



LIBERTY, EQUALITY, FRATERNITY

# LIBERTY, EQUALITY, FRATERNITY

BY

JAMES FITZJAMES STEPHEN, Q.C.

ἠδὲ τι θαρσαλίαις  
τὸν μακρὸν τείνειν βίον ἔλπίσι, φαναῖς  
θυμὸν ἀλδαίνουσαν ἐν εὐφροσύναις. φρίσσω δὲ σε δερκομένα  
μυρίοις μόχθοις διακναϊόμενον.  
Ζῆνα γὰρ οὐ τρομέων  
ἐν ἰδίᾳ γνώμῃ σίβει  
θνατοῦς ἄγαν, Πρωμηθεῦ

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*SECOND EDITION*

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TO SIR JOHN STRACHEY, K.C.S.I.

&c. &c. &c.



MY DEAR STRACHEY,

I dedicate this book to you for three reasons: First, as an expression of strong personal regard, and of deep gratitude for great kindness, all the more valuable because it resembled that which I received from everyone with whom I had any relations in India.

Secondly, in recollection of the month, after the arrival at Calcutta of the news of Lord Mayo's murder, when you acted as Governor-General. The sorrow which we both felt for a man whom each of us had so many grounds, both public and private, to love and honour, and the anxiety and responsibility which we shared during a very trying time, formed

a tie between us which I am sure you feel as strongly as I do.

Thirdly, because you are one of the most distinguished of Indian civilians, and my Indian experience strongly confirmed the reflections which the book contains, and which had been taking shape gradually in my mind for many years. The commonplaces and the vein of sentiment at which it is levelled appeared peculiarly false and poor as I read the European newspapers of 1870-1 at the headquarters of the Government of India.

The book was planned in India, and partly written on my voyage home.

I am, my dear STRACHEY,

Your sincere friend and late colleague,

JAMES FITZJAMES STEPHEN.

24 CORNWALL GARDENS, SOUTH KENSINGTON :

*March 31, 1873.*

# PREFACE

TO

THE SECOND EDITION.

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As this work has been fortunate enough to be very generally criticised, I take the opportunity of a new edition to make some remarks on the most important of my critics, Mr. John Morley and Mr. Frederic Harrison. The unfortunate death of Mr. Mill makes it impossible to say whether he would have considered the book deserving of notice ; but an article in the 'Fortnightly Review' by Mr. Morley \* may be taken as being as near an approach as can now be had to a statement of what Mr. Mill would have said by way of reply to me on the subject of Liberty, if he had thought it worth while to say anything. I have, indeed, Mr. Morley's authority for saying that some of those best qualified to know Mr. Mill's mind, and to understand his principles, accept the article in question as a just and adequate statement of the case.

\* 'Mr. Mill's Doctrine of Liberty,' 'Fortnightly Review,' Aug. 1, 1873.

Mr. Harrison's criticism is valuable partly because it is his, and partly because the point of view from which it sets out is very different from that of Mr. Morley. The one represents the Radical, the other the positivist objections to my views.

Mr. Morley's article begins with a statement of Mr. Mill's doctrine connecting it with Milton's 'Areopagitica' and Locke's letters upon toleration. Upon this I have only to observe that I do not see much difference between Mr. Morley's account of Mr. Mill's doctrine and my own. He admits, indeed, that 'two disputable points in the above doctrine are likely to reveal themselves at once to the least critical eye.' The first is, that 'that doctrine would seem to check the free expression of disapproval.' He thinks, however, that this objection is satisfactorily answered by a passage in Mr. Mill's Essay, which is referred to by me at length at pp. 10-15. As Mr. Morley takes no notice of my arguments in this and other passages, it is unnecessary for me to add to them.

The 'second point' admitted by Mr. Morley, 'lies in the extreme vagueness of the terms protective and self-regarding' employed in Mr. Mill's main proposition that 'self-regarding' acts ought not to be interfered with, and that 'self-protection' is the sole end which will justify an interference with liberty of action. Upon this Mr.

Morley says, 'Can any opinion or any serious part of conduct be looked upon as truly and exclusively self-regarding? This central ingredient in the discussion seems insufficiently laboured in the *Essay on Liberty*.'

Mr. Morley argues (pp. 252-3) upon this subject to the following effect: He complains that I neither admit nor deny the distinction between self-regarding acts and acts which regard others; that I have failed 'to state in a definite and intelligible way my conception of the analysis of conduct on which the whole doctrine of Liberty rests;' and he suggests that I have done this because 'holding that self is the centre of all things, and that we have no motives which are not self-regarding,' I fear to say that no acts can be regarded as exclusively self-regarding, which, he adds, is the doctrine of Comte.

As to the distinction itself, he admits that 'even acts which appear purely self-regarding have indirect and negative consequences to the rest of the world.' But he says, 'You must set a limit to this "indirect and at a distance argument," as Locke called a similar plea; and the setting of this limit is the natural supplement to Mr. Mill's simple principle.' The classification he describes as 'a common sense classification,' and he says, we must continue to speak of self-regarding and not self-regarding acts, although they do not form two absolutely distinct classes, just as we speak of light, heat, and motion as distinct



notwithstanding the doctrine of the conservation of physical forces.

I should have thought that my own views upon this subject were expressed with sufficient distinctness and emphasis in every part of my chapter on Liberty in relation to Morals, and in particular at pages 128 and 137—147; but as I appear to have failed, I will re-state them, and in doing so I will explain more pointedly than I have done elsewhere my view of Mr. Mill's classification of actions.

First, then, I think that the attempt to distinguish between self-regarding acts and acts which regard others, is like an attempt to distinguish between acts which happen in time and acts which happen in space. Every act happens at some time and in some place, and in like manner every act that we do either does or may affect both ourselves and others. I think, therefore, that the distinction (which, by the way, is not at all a common one) is altogether fallacious and unfounded.

As to what Mr. Morley says about the 'indirect and at a distance argument,' I should admit the force of his remark if he could show that the sort of acts which he regards as specially self-regarding affected others only remotely, at a distance, and under strange and unusual circumstances. There are no doubt imperfections in language which would make it impossible ever to establish any distinctions

at all if they were insisted on too closely. What, however, are the great cases of 'self-regarding' acts to which Mr. Mill's doctrine of liberty mainly applies? They are the formation and publication of opinions upon matters connected with politics, morality, and religion, and the doing of acts which may, and do, and are intended to set an example upon those subjects. Now these are all acts which concern the world at large quite as much as the individual. Luther would never have justified either the publication of his theses at Wittenberg or his marriage on the ground that they were acts which concerned himself alone. Mr. Mill would hardly have written his *Essay on Liberty* in order to show that it would be wrong to interfere with your neighbour's hours or with his diet.

As to my 'conception of the analysis of conduct on which the whole doctrine of liberty depends,' I thought I had given it clearly enough in the passages referred to above; but I here repeat it as shortly and pointedly as I can.

There are some acts, opinions, thoughts, and feelings which for various reasons people call good, and others which for other reasons they call bad. They usually wish to promote and encourage the one and to prevent the other. In order to do this they must use promises and threats. I say that the expediency of doing this in any particular case must

depend on the circumstances of the case, upon the nature of the act prevented, and the nature of the means by which it can be prevented; and that the attempt to lay down general principles like Mr. Mill's fails for the reasons which I have assigned at length in different parts of my book. How I can put the matter more clearly than this I do not know. That people often are mistaken in their judgments as to moral good and evil, and as to truth and falsehood; that different people have conflicting ideals of happiness; that conflict is unavoidable; that most people are not half sceptical enough, and far too much inclined to meddle and persecute; and that the commonplaces about liberty and toleration have been useful, notwithstanding their falsehood, I have admitted over and over again. As to the notion that I have an interest in being obscure on this matter for fear of finding myself in contradiction to my own principle that self is every man's centre and that all motives are self-regarding, I can only say that such a criticism shows that my critic has not thought my views worth study. That self is every man's centre, and that every motive must affect and come home to the man who moves, are principles perfectly consistent with the belief that men are so connected together that it is scarcely ever possible to think of oneself except in relation to other people, and that the desire to give pleasure or pain to others

is one of the commonest and strongest of our motives. Love and friendship, hatred and spite, are mixed in various degrees with nearly all that we do, think, feel, and say.

This, I think, is the most important of Mr. Morley's criticisms, though he also states and re-states in various forms that I have misunderstood Mr. Mill. I have, it seems, 'failed to see that the very aim and object of Mr. Mill's Essay is to show on utilitarian principles that compulsion in a definite class of cases—the self-regarding parts of conduct, namely—and in societies of a certain degree of development, is always bad.'

