* in *agape* is this desire to find one's soul in losing it, and it is erroneous to assume that *eros* is a will only to monopolise and use. On the contrary, a sincere *eros* finds that its vocation is generosity. It finds its own fulfilment in the fulfilment of the other for his own sake.[4]

And as for how love implies in some way being already loved, it seeks a full reciprocity between lover and beloved. At the minimum, says Nédoncelle, the other person has, in a sense, begun to love me (even unwittingly) by allowing me to glimpse the loveliness that he is (actually or potentially) and which I love, and so has advanced and enriched me. In the simple fact of the other's existence and growth is my reward. At the next level, my loving intention remains in the other's presence as an ideal of his self, both if he is aware of it and even if he either is unaware whose intention it is or does know it but rejects it. Fuller reciprocity is achieved when he ratifies that intention and makes variations upon the theme offered to him (perhaps, better, revealed to him). Finally, it is fully achieved when the beloved also wills the existence and advancement of the other. In this way, wanting to help another to be himself, the lover also wants to complete the circuit of love, that is, if the attitude of the other and circumstances are favourable. Therefore to love another is to give myself, to will that he love me in turn and especially that in me what makes me able and willing to love him. For me to belong to him is for me to tell him to depend upon me for his own sake. It is also to tell him that I depend on something in him to help me so that I can become worthy of him and helpful to him, and thus that I can put myself in his hands and receive a greater value from him. Far from a desire merely to possess, love is an esteem for the other that tells him to leave me if he loves me and duty calls him away.[5] Therefore in the gift of oneself the *I* enhances the *thou*, an *agape*; and the *I* is enhanced by the *thou*, an *eros*. "A sincere *eros* leads to *agape*, and a sincere *agape* brings us back to *eros*." The love of self is not only not necessarily egoism but should culminate in readiness for self-sacrifice.[6]

Of course this is an idealisation, and Nédoncelle follows the above with a section on the all too actual diseases of love. Nevertheless it answers to what we at moments do experience and presents itself as that to which should aspire. And it shows that what we ought to be and what is truly

satisfying are one and the same. But certainly in this life and this world, even the love of the rightly ordered heart can be frustrated by such circumstances as poverty, illness, isolation, and especially coldness and hostility on the part of others, all of which may prevent us from finding at least some of the right objects to love, from having the means and opportunities to express our love, and from being able to be united with whom and what we love. And love itself can bring sorrow when we see its objects decaying, defaced, defamed, disgraced and destroyed. Distinguishable in conception, love and its complete fulfilment can be, and often are, also separated in life. No system of ethics nor any cosmology can gloss over these facts. They pose the question of another way in which happiness, and with it eudaimonism, transcend themselves: in the positive state of Scheler's fourth level of bliss along with its negative of utter despair (Scholastic *acedia*). And they also pose the further question of the internal and external conditions necessary for it. Clearly, though despair can be experienced in this life and this world, bliss cannot, except as an anticipation in sure and certain hope of a life to come which transcends their limitations, uncertainties, chances, evils and sorrows. But those questions would take us beyond ethics altogether. What I might say in reply to them is mentioned in Additional Note 2 immediately below.

For the present, we have come to the end of this sketch of scales of forms in which the different levels of the person, and the components of the personal good, and the respective "isms" that try to isolate each of them and to discard the rest, have been shown to be mutually necessary and in a specific order of presupposing those above and needing to be enacted and expressed in and through those below, precisely for each to be what it intends to be. Much more has been left unsaid. But if this sketch can do something to overcome the sectarianism of a considerable amount of contemporary moral philosophy and to widen the horizons of some of its practitioners, then it will have achieved its own aims.

