

competitive struggle, with little room for virtues such as altruism and justice. It is very hard to recapture any robust sense of what nature intends for us, given the plasticities of environment and culture that we have already touched upon. Furthermore, we are used to the idea that a lot of modern living is 'unnatural' - but for that very reason better than anything nearer to nature. Few of us want to return to being hunter-gatherers. Books, concerts, and bicycles are unnatural, but components of many a good life. Conversely, there is nothing particularly virtuous about confining ourselves to 'natural' diets or 'natural' ways of locomotion, or shelter, or sexual behaviour.

We could expand our concept of the natural, arguing, for instance, that since nature has equipped us with a huge general-purpose intelligence, anything produced using that intelligence should count as natural and therefore healthy. Just as all languages are equally natural, so all expressions of the general-purpose

Ethics



9. Leunig, 'Gardens of the Human Condition'.

74

intelligence are. But this is not going to select out just some pleasures or some ways of living as especially healthy for human beings. Our intelligences can lead us to the destruction of ourselves and others just as quickly as they lead to health and flourishing. The gardens of the human condition contain some pretty depressing areas (as Leunig shows us, opposite). We will need to remember these cautions when we return to Aristotle as someone who potentially provides 'foundations' for ethics in section 17.

12. The greatest happiness of the greatest number

We met in the previous section the formula of the greatest happiness of the greatest number. Utilitarianism is the moral philosophy putting that at the centre of things. It concentrates upon general well-wishing or benevolence, or *solidarity* or identification with the pleasures and pains or welfare of people as a whole. This is the impartial measure of how well things are going in general. The good is identified with the greatest happiness of the greatest number, and the aim of action is to advance the good (this is known as the principle of utility). Utilitarianism is *consequentialist*, or in other words, forward-looking. It looks to the effects or consequences of actions in order to assess them. In this it contrasts with deontological ethics. For consequentialism, an action that might be thought wrong, or undutiful, or unjust, or a trespass against someone's rights, might apparently be whitewashed or justified by its consequences, if it can be shown to be conducive to the general good. Utilitarianism fits better with the 'gradualist' approach to ethical issues, illustrated above in the case of abortion. It deals with value - with things being good or bad, or better or worse - as the greatest happiness of the greatest number increases or diminishes.

Deontological notions of justice, rights, duties, fit into a moralistic climate, where things just *are* right and wrong, permissible or punishable. These are the words of law, as much as words of ethics. Utilitarianism by contrast gives us the language of social goods. A

Some ethical ideas

75

utilitarian, faced with the issue of abortion, would look at the social conditions leading people to want abortions in the first place. Asked about a law, a utilitarian would wonder what benefits and harms arise from the criminalizing of activities. The cast of mind is that of the engineer, not the judge.

John Stuart Mill thought he had some kind of proof of the principle of utility. He thought desiring a thing and finding it pleasant are one and the same. So each individual is concerned, always and solely, for things only insofar as they are pleasant to that individual. So it follows, somehow, that everyone in general is concerned for everyone's pleasure, or for the general happiness. This is another of those cases where the argument is so bad that the conclusion not only fails to follow, but actually seems to contradict the starting point. It is like arguing that since each person ties just his or her own shoelaces, everyone ties everyone's shoelaces. But alas, except in a world of one person, if each person ties just his or her own shoelaces, *nobody* ties everyone's shoelaces. Similarly, if we each desire what is pleasant to ourselves, then nobody desires what is pleasant to others, *unless* the pleasure of others is somehow an equal object of pleasure to each of us. This would be a world of indiscriminate universal sympathy: a nice world, but not quite the world we live in. People typically desire that they themselves get an enjoyment more than they desire that someone else gets it.

Ethics

Even without the dubious help of Mill's argument, we can still appreciate the aim of maximizing the general happiness. This aim is forward-looking, impartial, and egalitarian: everyone counts for one, and nobody for more than one. It is an aim we want people to have. This recognition is very old: benevolence or *jen* is the supreme virtue of Confucianism. And in public affairs it has a very respectable pedigree. It is an old legal maxim that 'Salus populi suprema lex' - the safety of the people is the supreme law. If safety includes freedom from a lot of evils, and if that freedom in turn makes up welfare or happiness, then we are close to utilitarianism.