That this was Mr. Mill's 'very aim and object,' I saw, I think, as distinctly as Mr. Morley himself. My book is meant to show that he did not attain his object, that the fundamental distinction (about self-regarding acts) upon which it rests is no distinction at all, and that the limitation about 'societies of a certain degree of development' is an admission inconsistent with the doctrine which it qualifies.

A few observations of Mr. Morley's deserve notice here, and I have referred to others in footnotes. He charges me with an 'omission to recognise that the positive quality of liberty is the essence of the doctrine which' I 'so hastily take upon' myself 'to disprove.' Mr. Mill, he says, 'held that liberty was more than a mere negation,

and that there is plenty of evidence in the various departments of the history of civilisation that freedom exerts a number of positively progressive influences.'

This and other passages appear to me to show that Mr. Morley has not done me the honour to read my book with any care. I do not understand what he means by liberty, and whether or not he agrees, or supposes that Mr. Mill would have agreed, with the account which I give of the meaning of the word at page 9 and elsewhere.

Yet this definition of liberty, which is in exact agreement with Mr. Mill's own views as expressed in his chapter on Liberty and Necessity, in the 2nd volume of his *Logic*,\* is the very foundation of my book. Liberty is a eulogistic word; substitute for it a neutral word—'leave,' for instance, or 'permission'—and it becomes obvious that nothing whatever can be predicated of it, unless you know who is permitted by whom to do what. I would ask Mr. Morley whether he attaches any absolute sense whatever to the word liberty, and if so, what it is? If he attaches to it only the relative sense of 'permission' or 'leave,' I ask how he can make any affirmation at all about it unless he specifies the sort of liberty to which he refers?

Of course, liberty may have positive effects. Give

\* Fifth edit. pp. 413-21. I may observe that at p. 536 of the same volume, Mr. Mill did me the honour to quote, with high approbation, two essays of mine on the 'Study of History,' published in 1861, in which this theory is developed at length.

all men leave to steal, and no doubt some men will steal, but this does not show that liberty itself is a definite thing, with properties of its own, like coal or water.

One of my critics,\* who has so far understood me as to perceive that I regard 'the free-will doctrine as not a doctrine at all, but simply an inconceivable confusion of ideas,' gives the following strange definition of freedom: 'An action is free if it proceeds from the deliberate and rational act of the mind itself.' So that if a man gives up his purse to a robber, he does it freely, provided only that the robber gives him time to consider deliberately the alternative—'Your money or your life.' The opinion attributed to me is that of Locke, who says that the question 'whether the will is free' is as unintelligible and 'as insignificant as to ask whether a man's virtue is square.' †

Mr. Morley makes only one other observation general enough to be noticed here. He says that Mr. Mill's *Essay on Liberty* is 'one of the most aristocratic books that ever was written,' and he quotes a variety of passages in which Mr. Mill expresses the utmost possible contempt for the opinions and understandings of the great majority of his fellow-creatures. He then proceeds thus: 'Mark

\* 'The Spectator,' June 14, 1873. Of this critic I will only say that he and I write different languages so far as the fundamental terms employed are concerned.

† *Essay*, Book II. ch. xxi. s. 14.

the use which Mr. Mill makes of his proposition that ninety-nine men are incapable of judging a matter not self-evident, and only one man capable. For this reason, he argues, leave the utmost possible freedom of thought, expression, and discussion to the whole hundred, because on no other terms can you be quite sure that the hundredth, the one judgment you want, will be forthcoming, or will have a chance of making himself effectively heard over the incapable judgments.'

'Mr. Stephen says otherwise. He declares it to be an idle dream "to say that one man in a thousand really exercises much individual choice as to his religious or moral principles. I doubt whether it is not an exaggeration to say that one man in a million is capable of making any very material addition to what is already known or plausibly conjectured on these matters."'

'*Argal*' (it is odd that Mr. Morley should see any point in *argal*) 'beware of accepting any nonsensical principle of liberty which will leave this millionth man the best possible opening for making his material addition; by the whole spirit of your legislation, public opinion, and social sentiment habitually discourage, freeze, browbeat all that eccentricity which would be sure to strike all the rest of the million in the one man and his material addition. If Mr. Stephen's book does not mean this, it means nothing,

and his contention with Mr. Mill's doctrine of liberty is only a joust of very cumbrous logomachy.'

The last sentence betrays a suspicion on Mr. Morley's part that my book does not mean what he says it means. But let that pass. The real difference between Mr. Mill's doctrine and mine is this. We agree that the minority are wise and the majority foolish, but Mr. Mill denies that the wise minority are ever justified in coercing the foolish majority for their own good, whereas I affirm that under circumstances they may be justified in doing so. Mr. Morley says that Mr. Mill's principle would protect the minority from being coerced by the majority, whereas my principle would expose them to such coercion. My answer is that in my opinion the wise minority are the rightful masters of the foolish majority, and that it is mean and cowardly in them to deny the right to coerce altogether for fear of its being misapplied as against themselves. The horse is stronger than the rider in one sense, but a man who maintained that horses and men ought to be entirely independent of each other for fear of the horses riding the men would be a very poor creature. In many respects one wise man is stronger than a million fools. The one man in a million who possesses extraordinary intellect, force of character, and force of sympathy is more likely to coerce the rest than they are to coerce



him, and I affirm his right in certain cases to do so. Mr. Mill is so timid about the coercion of the one man (who has no business to permit himself to be coerced) by the many, that he lays down a principle which confines the one man to a way of acting on his fellow creatures which is notoriously inoperative with the vast majority of them.

Mr. Frederic Harrison's criticisms turn upon points of even greater general interest than Mr. Morley's, and are specially valuable to me because they show me to some extent what parts of my book men of his way of thinking feel a difficulty in understanding. They are contained in another article which appeared in the 'Fortnightly Review,' called 'the Religion of Inhumanity.'\* It is in all respects a characteristic production. I have pointed out in foot-notes some of the strange misrepresentations which it contains. In this place I shall notice only two or three of its leading points.

Mr. Harrison represents me as the author of a new and horrible form of religion which he calls 'the Religion of Inhumanity,' or 'Stephenism.' The centre of this creed would appear to be a belief in hell. He says that I am 'preaching of hell from' my 'new edition of "Bentham";' that I draw 'a fearful picture of the soul which has lost its trust in hell;' that I appear to think 'that, so long as we

\* 'Fortnightly Review,' June 1873, pp. 677-690.

have a hell, any hell will suffice ;' that I seem to say, 'spare us the last hope of eternal damnation, and you may take Bible, Gospel, Creeds, and Articles ;' and much more of the same sort. To all this I reply that there is not a word in my book which implies or suggests that I believe in hell—that is, in any place or state of infinite torture reserved for the wicked after death. In fact I do not hold that doctrine, for I see no sufficient evidence of it. Mr. Harrison indeed admits this in a paragraph which appears to me to stultify all the expressions which I have quoted. After saying that I insist that 'a future state' 'is the sole sanction of morality'—a statement which is entirely opposed to the fact\*—he proceeds : 'Mr. Stephen appears to think that, so long as you have a hell, any hell will suffice. But surely this is the whole point. The Christian may very well say, "we have a heaven and hell revealed, certain, and part of a system of theology. . . . But your hell," he will say to Mr. Stephen, "is a vague possibility of which you tell me nothing. To you it is a probable state which as a moralist and politician you wish men to believe in, but about which you can tell them nothing." To which we [i.e. Mr. Harrison, as

\* To take one passage out of many, I say, at p. 366, 'The existence of a sense of duty . . . is one of the chief sanctions, in all common cases it is the chief sanction of morality.' And at pp. 366-367 and elsewhere, I enumerate four leading sanctions of morality.

distinguished from 'the Christian,'] adds, 'If there be any hell, what do you know of it? how do you know anything about it? You do not seem to believe in the harp and tabor idea of heaven, or in the gridiron theory of hell. What are the hopes and fears you appeal to? Is your heaven and hell a transcendental state of feeling, or is it intense human pleasure and acute human pain, and, if so, pleasure of what sort, and pain of what sort? For on your answer to that question the influence it will exert over different characters entirely depends.'

After much illustration to which I do not at present refer, he says, 'There is a curious sophism running through Mr. Stephen's book, as if a future life were identical with moral reward and punishment. The two ideas are perfectly distinct, and require totally different proofs.' He adds that 'to console the wretched, religion must show how suffering will be redressed in a distinct way. To control passion, religion must show how passion will be punished with specific penalties. Otherwise a future life is a doctrine which may almost stimulate the self-will of the self-regarding. The giants of self-help will feel that brains and nerve have carried them well through this world, and they trust they may be accepted in the next.'