Additional Notes

1. The "Physical" Theory of Love

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In a much longer, detailed and otherwise rewarding study of personal existence and love, also called *Love and the Person*, J. Cowburn restated

the Aristotelian-Scholastic "physical theory" that love for one's children and friends is based on what one shares with the other and hence upon self-love—I love another because I love myself and he is like me—to which he added the "ecstatic" theory, that romantic love is for who the other is and not what he is (*Love and the Person*, Chapter 5). In later work, *Personalism and Scholasticism*, in which he sought to purge the former book from impersonal elements in Scholasticism, he still retained both of these accounts. Nédoncelle (33) explicitly and rightly repudiated the "physical" theory for any sort of love. Common observation shows that the most unlike persons can form deep friendships, and that parents do not necessarily expect their children to be like them, and can love them whatever they turn to be like. Indeed, the "physical" theory entails that parents would be unable to love their children until they turn out to be like them, if they ever do. But it would be a poor sort of parental love that did not love the child from the start.

2. The Conditions of Personal Fulfilment

What, then, are the conditions of ultimate personal fulfilment or bliss? As Strasser says, happiness is a "transcendent" experience because it transcends any one particular feature of life. Even for a person for whom his whole life is concentrated in one moment of achievement, such as the winner of a gold medal in the Olympic Games, his happiness continues beyond that moment into the memory and reliving of it throughout his life because he rates it as the supremely important feature of his life which can never be gainsaid. Furthermore, Strasser continues (Chapter 13) happiness points to a further self-transcendence beyond the distinct forms in which we experience it in this life: contentment (with what we have); chance, that amount of good things that come one's way (being lucky or fortunate); rapture (ecstasy, being taken out of oneself, seized and uplifted); and release (from particular evils and, more importantly, from all the heartache that flesh is heir to). Each of these, we may note, is liable by itself to degeneration in one way or another: contentment to complacency, self-satisfaction, self-limitation and over-cautiousness in order not to risk losing what one has; luck to simply waiting for something to turn up; rapture to the pursuit of ever more intense "excitements"; and release to the death of all desire and oneself because all is vanity or illusion, a state of ultimate despair (*acedia*, usually but misleading rendered as "sloth"). Taken together, as Strasser shows, they point to a "*transcending*

anticipation" of beatitude or bliss, a complete, unblemished and permanent fulfilment which must lie beyond this life and this world. Equally, the reordering of the human heart and the creation of the sort of world in which we can live as we ought to live and can live that life to the full, cannot be brought about by human efforts alone: not only can we not radically change the world, but, impure as we are, we cannot purify ourselves. Ethics, itself a scale of self-transcending forms, proves incomplete in purely human and worldly terms and so transcends itself. As for how it does so, anything that I would say was said by A. E. Taylor in *The Faith of A Moralist*, Vol. I, "The Theological Implications of Morality," except, curiously, for the paradox of repentance and atonement: only one who is without sin, and therefore has no need to, can make a full and sincere confession of his wrong-doing and offer proper atonement for it. As for that, I would suggest K. E. Kirk's contribution to *Essays Catholic and Critical*. Kant's *Religion within the Limits of Pure Reason Alone* gives no real answers to these questions, especially to that concerning the reform of the human heart, which Kant recognises to be a necessary yet very difficult task. He allows that God could help the self-reforming sinner over the last lap but no more, since, to be of moral worth a person's efforts must be all his own work (3, 40, 43, 45-9, 74, 107, 129, 134, 159, 179), as if parents should not help their children to be good. And if help over the last lap is allowed, then why not also over the first and the whole course? God, we recall, is in Kant's theology only the judge and celestial mechanic who contrives that the righteous who have striven to deserve to be happy are given the (undefined) happiness which they then deserve. He is certainly not the inspiration, initiator, support and object of their striving.

Notes

1. *Love and the Person*, vii.
2. *Love and the Person*, 8.
3. *Love and the Person*, 13. The particular target of Nédoncelle's criticism is Anders Nygren's *Eros and Agape*, widely influential at the time, in which the two were sharply opposed.
4. *Love and the Person*, 18-9.
5. Nédoncelle mentions Lovelace's poem even though it does not fully state or imply what Nédoncelle affirms. See above, Ch. Eight n. 17.
6. *Love and the Person*, 19-24.

APPENDIX A

MODIFICATIONS OF COLLINGWOOD'S ACCOUNT OF SCALES OF FORMS

Collingwood himself implicitly distinguishes four sorts of scale (*An Essay on Philosophical Method*—hereafter "EPM"—Chapter III):

(1) Those in which a class is divided into species or sub-classes by reference to something which applies to them in different degrees: for example, a librarian's classification of books in terms of size, and personal income into nontaxable and taxable (and then into bands for different rates of tax) according to amount.