Any decent ethic would want to cry up some virtue of benevolence, or altruism, or solidarity with the aim of increasing welfare and diminishing misery for everyone. The question is whether this is the only measure, so that everything else, and in particular the deontological notions we have already met, are subordinate to this goal. Just as a lot of crimes are committed in the name of liberty, so they can be committed in the name of the common happiness. Suppose just a little bit more happiness is obtained by trampling on someone's rights. Do we have to approve of that? Is justice itself subordinate to the general good? What if it creates more happiness to give a benefit to Amy, who does not deserve it, than to Bertha, who does?

It can sound repugnant to think that we should balance justice against consequences, even when the consequences are impartial and general, and measured in terms of the most sophisticated notion of happiness we can describe. Perhaps part of us wants to thrill to a rival slogan: 'Fiat justitia et ruant coeli' - let justice be done though the heavens fall.

We seem to have a stark opposition between two slogans: 'Fiat justitia . . . ' versus 'Salus populi . . . ' The great David Hume responded by splitting the difference. The answer suggested by Hume's own analysis has become known as 'indirect' utilitarianism. Rules, including rules of property, promise-keeping, and rules concerning rights in general, are justified by their impact on the general happiness. The law is justified by the safety of the people. But this does not mean that the rules or the laws must *themselves* be forward-looking, always contingent upon the benefits to be obtained on the occasion. The system is artificial. It has a utilitarian justification, but the application of the rules in particular cases does not.

For a parallel, consider the rules of a game. The game may be there for a purpose - say, to provide pleasure for the spectators and the players. But the rules of the game determine how it is conducted.

The rules are not to be bent on occasion, if the referee supposes that more pleasure will accrue to the spectators or players by the cheat. If people know that this is likely to happen, their whole attitude changes, and the game may become impossible. The inflexibility of the rules is one thing that makes the game possible. Similarly, says the indirect utilitarian, we can only gain the general happiness, and particularly components of it such as security, by implementing fairly inflexible rules. We give each other property rights, fixed laws that bring determinate and foreseeable justice, and we instil general dispositions to conduct that can be relied upon, whatever the circumstances.

Or perhaps we should say, almost whatever the circumstances. Hume pointed out that when things are bad enough, rights that would otherwise stand firm give way:

What governor of a town makes any scruples of burning the suburbs, when they facilitate the approaches of the enemy?

In a sufficient emergency, even quite basic civil liberties properly go to the wall. In an emergency, for instance, to get the spectators out of the threatened stadium, a referee might properly give a false call to terminate the game. But emergencies are rare, and it requires judgement to know when one is upon us. Emergencies permit exceptions, because the old stabilities and certainties can be reborn as soon as the emergency is over. A governor who burned the suburbs in wartime does not forfeit his general standing as protector of the laws, whereas one who appropriates a house during peacetime for his favourite nephew does. The one can still be trusted, whereas the other cannot.

For Hume, therefore, the edifice of justice and rights is a social creation. It is necessary, for human beings cannot manage without each other, and the structures are needed for cooperation with each other. These include at least the ability to give contracts, and the ability to hold property, and each of these needs is described in the

language of deontology – justice and rights. These are there purely to promote and protect the good of society. They are necessary, but, when things get too bad, they are subordinate to that same end.

Are we happy with that subordination? Indirect utilitarianism is a kind of compromise. It is consequentialist overall, but in the conduct of life, just as in the conduct of a game, rules and principles have the paramount authority that deontologists wish. Like many compromises, it gets suiped at from each side. Utilitarians of a more direct, down-to-earth stripe may worry about the rationale for following a rule in a case where even a little utility is gained by bending it. Isn't this just making a fetish of the rule: 'rule-worship'?

