

of being answerable?—*in another way*. Thus the right hand undoes that which the left hand needed already to have done. There is an incoherence here.

8.14. Consequentialism (one might say) is a philosophy not so much of human agency and responsibility as of better and worse happenings—counting actions simply as happenings, of course. We have not refuted this philosophy. The question is how much reason now remains (save only its modern familiarity) for us to accept it. The reader is well within his or her rights to adjourn answering this until Lecture 9 has filled out the alternative to accepting it.

9

A first-order ethic of solidarity and reciprocity

*Notions of agency, responsibility, and
emergency as they figure within such an ethic;
the rationality of embracing the internal aim
of morality*

[Hobbes] did not agree that man was designed for society, and imagined that we have merely been forced into it by necessity and by the wickedness of the members of our species. But he did not take into account that the best of men, free from all wickedness, would join together the better to accomplish their [aim], just as birds flock together the better to travel in company.

Leibniz, *New Essays*, III.i.1

Formation in ethical virtue comes about as a result of habit, which is why the word 'ethical' itself derives from the word for habit (*ethos*). From this it is plain that none of the particular moral virtues arises in us simply from our given nature. For nothing that is there simply by nature could be trained to act otherwise than in that given way—just as a stone that by its nature falls downwards could not be schooled to fly upwards, not even if you threw it upwards ten thousand times to train it. In the same way, fire cannot be trained to burn downwards nor can anything else that is one way by nature be trained into some other way. The conclusion we reach is that the particular virtues arise in us neither *from* our given nature simply nor yet in a manner *contrary to* that nature, rather because we are *fitted by nature* to receive them and then drawn into them and perfected in them only by habituation.

Another thing we should notice is that, where things come to us simply by nature, we start with a potentiality for whatever it is and then comes the actual activity (as we see with all the five senses); but, in the case of the particular virtues, we first embark on them by undertaking the very acts they call for, as

also happens in the case of our getting other kinds of know-how. For, in the case of the things we have to learn before we can do them, we learn these by doing them. For instance, we become builders by building and lyre-players by playing the lyre. So too we become just by undertaking just acts, temperate by undertaking acts of temperance, and brave by undertaking acts of bravery.

This is borne out by what happens in the *polis*. For law-givers make citizens good by forming habits in them, and this is the purpose of the law-giver. Law-givers who do not bring this about are falling short. This is one of the ways in which a good constitution differs from a bad one.

Aristotle, *Nicomachean Ethics*, II.1

It has been suggested [by the author] that one criterion for a good moral system is that it should be possible [just by virtue of what it gives and takes] to demand [some recognizant return] from every individual because of the good the system renders to him. . . . It has also to be such that anyone can conform to it and still live well enough in the ordinary, non-moral, sense. This condition may well be what limits the demands of altruistic action [or aggregatively justified] action; and a whole new non-utilitarian enquiry should open here.

Philippa Foot, 'Morality, Action and Outcome'

9.1. We have now passed in review three philosophies of morality and the answers that each suggests to the twin questions ((A) and (B), (A') and (B'), etc.) that we formulated in Lecture 1. These were interdependent questions relating to the content of morality or to the nature and strength of the motivations that support it. In the process of our making this review, which has committed us not to forget certain matters so far unresolved (see the end of Lecture 8), Hume's explanatory naturalism has emerged not as flawless in his presentation of it, nor as complete, but as hugely plausible. It will be all the more plausible to the extent that it holds itself ready to discover what else will come forth from the springs of feeling and thinking that Hume identifies. Hume's genealogical scheme lies equally open to true insights of other provenance, not least to ideas from Aristotle concerning justice, for instance, or the shape of a life that is worthwhile. In further exploitation of the scheme, there is room for Kantian insights too, in so far as they do not depend for

their whole validity or force on Kant's ethical system. More evidently, the Humean framework is hospitable to the early utilitarian effort, crude, reductive, and unpropitiously theory-driven though it was, to put human morality into some relation with human happiness (an effort unwisely abandoned later, when the concept of happiness was itself despaired of or dispensed with). It matters, but it does not matter for purposes of this résumé, how seriously, from its inception onwards, utilitarianism misconstrued this relation.¹

Such are the advantages, not of eclecticism, for Humeanism is not eclectic, but of seeking in Hume's way to understand the phenomenon of morality instead of rushing into that which goes under the name of moral theory. Such too are the advantages of seeing the phenomenon itself for the severally rooted thing that it is and of waiting as long as necessary to let it appear which moral ideas (if any) will come to seem inseparable from a first-order ethic by which creatures like human beings are fitted to live.

9.2. In the spirit of openness already mentioned, let us begin with the most controversial of the several claims just entered on behalf of the Humean schema, namely that relating to Kant. Let us take up once again the Kantian conception of a kingdom of ends:

Rational beings stand under the law that each should treat him/herself and all others never merely as a means but always at the same time as an end in himself or herself. In this way, there arises a systematic union of rational beings under common objective laws—that is a kingdom . . . a kingdom of ends. (*Foundations of the Metaphysics of Morals* [433], end)

For present purposes, two features stand out here. First, the members of the kingdom act or judge according to a maxim that can be a law for all beings that are ends in themselves and possessed of a sovereign will. (Cp. second paragraph [434]. Cp. also 4.12 ff.) Sec-

1. See below, 'Concluding Overview.'

only, every law to which a member of the kingdom is subjected is one to which his or her sovereign will can assent.²

The kingdom of ends, even as so technically described, holds a strong pre-philosophical appeal. Independently of all philosophical theory and independently of special conceptions of sovereign will, morality as we know it can recognize here an ideal that seems to be its own³—just as it recognizes something that is already its own when Hume speaks of the sacredness of the principle of consent (see 3.5) or recruits us to the 'party of humankind'. (See *Enquiry*, XI.1). It is true that Kant himself, going along the route by which he reaches the kingdom of ends and then elaborates the idea, exploits special exclusions that threaten (according to 4.17 ff.) to make a first-order Kantian ethic incomplete and incomplete. Even the idea of a sovereign will or an end in itself has to take on an animate shape and needs empirical instantiation (or so we have asserted in opposition to Kant) if it is to command its proper ethical import. But those criti-

2. Cp. [438], second paragraph. The Kantian exposition of this claim would typically advance through the idea that the laws to which a rational being is subjected are laws of which that being can regard him/herself as actually or potentially a maker. But outside the Kantian framework that is not the only way of supporting the claim. Compare the third epigraph to the lecture. See also my *Needs, Values, Truth* (amended 3rd ed., Oxford: Oxford University Press, 2002), pp. 64–8. And see below, 9.7 ff.

3. Among those party to some such conception are Tim Scanlon, see his 'Contractualism and Utilitarianism', in Ananya Sen and Bernard Williams, eds., *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982); Philippa Foot, see her 'Morality, Action and Outcome', in T. Honderich, ed., *Morality and Objectivity* (London: Routledge, 1985); and John Rawls in *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1972). More obscurely and faintly, see the exploration of intersubjectivity attempted in my essay 'Universalizability, Impartiality, Truth', which is ch. 2 in *Needs, Values, Truth*; and see also the development of the Limitation Principle commended in 'Claims of Needs', which is ch. 1 in the same collection. For that principle (compare, in the same collection, pp. 319 and 324) arises from a not dissimilar inspiration.

In the citation from Foot's essay that we have taken as the third epigraph at the start of this lecture (a citation adjusted in consultation with Professor Foot), we find a constitutive condition for a first-order ethic that will *deserve* to secure a certain kind of loyalty from its adherents. There is no compulsion, however, to see the citation as outlining some sort of contract. The point made—which is put into a new light at 9.7 ff.—is available to contractualists and anti-contractualists alike.

cisms are already behind us. Rather than abandon the conception of a kingdom of ends or deprive the neo-Humean scheme of insights which can only fortify it, it will be better to try to undo some of Kant's exclusions and vindicate the conception in a further way.

9.3. A place from which one might begin on the first part of this work, resuming at the same time some of the contentions of Lecture 5, is a passage not very far away, where Kant writes as follows:

Empirical principles are always unfitted to serve as a ground for moral laws. The universality with which these should hold for all rational beings without exception—the unconditioned practical necessity which they thus impose—falls away if their basis is taken from the special constitution of human nature or from the accidental circumstances in which it is placed. [442]

One of the several things we must preserve here is the claim, not denied by Hume, that that on the basis of which we judge our own or others' acts or decide our own policies is not something open to ratification or rejection by reference to empirical experience.⁴ The idea that it is that kind of thing is as implausible as the idea that ethical requirements can be bypassed by a revision of one's desires or interests.