(2) Those in which a class is divided by a reference to varying kinds: for example, conic sections into circle, parabola, ellipse and hyperbola.

(3) Those, typical of science, in which the classes differ both in degree of a variable and in kind, and so exhibit an overlap of difference in degree and kind: for example, the three different states of matter (differences of kind)—solid, liquid, gas—are related on a scale of temperature (differences in degree). Here the variable, such as temperature, is other than and external to the generic essence, such as H_2O, which remains exactly the same in all its three states of ice, water and steam. Therefore the classes or forms do not themselves overlap: at the significant points in the scale, where the variable reaches a certain amount, one form turns into another. Thus at freezing point (0° C) water turns into ice, and at boiling point (100° C) into steam.

(4) Those, typical of philosophy, in which the variable is not something external to and other than the generic essence but is that essence itself, so that the higher levels have more of the generic essence than the lower ones: for example, in the scales of forms of knowledge constructed by Plato, Descartes, Locke and others, the higher forms have more of the essential features of knowledge. Consequently, each higher level includes the next lower level and also adds to it. Therefore the highest alone is the genuine and full form of the generic essence; the intermediate ones are lesser forms of it; and the lowest is not really a form of it at all.

Collingwood summarises the full specification of a scale of forms as follows:

> The higher term is a species of the same genus as the lower, but it differs in degree as a more adequate embodiment of the generic essence, as well as in kind as a specifically different embodiment; it follows from this that it must be not only distinct from it, as one specification from another, but opposed to it, as a higher specification to a lower, a relatively adequate to a relatively inadequate, a true embodiment of the generic essence to a false embodiment; as true, it possesses not only its own specific character, but also that which its rival falsely claimed. The higher thus negates the lower, and at the same time reaffirms it: negates it as a false embodiment of the generic essence, and reaffirms its content, that specific form of the essence, as part and parcel of itself (EPM 88).

Hence justice, if the next level above expediency, will be *more* expedient than expediency alone, and honesty will be the *best* policy and better than mere policy. According to St Paul, grace, a higher level than law, will give what law promised but could not deliver (EPM 90-1).

I shall pass over further features of philosophical scales of forms and shall now indicate some modifications that may be required but which Collingwood did not consider.

(1) The first is Collingwood's contention, as in the passage just quoted, that each lower and higher level are opposed to each other, the lower claiming to be self-sufficient and the higher opposing that claim and itself claiming that it is what the lower is trying but failing to be. This, surely, is a matter not of the forms or levels themselves but of the "isms" that arise around them. In fact, in *Speculum Mentis*, where he employed but did not name nor discuss the idea of a scale of forms, Collingwood had himself realised this, though there he identified the "isms" with the "philosophies of" each form, and so dealt with philosophy of art and not aestheticism, philosophy of science and not scientism, and philosophy of history and not historicism.

(2) Combined with that contention is Collingwood's failure properly to differentiate the three dimensions of value: value, lack of value, disvalue; good, worthless, bad; beautiful, plain, ugly; nutritious, non-nutritious, toxic; knowledge, ignorance, error. We are so used to binary thinking—yes/no, true/false, valid/invalid, up/down, right/left, high/low,

on/off, hot/cold—that we tend to assimilate everything to this pattern. And so, in common speech, we treat good and bad as the higher and lower regions of a scale, so that we say that something is worse when it is really less good and that it is better when not as bad. We both omit the middle points of lack of value such as worthlessness, plainness, lack of nutrition, and ignorance, and also ignore the real characters of disvalue, badness, ugliness, toxicity and error. The former set are the privatives (absences) of value, good, beauty, nutrition and knowledge, whereas the latter set are their opposites, which in some way or another counteract the positive form. A bad person does not merely perform no good deeds but causes harm and injury. A plain Jane is merely unattractive but the looks of an ugly sister are repellent. A square meal replenishes spent energy and builds up the body; junk food merely fills the stomach; but ingested toxins harm the body. It is harder to teach those in error than those who are merely ignorant. If a scale of forms is also one of some type of value, then the lower forms will simply be less valuable than the higher, and not disvaluable.[1] But the "isms" formed around them will be erroneous and harmful in denying the reality of the higher, and perhaps that of yet lower forms, as both the ethics of feeling alone and that of intention alone ignore the need to act and to consider the effects of one's actions.