Though I do not make these quotations with the view of detaining my readers with anything so petty

as a personal dispute between Mr. Harrison and myself, I cannot refrain from pointing out that if my book shows that I do not believe 'in the gridiron theory of hell,' it is unjust to heap abuse upon me which is pointless unless it means to say that I do believe in it. But those who have followed Mr. Harrison's career, as I have, with interest and personal regard, will be rather amused at the superheated steam which he is continually blowing off, than scalded by it. My object in quoting these passages is to give some explanations which they show to be necessary. If a man of Mr. Harrison's ability is so completely mistaken as these passages show him to be on the scope of my book and the doctrines which it contains, I must have failed in making my meaning plain.

In the first place it is altogether unjust to describe me as the would-be author of a new religion. My book contains no religion whatever. It is not in any sense of the word a sermon or a set of sermons. It expresses no opinion of my own upon religious questions, except a conditional one, that is to say, that the character of our morality depends and must depend upon the conceptions which we may form as to the world in which we live; that upon the supposition of the existence of a God and a future state, one course of conduct will be prudent in the widest sense of the word, and that if there is

no God and no future state, a different course of conduct will be prudent in the widest sense of the word. I am not trying to make men believe in a God and a future state. I have nowhere said that I, 'as a moralist and politician, wish men to believe' in these doctrines. I have made no attempt to put forward matter which will either 'console the wretched' or 'control passion.' There is a previous question, Whether in fact there is any consolation for wretchedness? and any and what reason for controlling passion? and this I say depends upon questions of fact as to a future state and the existence of God. At present I go no further. My present object is to contrbvert the opinion which is so commonly and so energetically preached in these days, that morality is or can be independent of our opinions upon these points, and to show both that the prudence of virtue (as commonly understood) depends upon the question whether there is a future state or not, and that the question what is the nature of virtue, understood as the course of conduct which becomes a man, also depends upon it.

Probably this is an unfamiliar doctrine. At all events I am led to suppose that it is so by the degree in which I have been misunderstood. To some extent the misunderstanding may be due to the form of my work, which, being mainly controversial and negative, affords comparatively little

opportunity for the direct expression of my own views. In order to give full expression to those views it would be necessary to write upon human nature, and the influences which restrain and direct it, namely, morals, law, and religion. I am not in a position, as regards time or otherwise, to undertake so great a task, and I have therefore been obliged to content myself with the humbler one of attempting to expose popular fallacies about Liberty, Equality, and Fraternity, glancing incidentally at the positive side of the question as I go on. I am fully sensible of the consequences of this. It gives the book an incomplete and negative aspect, and lays me open to the charge of undue reticence upon subjects at which I hint without discussing them fully. These no doubt are great defects, but they could be avoided only by the opposite and far more important defect of the publication of opinions for the due statement and defence of which I am not as yet prepared, and upon subjects on which in many cases my judgment is suspended. The defect, therefore, must be endured, but I will make a few remarks which will show at all events that Mr. Harrison's estimate of my meaning is quite mistaken.

As I have already said, the common doctrines about heaven and hell do not appear to me to be supported by adequate evidence. But the opinion that this present life is not our whole life, and that

our personal consciousness in some shape survives death, appears to me highly probable. As to the further question, What sort of thing will this future state be if there is one? I can only answer, like everyone else, by a confession of ignorance. I think, however, that though we have no knowledge on the subject, we have some grounds for rational conjecture. If there is a future state, it is natural to suppose that that which survives death will be that which is most permanent in life, and which is least affected by the changes of life. That is to say, mind, self-consciousness, conscience or our opinion of ourselves, and generally those powers and feelings which, as far as we can judge, are independent of the constantly flowing stream of matter which makes up our bodies. I know not why a man should fear that he will endure bodily sufferings, or hope that he will enjoy bodily pleasures, when his body has been dispersed to the elements, but so long as a man can be said to be himself in any intelligible sense of the word, he must more or less remember and pass judgment on his past existence, and the only standard which we can imagine as being used for that purpose is the one with which we are acquainted.

The next question is, What habits of mind, what feelings and powers would a rational man cultivate here, having regard to the probability

or possibility that this world is not all, but part of something larger? He would cultivate those feelings and powers which are most advantageous to him upon the supposition that he is a permanent being, and that the part of his nature which remains comparatively unaffected by the different accidents of life is the part which will remain after death.

On the other hand, I see no reason why he should suppose that any future state is generically unlike this present world, in the matter of the distribution of happiness and in the rewards and punishments of virtue and vice. Why the author of this present world, assuming it to have an intelligent author, should be supposed to give a prominence to moral good and evil in any other world which he has not given to them here, I cannot see. Important as morality is in this world, it is very far from being all-important. Many of the joys and sorrows of life are independent of moral good and evil. For instance, there are few greater pleasures than the pleasure of exercising the powers of the mind and gratifying the wider forms of curiosity. 'The eye is not filled with seeing nor the ear with hearing,' but such conduct cannot be described as either virtuous or vicious except by an abuse of terms.

Hence the supposition that this life is not all, but only a part of something wider, is important, not exclusively, perhaps not even principally, because it



tends to heighten the importance of moral distinctions, or because the hypothesis, if admitted, solves the moral difficulties which many persons find in what they call (I think incorrectly) the wrongs and injustices of this present world (which, for what I know, may be repeated elsewhere), but because it supplies a reason for attaching more importance than we should attach, if this life were all, to those elements of our nature which, though permanent and deep-seated, are often weak in comparison with others of a more transient kind. If a lad were perfectly certain that he would die at twenty, he would arrange his life accordingly, and would not enter upon pursuits which could be of no value to him till a later period of life. If, on the other hand, the average length of life were 1000 years, the importance of a good character, and of the acquisition of industrious habits and intellectual tastes would be enormously increased. The chances of detection in fraud or falsehood would be multiplied. The loss of life at an early age would be a far greater evil than it now is. Our whole sphere of action and of interest would be immensely widened. But notwithstanding all this the relative importance of morality and other things, and the distribution amongst mankind of the means of happiness would not be affected in principle, though they would be greatly varied in detail.

The complete renunciation of the idea of a future

state appears to me to be exactly like the certainty of death at twenty. The admission of its probability in whatever degree is like the extension of our present term. How anyone can say that the doctrine is irrelevant to human conduct is to me inconceivable. I have sometimes thought that the amiable and able men who have brought themselves to believe that they do think so, are in truth only trying to console mankind under an irreparable loss by trying to persuade them that their loss is of no importance.

It is not unnatural to ask what is the value of the probability to which you attach so much importance? I cannot affect to assign its arithmetical value, but I may remark in general terms that it appears to me common in these days to underrate the importance of probabilities, and of that imperfect knowledge which gives occasion for rational conjecture. A crack through which a glimpse of sunlight enters a room lighted by a single candle is not a large thing, but it might suggest a new world to a prisoner whose experience was bounded by those four walls. Nor would its real significance be diminished, though it might attract less attention, if the room were illuminated by a lime-light instead of a single candle. Open a very small chance of life to a man who regarded himself as doomed to death absolutely, and you substitute passionate feverish energy for the stupor of despair. In the same way, as long as men can entertain a rational hope of

their own permanence, the colour, the character, and, above all, the importance of their lives will differ radically from what they would be in the absence of such a hope.

The hope in question appears to me to rest principally on everyone's experience of his own individual permanence under all manner of conditions of time, place, age, health, and the like; and if this is treated as a small matter, I would ask whether the motion of a needle over a card, the adhesion of a bit of paper to amber, a twitch in the leg of a dead frog did not afford the first indications of the greatest of physical forces. It seems to me improbable to the very last degree that the one fact of which everyone is directly conscious, and which determines and is assumed in every item of human conduct, should be unmeaning, should point to nothing at all, and suggest nothing beyond itself.

Be this as it may, whenever men of science succeed in convincing us that we exist only in the present moment as it passes, that our present consciousness, whether directed backwards or forwards, is the whole of us, and that it ceases absolutely at death, when the forces of which, as M. Rénan says, it is the resultant cease to act upon each other, there will be an end of what is commonly called religion, and it will be necessary to reconstruct morals from end to end. I do not at all say that in such an event

reasonable people (at least in middle age) would burst into desperate sensuality or other violent forms of vice, but I think that there would be no rational justification for the type of character which attaches more importance to what is distant than to what is present or near. Whether even upon the hypothesis of a future state the devoted, self-denying, self-sacrificing character is entitled to more admiration than a self-regarding moralist who takes account of a future life in his calculations, I need not now inquire, but if there is no future state at all the man who pursues enjoyments in the present or in the near future appears to me more reasonable than either. At all events, I do not see how a man, so acting, can be shown to do wrong.