Another point of Kant's we must never let go is that, once we have the proper interpretation of a moral requirement, that which emerges must be addressed equally to all who are capable of understanding it. Here too there is nothing peculiarly Kantian. In effect Hume says the same, declaring at *Enquiry*, IV.1, in a passage we

4. This is not to deny that something can happen that brings us up with a start and makes us see that there was something wrong with our convictions. But what we *then* have is not so much a counterexample to a moral generalization as an improved understanding of what we might have realized before. (Might *in principle* have realized before? *Always* might in principle . . . ? There is unfinished business here. On 'conversion' see John McDowell, 'Are There External Reasons?' in J. E. J. Altham and R. Harrison, eds., *World, Mind, and Context* (Cambridge: Cambridge University Press, 1995).

have already cited (see 5.5), that one of the two circumstances which constitute the ethical operation of benevolence is the existence of a 'sentiment that renders the actions and conduct of the persons the most remote an object of applause or censure, according as they agree or disagree with the rule of right [way of judging questions of what is right] which is established'.

In our citation from [442] there is a much more doubtful exclusion. There is ground or basis in the sense of 'reason' or 'basis in reason'. But there is ground or basis also in the sense of 'source' or 'origin', meaning that thing within us, that element in our given and acquired natures, which (the Humean can say to Kant) makes some decisions or choices ethically possible for us and rules out others. Followers of Kant claim that facts about human constitution cannot figure among the grounds for foundational principles of morality.⁵ A follower of Hume may reply to this as we did in 4.17 and 4.18. He will also insist that it is our given-cum-acquired nature that inclines us to our own specifically human conception of what it takes for an animate being to qualify as an end in itself and a fitting subject for the special mode of interpretation that human beings direct towards other human beings.⁶ (See below, 9.8 ff.)

9.4. Can the position we have now reached be explained in its own terms rather than by way of opposition to Kant's exclusions at [442]? I believe so. To this end, let us have recourse to the second of the two distinct 'circumstances' that Hume mentions in the passage we have cited already from *Enquiry*, IV.1, about the operation of benevolence. The second circumstance is the existence of a 'sentiment common to all mankind which recommends the same object to general approbation and makes every man or most men agree in

5. In this attempt to mediate and identify points on which Kant and Hume can agree, let us be careful to withhold assent from the idea that morality is a superstructure raised on a basis of *foundational principles* in Kant's sense of 'principles'.

6. Indeed, unless some common thing within us so prompts or inclines us, it seems we may have to go without a first-order ethic or a set of moral concerns to call our own. (Compare 4.17.)

the same opinion or decision concerning it'. In the absence of a fund of shared sentiments of *this* sort, there would be no such thing as a shared first-order ethic. *Pace* Kant, it will be a matter of the anthropology of the shared life of human beings (the gregarious creatures Leibniz portrays in our first epigraph) which particular dispositions or states of character come to be recognized and upheld as the natural virtues and what further 'conventions'—importing what artificial virtues—enter into the fabric of the shared life of these creatures. In such a contention—or so it was argued in the second half of Lecture 5—there is no threat to the determination of a proper content for human morality and no threat to the 'unconditioned practical necessity' that attaches to its requirements.⁷ The as-if anthropological basis for the judgment 'I must' neither restricts the categorical purport of this *must* nor weakens the force it exerts with those who understand the claim that it makes.

Back now to the place where we were at the end of 9.2. The kingdom of ends conception, even when it is shorn of the Kantian restrictions that 9.2 and 9.3 have been seeking to remove, brings vividly to mind an ideal for human life as well as a distinctive ethic. This ethic is at odds with recognizably utilitarian or consequentialist conceptions of morality, but it is all of a piece with certain invariants that more eligible conceptions of morality (see 9.2 above, *ad fin.*) will need to recognize. Indeed it is all of a piece with a Humean conception of morals—or so I shall argue in 9.6 ff. First though, in

7. For a response to further reservations under these heads, see 5.7 ff. For further responses to further objections, see *Needs, Values, Truth*, pp. 205–7.

If it is an empirical fact that that anthropology is as it is, what is to be said about the possible world in which the anthropological facts are otherwise? Well, *within that world* conscious creatures will care about different things and talk about different things. *From outside that world*, we whose nature conforms rather to the given or actual anthropology, and who operate a conceptual scheme keyed to the actuality of that anthropology, can react to reports of that other world in our own way (that is, adversely, except in so far as we try to make allowance somehow for the fact that in that world the conscious beings in it do not have our take on things or our discernments of them). Neither of these answers (if we keep them apart) licenses the critic of the contentions in the text to claim that they imply that it is a *posteriori* that ingratitude (say) is reprehensible, or imply that it might have been not reprehensible.

advance of that effort, the Humean-cum-Aristotelian stage needs to be set.

In philosophy as it is, there is a tendency for a first-order morality to be conceived as a structured array of propositions or judgments. But it will cohere much better with the purposes we now resume and extend from Lectures 2 and 3 to conceive of such an ethic more dispositionally, as a nexus of distinctive sensibilities, cares, and concerns that are expressed in distinctive patterns of emotional and practical response. As instantiated in the formation of those who live by a given first-order ethic and see their way of being and acting as answerable to some particular standard or norm that they hold in common,⁸ such a nexus will be conceived by a neo-Humean genealogist or aetiologist as something with a prehistory and a history, as well as a present and a possible future. The dispositions that realize the ethic he will see as arising neither uninvited from the given nature of human beings nor in a manner contrary to that nature (see here the second epigraph), but as establishing themselves in creatures who are well enough suited to receive them and are rehearsed, practised, or habituated therein by those who already have and exercise such dispositions.⁹ The dispositions in question are not only dispositions to feel and care and think and act in certain ways, to refrain from acting in certain other ways,¹⁰ or to take more notice of certain features of situations and less notice of that which has

8. The word *norma* meant for the Romans a T-square that a carpenter or mason carried about with him for making right angles. My use of the English word 'norm' looks back at that meaning. It works *metaphorically*, at one but only one remove from *norma* thus literally understood.

9. Another name for what is at issue here is *formation*, in German *Bildung*. For a masterly recent account of this idea, though not from a Humean point of view, see Sabina Lovibond, *Ethical Formation* (Cambridge, Mass: Harvard University Press, 2002), chs. 1-3.

If someone wonders how it can ever have come about that, within historical time, each generation was preceded by an earlier generation which would rehearse, practise, or habituate the next generation in this way, then I refer here to Lecture 2, especially 2.12, and the familiar facts of which we are reminded by the first epigraph.

10. Compare the sketch of these matters attempted at pp. 64ff. of ch. 2 of *Needs, Values, Truth*.

lesser ethical import. One who shares in such dispositions and follows them through will also be committed, according to the moral phenomenology for which the next section must complete the preliminaries, to look upon other persons in the ethically distinctive way we have seen Kant sum up in his own special way and his own phrase 'ends in themselves'.

9.5. On the formational and essentially practical view, which is the view of Aristotle but fully harmonious with that of Hume, what is the relation of a person's ethical dispositions to his or her moral convictions? A rough answer might be that, however incompletely or inexplicitly, a person's spoken convictions express the state of being that is realized in these dispositions. An agent's spoken utterances are a part of his practical response to the situation in which he finds himself. Or else they are a provisional response to the as-if practical envisaging of a whole class of such situations. In the typical case (or so the formation theorist will aver), the person who gives voice to a moral conviction thereby manifests a state of practical understanding of a certain context—an understanding whose title to correctness does not depend on its degree of articulacy or the immediate availability to the moral subject of propositional grounds adduced for it. Its correctness will depend on the soundness of the subject's perception, the experience and the practical intelligence applied, and the quality of the ideas and expectations brought to bear in the context. In chapter 11 of book VI of the *Nicomachean Ethics*, Aristotle says that, within the sphere of the ethical and the practical, it is the capacity for appreciation of what matters in this or that situation *as given* which is the starting point for understanding the 'that for the sake of which' the practically wise person acts. Then Aristotle says that this capacity for appreciation is the sole basis of any grasp of the universal in the practical sphere (1143b5). Then he says that maturity will tend to bring with it the capacity for such practical appreciation and judgment: 'This is why we ought to attend to the assertions and declarations of experienced people or of people of practical reason, not less than to arguments

or proofs. Because experience itself has given them an eye, they see aright' (1143b11-14). They see what to aim for in *this* situation or in *that*. The assertions of such people, taken in context, will help others to grasp what a practically wise person should be concerned with under these circumstances—what they should attempt when things are *like this*. With respect to this specific sort of circumstance, their claim is universal but not very general. These assertions do not constitute general instructions¹¹ because they are made in a specific context *for* that context. From the midst of such a context, the things said by the practically wise and virtuous will indeed point towards a more general 'that for the sake of which'; but it is not by following verbal instructions so much as by living and doing and engaging with the practically wise and virtuous that anyone can enter into the whole spirit in which these precepts of experience are to be understood. Only by drawing on some such understanding of the 'that for the sake of which' will anyone subjugate the indefiniteness of the subject-matter of the practical or impose upon any part of it a shape¹² that is faithful to an ethical aim. It is an understanding of the *spirit* in which the agent is to act.