(3) Throughout Collingwood assumes that the variable and differentiated generic essence is unitary and thus that it constitutes one linear scale. But what if the generic essence has more than one element? Those elements could vary separately on one or more levels, and thus create parallel forms on the same level which later may rejoin, as with the consequences of individual actions and act-consequentialism along with individual situations and situation ethics. H. H. Farmer, in one of the only two independent uses of Collingwood's scales of forms which I have found, has a two-level scale of forms of religion, in which the lower has six parallel forms, each giving prominence to one ingredient in religion, and Christianity as the sole form on the higher level which balances all six ingredients.[2]

(4). Collingwood states that lower and higher are related as promise and fulfilment, such that the lower cannot properly be itself apart from being taken up and supplemented by the higher. This we shall find to be true in ethics, where, for example, consequentialism refutes itself by being disutile and requires laws in order to work. But elsewhere this is not so. For example, memory is the lowest form of our knowledge of the past and by itself is limited to what each person has done or witnessed, what he has been told by those who have done or witnessed something, and what has

been passed on in legend and saga, and it also has very few independent means of checking what the individual and others claim to remember about past events. Nevertheless, memory is a source of knowledge of the past, our primary one, and for long ages was the sole source.

(5) On that last point Collingwood was ambiguous. On the one hand, the thesis of the total overlap of classes in philosophy entails that each actual example exhibits the whole of the scale to which it belongs, or of all the forms which have so far appeared (EPM 89). On the other hand, experience reveals that instances which embody only lower forms continue to exist and to come into existence when ones which also embody higher levels have appeared. This was later formalised as "The Law of Primitive Survivals":

> *When A is modified into B there survives in any example of B, side by side with the function B which is the modified form of A, an element of A in its primitive or unmodified state*. (NL 9.51)

In fact, the issue is not simply one of untransformed survivals within an actual instance of a scale, but of instances that exhibit only lower levels. That can be seen from the examples which Collingwood himself gives. The third example is that of levels of consciousness: without a continuing lower level, a higher one reflecting upon it could not exist (NL 9.54). This fits exactly the definition given. But the first and second examples are not ones of a survival *within* the new form but of ones outside and alongside it: viz., the continuing existence of "some" (!) inorganic matter alongside with matter in its living form, and the continuing existence of apes alongside human beings who have evolved from them. Collingwood calls both a "curious" assumption on the part of evolutionary cosmologists for which they offer no justification (NL 9.52-3).[3] But the continuing existence of inorganic matter is a logical necessity for the continuing existence of organic beings, because the latter require an environment in and off which they live, and so some organisms must live directly off inorganic matter, and then others can live off them, as animals can live off plants and some animals can live off other animals. Therefore we have two types of primitive survival: internal, within each new form, and external outside it in beings that lack the new form entirely. It seems, therefore, that there are at least two types of scales of forms in this respect: those in which instances of lower forms are thereby definitely defective and those in which they are not.