The article which suggested these remarks ends with an attempt on the part of Mr. Harrison to meet this conclusion. He is of opinion that 'a rallying point of human life may be ultimately found in the collective power of the human race; that a practical religion may be founded on grateful acceptance of that collective power and conscious co-operation with it.' He continues: 'The history of institutions, of ideas, of morality is continually deepening our sense of a vast collective development in the energies of man, ever more distinctly knitting up in one the spirit of races, and forming that dominant influence which ultimately shapes the

life of societies and of men.' This, he says, is called by theologians 'the mind of God working out his purpose in the history of man;' the philosopher calls it 'the evolution of intelligence bringing contradictions to a law of higher unity;' the historian calls it 'the development of ages and the law of civilization;' the politician calls it 'human progress.' For my part I call it a bag of words which means anything, everything, or nothing, just as you choose. Mr. Harrison, however, thinks otherwise. Humanity, he says, 'has organic being, and beams with human life.' It is 'the stream of human tendency in which the good alone is incorporated, but in which is incorporated every thought or feeling or deed which has added to the sum of human good.' . . . (I have to abridge a good deal, for Mr. Harrison's style is rather diffuse.) 'This is no hypothesis, no theory, no probability. There it stands, its work and its influence as capable of solid demonstration as the English nation or any other organic whole which is not within the range of the eye.' On the other hand, 'It contains not all that ever were, for countless lives of men have but added to its diseases or its excrescences. It contains not all that are, for thousands have organic life in no other sense than as secretions and parasites.' Language like this appears to me like that of a woman who, having lost her real child, dresses up a doll, and

declares that it does a great deal better, as there is no fear of its dying. Humanity, as an abstract term for the whole human race, past, present, and future, no doubt is as intelligible as other abstract terms, though, like all very wide abstractions, it has scarcely any meaning, but the humanity which excludes whatever the person using the expression regards as diseases, excrescences, parasites, and secretions, which takes up only what he regards as good, and rejects what he regards as bad, is, as I have said, simply I writ large. It is to each of its worshippers a glorified representation of himself and his own ideas. To take Mr. Harrison's own illustration, the English nation is a definite expression. It means the inhabitants of a definite portion of territory, with their various institutions and the acts done in their corporate capacity ; but as soon as this intelligible idea is abandoned, as soon as we are told that there is an abstract transcendental England which represents and incorporates whatever is good in the actual England, that not every one born in England is a true Englishman, and that 'countless lives' of so-called Englishmen have only added to the diseases and excrescences of the nation, the phrase 'the English nation' ceases to have any definite meaning at all.

Mr. Harrison insists at considerable length on the beauties of a religion of which this impalpable cloud is the God. It shows us, he says, 'the im-

mortal nature of all true life. It shows how the man, the soul, the sum of the moral powers, live eternally, and are most really and actively continuing their task in the mighty life in which they are incorporated but not absorbed.' He observes incidentally, as if it were a matter of no great importance, 'It may be that it will not be a life of sensation or of consciousness, but it is not the less truly life for all that, since all that makes the soul great will work continually and in ever new and grander ways.' At last, after a tribute to the memory of Mr. Mill, which is an expansion of the statement that he rests from his labours and his works follow him—that is, that his influence still survives—he concludes with these remarkable words, 'We, of all others, have a right to say, "O Death, where is thy sting? O Grave, where is thy victory?"'

It would be harsh to ridicule any considerations, however empty they may appear, which really have power to console a man in the presence of the death of a friend, but I cannot understand how the fact that a man's books can be read, and that his opinions will continue to exercise an influence after he is dead, can console for his death any one who really cares about him. If the books of the deceased were not read when he was alive, if his death in any way increased his influence, there might be some consolation in the substitution of the greater posthumous influence for the lesser living

influence. The real sting of death, and victory of the grave, lies in the fact that this is not so; that if when a man dies there is an end of him, something is gone which can never be replaced. The records of his thoughts, and the effect of his acts may remain, but if he had gone on living, they would have not only been just as good, but he might have improved them. Whereas by his death they in a sense die also; they become incapable of further alteration. Besides, a man, if he is fit to be called a man, is other and more than his thoughts, words, or deeds. To tell a widow who had lost her husband that death had lost its sting because she could go and read his old letters, or his books (if he was an author), would be a cruel mockery. I do not think Mr. Harrison is capable of writing anything cruel, but his funeral oration is essentially a mockery. It could console no one who wished to be consoled. The death of a friend admits of no consolation at all. Its sting to the survivors lies in the hopeless separation which it produces, and in the destruction of a world of common interests, feelings, and recollections which nothing can replace. The amount of suffering which it inflicts depends on the temperament of the survivors, but it impoverishes them more or less for the rest of their lives, like the loss of a limb or a sense. The lapse of time no doubt accustoms and reconciles us to everything, but I do not believe



anything can blunt the sting of death or qualify the victory of the grave, except a belief of some sort as to a future state ; and that, for obvious reasons, does little enough. The common views upon the subject are anything but consolatory, and the more rational views are of necessity vague. Their importance lies not in creating definite posthumous fears, or in applying definite hopes or consolations to definite suffering, but in the fact that they give to life, and especially to that which is most permanent in life, a degree of dignity which could hardly attach to anything so transient and uncertain as the time which we pass upon this earth, if it is viewed as the whole of our existence.

As to Mr. Harrison's language about the soul working continually in new and grander ways, after it has ceased to have conscious existence at all, it appears to me as empty and unsatisfying as undertaker's plumes. It would be just as much to the purpose to say that our bodies do not really die because the matter which composed them is here, there, and everywhere, forming part of the water of the clouds, part of the grass of the earth, part of the cattle which feed upon it, and part of men perhaps better and wiser than ourselves who feed on the cattle. Play with these fancies as you will, death is death, and if nothing lies beyond it, it is nearly related to despair, for it is the end of all rational

hopes and wishes. Wherever individual consciousness ends, existence ends. A man either is himself, or he does not exist at all.

There is one other point in Mr. Harrison's article which calls for notice. He totally misapprehends the object of my chapter on the distinction between the temporal and the spiritual power, and he naturally misrepresents what I have said on the subject. As to his misrepresentations, I have dealt with them as far as I thought it necessary in footnotes to the passages misrepresented, and I will only say here that they may be summed up in a few words. Mr. Harrison supposes me to teach 'the paradox' of 'the essential identity of material and moral power,' in order to establish the conclusion that the 'State ought to be the Church,' that 'it is not to be a Pope-king, but only a King-pope.' If Mr. Harrison had read the chapter in question with any care, he would have seen that I said nothing of the sort.

I admit as fully as any one can the difference between temporal and spiritual power. The one I say is the power which rests upon temporal sanctions, and the other the power which rests upon spiritual sanctions, and I think that when for this expression, Mr. Harrison substitutes the word 'hell,' he does me great injustice. I mean by spiritual sanctions all the hopes and fears, all the feelings of

various kinds which may be excited by the prospect of a future state.

What I deny is the right of positivists, who do not believe in spiritual sanctions at all, and who do not accept the distinction between spirit and matter, to make use of the word spiritual, and I say that their theory becomes nonsense without it.

Again I do not deny, but assert, the distinction between persuasion and force.

What I deny is that this distinction corresponds to the distinction between temporal and spiritual power. I observe indeed, in passing, that persuasion and force run into each other, as do many other dissimilar things, but the whole of my argument shows that I recognise the distinction, as, indeed, Mr. Harrison himself proves from other parts of my book, thinking to catch me in a contradiction. This, however, is unnecessary to my argument, and the passage which Mr. Harrison refers to as if it conveyed the substance of the whole chapter might have been struck out of the book without interfering with its principal positions. The whole chapter forms a carefully constructed argument, and it is difficult to answer it without an equally careful consideration of it as a whole.