According to this formational (or, as one might say, mental dispositional) view of morals and morality, which will be explored further in Lecture 10 and applied there to the special virtue or virtues of justice and deployed over again in Lecture 11 in connection with questions about the supposed relativity of morality, the propositional or declarative element in morality rests in part on the practical. But, once you take the practical fully seriously, the question is not foreclosed whether the correctness or incorrectness of moral judgments can amount to substantial truth or falsehood.¹³ (See further Lectures 11 and 12.)

11. Hare's distinction of universal and general is still in force here. See Lecture 4, 4.16 and n. 21. See also 11.10.

12. I owe to Lovibond, *Ethical Formation*, this deployment of the idea of 'shape'.

13. This is to say that, taking the practical seriously, we should expect practical wisdom itself to issue in expressions of propositional knowledge, e.g. that it is the part of a *sphoudaios* or virtuous person placed precisely thus (...) do to such and such

9.6. Now at last we reach our question. Consider an arbitrary first-order ethic, as lived by people who act freely and act as they do because they see their acts and thoughts as answerable to it. Why should we suppose that, wherever its content is made articulate in the ways described in 9.5, this content will correspond to a universal legislation that *each* participant, seeing himself as a member of a future kingdom of ends, could regard himself as not dissenting from?¹⁴ What is it about an ethic with real participants—and what is it about the ideas that contribute to the content of such an ethic—that secures this? In non-Kantian terms, why must the purport and tendency of the norms enforced by a first-order morality approximate more and more closely, point by point, to something no party to the morality could regard as giving him or her reasonable grounds for taking flight or defecting from that morality? (Compare 9.2 above; compare Scanlon as cited in the last footnote.)

It is a fair guess that one part of the answer to such questions is

(—). Practical truth (*ta praktika kai dianoitika alētheia*, 1139a29) is not a special and weird kind of truth. Why should not the ordinary kind of truth be the kind of truth that is aspired to in an agent's making certain judgments pertaining to an essentially practical matter? Someone might aspire to attain ordinary truth, it now appears, if they know how things are here . . . , if they have participated in *ethismos* or ethical formation, if their aim here is the right one to have (their *orexis* is *orthē*, 1139a30-31), if experience gives them an eye by which to see correctly, and, deploying all this upon the situation here, they find that the thing to be done is the act—.

Here, in effect, I reiterate the claim in the text about taking the practical seriously. It is folly to rush to the conclusion that, even as practicality enters, real truth must find its exit. If it takes a practical experiment to satisfy oneself that the best way to chop an onion is to hold the top, cut off what remains of the root at the other end and chop away from there . . . if such practical experimentation be indispensable, why must that dependency undermine the truth status of the claim that this is the best way? Inevitably, Lecture 12 will carry us back to this matter. Meanwhile, let us not despise practical questions that would need to be answered on the basis of the practical in action or despise answers whose vindication depends indispensably upon that.

14. Cp. Scanlon, 'Contractualism and Utilitarianism', p. 110, who uses an analogous thought to offer a definition, 'an act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement'. It is important to remark that the importance of the original Kantian (and Humean) insight that Scanlon thus elaborates does not stand or fall with Scanlon's success or unsuccess in any strictly *analytical* or *definitional* project.

connected with the need for a first-order ethic of the kind we have been describing to retain its participants by something stronger and more reasonable than force. It is true that, at the outset, an ordinary non-sceptical person who feels no temptation at all to side with Glaucon and Adeimantus, and is fully satisfied with the critique that Lecture 1 offered of their preconceptions, may demand to know why any such answer should be needed at all. We might have needed that answer (such an unseptic may say) if, in the world as it is, human beings who were living out in the wild (so to speak) were now being herded or corralled into morality—as if taken aboard a man-of-war by a press-gang and subjected there to the alien rigours of naval discipline. But the gender induction of infants into morality can hardly provoke the same revulsion as impressment: 'It brings children to that which is already their own, to their birthright, namely an outgrowth of human constitution itself that has come into being under the normal conditions of human existence and precisely enables its recruits to realize the potentialities with which they are endowed.'

Such a plea must count for something. But does it count for enough, when there is in morality something so pervasive and so potentially intrusive into every last detail of human life that its power has begun to merge with the power of the law? Does the plea count for enough in so far as morality now shares in the monopoly of force by which society claims to protect itself from those whom it perceives either as defaulters or as enemies? If that is the company morality has started to keep, we need more than the non-sceptic will have found in Lecture 1.

9.7. At this moment, help is to be had from the third epigraph, coming from Philippa Foot. There is one utterly distinctive benefit which a first-order ethic with the right kind of content can offer to each and every one of its participants. From the same author and the same text, here is a further development of the same thought:

The existence of a morality which refuses to sanction the automatic sacrifice of the one for the good of the many . . . secures

to each individual a kind of moral space, a space which others are not *allowed* to invade. Nor is it impossible to see the rationale of the principle that one man should not want evil, serious evil, to come on another, even to spare *more* people the same loss. It seems to define a kind of solidarity between human beings, as if there is some sense in which no one is to *come out against* one of his fellow men. In both cases, the good of the rule is a good that comes from having a system. But the justification is not [simply], as with rules that limit the direct pursuit of the general good in utilitarian systems, that those who accept them will be most likely actually to bring about [most welfare].¹⁵

In this neighbourhood there are at least two points. The first point is that morality not only plays a part in supporting that which shields us and the fruits of our collective labours from all sorts of menaces from within and without. In the form of a true ethic of solidarity, it offers to its putative adherents (creatures deprived by evolution of any reservoir of salutary instincts of the rather specific kinds that preserve most other sorts of creature) something that is so extraordinary that it can hardly be *unfair* for infants to be brought up as if in ignorance of every alternative.¹⁶ (Would it not be more unfair not to?)

The second point one might discern in our citation relates to the

15. 'Morality, Action and Outcome', p. 86.

16. The full extraordinariness of this thing can only be appreciated by reflecting that the thing it provides is utterly at variance with every public philosophy that is prepared (as most are, the democratic and the egalitarian no less than the autocratic) to sacrifice the vital interests of the few to the aggregated less vital interests (the mere desires and preferences indeed) of the many. (See the later pages of Lecture 11.) Neither this discrepancy between ordinary morality and public morality nor the perception of it is a new thing. It is in no way special to the era of claim-rights—an era which infringes against this ideal of solidarity just as frequently and multifariously as every other era, still exercising a confidence and self-righteousness equal to that which made possible the collectivization of the Russian peasantry or the clearances of the Scottish Highlands. It would be a part of the unfinished business of a truly post-utilitarian philosophy to regulate our public philosophy by reference to the ordinary deliverances of ordinary morality and carry forth into the field of the practical and the political the ideal we are concerned with in the argument of the text. See J. S. Mill, *Considerations on Representative Government*, ch. 7. Constant and Tocqueville make similar points.

content of anything that can answer to the role of an ordinary ethic for ordinary life. We misrepresent and undervalue this thought, however, if we understand it as specifying nothing more than an enabling condition for an ethic to recruit or retain its participants. For that collapses all too easily into something that the selfish theorists will belittle as yet another appeal to simple egoism—as, at best, the offer of a fairer-seeming contract to its putative participants' self-love. That is not good enough, you may say. A much more interesting and compelling point will emerge, however, if we can begin with the idea of a first-order ethic (cp. 9.5 above), discover next, attached thereto, the idea of solidarity that Foot mentions, and *then from this* derive some version of Foot's requirement. That which we are to discover need not of course be something that the adherents of a first-order ethic will call by the name 'solidarity' or some synonym. It will be enough and more than enough if, in trying to understand the spirit that needs to animate a way of being that is sustained and perpetuated in the manner we have already described in 9.5, we find, as I shall declare (in 9.8) that we do, that the idea or expectation of solidarity must either be *at work* there—or else placed there in some temporary and special *abeyance*.

9.8. The first-order ethic we are concerned with incorporates a human scale of values and a human deontology.¹⁷ It arises out of our human sentiments and predispositions. It is perpetuated by human beings who bring into it succeeding generations of human beings. Such facts and the facts that are coeval with them are so familiar that they are usually deprived of the philosophical attention that they deserve. But let us try for a moment not to take them for granted.