Most contemporary moral philosophers are much more admiring of justice and rights, and fear their contamination by anything so vulgar as an aim or purpose. Hence it has become fashionable in moral philosophy to jeer at utilitarianism. Some writers stress virtuous agents whose integrity does not allow them to compromise principles for utilitarian ends. Others stress the virtue of agents who do not look forward to what good may come of their actions, but look backward, and apply principles to the context of action. The literature is full of lurid cases in which the man (or woman) of principle stands fast, and admirably so. But indirect utilitarianism looks set to cope with these: *of course* we value the person of integrity who cannot compromise his or her principles for the sake of general utility. For this is far the best disposition to cultivate and to admire, even if, very, very rarely, the spectators perish in the stadium because of it.

Some people stress that utilitarianism 'does not take seriously the separateness of persons' – the idea being that it subordinates the rights of the individual to solidarity with the general welfare. It is too deaf, according to these critics, to the plaintive cry coming from a particular individual whose concerns have been sacrificed to the general good. This charge is particularly ironic given that utilitarianism started with the ambition of breaking down the

separateness of persons – the separateness that gives a person no concern for us as apart from me.

Other critics stress the way we might want to moralize happiness in the first place, substituting Aristotelian *eudaimonia* for anything more like Bentham's strings of sensation. And once happiness is itself moralized, the credentials of utilitarianism as an overall theory of ethics are compromised. It requires a moral vision, derived from somewhere else, to judge when things are going happily or not.

It is not difficult to hear the cries of a (largely male) mandarin class defending itself in a lot of this. An ethic of care and benevolence, which is essentially what utilitarianism is, gives less scope to a kind of moral philosophy modelled upon law, with its hidden and complex structures and formulae known only to the initiates. And utilitarianism, particularly in its indirect forms, has one enormous advantage. It at least explains how to judge whether particular rights, or rules, or even virtues of conduct, *get to be on the list* of rights, rules, or virtues. They are there because they serve the common good. Other philosophies, lacking such a sensible and down-to-earth answer, must either duck the question or struggle to find different answers. I introduce some such attempts in Part Three.

13. Freedom from the bad

Another approach to what matters in living well is to consider what has to be avoided. It is much easier, to begin with, to agree on this list. We don't want to suffer from domination by others, or powerlessness, lack of opportunity, lack of capability, ignorance. We don't want to suffer pain, disease, misery, failure, disdain, pity, dependency, disrespect, depression, and melancholy. Hell was always easier to draw than heaven.

The list is of most use to political philosophy. If we try to sketch

what is required of a social order, it is much easier to say what has to be avoided than what has to be achieved. A political order cannot do everything: it cannot guarantee a life free from depression or disease or disappointment. But it can give freedom from violence, discrimination, arbitrary arrest, inhuman or degrading punishment, unfair trials, and other evils. It can guarantee that you have the protection of the laws if you speak your mind (on some things) or peacefully demonstrate (sometimes). In this view, the moral or political order sets the scene. It can't help what people make of the scene. Whether people can go on to achieve the life of *eudaimonia* is up to them. It is not the job of a moral philosophy, and more than that of a constitution or a government, to make people happy, but only to set a stage within which they *can* be happy. The American Declaration of Independence talks of 'life, liberty and the pursuit of happiness', not the achievement of happiness.

Some ethical ideas

This conception of the role of the political order is characteristic of liberalism. It is often said that its eyes are fixed on 'negative liberty' – people are to be free *from* various evils. This is contrasted with a more goal-driven or idealistic politics in which the aim is to enable people to *do* various good things or to *become* or *be* something desirable – positive liberty. But this may not be the best way of putting things, since any full specification of a freedom is apt to indicate both what you are free from and what you are free to do. A freedom *from* arbitrary arrest, for instance, is a freedom *to do* everything except some circumscribed range of things counting as crimes, without being arrested. A freedom *to* assemble peacefully is a freedom *from* legal prohibition of peaceful assembly. A freedom *from* taxation is a freedom *to* spend everything you earn without giving any to the government.

Nevertheless the contrast reminds us of something distinctive of liberalism, and of more intrusive political systems that depart from it. The more intrusive systems, such as socialism, communism, or fascism, are driven by some thicker vision of what is good than