I do not, however, care to insist upon these matters. It is more important to remark that Mr. Harrison has entirely failed to understand not

merely the argument itself, but the object for which the argument was composed, and its place in the general discussion. He supposes me to wish to substitute 'a King-pope for a Pope-king,' and to teach that 'the State ought to take in hand the moral and religious guidance of the public.' I have not the slightest wish for either of these things. I have as little belief in the infallibility of Parliament as Mr. Harrison himself, and I should have thought that few men were less open to the charge of a blind admiration for the Statute Book. The object of the chapter in question, and indeed one main object of the whole book, is to show that every attempt to lay down theoretical limits to the power of governments must necessarily fail, and that the method of specific experience is in politics the only one from which much good can be got. Thus I have tried to show that Mr. Mill's principle about Liberty is mere rhetoric dressed out to look like logic, and that the principle which warns off the State from a whole department of life on the ground that it is 'spiritual' while the State is 'temporal,' is a juggle of words. I do not mean for a moment to say that Parliament ought to lay down a religious creed and enforce its acceptance by penalties. I should as soon think of recommending it to determine controversies about mathematics. What I do say is that the government of a great

nation can never be carried on satisfactorily without reference more or less direct and frequent to moral and religious considerations, and that when such considerations come before parliaments or other civil rulers, they ought not to refuse to entertain them on the ground that they are, of a spiritual nature, just as they ought not in case of need to shrink from taking a side in mathematical or scientific controversies. I should not wish to see Parliament enter upon the discussion of the Athanasian Creed, any more than I should wish to see them enter upon the discussion of the controversy between the rival theories as to the character of light, but it seems to me as absurd to blame the legislation of Henry VIII. or that of the present Emperor of Germany on the ground that it trespasses on the spiritual province, as it would be to blame the authors of the Act for changing the style in 1752 on the ground that they trespassed on the province of mathematics. In short, what I have at heart is not the establishment by authority of an official creed, but the general recognition of the principle that men cannot be governed either by priests or by parliaments without reference to the most important part of human nature.

Suppose, for instance, that so simple a question as this is to be determined, Shall the law proceed on the principle of *caveat emptor*, or shall it compel the

vendor to disclose to the purchaser defects in the thing to be sold? This question forms a branch of the law of contracts, and must obviously be decided by law. It is no less obvious that it has a distinct relation to morals, and that the solution of it one way or the other will produce an appreciable effect on the morals of the nation. Here then is a case in which the governing power must act with reference to morals.

I might heap up such illustrations indefinitely, but I will mention only two glaring ones—War and Capital punishment. I know not what morality is worth if it does not take notice of acts of such significance as the deliberate putting of a man to death, or a war which may devastate a nation, and change the whole course of its thoughts and the character of its institutions. It appears to me that those who have to decide upon such questions cannot hope to decide them rightly if they regard themselves as being excluded by their position from the consideration of the great principles of morals and religion, which, whether they are called spiritual or not, lie at the very root of human life. Mr. Harrison, if I understand him rightly, means (as he says Comte means) by the word spiritual, 'all that concerns the intellectual, moral, and religious life of man, as distinct from the material.' Passing over Mr. Harrison's account of the distinction between

the moral and material nature of man, I observe that the whole object and point of the chapter which he attacks is to show that every important part of human life, and in particular everything which deserves the name of law and government, is intimately connected with the 'intellectual, moral, and religious life of man,' and can no more be carried on without constant and habitual reference thereto, than the muscles or bones can move if their connection with the brain is cut off, or if the brain itself loses that mysterious power, whatever it is, which the nerves transmit. I say in short that all the problems of government, law, and morals revolve round the questions which lie at the root of religion—What? Whence? Whither? The lay legislator, the lawyer who is not a mere tradesman, need a creed as much as the priest. Each wishes more or less to regulate, or at all events to affect artificially, every branch of human life. Each has his own means of action and his own objects. Much is to be said as to the truth of the different theories which different priests and different laymen adopt upon these points, and as to the efficiency of the means of which they dispose; but the value and the force of their respective schemes will be found to depend ultimately upon the degree of truth or probability which they contain. Their success in carrying them out will depend on the degree in which they understand the nature of

the instruments of which they dispose. But it is idle to try to parcel out human life into provinces over some of which the priest, and over others of which the legislator is to preside. Both laws and sermons affect the whole of life, though in different ways.

I will try to explain this principle a little more fully, as it appears to me to be of the last importance and to be continually overlooked. The great instrument by which parliaments, kings, magistrates of every sort rule, is law. Law, as I have shown in various parts of my book, affects all human conduct directly or indirectly, and is itself connected with and affected by all the principles which lie deepest in human nature, and which would usually be called spiritual. Though in this sense law applies to things spiritual just as much as theology, its application must of necessity be limited by considerations which arise out of its nature as law. It can only forbid or command acts capable of accurate definition and specific proof, and so on. (See p. 159.)

The great instrument by which priests rule is an appeal not merely to heaven and hell, personal hope and fear, but to a variety of hopes and fears, sympathies and antipathies, which depend upon and refer to an unseen and future world. These hopes and fears, sympathies and antipathies, affect people's conduct in reference to this present life



as directly as law affects them, and in this sense religion is as temporal as law. It differs from law in the circumstance that the foundations on which it ultimately rests are the sentiments of those to whom it is addressed. Those sentiments are determined by causes which lie outside both religion and law. They vary in force from person to person, place to place, and generation to generation. The instrument used by the priest differs from the instrument used by the legislator, in being on the one hand more delicate and more powerful where it acts at all, but on the other hand less definite in all cases and less general in its application. Law and religion might be compared not quite fancifully to surgery and medicine. Surgical and medical treatment each affect the same subject, namely the whole human body, and every part of it. Surgery, when required at all, may, under circumstances, be required by any one—the strongest and most healthy, as well as the most delicate, and when applied it produces in every case closely analogous effects. A man who loses a hand loses it equally and sustains the same sort of loss whether he is old or young, strong or weak, healthy or sickly. Medical treatment on the other hand presupposes a certain state of body, and produces effects which, if in some instances more radical than those of surgery, are far less definite, and are varied in every case by individual peculiarities of

constitution. Men who try to divide human life into a temporal and spiritual province, appear to me to commit the mistake of a man who should say that medical treatment had no effect on the muscles and that surgery had nothing to do with the nerves. Mr. Harrison's criticism on me is about as intelligent as if he had charged me with wishing to do away with the distinction between physicians and surgeons because I had pointed out the fact that the whole of the human body is the province of each, or as if from my having (suppose) a low opinion of medicine he had drawn the inference that I thought that surgical operations ought to be performed on every one who caught cold or was threatened with consumption.

To point the matter still more, let us assume, for the sake of argument, that the doctrine which he twits me with so lavishly, and I must add, so coarsely—the doctrine of eternal damnation—were indisputably proved to be true, and were heartily accepted as such by all mankind. Surely it would have a most direct and powerful influence both upon law and upon religion. To take one instance out of a million, it would have a direct and important bearing on the question of capital punishment in the province of law, and it would obviously determine the whole character of religious teaching.

Suppose, on the other hand, it were to be established beyond all doubt whatever, that there is no

life at all beyond the grave, and that this doctrine was accepted by the whole human race with absolute confidence. This would have an equally powerful and direct influence both on law and morals. The value which is set upon human life, especially upon the lives of the sick, the wretched, and superfluous children would at once appear to be exaggerated. Lawyers would have occasion to reconsider the law of murder, and especially the law of infanticide; priests would have to pass over in a body to some such creed as Mr. Harrison's, or to give up their profession altogether.

I will shortly notice in conclusion the efforts made by Mr. Harrison to explain and to show the importance of the distinction between the temporal and spiritual provinces of life. He says— ' Human nature consists of actions, thoughts, and feelings; and life has also its material, intellectual, and moral sides. When societies form, they throw up various forces which aim at giving some discipline to these material, intellectual, and moral energies of man. The force which tries to give order to the material life of man is necessarily a physical force, because the energies it undertakes to combine are at bottom muscular, and in the last resort muscle must be overcome by a superiority of combined muscles, and any combined direction of muscles involves this inferiority. This is the essential element in what we

call the State, and as it is the condition of any other government, it is the first to appear. In half-civilised communities the State uses this muscular superiority to order not only the material concerns of the community, but the intellectual and moral concerns.'

He then proceeds to show that the 'ultimate appeal to muscular power' can be made only in a rather narrow class of cases. Law proper can only prohibit.

He then adds: 'The non-material energies of mankind are organised and stimulated in a very different way. Muscular force will not control them, whether it be thought or feeling, emotion or art. The powers which order feelings and thoughts may justly resort to positive appeals. They must erect ideal standards, lay down grand principles, and show uncompromising consistency.' . . . 'Such men make the religious teachers, the moralists, the philosophers.' He adds a little further on: '*Of course society is made up of these elements together, and almost every act of life is a combination of them.* But the organs or centres of expression of these respective kinds of power are distinct, just as head and heart are distinct, though both of the body. And these organs of social authority, like the organs of the body, will act in different ways and under different conditions;' and he goes on to show the evils which follow when law-givers and philosophers encroach on each other's

provinces, and employ law or preaching for purposes for which they are not adapted.