17. This is not to say that, when articulated, it says 'for human beings only'. It addresses and it purports to affect any consciousness that can grasp or understand it—as we have said already. (See 9.2 and 9.3.) For the claim that *subject of consciousness, rational beings, being possessed of a sovereign will* are determinables—concepts awaiting further specification such as that which we catch on to by recognizing human persons before they can assume the full duties of a mortal concept—see my *Sameness and Substantance Renewed* (Cambridge: Cambridge University Press, 2001), pp. 194–5.

In confrontation with the human form, we immediately entertain a multitude of however tentative expectations, relating to the possibility that presents itself there of converse or colloquy, of interaction, or of treating with a personal being. In recognizing another person, we recognize not merely a subject of consciousness but a being who will seek to interpret *us* even as we seek to interpret *him* or *her*, each of us deploying more or less the same minimal expectations, a similar perception of our immediate surroundings, a similar norm of the reasonable, and a similar, however weak, proclivity to reciprocity. We recognize also the possessor of a will *not necessarily at one with our will*. To gesture in the direction of these things, to separate them, and to enumerate them in the work of philosophy takes a great effort of discernment and of description, because in reality, they are inseparable and pre-intellectual. Their everyday aspect has deprived them of the full recognition they deserve. Here, though, is Simone Weil:

Anybody who is in our vicinity exercises a certain power over us by his very presence, and a power not exercised by him alone, that is the power of halting, repressing, modifying each movement that our body sketches out. If we step aside for a passer-by on the road, it is not the same thing as stepping aside to avoid a bill-board. Alone in our rooms we get up, walk about, sit down again quite differently from the way we do when we have a visitor. . . . But this indefinable influence that the presence of another human being has on us is not exercised by men [such as one's adversary in warfare] whom a moment of impatience can deprive of life, who can die before even a thought has a chance to pass sentence on them. In their presence people move about as if they were not there.¹⁸

18. 'The *Iliad*, or the Poem of Force', as translated by Mary McCarthy in *Pendle Hill Pamphlet* no. 91 (Wallingford, Pa.: Pendle Hill Press 1956), p. 7. Here I venture to record my experience in the 1970s of happening on this extraordinary work for the first time. A xerox copy of it had been left behind in a London intercollegiate lecture room where earlier in the day (I discovered) Peter Winch had been lecturing. Once I had read the prize I took away with me and been overwhelmed by Weil's essay, I always

At the end of the citation, Weil begins to describe, in accordance with her main purpose, what it is for the expectation of recognition to be in suspense. At the beginning, she draws out in a remarkable way the consequences of the same facts we have been reaching for, concerning the 'indefinable influence' it must have upon one person to find in another (whether we like or dislike them) a subject of interpretation, to find a subject of the kind of consciousness that we ourselves know, or to find 'one of us'. To treat a person like a billboard, on the other hand, I have to make myself ready to suspend all the impulses that make possible the recognition of a person *as a person*.

Consider wilful killing, an extreme of unsolidarity. Consider what we have to lay aside even to contemplate the actuality of doing this. In combat and where there is present danger from a mortal enemy, someone will kill the enemy intentionally and without a further thought. There will be no time to have a further thought. The to-and-fro of ordinary interpretive intercourse in which we are normally caught up has already been conspicuously suspended. Even here, though, there are some for whom it takes a great deal to put into abeyance the 'indefinable influence' that Weil speaks of. How slow some are with a gun precisely shows how much it takes to *make* them put that influence into abeyance—a fact clearly recognized in all systems for the training and drilling of military recruits and conscripts. Where nothing at all has put the to-and-fro of ordinary interpretive intercourse into abeyance, consider how much you then have to put aside—how many habits of mind and feeling—in order coolly to contemplate simply cutting off, simply 'taking out', another person. Obviously, these numerous things can all be suspended. The point is not the impossibility of suspending them, but the psychic and visceral cost—and the affiliated moral unreasonableness—of doing so. (This is a strictly neo-Humean variant of a Kantian contention—or so one might contend.)

wondered what Winch had been wont to say on the subject. With the publication of his *Simone Weil: 'The Just Balance'* (Cambridge: Cambridge University Press, 1989), all is revealed.

An explanation that started from here of what is wrong with wilful killing, or wanton cruelty, or repaying good with evil, might seem to be unable to rise above the superficial. But, if anything is superficial here, it is the opinion that this sort of explanation is *bound* to be superficial. Fully set forth, if only that could be achieved, the explanation would be as deep as the moral facts are.

9-9. The suggestion for which 9.8 has prepared is this. We should see Foot's solidarity requirement as spelling out one negotiable corollary of the transition that human beings make from mutual recognition under the aspect of personal beings to a social morality that requires personal beings to *live out* that recognition in a solidarity that is all of a piece with the recognition that requires each personal being to recognize the other one as participating in that morality and equally requires the other one to recognize him or her as a participant in it.¹⁹ *This* is the source of the supposition (all too easily disappointed, but that is neither here nor there) that one who participates in an ethic expressive of that recognition will be disposed (in the way Foot describes) to refuse to contemplate the automatic sacrifice of one personal being for the good of the many or to sanction the exchanging of the serious suffering of the one personal being for the lesser sufferings of a larger number. How *could* the transition to social morality traduce in this way its original basis in mutual recognition, the recognition at once of human affinity and of the alterity and the otherness of the will of the other? In so far as aggregative considerations gain admittance to a social morality that rests on the solidarity of recognition, such considerations must enter only on terms that respect the ethic itself and sustain its basis. From the same solidarity, moreover, it is another short step to the idea of reciprocity between personal beings, and to Hume's idea that gratitude is a natural (not an artificial) virtue. (See here 2.17.)

From this vantage point there are other things we can see (if we want to call them 'other'). We see the rudiments of Humean benevolence, for instance, and we see sympathy, rooted in the more natural

19. See ch. 2 of my *Needs, Values, Truth*, especially pp. 61, 64, 65.

than voluntary attunement of one personal being to the mental or bodily state of another. In Hume's picture, benevolence has its further development in other social virtues, but the same vantage point that makes primitive benevolence visible also reveals that which ought to qualify or control or regulate the transformation of benevolence into public spirit, beneficence, generosity, and the rest. For many or most of the concerns proper to the social virtues—those aimed at aggregative ends, for instance—belong on an altogether lower level of priority than the level at which we experience our primitive aversion from acts that appear as a direct assault by one personal being upon another, acts such as murder, wounding, injury, plunder, pillage, the harming of innocents, the repaying of good with gratuitous evil, false witness. . . . Compare Aristotle: 'There are some acts in regard to which there is no such excuse as the excuse of "having been forced" to do them. Rather than do the thing in question, one must even be ready to die after suffering the most terrible things' (*Nicomachean Ethics*, III.1 1110a26–8). Compare also the category (1) of 1.2, where we claimed to establish, in a phenomenology equally accessible to author and reader, the clear priority of the aversions falling under this category over the concerns of ordinary benevolence, of fellow feeling and of the readiness to cooperate with others (category (2)). We also claimed the priority of these aversions (category (1)) over engagement with the public interest (category (3)).²⁰

In the same section of that first lecture, whose preliminary findings I hope I am now vindicating, we also maintained that, in ordinary ethical thought, there is a marked tendency for concerns belonging to category (1) not only to trump the concerns belonging to category

20. In 'Morality and Practice II', a chapter in Brian Klug and Francis Dunlop, eds., *Ethics, Value and Reality* (London: Athlone Press, 1979), Aurel Kolnai speaks in a related connection of the 'thematic primacy of evil': 'There is no archetype of benevolent action on a par with archetypal crime of murder' (p. 108). There is an exaggeration here. (Consider the brave and benevolent actions of the Swedish diplomat Count Wallenberg in Budapest during the Second World War and then consider some downtrodden victim's criminal murder of her persistent oppressor.) But the dictum points in the direction of the same sort of truth as the one that my text is seeking to pin down.

(2) and category (3), but also to constrain the preoccupations that go with artificial virtues such as loyalty, veracity, or fidelity to promises. These last we assigned to a category (4), remarking also that there is a tendency for concerns of category (4) to trump those of categories (2) and (3). To default in loyalty, veracity, or fidelity to promises moves us towards something in certain ways analogous to the kind of criminality from which we are deflected by aversions falling under category (1).