This distinction of two types of scale has a definite implication in respect of method. In the case of the latter, a scale can be constructed only on the basis of experience of and evidence for actual instances, and which, perhaps, may be supplemented by imaginative speculation above further possibilities. In the case of the former, a different method is possible, an *a priori* and dialectical one, whereby the limitations and defects of one form are brought to light and a higher form, which supplements and corrects, them is conceived. Of course, the two may be combined and an empirical scale be shown also to be a dialectical one, as Collingwood sought to do in *Speculum Mentis*. The question now arises as to where and when we may expect the one or the other to be possible. That, I suggest, turns upon the question of whether the lower or the higher form or level presupposes the other. In a purely empirical scale, the higher presupposes the lower, as organisms presuppose, immediately or ultimately, inorganic environments, whereas in a dialectical scale the lower also requires the higher, as utility presupposes law and law requires utility for its effective implementation. From the examples already cited, ethics is one field in which the former type of scale appears to be possible, and thus where it should be possible to proceed in an *a priori* and dialectical manner, or by combining that with empirical methods. Nevertheless, there are actions or phases of actions which in isolation are purely expedient or utilitarian, as when I take the most convenient way to go to the supermarket. What seems to be the case in ethics, and perhaps in respect of some other areas of life, is that instances of lower forms can exist on their own but only in the context of the simultaneous existence of higher ones, as for example, little can be effectively accomplished in actions which have to fit in with the actions of others if the parties concerned do not follow certain rules for most of the time. If that is so, ethics seems to represent a type of scales of forms intermediate between the two just mentioned, one in which not every example of a lower level by itself necessarily embodies the higher level, but where, as a class, all do presuppose the existence the higher level, such that it would be impossible for any to exist or occur if nothing existed or occurred upon the higher level. From these three types, and any others that there may be, one could construct a scale of scales of forms, of which Collingwood's original conception, as summarised in the quotation above, would constitute the highest form. But we shall not pursue that here and now.

(6) However, a further implication of these modifications of the original conception does require some discussion here and now. Our modern evolutionary way of thinking prefers to start at the bottom and work

upwards. But this can result in two errors: (a) the assumption that higher levels merely depend upon lower ones and do not also affect them; and (b) the assumption that within a comprehensive entity each level appears in turn starting from the bottom. As for (a), there are clear examples of higher levels affecting and even controlling lower ones, such as mental stress which can cause physiological disorders such as dyspepsia, and, spectacularly, in persons who have had half of their brains removed, the other half can adapt itself and take over the functions of the missing half, including speech, though perhaps not so effectively. Likewise in ethics, the higher determines the latter as well as depending upon it: law both requires utility, in order to find the best way to apply or observe a given law, and also determines what the useful is useful for, such as the injunction to preserve human life and not to endanger it. As for (b), although in cosmic evolution life emerged from or supervened upon inorganic matter, sentience upon mere life, intelligence upon sentience, and personhood with self-consciousness and self-determination upon intelligence, it does not follow that the growth of the individual plant, animal or person goes through these stages. On the contrary, life reproduces itself, and persons grow up as persons only with persons.[4] Hence, if there is a scale in ethics something like utility—law—virtue, it does not follow that, either in the history of the race or the growth of the individual, utilitarianism is the first form of ethics, followed by ethics of law, and then by virtue ethics. Instead, history and experience suggests that, if anything, the process is the other way round. Or, perhaps, that they are all contained in a global but inchoate view of what is right and good which then becomes differentiated in various ways and to varying extents.[5] What follows will be a logical construction and not an historical one.

Notes

1. See also Collingwood's "Lectures on Goodness, Right and Utility," published in the revised edition of *The New Leviathan*—hereafter "NL," for further expressions of his tendency to conflate of lack of value (partial or complete) with disvalue, the destruction of good. I have treated this theme in detail in *The Structure of Value*.
2. In *Reason and Revelation*. The other example is that constructed by E. E. Harris for wholes in *The Restitution of Metaphysics*, Chapter 8. I have used

Collingwood's own materials from *The Principles of Art* to construct a connected set for art, artists and audience in "Art as scales of forms."

3. I have not been able to read the whole of Collingwood's unpublished "Notes Towards a Metaphysics" (in the Bodleian Library), in which he attempted to interpret evolution from mere matter to the human mind in terms of a scale of forms, and so do not know if he himself gave an answer to this question.
4. See J. Piaget's *The Child's Conception of the World*, and J. M. Macmurray's *Persons in Relation*.
5. For Collingwood's errors in this respect, see below, Appendix 2, on Collingwood's two scales of forms for ethics. Ancient ethical statements across the world are expressed in terms of virtues and vices and of law-keeping and law-breaking. The valid elements in Collingwood's scales will be incorporated in those of this study.