Mr. Harrison's views as to the State representing 'muscular power' appear to me very strange. I should have thought in the first place that the muscles had no power at all except through their connection with the nerves and the brain, which are also the organs of thought and feeling in so far as thought and feeling can be referred to the physical organisation, and it would be strange to learn from Mr. Harrison that they cannot. In the next place I should also have thought that the roughest and most exclusively muscular hero could no more dispense with thought or morals of some sort than an English Prime Minister. There is surely no lack either of intellect or of morality in the warriors of the Iliad, though neither their intellect nor their moral qualities are employed upon the same objects or regulated by the same principles as ours. From the first day when a savage perseveringly chipped a flint axe-head into shape, intellect, feeling, and action have gone hand in hand. We cannot even imagine the one without the other. Putting this aside, however, it will perhaps surprise Mr. Harrison to learn that I not only agree in the greater part of what he has said, but have actually said the same thing myself in the chapter which he supposes himself to have refuted. The passages quoted amount

to saying that by spiritual and temporal Mr. Harrison means theory and practice, and that, in his opinion, the proper functions of practical men and philosophers differ, and cannot be confounded without mischievous results.' I have said the same thing with some qualifications at p. 127, and have pointed out that if this is what positivists mean by what they say about the temporal and spiritual powers, they throw a very well-worn commonplace into most inappropriate language, and as it would appear for an indirect purpose. Mr. Harrison appears either not to have read this passage or to have forgotten it.

I have only one other remark of his to notice. It is as follows :—

'In these days, when the tide sets so fiercely against State religion, it is strange to find a practical man like Mr. Stephen arguing for such a paradox as a State religion and a State morality.' I have never argued for what is usually meant by a State religion. What I have argued for is the proposition that both religion and morals have in a thousand ways direct relations to political and legal questions, which will be decided this way or that according to the views which people take on religion and morals. I think, therefore, that politicians should not be afraid, when the occasion arises, to take account of the question whether this religion or that is true, whether this moral doctrine or that is well founded.

I protest, in short, against the dogma which appears to be received by so many people in these days, that statesmen, as such, are bound to treat all religions, or at least all common forms of religion, as having an equal claim to be regarded as true. In such a question, for instance, as that of Irish education, Parliament, according to this doctrine, would have no moral right to consider the question whether the Roman Catholic Church is or is not what it professes to be.

As to the question whether a State religion, in the sense of an endowed Church with more or less authority over individuals, should or should not be established or maintained in any given country, it is a question of time, place, and circumstance, on which no general proposition can, in my opinion, be laid down.

That Mr. Harrison should object to a State morality appears to me astonishing. What is international law except a branch of State morality? What is the whole volume of positivist essays called 'International policy,' published by Mr. Harrison and his friends a few years ago, except a series of awakening discourses on the many sins of this benighted country, addressed, to it by zealous preachers. It is really a little hard upon a poor sinner if his clergyman says to him, Not only have you broken each and every one of the ten commandments, but you actually are presumptuous enough

to believe that there are ten commandments to break. You are not only immoral, but you claim to have a conscience.

Of the other criticisms made upon my book I have nothing to say, nor should I have noticed those of Mr. Morley and Mr. Harrison if they had not been in a certain sense representative performances.



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## NOTE ON UTILITARIANISM.

[THE following is the substance of two Articles which I published in the 'Pall Mall Gazette,' in June 1869, on the subject of 'Utilitarianism.' It was suggested by some criticisms on a work of Mr. Lecky's, which have lost their interest. I have accordingly omitted all reference to Mr. Lecky and his critics, but I reprint the substance of the Articles, because they explain systematically my views on a subject which is glanced at in several places in this work.]

All moral controversies may be reduced under four general heads. First, what is the sphere of morals, what part of human life do they cover, and of what other elements in human nature do they assume the existence? Secondly, what is the nature of the distinction between right and wrong? Thirdly, how are we to ascertain whether given actions are right or wrong? Fourthly, why should we do what is right, and avoid what is wrong? Of these four questions the second, third, and fourth have been discussed in every possible way from the most remote times. The first, which is of extreme importance, has as yet been hardly touched. It is in respect to the other three questions that the points of difference and agreement between the two great schools of intuition and experience have displayed and continue to display themselves.

It is necessary, in order to appreciate this, to show first what is the meaning of the leading doctrine of the two great schools in question, and next, how each of them deals with each of the three questions above mentioned. In the first place, it is obvious that there is no contradiction

between intuition and experience, for all experience assumes and presupposes intuition. All men in all ages have been and are now profoundly affected by the contemplation of the conduct of other men. There never was a time or country in which people were in the habit of observing each other's conduct with the indifference with which they might watch the ebb and flow of the tide or the motions of the heavenly bodies. However we may account for it, the feelings which we call sympathy and antipathy, praise and blame, love and hatred, are, in fact, produced by observing particular kinds of conduct, and in each particular man at any given time those sentiments are as involuntary as the pain which follows a blow, or the pleasure produced by an agreeable sound or taste. If, when it is asserted that morality is intuitive or depends upon intuition, all that is meant is that the contemplation of human conduct produces involuntary emotions of various kinds in every spectator, Austin or Bentham would have admitted the truth of those propositions as much as their most vigorous opponents. They would even have gone a step farther and have owned that there is, as a matter of fact, a broad general resemblance between the acts which are regarded with sympathy and antipathy, and which excite praise or blame, in different generations and distant parts of the world. No one ever doubted that some degree of indifference to the infliction of suffering has at all times and places been blamed as cruelty, or that a wish, under some circumstances or other, to promote the happiness of others has always and everywhere received praise under the name of benevolence. The controversy between the two schools of morals relates not to the facts but to the manner in which they are to be interpreted, and this will be best displayed by considering the way in which each school would treat each of the three questions above mentioned.

The first question is, What is the difference between right and wrong? As a fact, certain classes of actions are in

popular language called right and wrong, and are regarded by the world at large with praise or blame respectively. Is this an ultimate fact beyond which we cannot go?

The analogy which exists between this inquiry and kindred questions on other subjects is often overlooked, and ought to be observed. Take, for instance, such words as 'heavy' and 'light,' 'up' and 'down,' 'wet' and 'dry.' No words can seem clearer; yet experience has shown that it is impossible to use them philosophically, or to get any but the most confused, unintelligible results from the attempt to throw them into systems, until they have been interpreted by certain broad general principles which show their true relation to each other. For instance, till it was proved that all bodies attract each other under certain conditions, and that the earth is a proximately spherical body revolving in a certain course, it was impossible to use such words as 'up' and 'down,' 'heavy' and 'light' in a really scientific manner. The utilitarian answer to the question, 'What is the difference between right and wrong?' is an attempt—successful or otherwise, as it may be—to do for ethics what those who made the great elementary discoveries in physics did for the mass of observed facts, and for the expressive but indefinite words descriptive of those facts which the unsystematic observation of ages had accumulated about the heavenly bodies and common natural objects.

Of course, if we are content to confine ourselves upon these subjects to inconclusive rhetoric, it is possible to do so. There is no course of conduct for which dyslogistic or eulogistic epithets may not be found. Any given act may be described as severity or cruelty, courage or rashness, obstinacy or firmness, gentleness or weakness, according to the sympathy or antipathy which it happens to create in the speaker; and in cases which present little difficulty, and in which the only object is to bring public opinion to bear upon some action as to the moral complexion of which there is no real question, little more is required. When

however, commonplaces can be plausibly adduced on both sides, it becomes apparent that such language is useful only as a relief to the feelings, and that it supplies no guide at all to conduct. Take such a question, for instance, as almsgiving. The beauties of charity on the one side and the beauties of independence on the other, the claims of the individual and the claims of the public, may be balanced against each other indefinitely ; but the process can never lead to any definite result at all, unless some general principle is laid down which enables us to affix a precise meaning to the general words employed, into which, when we wish to bring the controversy to a definite issue, they may be translated.

The utilitarian answer to the question, What is the meaning of right and wrong? is an attempt, successful or not, to supply this precise meaning to popular language. The utilitarian says, I observe that, speaking broadly, men desire the same sorts of things, and I call the attainment of these objects of desire by the general name of happiness. I also observe that certain courses of conduct tend to promote, and that others tend to prevent or interfere with, the attainment of these objects of desire by mankind, and that the popular use of the words 'right' and 'wrong' has a marked general correspondence to these two classes of conduct. Speaking generally, the acts which are called right do promote or are supposed to promote general happiness, and the acts which are called wrong do diminish or are supposed to diminish it. I say, therefore, that this is what the words 'right' and 'wrong' mean, just as the words 'up' and 'down' mean that which points from or towards the earth's centre of gravity, though they are used by millions who have not the least notion of the fact that such is their meaning, and though they were used for centuries and millenniums before any one was or even could be aware of it. Our language begins by being vivid and inexact. We are enabled to render it precise, and so to assign what may be

conveniently called its true meaning, only when experience has informed us of the relations of the subject-matter to which it applies.