9.10. How then to situate that which belongs to category (4) and has its basis in the artificial virtues? How are we to place them within the phenomenology that Simone Weil and David Hume help us to arrive at? Well, as soon as personal beings recognize one another as personal beings, open themselves to the claims of solidarity, and become party to prohibitive aversions of the kinds already described, as well as to sentiments of reciprocity, gratitude, and the rest, there is *also* room for such beings to enter into closer relations of trust and mutual dependence. At this point, then, there is room for the rudimentary and more personal forms of the developments described in Lecture 3. But these, in their turn, make room for an extension (an artificial extension, so to say) of the inventory of acts that have the semblance of a direct assault by one personal being upon another. Beyond Hume's natural crime of ingratitude, but in analogy with it, we discover the artificial crimes—some but not all of them directly comparable to assault by one personal being upon another—of betrayal, false promise, fraud, slander, and the rest. Where a comparison with assault can be sustained, such acts pass beyond the valuations *bad*, *disappointing*. . . , *most unfortunate* or *regrettable*, *disgraceful*, *lamentable*, and trespass onto the ground marked *forbidden*, *nefastum*, *verboten*, *atasthalon*, *arrhēton*. (Compare 8.10.)

In contemplating this last extension and comparing category (4) with category (1), we are back at the point where we were in 8.9, when we cited W. D. Ross from *The Right and the Good*. Whatever truth lurks in Ross's dictum 'right does not stand for a form of value at all', a similar truth will lurk in the contention that 'wrong does

not stand for a form of disvalue'. This is not a plea to the effect that no disvalue resides in acts of criminality, only to the effect that the original and first work of 'right' and 'wrong' (as of 'must', 'must not', 'ought', 'ought not') lies at some distance from value. It lies within the deontological as such. The distinctiveness of the deontological itself will appear much less strange altogether if it is approached first, as here, from the side of the phenomenology of that which is utterly forbidden—the original paradigm of the utterly forbidden or *nefastum* being taken to be that which menaces the very fabric of the ethical by threatening to destroy the basis of the ethical in solidarity.²¹ It is one thing for the doing of an act to deserve the adverse criticism of the ethical. It is another for the doing of an act to subvert the ethical itself—or to promise to combine with a multiplicity of similar doings to subvert it.²²

If such ideas lie at the core of the deontological, then maybe we can make sense of what is special about it. But the forbidden has been typified so far by a personal being's mounting a direct assault on another personal being. In widening this conception—as it will have to be widened—it would be a delicate matter to maintain the distinctiveness of the deontological while tracing its relation to the simply valuational. But that is work for another occasion. On pain of our failing to meet existing commitments, something else must now be extracted from our phenomenology.

9.11. Lecture 8 depended on our taking seriously the ideas of agency and responsibility—ideas not made much of by those who espouse consequentialism. But I think that next door to the expectation of solidarity we shall find some of the other ideas that we

21. Compare Hume, already cited, on 'the party of humankind' (*Enquiry*, IX.1).

22. If we use the *forbidden* as a primitive notion, we can take that which is *required* as that which one is forbidden not to do and the *permissible* as that which one is not forbidden to do. As adapted to *ought* and *must* (there is unfinished business here, not least in connection with making necessary distinctions between these), such an account will explain and predict the *bluff* that has to be practised by those who seek to enforce the more doubtful among requirements that are announced to us in the words 'You ought to . . . ' and 'You must . . . '.

need in order to vindicate our original notions of agency and responsibility. If solidarity conditions our whole outlook, then we shall want to know whether the intention with which a fellow being acted did or did not bespeak the outlook towards *other* personal beings that is proper to one who does not fail us in solidarity. And once this idea of *intention with which* is added to the idea of the quality of a thing done, we cannot help but find here the *responsibility* of a person for a particular outcome that can be fairly attributed to *his* or *her* agency. Once a first-order ethic reaches this point in its ordering of the concerns we have categorized (1), (2), (3), and (4), it cannot help but attach importance to the place that these categories hold and the priorities they enjoy in the mental formation of its participants. It matters to those who are living by an ethic of the kind we are trying to depict not only what acts a person does, not only what results from their doing what they do, but also in what spirit, and with what intention, they and other agents act. It matters what they do and intentionally do, but also, in abstraction from the act they do, it matters what the quality is of a person's will. (Compare Foot.) These are the terms on which it seems that, at our best, we treat with one another—and the terms we think we have reason to allow to control and constrain our own agency.

9.12. The ideas of agency, quality of will, and responsibility having been roughly and readily situated and made sense of (or recovered, so to say) within the first-order ethic of solidarity and reciprocity, it is now time to fulfil the promise given at the end of Lecture 8 and attend to the proper treatment of situations of emergency. Within the non-consequentialist thinking that anathematizes acts infringing the obligations in which agents are fixated by type (4) considerations or that offend against the type (1) inhibitions that spring from their formation as ethical beings, there will be many acts that are forbidden. Yet circumstances will often arise that call eloquently and imperiously, as if in recognizably ethical terms, for such acts. How can non-consequentialism respond to these circumstances?

9-13. In Nicholas Monsarrat's novel, *The Cruel Sea*,²³ set during the war in the Atlantic, 1939-45, the commander of a British corvette, *The Compass Rose*, is escorting a convoy of merchant ships headed to Gibraltar.²⁴ Towards the end of a voyage endlessly harassed by torpedoes and air attack, yet another cargo is sunk by a German U-boat. Numerous survivors are in the sea, swimming in the hope of being picked up. This is bad enough. But worse, the commander knows from the Asdic (a sonar device) that still 'the U-boat was there, one of the pack which had been harassing and bleeding them for days on end, the destroying menace which *must* have priority'. Unless it is destroyed, the U-boat will go on to torpedo ship after ship. It can only be destroyed, however, by dropping a depth charge, a weapon which acts by making a huge explosion under the surface. Well aware that none of the people in the water can survive such an explosion, but convinced that this is his opportunity to destroy the U-boat that is underneath them, the commander closes on the place to which the Asdic traces the enemy submarine and delivers the depth charge. He does what he has to do to save the rest of the convoy. But among those in the water, not a single human being survives.

If we take the standpoint of ordinary morality, what shall we say about this case? First that what the commander did was a terrible thing to do. It was not intentional, of course, on the commander's part to kill the survivors. Nor did he save the convoy by killing the survivors. He saved the convoy by dropping the depth charge, and his dropping of the depth charge killed the survivors. He fulfilled

23. London: Cassell & Co., 1951.

24. The example was suggested to me in connection with the Principle of Double Effect by Dr Sophie Botros, to whom I express here my signal gratitude. For Double Effect, see below, 9-15. See also Philippa Foot, 'Morality, Action and Outcome'; Joseph T. Mangan, 'An Historical Analysis of the Principle of Double Effect', *Theological Studies* 10 (1949): 41-61; and see Sophie Botros, 'An Error about the Doctrine of Double Effect', *Philosophy* 74.287 (1999): 71-83; Sophie Botros, 'Response to W. Kaufman', *Philosophy* 76.296 (2001): 304-11. Sophie Botros is the only author I have read who has seen that, in and of itself, Double Effect can generate no prohibitions, only (heavily qualified) permissions. (See below.)

his duty in this way; but no sane person could envy him that terrible role. ('No one [on the ship] looked at Ericson as they left that place.') It flowed from his agency that the lives of many of his compatriots were sacrificed in just the way in which ordinary morality seeks to exclude *anyone's* being sacrificed. For that sort of reason, it is hard to say 'the agent did right' or even 'the agent did what it was right for him to do'. Rather, the commander did what he *had to do*, which was defend the rest of the convoy by dropping the depth charge. He had to do a terrible act.²⁵ So we pity him—even as we exonerate him or withhold all criticism of his moral character.

The difficulties we are concerned with, the chagrin agents feel when they have to take account of *what* they did as well as of their blameless direct intention—are these a by-product of habits of mind that humanity should have grown out of when it abandoned ancient ideas of pollution? Surely not. They are a reflection of the conception of acts and agency that we simply have to have (or so I recently argued) if we are to participate in the conception of the ethical by which persons like us, persons who are separate but radically interdependent, *have* to live and have their being. It is in that conception of the ethical that the typology of forbidden and not-forbidden acts has its roots. It may seem strange that one who is party to the ethic

25. Even where there is blameless ignorance, there is little consolation: 'Morally innocent though [Oedipus] is and knows himself to be, the objective horror of his actions remains with him. . . . Is that simply archaic superstition? I think it is something more. Suppose a motorist runs down a man and kills him. I think he *ought* to feel that he has done a terrible thing, which nothing can restore even if the accident is no fault of his: he has destroyed a human life, which nothing can restore. In the objective order it is acts that count, not intentions. A man who has violated that order may well feel a sense of guilt, however blameless his driving.' E. R. Dodds 'On Misunderstanding the *Oedipus Rex*', *Greece and Rome* 13 (1966).

This seems almost exactly right, but I venture one remark about 'the objective order'. The kind of ethic I have been concerned with looks to what Dodds calls the objective order. We have seen why it must. At the same time, though, we have seen why, *pace* Dodds, that ethic must also concern itself with agents' intentions and the will that these intentions betoken. There are *objective reasons* why it must concern itself with *all* these things, public reasons having to do with the anchoring office of solidarity. (I concede that, if the *sole* concern were the avoidance of *miasma* or pollution, then things might be different.)

of solidarity and makes it his own has sometimes to be harder on himself than others are on him. But this too flows from his internalization of the norms of ordinary morality.