Appendix B

Collingwood's Scales of Forms of Action

1. Forms of Action in *Speculum Mentis*

Collingwood constructed two scales of forms of ethics or action: that according to the scales of forms of knowledge in *Speculum Mentis* (hereafter "SM"), and that of utility, right and duty in his lectures on "Goodness, Rightness and Utility'[1] and summarised in *The New Leviathan* (hereafter "NL"). First, the scale in *Speculum Mentis*

1. Play is the form of action corresponding to art. Art is imagination prior to any distinction of the real and the unreal, and in play we are not bothered about right and wrong, expediency and inexpediency, and any reason for choosing what to do. It is purely arbitrary and capricious will. It has reasons—such as to prepare for adult life—but these are implicit and not before the mind of the person at play. Its only justification is that it expresses the spirit of adventure, looking at the world as an open field for activity. Life is more than that, but it is adventure and so play and adventure are the foundation and beginning of life. Play gives a foretaste of the whole of life when lived in the right spirit (SM Chapter III §8).

2. Convention is the form that action takes in religion, which does not distinguish its symbols from their meaning, and thus it does not distinguish its specific forms of action from the moral principles embodied in them but regards them as being dutiful in themselves. Religion asserts the images of art and the ends of play as real, and therefore they become social. The result, for action, is doing something because it is done and thus convention and formalism. As such, it does have an explicit reason: I do it because the others do it, that is, loyalty to a shared purpose, and that only of a group and its caprice. Yet it points forward to a good of all, of the whole of reality, and to protest against it in the spirit of being oneself is to retreat to the mere individualism of play. Higher religions, distinguishing God as spirit, seek to move beyond convention and to value the spirit rather than the letter of action. In this they criticise their own

conventionalism, but they cannot overcome it except by becoming philosophies (SM Chapter 4, §5).

3. Utility or Abstract Ethics is the practical counterpart of science. Just as science seeks the unchanging unity behind changing instances, and abstracts it as the universal and them as particulars of it, so it also seeks the unity behind all actions, that is, purpose, seeking the realisation of an end. All actions are therefore means to ends beyond themselves, and thus are useful, and have no essential differences among themselves (SM Chapter 5 §4).

4. Duty or Concrete Ethics is the practical side of history as assertion of concrete fact. Action is now its own good, because the end is not separated from the means. The "station" of the agent, the world of concrete self- and other-determining fact of which he is a part, determines his duty; in turn his action determines the rest of the world; and so the agent is free to make his station what he likes. This means that historical ethics vacillates between two conceptions of duty: respectively, the moral order of the objective world as it determines the agent's duty; and the will as its own world and law so that duty is pure self-determination. The abstract separation of means and ends has been replaced by that between individual and society, the freedom of the agent and the obligations of the social world of which he is a part. Law partly overcomes this distinction because it combines and mutually adjusts statute and case law, general rules and concrete facts. But conflict with law, as the will of the community, and individual conscience is always possible (SM Chapter 6 §4).

5. Absolute ethics follows from the self-realisation of absolute mind in philosophy, when all abstractions are overcome and hence the distinction between individual and society. Now the agent sees everyone as absolute mind, and thus as co-workers for good, even when they oppose him. In this attitude he aims at the action appropriate to each unique situation, not as any duty imposed by others or even by himself, but as identifying himself with absolute mind. Hence his actions are pure self-creation, identical with self-knowledge (SM Chapter 7 §10).

Is this a scale of forms? On the whole, yes. As one might have expected, because each form of action has been isolated from that whole form of which it is an ingredient, the transitions from one level of action to the next are incomplete and only partially clear in the above summary. Likewise the encapsulation of each previous level in the next. For example, absolute ethics, despite its claim to total concreteness, seems totally empty and merely formal, not merely like Rousseau's General Will, but identical with it, and hence to be filled by its exact opposite, the arbitrary will of a

Robespierre. What is missing is what we found in the full characterisation of philosophy: not dispensing with the previous forms but living them in the right spirit. For example, absolute ethics requires the actual world of historical fact, of actual laws and institutions. Were they to be lived in more of the right spirit, then they would more adequately embody and foster that spirit.[2]