Believers in moral intuitions may answer the question, What do you mean by right and wrong? in one of two ways. They may say you cannot get beyond the fact that these words and their equivalents are, in fact, applied to certain courses of conduct. Those who give this answer are bound to go on to say that the courses of conduct to which the words in question are applied are always and everywhere the same, and that they denote a specific quality like the words red or blue, which may be immediately and distinctly perceived by every one who considers the subject; for, if they do not, the result will be that the use of the words will denote nothing except the individual sympathy or antipathy, as the case may be, of the persons by whom they are used, and this confessedly varies from time to time and place to place. On the other hand, they may say that the words have the meaning which utilitarians assign to them, and may say nothing about their moral intuitions till they come to the second of the questions referred to.

This second question is, How am I to know right from wrong? It is independent of the first question, though they are not unconnected. The utilitarian answer is, that the knowledge of right and wrong does not differ from other branches of knowledge, and must be acquired in the same way. An intuitive moralist would say that there is a special function of the mind—namely, conscience—which recognizes at once the specific difference which is alleged to exist between them, whether that difference consists in their effect upon happiness or in anything else. It is, however, to be observed that almost all utilitarians admit the existence of conscience as a fact. They admit, that is, that men do pass moral judgments on their own acts and those of other people, that these moral judgments are

involuntary when the moral character is once formed, and that whether they apply to the acts of the judge himself or to the acts of other persons. They would say, for instance, that an ordinary Englishman of our own time, who shares the common opinion of his country as to monogamy and polygamy, would be as unable to regard a given act of bigamy with approval as to think that on a given day the earth did not move round the sun. They deny, however, that conscience is the ultimate test of right and wrong in the sense of being able to tell us with unerring certainty whether a given action is or is not in accordance with a rule calculated to promote the general happiness of mankind, or what in respect to a given subject-matter those rules are. They also deny that conscience recognizes any specific difference between right and wrong actions, and that there is any such specific difference other than the one already stated to be recognized. It is also to be observed, on the other hand, that there is nothing inconsistent in believing that right and wrong depend upon the tendency of actions to produce happiness, and that we have in conscience a specific quality or power which enables us to recognize this tendency in any action to which we turn our attention.

The third question is, Why should I do right? Upon this several observations arise which are continually overlooked. The first is, that people usually write as if every moralist were bound to supply a satisfactory answer to it; whereas, it is perfectly conceivable that there may be no answer. A man may give a full definition of health, and may point out the measures by which healthy symptoms may be distinguished from the symptoms of disease, and he may yet be quite unable to lay down rules by which health can be secured. Thus it is possible that a consistent meaning can be assigned to the words 'right' and 'wrong,' and that the appropriate means for distinguishing between them may be pointed out, but that there may be no sufficient

reason why people in general should do right and avoid doing wrong.

The second observation is that the fact that there is so much wrongdoing in the world seems difficult to reconcile with the theory that right and wrong are recognized by intuition; and that as soon as the rightfulness of an action is recognized the fact is of itself a sufficient reason why it should be done.

The third observation is that the question itself cannot be put except in a form which assumes that the utilitarian answer is the only one which can possibly be given. That answer is, I ought to do right, because to do right will conduce to my greatest happiness. It is impossible to assign any other meaning than this to the words 'why should' or to any equivalent which can be devised for them. The words 'why should I' mean 'what shall I get by,' 'what motive have I for' this or that course of conduct. The instant you assign a motive of any sort whatever for doing right, whether it is the love of God, the love of man, the approval of one's own conscience, or even the pleasure of doing right itself, you admit the principle that the question relates to the weight of motives. The only acts, if acts they can be called, which do not fall under this principle are acts which cannot be helped. If upon recognizing a given course of conduct as right a man had as little choice about doing it as he has about dying of a mortal wound, it would be taken out of the utilitarian principle, otherwise not.

These remarks bring us to the question itself, which is beyond all doubt the most difficult as it is the most important of the great ethical questions. I have already given the utilitarian answer, but, before noticing the standard objection to it, it may be as well to expound it, so as to show what it implies. It implies that the reasons for doing right vary indefinitely according to the nature of the right act to be done, and the circumstances of the person by whom it is to be done. There is no one sanction which



applies with precisely equal weight to every conceivable case of doing right. For instance, why should not the Lord Chancellor commit given theft? Because amongst other things by committing theft he would fall from a very high to a very low position. Why should not an habitual pickpocket commit the same theft? Because he would confirm a wicked habit and risk punishment, but as for his character and position he has none to lose. The reasons, therefore, why the two men should or ought to abstain, the elements of their respective obligations, are different. To use Jeremy Taylor's appropriate though obsolete expression, they are not 'tied by the same bands.' Obligation is simply a metaphor for tying. This of course suggests the standard difficulty upon the subject. Why should A. B. do a specific right action when it happens to be opposed to his interest?

The answer usually given is not very satisfactory. It is to the effect that the utilitarian standard is not the greatest happiness of one man, but the greatest happiness of men in general; and that the rule of conduct which the whole system supplies is that men ought to act upon those rules which are found to produce general happiness, and not that they ought in particular cases to calculate the specific consequences to themselves of their own actions. This answer is incomplete rather than untrue, for, after all, it leads to the further question, Why should a man consult the general happiness of mankind? Why should he prefer obedience to a rule to a specific calculation in a specific case, when, after all, the only reason for obeying the rule is the advantage to be got by it, which by the hypothesis is not an advantage, but a loss in the particular case? A given road may be the direct way from one place to another, but that fact is no reason for following the road when you are offered a short cut. It may be a good general rule not to seek for more than 5 per cent. in investments, but if it so happens that you can invest at 10 per cent. with

perfect safety, would not a man who refused to do so be a fool?

The answer to the question involves an examination of the meaning of the word 'ought' and its equivalent 'should.' When they are freed from their latent ambiguities the answer becomes easy. These words always denote that which would have happened if some principle tacitly assumed by the speaker to be applied to the case in question had been acted upon. It is true that most frequently their use implies that the speaker regards with approval the application of the principle which he assumes to the facts which he assumes, but this is not always the case. The following examples illustrate this:— 'Did my servant give you my message? He *ought* to have done so.' This implies that the servant was ordered to give the message, and that if he had obeyed orders he would have given it, and that the speaker would approve of the regulation of the servant's conduct by the principle of obedience to orders. 'They *ought* to be in town by this time. The train left Paris last night.' This implies that the journey from Paris to London by a certain route occupies a certain time under circumstances which the speaker assumes to apply to the case of which he speaks. 'I *ought* to have five shillings in my purse, and there are only three.' This implies that the speaker has made an arithmetical calculation as to the money which he had at a given time and the money which he had since spent, and that, applying the rules of arithmetic to the facts known to him, the result does not correspond. As no one doubts the truth of the rules of arithmetic, it is a way of saying that the facts assumed to exist are incomplete. In these cases no approval on the part of the speaker is indicated by the word 'ought.'

We can now answer the question, what is meant by such expressions as 'He ought not to lie,' or 'He ought to lie'? They mean, first, that the speaker assumes human

conduct to be regulated by given principles, and that the application of those principles to some state of facts will or will not result in lying; but they may mean, secondly, that some one or other, the speaker or the person referred to, would regard with approval such a course of proceeding. Thus the word 'ought,' even when explained, is still equivocal; for it may refer either to the principles accepted by the speaker himself or to those which are accepted by the person referred to. Thus the expression, 'You, as Christians, ought to love one another,' is an argument *ad homines*. You acknowledge principles which, if applied to practice, would make you love one another. 'I cannot say that a Mahometan ought not to practise polygamy,' would not convey any approbation of polygamy on the part of the speaker. It means merely that no principle admitted by Mahometans condemns polygamy.

When, therefore, utilitarians are asked whether a man who upon the whole thinks it for his advantage to commit a gross fraud ought or ought not to commit it, the question is ambiguous. It may mean either, Would utilitarians in general blame a man who so acted? or, Would the man himself act inconsistently with any principle admitted by him to be true? To the first question the answer will be that the man ought not to act as suggested. To the second, the answer will be that he ought.