9.14. Suppose this is a correct account so far of the findings of ordinary morality. Then where is the system? What are the non-consequentialist principles for judging the doing of acts such as the commander's?

In answering such questions, defenders of the ordinary first-order ethic we have described will want to distinguish the commander's case from a much harder sort of case (readily imaginable, no doubt) where it is represented that someone had to save the convoy *by* sacrificing four hundred of his own countrymen. For we distinguish passionately between the *Cruel Sea* case and this new kind of case. For the new one would have involved someone's forming the intention to *sacrifice four hundred people*—an intention for which there can certainly be no justification, at least of the kind we have so far allowed. In making sense of the exonerated-cum-justification so far allowed, we cling to the point that Kant has insisted upon in one way and Foot in another way, Foot being supported by the neo-Humean speculations we set out at 9.7 ff. We cling, that is, to the precious remnants of solidarity—and thus to the precondition of the ethical itself. Despite emergency, there is still something we can truly say we could not do or condone in these sorts of circumstances. For instance, we could neither justify nor exonerate on the same terms a naval commander who gained a safe passage for the convoy by (say) offering to the enemy the same number of people to be killed or be set to work as slave labourers. For here *the means themselves* will offend against the solidarity constraint. There is no useful and *in itself blameless* act the agent can form the intention to do in order to avoid the great evil that is in question.

How much ordinary non-consequentialist agents can hold on to—and how much they have to abandon in cases like the *Cruel Sea* case—will be easier to measure when conditions are set out for judging acts done on in the kinds of situation we are concerned

with. We shall give four conditions. First, though, some clarifications and/or precautions against misunderstanding.

(a) Let it be clear that the principle of justification/exoneration²⁶ will not *itself* provide an account of acts that are forbidden. It presupposes such an account. (Just such an account is sketched in 9.8 and 9.9.)

(b) Let it be clear that, in distinguishing the agent's direct intention from that which the agent knows is likely to happen if he carries out his direct intention, we do not commit ourselves to frame any general permission to do just anything provided that one's intentional relation to it is not direct but is oblique in the way in which the commander's relation to the prospect of the survivors' death in the sea is oblique. All sorts of act are simply forbidden (cp. 9.8, 9.9) and this requires that agents should do *everything they can* to avoid doing them (even unintentionally). If the principles we are looking for are to save whatever can be saved of solidarity, then they will have to be both exigent and specific.

(c) The justificatory/exonerative principle that is to be furnished helps agents to come to terms with certain kinds of emergency. About other kinds of emergency it will simply be silent. In itself it will say nothing for or against any other accommodations agents might make to other kinds of emergencies calling for the intentional doing of awful acts. As always, the intrinsic awfulness of these acts is secured *independently* of the principle that we shall need and applied in advance of it. Compare (a).

9.15. This is the moment to mention the so-called Doctrine of Double Effect. So far from being something special or proprietary

26. For the choice of word, see again the references to Sophie Botros at n. 25. But even 'justify' sounds one false note, if we ought to prefer to say 'the agent did what he had to', rather than to say 'the agent acted rightly'. As for exoneration, this relates to the act done knowingly in destroying the U-boat.

to moral theology, this principle appears to muster the resources of ordinary morality for circumstances of hazard, emergency, and dire necessity. It adds relatively little to ordinary morality except a certain redeployment. The doctrine goes back to a brief passage of Aquinas (article seven of question 64 of *Secunda Secundae* of St Thomas's *Summa Theologiae*). It was further spelled out over subsequent centuries in numerous works of moral theology. Adapting one such account²⁷ to the terminology of these lectures as well as to our example, we have it that:

it is lawful for an agent to actuate a morally good or indifferent cause [i.e. to do an act, such as drop a depth charge in the waging of a just war] from which cause will follow two effects, one good and the other evil, if there is a proportionately serious reason, and the ultimate aim of the agent is good and the evil effect is not the means to the good effect. . . . First of all, [the act the agent intends to do] is not unlawful on account of the end intended, because the end [e.g. to save the convoy] is good. Secondly, [doing the act in prospect] is not [in itself] unlawful . . . because [dropping a depth charge] is . . . at least indifferent. [The captain does not have to reason as follows, for instance: 'I shall kill the survivors and *thereby* I shall save the convoy'; for killing the survivors is not the means, dropping the depth charge is.] Thirdly, [doing the act the agent intends to do] is not unlawful on account of the foreseeing of the evil effect [the evil effect being here the death of the survivors from the ship already torpedoed]. For [in our example] the evil effect, though foreseen, is not intended but merely [endured]. Fourthly, there is a proportionately serious reason [the safety, here, of the rest of the convoy] for permitting [better, for enduring] the evil effect.

The scholastic language, such as remains after my alterations, elaborations, and excisions, is clear enough, I hope. The result can be

²⁷ The account I adapt is given in Mangan, 'An Historical Analysis of the Principle of Double Effect', see pp. 60-1.

fully generalized in more complete conformity with the crucial distinction we have tried to respect between acts = things done and actions = doings of acts.²⁸ The doctrine is only improved if it is divorced from the conventional deontology from which we have been seeking to escape. (Cp. 8.10-11.)

It is predictable that a consequentialist will fasten here onto the fourth condition and the words 'a proportionately serious reason for the agent's permitting [or enduring, or countenancing] the evil effect'. I expect he will say, 'So in the end, you too invoke utilitarian reasoning.' I do not know how many expositions of Double Effect have laid it open to this move on the consequentialist's part, but the exposition just given is not open to this move.

In the account of the matter that we are following, the commander's reasoning is not a search for the course of action with the overall best outcome, where that is identified by computing a sum of utilities or of goods minus evils. (Nor is it a search for the course of action with the highest expected utility—the course of action that scores highest when a comparison is made on the following basis: for each possible course of action, the value of each good thing it may lead to is multiplied by the probability of that good thing's being achieved; and from this positive sum of these products is subtracted the sum of the disvalues of each evil it may lead to, each evil being multiplied by the probability of that evil). No, the commander is reasoning causally about means to the particular end with which it is his duty to concern himself. Every morality and theory

²⁸ Here, for purposes of more detailed discussion, is a suggestion. A person is not acting contrary to morality if he performs an act of X-ing that he foresees will have a good and a bad effect provided that four conditions hold:

- (1) X-ing is itself good or indifferent.
- (2) the good effect of X-ing is intended and the evil effect of X-ing is not intended (though it may be foreseen)
- (3) the good effect of his X-ing is not *produced by means of the bad effect* of his X-ing. Suppose he W-s by X-ing. Suppose this is the good effect. Suppose he also Y-s by X-ing. Then his Y-ing is the bad effect. But he does not W by Y-ing. (The commander does not save the convoy by killing the survivors in the water.)
- (4) There is a proportionately grave reason for permitting the evil effect. That is to say that there is a proportionately serious reason for the agent to X even though he cannot X without Y-ing.

of morality commends causal reasoning to an end already determined.²⁹ Causal reasoning itself—let it be remembered—is not proprietary to consequentialism. The commander is looking for some way out of a terrible situation—the degree of that terrible bearing upon the degree of evil that can be countenanced in any remedy under consideration. In the *Cruel Sea* example, the overwhelming evil to be avoided is the loss of the whole convoy, an objective that the commander can confidently refuse all utilitarian or consequentialist help in identifying or appraising. Nor can he make very much use of such help in considering the question of proportionateness. For the judgment of proportionateness depends on the deployment of distinctively ethical ideas. With regard to the act chosen, the agent must be able to say truly that he *had* to do what he did, that the evil to be avoided was as terrible as . . . , and that there was nothing else he could do that was not worse.

'But *why* does Double Effect place such emphasis on the primary content and the quality of an agent's intentions?—and why does it dwell so much on the fact that, in our example, the captain of the destroyer does not save the convoy *by* killing the survivors?' someone may ask. Because, in an ethic of solidarity anathematizing the kinds of act already identified and focusing on the quality of the wills and the motives of participants, thus focusing on their readiness to treat other participants as *equally* participants in this way of acting and being, it matters exceedingly what sorts of act an agent can properly intend if he is to participate in this ethic and to participate in the ethic by living it. Double Effect does not *place* the emphasis on these things. In ordinary thought, it is there already. Double Effect tries to preserve everything it can while seeking to accommodate contingency and emergency. The thing that makes the doctrine of Double Effect so distinctive is that it seeks to recognize emergency and dire necessity and *simultaneously* to hold onto that which is special in the ethical outlook of solidarity and reciprocity.