But does this scale properly fit its subject-matter or does it distort action and ethics within each form? One distortion is that co-operative play has to wait until religion because it is a variety of conventionalism: we do it because others do it. Collingwood thinks in terms of team games, but role-games are also co-operative and require each to play his part. Hence play also has its rules and is not merely caprice. All play is disrupted by the spoil-sport who will not join in or will do so only on his own terms. Competitive games are, in addition, subverted by the cheat who pretends to observe the rules. Here utility also enters, for some rules, especially in more complex games, are introduced or amended in order to improve the playing of the game: they are its regulations rather than its defining or constitutive rules. This distinction applies in religion, at least in its more sophisticated forms: celibacy of clergy, required by the Roman Church for priests and bishops, and only for bishops by the Orthodox Churches, is universally agreed to be a matter of regulation by ecclesiastical authority to be decided by what is most expedient; whereas until recently it was universally assumed that masculinity was of the essence of the priesthood and thus unalterable, save, perhaps, by the highest of all ecclesiastical authorities, a General Council. Nor, while we are on religion, are religious laws mere convention, but it is always felt to be wrong, sinful, sacrilegious to break them, and not simply not doing the done thing, and that applies even in such movements as Phariseeism where the over-extension of law placed observance of minor things above much more important ones. Again, the vast bulk of statute law these days is neither right nor wrong in itself but is aimed (supposedly) at utility, better ways of regulating life to reduce harm, interference and conflict. Hence one does not feel guilty for having slightly exceeded a speed limit, for the material act is not itself immoral, unlike theft or perjury. Also, why did Collingwood not include law also within science, since the application of the idea of law to the natural world is itself a relatively recent extension of its original application in the human world? Altogether there is too much artifice in this construction, and convention, utility, law, and duty can be found in all or most of the forms of life and knowledge. If the former constitute a scale, it is one at

least partially independent of the forms of knowledge, as we shall find in Collingwood's last two treatments of ethics.

2. Utility, Right and Duty

In NL Collingwood drew upon his lectures on Goodness, Right and Duty, especially the latter part, for the scale of forms of rational conduct, in which he includes moral conduct. Modern Europeans, he says, give one of three answers to the question, "Why did you do that?," and they are: (1) "Because it is useful"; (2) "Because it is right"; and (3) "Because it is my duty" (NL 14.63-9). It will be more convenient to refer to NL because the treatment of the three forms is free of the additional material that accompanies it in the lectures.

(1) Utility provides a reason for action but only a very inadequate one. On its positive side it is the same as right and duty, because someone planning to do *y* is logically constrained to do *x* as well, and someone doing *x* is logically constrained thereby to do *y*: when *y* = "eliminating a rival" and *x* = "murdering the rival," one planning to eliminate a rival is committed to murder him as the only way to do *y*. Conversely, by doing *x* he thereby does *y*. But, on its negative side, utilitarian action cannot explain the details of the action, just how it is to be carried and in what circumstances. In respect of the agent, these indeterminate details are *caprice*, and in respect of everything else *accidents* (NL Chapter XV).

In the Lectures Collingwood also points out that utility also fails to offer any reason for the choice of the end (NL 472).

(2) Following the OED and Bradley, Collingwood takes "right" to mean "according to rule." To do something because it is right is to perform an act of a specified kind if and when an occasion of a specified kind arises. But regularian explanations never explain exactly what the agent is to do on each occasion, only that he do something of the specified sort. And just as the same action can be useful for one purpose and disutile for another, so too can the same action conform to a rule defining one way of life and breach another defining another way of life (NL XVI).

Again in the Lectures Collingwood points out that the regularian analysis also fails to offer any reason for recognising the rule (NL 473).

(3) Duty resolves the indeterminacies of utility and right: it admits of no alternatives, for it is my duty to perform this determinate action here and now.

> *A man's duty on a given occasion is the act which for him is both possible and necessary: the act which at that moment character and circumstances combine to make it inevitable, if he has a free will, that he should freely will to do.* (NL 17.8)[3]

This is the abstract formula for duty. What our duty is can be decided by weighing claims to be our duty at the time, about which, of course, we can be mistaken and for which we can have only moral certainty, the conclusion of our best efforts to find out what our duty is (NL Chapter XVII).