The explanation and illustration of the second answer will serve to explain the first. A man who, upon the whole and having taken into account every relevant consideration, thinks it for his interest to do an act highly injurious to the world at large, no doubt would do it. But let us consider what would be the state of mind implied by the fact that he did take this view of his interest. A man who calmly and deliberately thinks that it is upon the whole his interest to commit an assassination which can never be discovered in order that he may inherit a fortune, shows, in the first place, that he has utterly rejected every

form of the religious sanction ; next, that he has no conscience and no self-respect ; next, that he has no benevolence. His conduct affords no evidence as to his fear of legal punishment or popular indignation, inasmuch as by the supposition he is not exposed to them. He has thus no motive for abstaining from a crime which he has a motive for committing ; but motive is only another name, a neutral instead of a eulogistic name, for obligation or tie. It would, therefore, be strictly accurate to say of such a man that he—from his point of view and upon his principles—ought, or is under an obligation, or is bound by the only tie which attaches to him, to commit murder. But it is this very fact which explains the hatred and blame which the act would excite in the minds of utilitarians in general, and which justifies them in saying on all common occasions that men ought not to do wrong for their own advantage, because on all common occasions the word 'ought' refers not to the rules of conduct which abnormal individuals may recognize, but to those which are generally recognized by mankind. 'You ought not to assassinate,' means if you do assassinate God will damn you, man will hang you if he can catch you, and hate you if he cannot, and you yourself will hate yourself, and be pursued by remorse and self-contempt all the days of your life. If a man is under none of these obligations, if his state of mind is such that no one of these considerations forms a tie upon him, all that can be said is that it is exceedingly natural that the rest of the world should regard him as a public enemy to be knocked on the head like a mad dog if an opportunity offers, and that for the very reason that he is under no obligations, that he is bound by none of the ties which connect men with each other, that he ought to lie, and steal, and murder whenever his immediate interests prompt him to do so.

To regard such a conclusion as immoral is to say that to analyse morality is to destroy it; that to enumerate its

sanctions specifically is to take them away; that to say that a weight is upheld by four different ropes, and to own that if each of them were cut the weight would fall, is equivalent to cutting the ropes. No doubt, if all religion, all law, all benevolence, all conscience, all regard for popular opinion were taken away, there would be no assignable reason why men should do right rather than wrong; but the possibility which is implied in these 'ifs' is too remote to require practical attention.

This brings us to the consideration of the answer which a believer in moral intuitions would return to the question, Why should not I do wrong? The answer must be, that there is in man an irreducible sense of obligation or duty—a sort of instinct—an intuitive perception of a higher and lower side to our nature which forbids it. The objection to this answer is that it is not an answer at all. Nothing is an answer which does not show that on full computation the balance of motives will be in favour of doing right. The existence of a sense of duty in most men at most times and places is not in dispute. Upon utilitarian principles it is one of the chief sanctions, in all common cases it is the chief sanction, of morality; but, like all other motives, its force varies according to circumstances, and any one who will consider the matter for a moment must see that it often is too weak to restrain men from every sort of iniquity, even when it is backed by all the sanctions of religion, conscience, law, and public opinion.

What would it be if all these sanctions were withdrawn? It would be simply an irrational, instinctive shrinking from a particular set of acts which men are prompted to do by motives which in practice frequently prove strong enough to overpower not only that instinct, but the fear of punishment, of infamy, and of self-reproach as well. Suppose that a man neither feared God nor cared for man, but had a sensitive conscience, what reason can be

assigned why he should not systematically blunt it? The admission that conscience represents the higher side of our nature, whatever that may mean, proves nothing. Conscience is, no doubt, a motive of action, but it is impossible to regard it as anything else; and if it is regarded as a motive, it must come into competition with other motives, and so the utilitarian answer to the question, 'Why should I do right?' must be given.

This review of the points at issue between believers in the principle of expediency and believers in moral intuitions shows where the real difference between them lies and how far it extends. Unless those who believe in moral intuitions go so far as to assert the existence of specific moral rules expressed in a definite form of distinctly intelligible words, capable of being applied at once to human conduct, and perceived by some specific faculty of the mind to be absolute unvarying ultimate truths, they assert nothing which utilitarians are interested in denying. Probably no one in these days would make such an assertion.

Again, as Bentham pointed out, the principle of moral intuitions, or, as he called it, the principle of sympathy and antipathy, never can, from the nature of the case, be so applied as to lead to any definite result. It proposes no external standard to which disputants can appeal, and its adoption would involve as a necessary consequence the hopeless perpetuation of all moral controversies.

It is impossible to express any proposition affecting morals in words which are perfectly perspicuous and free from metaphor, and it will be found that as soon as an attempt is made to explain the words which are inevitably employed, and so to reduce to a precise meaning the propositions which are constructed out of them, it is absolutely necessary to have recourse to the principle of utility. A moral intuition, or any other intuition which does not go so far as to enunciate definite propositions in express words, is only a fine name for those inarticulate feelings

which utilitarians recognize like every one else, and which their system attempts to name, to classify, and to arrange. Take an instance. Even if our moral intuitions told us that it is wrong to commit murder, they would be of no use unless they also told us what no moral intuition ever yet told any one—namely, what was the meaning of the word murder, and how the killings which do amount to murder are to be distinguished from those which do not. To say that the moral intuitions tell us only that a tendency towards humanity is good and a tendency towards cruelty bad, is only to put the difficulty one step further back ; for neither a moral intuition nor anything else can enable us to define cruelty or humanity except as that attitude of mind with respect to the causing of pain which, upon the whole, and under given circumstances, produces a maximum of happiness ; and this varies from age to age.

It is sometimes urged as an objection to utilitarianism that happiness is a vague and unsettled idea. No doubt it is. Happiness has a very different meaning to a fierce pastoral tribe in Central Asia ; to an ignorant husbandman in Bengal ; to a cultivated modern European ; to a naked savage in Central Africa, to say nothing of the different conceptions of happiness which are formed by different individuals similarly situated. But what does this prove ? Merely that morality is not fixed but varying, that there is no such thing as absolute, unchangeable morality, and that it is therefore hardly possible that there should be moral intuitions, and this is the plain truth and ultimate result of these speculations. Bring any considerable number of human beings into relations with each other. Let them talk, fight, eat, drink, continue their species, make observations, form a society, in short, however rough or however polished, and experience proves that they will form a conception more or less definite of what for them constitutes happiness ; that they will also form a conception of the rules of conduct by which happiness may be increased or diminished ; that they will enforce such rules upon each

other by different sanctions, and that such rules and sanctions will produce an influence upon individual conduct varying according to circumstances. Moreover, notwithstanding the great differences which exist between nation and nation, country and country, the substantial resemblance between one man and another is so great that it will be found upon examination that the great leading outlines of all these systems will, in fact, closely resemble each other, and the only profitable or solid way of studying morality is to consider, to understand, and to compare these different systems, and to try to discover how far the specific rules of any particular one which may be chosen for examination really contribute to the attainment of its specific ideal ; how far that ideal corresponds to the existing state of knowledge in the community which entertains it ; and what are the sanctions which, at a given time and place, affect the individuals who live under it.

All this, moreover, must be taken subject to an observation of which it is impossible to overrate the importance, though much of the speculation which is in fashion at the present day studiously keeps it out of sight. It is that the conception which a given society will form of happiness—that is to say, of the general and permanent object of human life—must always depend to a very great extent upon the view which they take as to what is in fact the nature of the world in which they live and of the life which they lead in it, and that any serious change in this conception will produce corresponding changes in all moral conceptions whatever. The question whether this present life is all that we have to look to and provide for, or whether there are reasonable grounds for supposing that it is a stage in a longer and probably larger life, and the further question whether the universe in which we live is a mere dead machine, or whether it is under the guidance of a being with whom we share the attributes of consciousness and will, overshadow all moral philosophy. The notion that two men, of whom one does and the other does not



believe in God and in a future state of existence, will form the same conception of happiness, of the means by which it is to be attained, and of the motives which would dispose him individually to promote the happiness of others, is a dream as wild as any that ever was contradicted both by theory and by practice. Let it be distinctly proved and universally understood that religion is a mere delusion; that whatever else we have to love, to fear, or to hate, we need take no account at all of either God or devil, and the sun at noonday is not clearer than the conclusion that every moral conception which we can form will have to be recast. Morality would, no doubt, survive in some shape or other. There was plenty of morality in Old Rome amongst men who had little or no religion, but its whole character differed from that which was founded on Christianity. The question which moral system was the best depends principally upon the question whether the heathen philosophers or the Christian preachers were right in their estimate of the facts. To suppose that Christian morals can ever survive the downfall of the great Christian doctrine of a future state of rewards and punishments is as absurd as to suppose that a yearly tenant will feel towards his property like a tenant in fee simple. To say that, apart from the question whether there is or is not a future state of rewards and punishments, it is possible to compare the merits of Christian and heathen morality, is as absurd as to maintain that it is possible to say how the occupier of land ought to treat it without reference to the nature and extent of his interest in the land. Now the questions whether we ought to believe in God and in a future state are questions of fact and evidence, and thus the truth of the utilitarian system is proved, for it is shown that the rightness of an action depends ultimately upon the conclusions at which men may arrive as to matters of fact.