29. That causal reasoning towards an objective is not a utilitarian monopoly is a point we have made several times already. See 6.4.

If, when the going gets rough or choice is narrowed unbearably, there is no question of reverting to the mentality of sheer instrumentalism or bare consequentialism, then Double Effect must distinguish *with a nicety that would be out of place in other contexts* between what an agent intends and what he or she reluctantly acquiesces in.

9.16. For a whole range of emergencies, Double Effect may suffice. But it is perfectly obvious that there are many other kinds where no such exemption can be got from Double Effect.

If the tyrant has taken my wife and children and is threatening to kill or torture them unless I act as his assassin, Double Effect does not license me to save my wife and children by killing the tyrant's enemies. If I do that, the only help I shall get from anyone or anything, where eventually I am judged, is for my reasons to be borne in mind when the verdict is pronounced and for my moral character to be assessed in the light of the circumstances. Double Effect adds nothing to the adverse judgment on acts of assassination and it subtracts nothing either.

Double Effect does not license the midwife or the doctor to save the life of the mother by crushing a foetus's head if the head is too big for the foetus to pass from the uterus. Again Double Effect is silent. The awful aspect of the act is a given, and the doctrine offers no escape from that awfulness. Independently of Double Effect, it may be argued that the midwife's or doctor's primary duty of care is to the mother, whose position is really not symmetrical with that of the child. Others may want to try saying that the child has yet to attain to the status of member of the community of human persons. No doubt, all sorts of other opinions are possible. Double Effect says nothing.

Double Effect does not license us to buy off the terrorist who threatens to kill three thousand innocent people by giving in to his demand that we execute an innocent person. Nor, though, is it Double Effect that forbids this. In the case of these demands, it is other teachings that will encourage the agent to reflect that terrorism

only breeds terrorism; and other teachings that encourage him to think that, if the terrorist's threat is carried out, it will not be he, the agent, who was responsible for the doing of the thing threatened, but the terrorist.³⁰ If the agent has a duty in the matter, it may be said it is the same as everyone else's, namely to add his own voice to any clamour that demands that, as soon as possible, the underlying conflict be imaginatively and magnanimously resolved. This counsel does not derive from Double Effect, however. The act of killing an innocent was already condemned by ordinary morality. As always, Double Effect simply leaves us with ordinary morality. In the cases just described, it leaves us wondering whether there are other and more powerful waivers or exemptions than that which it furnishes to dire emergency—or else looking for other ways of qualifying the terrible dilemmas that agents have to face.

9.17. At this point, the non-consequentialist will always be offered cases that put an even greater strain upon the system of ideas which we have tried to describe and explain.³¹ But what is the existence of such extreme cases meant to show? They will scarcely show the bankruptcy of ordinary morality, on which we precisely depend to

30. This claim does not rest on the idea that your responsibility always depends on whether you are the human agent physically 'most closely involved' in the sequence of events. If I have undertaken a duty to look after a child for an afternoon and, through someone else's agency, the child falls into the canal, it will be my responsibility to rescue the child.

Another point about terrorist blackmail: consequentialists will be apt to say that one who demurs at his demand *permits* or *allows* the terrorist to do whatever it is. Such language is ambiguous and inappropriate. The agent who refuses does not tolerate or acquiesce in the outrage, but it is out of the question for him to do the act demanded. He morally *cannot* do the act demanded of him. That does not mean that he 'allows' the outrage. On this kind of 'cannot', see Bernard Williams, 'Moral Incapacity', *Proceedings of the Aristotelian Society* 92 (1992-3).

31. A case that Scheffler mentions of this kind is one where it has been contrived somehow that if you do not torture one child to death, everyone else in the world (including the child) will be tortured to death. See *The Rejection of Consequentialism* (Oxford: Oxford University Press, 1981), p. 86 n. See also William James's essay, 'The Moral Philosopher and the Moral Life', in *The Will to Believe* (London: Longmans, Green & Co., 1897), especially p. 188.

help us spell out what is extreme and what is at issue in extreme cases. They scarcely show the correctness after all of consequentialism. As literally understood, consequentialism, even if it represents itself as embodying the logic of emergencies, rarely even points in the general direction of something we can recognize as the right calculation! And that is what you would expect of a position which arises neither from a non-question-begging argument nor yet from ordinary moral conviction.

Maybe the extreme cases show something quite different—namely that a fifth kind of moral concern, a category (5) concern, needs to be added to the four kinds we singled out in Lecture 1 and rehearsed again in pp. 246-9. This new category might be thought of as subsuming the ordinary passably virtuous agent's concern *to preserve the very conditions* under which human civilization will survive and/or ordinary morality can make its characteristic demands on normal human life. Less imprecisely, maybe the fifth sort of concern is the concern to preserve the very conditions under which ethical choice itself is possible. Perhaps this type (5) concern, once added to those we sketched in 1.3, once properly formulated and sternly enough interpreted, can be seen as trumping all kinds of other concern, including even category (4) concerns and category (1) concerns. Again though, as with actions that invoke the doctrine of Double Effect—but how much the more so!—there will be no question of the agent's emerging from the terrible situations in which he has had to take part with the claim that he did the morally good act or the act that it was simply right to do. The whole question of the strict 'permissibility' and 'impermissibility' of various acts, already many miles away, is far out of sight. All that remains is the dire necessity that presses on an agent, and the question of what is possible for a human being in that situation.

9.18. In this lecture, we have resumed the Humean position that was set forth in Lectures 2 and 3 and was defended further in Lecture 5. Once enlarged around the idea of solidarity, an idea drawn from the same fund of materials that Hume drew upon, the position

reappropriates pre-theoretical ideas of responsibility, quality of will, and agency that lose their contours within consequentialist thinking. The account we have been led to give of reasoning in emergencies is closer to pre-philosophical conviction than anything that another position can offer. In 9.13-15 that which was postponed under this head in Lecture 8 has now been concluded; or else, if it is not concluded, sufficient indication has been given of the lines on which the residue might be completed. But under another head there is one last piece of unfinished business.

In the face of the non-consequentialist explanations now provided, Samuel Scheffler can still ask: 'How *rational* is this reasonableness that you seem to yourselves to be practising by living within the framework which has now been described?' Again, ignoring the protest that I entered so many pages ago (see 8.2, eleventh paragraph) about the attempt to invoke some *pure* and *pre-moral* notion of rationality, Scheffler would still have us ask ourselves: how well does the practical rationality of this ordinary morality of ours, this reasonableness of ordinary reasons that we recognize as good reasons for acting or feeling thus and so, consort with 'the canons of [strict, genuine, ordinary] rationality that [Scheffler says] we most naturally apply'?

9.19. Let us take first the second of these questions. Surely it is nothing like so clear as Scheffler supposes whether the canons of rationality that we most naturally apply really are consequentialist criteria.³² Surely 'the canons we most naturally apply' will precisely refer the question of the rationality of a proposed act to the reasons that already count as such with ordinary people or hold sway over workaday life, namely the body of reasons that we recognize already (and constantly subject to ordinary criticism) for acting or feeling or being thus or so. When distinct and opposing reasons of these fa-

³² Unless Scheffler means by us, us philosophers. But *that* would scarcely carry any weight at all in an argument such as Scheffler's. His argument loses most of its force if it has to appeal to canons of rationality which are already philosophical or stem from the same source as consequentialism itself.

miliar kinds compete for an agent's attention, those who live by the notions we have been describing in the preceding sections can only draw on the same understanding by which they live already in order to determine which is the stronger or better reason.³³ In this picture, rationality is conceived as the sum of the reasonable, where the reasonable is determined piecemeal by reference to the most carefully considered of the said reasons. Such reasons themselves will have arisen from considerations that have their force with persons possessed of the given and acquired natures of human beings, *among* such considerations being those that minister already to the balance which human beings' participation in the ethical prompts them to try to find between their self-love (which is indubitable) and their dispositions to follow through their sentiments (equally indubitable) of benevolence and of solidarity.

Scheffler appeals to a distinction between ordinary morality and the canons of rationality 'we most naturally apply'. There certainly is a separation to be made between reasons arising exclusively from self-love and other ordinary reasons, but that is not the distinction Scheffler is appealing to. There is the distinction between worse and better considered non-egoistic reasons. But that is not the distinction he wants either. Only those who are already consequentialists—for some reason that Scheffler has left off the page—will be immediately content with the distinction that he is appealing to.

9.20. We imagined Scheffler's asking two questions. By the first of those questions, which we reach now, we are asked to *vindicate* or *validate* the real rationality of the sum of the reasonable as that is determined piecemeal by reference to the whole heterogeneous plurality of our workaday reasons.