Is this a scale of forms? As it stands, it is one of two levels, with both utility and right as parallel species on the lower level, and duty on the higher. Curiously, neither in NL nor in the Lectures does Collingwood place right between utility and duty, even though he had mentioned this in EPM in terms of expediency and justice (88-9). Hence in this account duty removes the indeterminacies in both utilitarian and regularian action, which otherwise only "caprice" can resolve, and so it renders action fully rational.

The question next arises as to whether the notion of duty does in fact fulfil that function. The actual facts of life suggest otherwise. Many of our obligations leave much to our choice in the concrete situation and not just in the abstract. One common example is a task that one has to fulfil by a certain time, and so one has a choice within that limit of when to do it, or of several such tasks so that one can choose the exact order or when and how to do a part of each. Similarly, if I have to impart some urgent news to a set of people, there may not be any reason to contact one particular person before another. Furthermore, what my duty turns out to be is bound to involve matters of right or utility, and probably both. Thus if my present duty is to go and do the weekly shopping, all the indeterminances of Collingwood's example of utilitarian action—buying a pound of tobacco at the tobacconist's (NL 15.6 ff)—will return, and with a vengeance: just what to buy, and how much, which brand, which packet to pick up, which check-out to go to, how to pay—cash or plastic, and so on. The scale is radically at fault. What duty specifically adds is priority in general and urgency in the particular case: for example, I must normally not allow other matters to get in the way of the shopping, and today I must go *now*, before the supermarket closes, or we shan't have much to eat over the week-end. And for someone in retirement and with few domestic obligations, there may be little which he must do in general and rarely anything that he must do *now*.

Collingwood's specific error lies in the old assumption that the only sufficient reasons are necessary ones, so that what is not necessary and

thus wholly determinate, can be resolved only by "caprice" and hence irrationally. This is the fallacy of Buridan's ass, which starved to death when placed equidistant between two equally sized and attractive carrots. Real donkeys have more sense, and would choose either instead of neither. It is this higher level of choice, of *A* rather than *B* when there is little to choose between them and either is better than neither, that our power of "arbitrary" choice executes. Hence it is rational and not "caprice," and we exercise it at every moment. These days there are several worthwhile things that I can do and few things that I must do. There is often little reason to choose one of the former rather than another, but every reason to choose any of them rather than none and instead to watch the television or sleep all day. That something is good, right or worthwhile is, in general, a sufficient but not compulsive reason to choose it. Curiously, Collingwood recognised this difference in theoretical pursuits, as that between the compulsive reasons of logic and mathematics and the permissive ones of empirical sciences.[4] What probably prevented him from applying it to action was his account of "good" as that which is chosen and not as that which is worth choosing, that is, a merely "subjective" axiology ("Goodness, Rightness, Duty," NL 419-20).

Notes

1. Now published in the revised edition of NL.
2. This reconciles, as Bradley did not really succeed in doing in *Ethical Studies*, the tension between "My station and its duties" and "Ideal morality." Nevertheless, there is a fundamental fault in Collingwood's treatments of ethics, viz. the old one of "Gnosticism" in the strict sense, that right living follows from knowledge. That is presupposed by the Aristotelian and Scholastic maxim that all desire and action is *sub specie boni*, which entails, contrary to all experience, that there cannot be any such thing as deliberate spite and malice, pure evil, but only a choice of something mistakenly thought to be good and right, so that all that is required in correction of thinking. That is erroneous in two respects: whatever the form of knowledge, it will be available only to some and not all; and what we really need is rarely not knowledge of what to do but nearly always the will to do it—given the will, we shall set ourselves to find out what we may need to know. Yes, Collingwood does say that the right way of life is not just for "professional philosophers" (SM 293), but it is clear that it depends upon some developed capacity for philosophical

thinking, and hence is available only to those who have the time, the means and the innate ability for it. As for the latter error, elsewhere he gives explicit expression to it (e.g. *Autobiography* 92).

3. Note that whereas in SM, duty was associated with history as the duties of a concrete social situation which could conflict with the agent's conscience, duty is now associated with history as the result of both the agent's situation and his character, and hence there is no longer a further level.
4. E.g. *The Idea of History*, 254-6.

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