Even if this is the right question, I wonder how it can ever be agreed what is going to count as an answer. In order to encourage

³³ Where the matter is very difficult, no doubt they will look for some explicit unifying account of rationality; but their looking for such a thing cannot guarantee that it is there for them to have.

us to attempt such a validation, a detailed critique could be offered, I suppose, calling on us for some piecemeal defence. I fear though that the challenge and the response would simply recapitulate the arguments already rehearsed. A different and more global critique could be offered, making reference to how miserable human beings have made themselves up to now. But that would invite in its turn some historical examination of what consequentialist reasoning itself has contributed to human misery. It is not as if human beings have given constant heed to the ordinary ethical notions despised by consequentialists. (Compare the epigraphs from Coleridge and Russell at the head of Lecture 8.) It is not as if they have cultivated scrupulously the ordinary reasonableness that is immanent in our non-consequentialist morality.

Over the reasonable conceived as the sum of our best considered reasons Scheffler prefers (as we have seen) an alternative that finds rationality in the pursuit of states of affairs that have the largest possible value (intrinsic and extrinsic values all being correctly accounted, none omitted and none double-counted). The trouble still is that, at the point where he seems to furnish an argument for this conception of rationality, the case for it seems to presuppose that we already have an argument for something else—something that is not self-evident at all. Or so it will seem unless we have *already* conflated the valuational and the deontological. But Scheffler's argument needed to reach out to those not yet convinced by such an assimilation.

Suppose a transcendental cost-benefit analysis aimed at the maximization of intrinsic values really were the source of 'the canons of rationality that we most naturally apply'. Then it would be no wonder that we are so often assailed—in a world already partially remade in the light of the canons Scheffler has in mind—by the thought that true contentment is only the terminus of an infinite process, the non-existent endpoint of an endless aggregation. It would be no wonder then if it should sometimes appear, as J.-P. Sartre remarked in another connection, that 'l'homme est une passion inutile' ('man is a futile passion'). It is not to be denied that intrinsic values matter. Human well-being counts among them. But

the true importance of such things is marked by the place they hold *already* in the whole mass of good reasons that count as good reasons in ordinary ethical and practical thinking.

9.21. In the end, I conclude, the issue about the question of the nature of rationality is not as disjoint as the consequentialists hoped it could be, or as Glaucon and Adeimantus assumed it could be, from the issue we have been concerned with all along, namely the merit or demerit of the divers reasons there are to adopt and to persist in—even where we offend against it over and over again—the moral outlook. Along with that question, however, comes another question: namely, whether that outlook is more reasonable than the outlook of sincere indifference to the canons of morality.

Strictly speaking, the reasonableness of each of the outlooks of moral concern and of moral indifference needs to be explored not merely in words but imaginatively and experientially. If the answer to Glaucon and Adeimantus requires an even-handed comparison between both kinds of lives, then philosophy has somewhat neglected one half of its duty. Even literature, being much taken or preoccupied with active wickedness and the fate of those who draw attention to themselves in this way, has focused too little on sincere indifference. These lectures prolong that dereliction, but they do so in the conviction that, however theoretically important such an even-handed comparison might be, there is something utterly unrealistic in the very idea of trying to contemplate, even in theory, some exactly balanced frame of mind to which the comparison could make unquestion-begging (prudential?) appeal. The lectures have been animated by a further conviction, however—that the most important thing for philosophy to do here is to allay the misconceptions that constantly obscure the reasonableness that inheres in an ordinary person's attachment to the first-order ethic by which they and other persons live at a given place and time. Let the philosophy of morality dissipate the preconceptions that render needlessly mysterious the inward significance or internal aim of the norms that everyday morality so unmysteriously proposes to us.

9.22. If, on the sum of good reasons approach, morality will count as at least as rational as this, then oughtn't something to be sayable about some sort of overall aim that morality does achieve?

We have opposed the claim that the aim or point of ordinary morality comes down to the sovereign will's discovery of maxims it can will universally; or comes down to the promotion of a single-minded generalized pursuit of happiness or desire satisfaction; or comes down to the (however double-minded) pursuit of intrinsic value; or comes down to the discovery of a device for mediating between conflicting interests (cp. Lecture 7). The conclusion we have already embraced is that ordinary morality is something that is not even describable or intelligible externally to the whole life of which it, morality, forms one central (albeit only fitfully or intermittently evident) constituent.³⁴ If that is right, though, and we shall return

34. It is some such insight that has prompted moral philosophers to propose yet another possibility, namely that the organizing focus of morality is *virtue itself*. Even here, however, there is something to be resisted. If Kantianism were right, then agents who deliberated well would have constant regard to the sovereign will; if utilitarianism were right, then agents who deliberated well would have regard to happiness or desire satisfaction; if ideal utilitarianism were right, then they would have regard to intrinsic value, etc. These implications are not counterintuitive or unintended. What then if virtue ethics were right? Agents who deliberated well would have regard to virtue. That sounds wrong, however, for it suggests a general preoccupation on the part of agents with virtue as such, a preoccupation that few 'virtue ethicists' can have intended. Contrast our preoccupation with the purposes proper to virtue—the purposes themselves, not their connection to virtue. Either then 'virtue ethics' is wrong or else (much more likely) it is not really coordinate with Kantianism, utilitarianism, intrinsicism, etc. Something virtue ethicists can truly say is that a person who deliberates well will have regard to anything or everything that the virtuous person would concern himself or herself with. There is a real point in saying that. Indeed it emphasizes in its own way something we have already insisted upon in another Aristotelian way. But it leaves the virtuous person *himself or herself* where s/he was with the question, 'What shall I have regard to here?', and it does not advance the question about the point or aim or morality; and here we are brought back to the idea that the point or aim of morality is not only internal to the life of which moral concerns are a constituent but almost equally inseparable also from the other constituents of that life. If this is right, it helps to explain the difficulties that we claimed to see in Kant's theory at 4.17.

It should be remarked that Humeanism too is not coordinate with Kantianism or utilitarianism or intrinsicism. But Humeanism, by furnishing an account of the nature of morals and morality on the basis of which we can understand better why morality

to the point in the first half of Lecture 11, then it would be wrong for us to expect that we could arrive at an assessment of the success of a first-order ethic of a given place and time by measuring its success in implementing some independently determinable 'aim' or 'object'. In the end, we determine the aim by understanding the spirit that animates the ethic, and we come to understand the spirit by means of the piecemeal elucidation of the ideas and preoccupations in the light of which one who is party to that ethic will be wont to feel, act, and live. There will always be those who despise the piecemeal. Maybe they will always revert to the scepticism that Glaucon and Adeimantus affect in their interrogation of Socrates. But in despising the piecemeal they cut themselves off from all sorts of truths that bear closely on the questions that they ask. By means of the piecemeal and the defeasible, taken in tandem with the aetiological, there can be displayed a slow, ever-evolving, but multiply constrained mutual adjustment between the content of morality and the moral motive and of motive. (Cp. 1.12.) In so far as the case for morality can be stated briefly, all that can be said is that, in a way already illustrated, it is the most enterprising and durable expression that a human being will find for the benevolent dispositions he or she can discover within himself or herself.

9.23. Even at the outset, it seemed unwise in the extreme to try to answer Glaucon's and Adeimantus' challenge just as it stood. Only slightly less quickly, it became clear how difficult it is, how essentially contestable it is, what this thing morality is—what its motive-determined content is and what its content-determined motive is. Closer now to the end, a third point begins to appear: that it is almost as essentially disputable what reason is and what reason requires of us as it is essentially disputable how we should live. To show how we should live must surely involve the demonstration or exhibition of convincing ideals, ideals of a life that human beings

has the content it has, plays a role that virtue ethics could not aspire to usurp or to fulfil in a better sort of way.

could find worth living and defending. But why did we ever suppose that there ought to be some *uncontentious* notion of reason—some morally neutral or logically-cum-metaphysically invincible notion of reason—which would eventually yield up to philosophy a theoretically incontrovertible ideal of the life worthy of a human being, either an answer to the question whether it is reasonable to cleave to morality or an answer to the distinct question whether it is unreasonable not to cleave morality? Not only does it seem essentially contestable what morality is. It is not even clear whether the notion of practical reason can furnish an *uncontentious sense* for Glaucon's and Adeimantus' questions. The sense of the answer and the sense of the question will tend to communicate contentiousness to one another. It seems sufficiently evident, though, that, along the way we have already traversed, a *good enough* sense has been assigned to the questions posed in Lecture 1. That sense is well enough matched to the substance of an answer that is, for many purposes and contexts, good enough to pause upon, better anyway (though longer and more discursive) than anything that is offered by clever scepticism or lazy cynicism.

Does that leave over the possibility of establishing a different sense and a different answer? Well, if so, then let these things be shown forth too—after due pause for rest and recreation.

II

Justice