

THE  
SCIENCE OF ETHICS

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# Preface

THE main *purpose* of this work on Ethics is to present to Students of Ethical Science a full and connected account of the ethical system of Aristotle and St. Thomas Aquinas. To this system the author gives his fullest assent and adherence, an adherence which is no mere blind acceptance of a tradition, but comes of a conviction, which has grown stronger and clearer with time and study, that the Aristotelian and Scholastic system is the only true Ethical system, that it is unrivalled by any other theory, and that it will survive every other theory.

Whilst, however, devoting most of his time and labour to the understanding and interpretation of the works in which this system is expounded, the author has not neglected to study the great modern theories of Ethics, and for much that is of value and true in this work he is indebted to these modern systems. The account and criticism of them which is given here will, it is hoped, be read with profit and interest by the student.

It has been the author's honest endeavour to be just to his opponents wherever he has had occasion to refer to them. He hopes that he has not misrepresented their views in any way, or stated them inadequately. Where possible, he has always had recourse to original sources in describing other writers' systems, or stating the arguments used in their defence; and when, through want of space, it was necessary to omit some of these arguments, he has invariably omitted just those on which his opponents appeared to lay least stress in their expositions.

The *plan* of the work is easily understood. Vol. I treats of the general principles of Ethics, or of "General Ethics"; Vol. II treats of "Special Ethics," or of the application of the general moral principles to special cases. The opening chapter naturally concerns the definition of Ethics, its method, and its possibility as a science. Following the definition given in the opening chapter—namely, "the science of human conduct as directed by Reason to the

last end," or "the science of moral good," the author, in his second chapter, treats of human conduct, its meaning, and the elements that make it human; and in the third chapter he gives an account of the last end. Chapter IV considers these two ideas taken together; that is, "human conduct as directed to the last end," or what, in the second definition just given, is called "the moral good." Chapter V assigns the criteria of moral good. Then follows a discussion of three most important questions concerning the moral good—namely, its relation to freedom (Chapters VI and VII), whether the "good" *ought* to be done, a dissertation on duty—(Chapter VIII), and whether it ought to be done for the sake of duty (Chapter IX). Chapters X, XI, XII, and XIII are a discussion of three great modern theories on the nature of goodness,—namely, Hedonism, Utilitarianism, and Evolutionist Ethics. To the consideration of this latter theory the author has devoted two distinct chapters. In Chapter XIV the question is raised by what faculty we know the good, and in Chapter XV whether it is known by intuition (that is, without reasoning), or by a process of reasoning and study. Chapter XVI considers the question whether the first principles of good action are known to all, and whether the knowledge of them can be lost or impaired. The only two remaining questions which suggest themselves concerning morality or the "good" are treated in Chapters XVII and XVIII—namely, the question of the consequences of morality, and of the means whereby morality is attained and nurtured—namely, the virtues. All these chapters from IV to XVIII relate evidently to the "moral good" in one way or another. Now, the fifth chapter, as has been pointed out, is a discussion on duty, but the ground of duty, which is Law, requires also distinct mention. It is treated in Chapter XIX. Chapter XX concerns another consequence of Law—namely, Right. These comprise all the subjects usually treated under the heading "General Ethics." The order of the chapters on "Special Ethics" will be given in a short prefatory note to the second volume.

Of modern Scholastic writers the author is most indebted to Professors Meyer and Cathrein, to Rev. Joseph Rickaby, Taparelli, Schiffini, and Rev. Dr. Walter McDonald, Maynooth College, whose treatises on Ethics have been of immense help to him in the preparation of his work. His most grateful thanks are due to the Rev. John Waters, B.A., of Clonliffe College, for his kindness in reading this book, and for very many valuable criticisms and suggestions. Father Waters' wide and minute acquaintance with the writings of St. Thomas Aquinas was always at the author's disposal in the difficult task of discovering and comparing the various references made by St.

Thomas to any special Ethical question, references often occurring in places very wide apart, and under unpromising titles—titles apparently outside the subject under discussion. Thanks are also due to those gentlemen who so kindly undertook the tedious and uninteresting task of proof-reading, and to many others also for help given of various kinds.

It is the present writer's earnest hope that others more competent than he will take up this work of making known to the world the secret treasures of a great Philosophy—a Philosophy which moderns have too much and too long neglected. Already, of course, there are many labourers in the held. But there is room for many more. It is in the hope of helping a little towards the accomplishment of this great task that the author ventures to publish this work on Ethics—not without consciousness of its many defects.

*Clonliffe College,  
Feast of St. Thomas Aquinas,  
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# Chapter 1

## Definition and Scope of Ethics

### 1.1 Definition

ETHICS may be defined as “the science of human conduct as according with human Reason and as directed by Reason towards man’s final natural end,” or, it is “the science of moral good and evil in human acts.” The former of these two definitions we expound as follows:—

#### 1.1.1 Ethics is a science and not merely an art.

An art and a science differ mainly in their object or purpose. The end of an art is to facilitate action—that of a science is to discover truth. Now, the end of Ethics is to discover moral truths—to establish, in the first place, the general moral principles, and then to deduce from these the laws which govern human action in particular cases. Ethics is, therefore, a science. It is a practical science since it has to do with action, and for this reason some thinkers might be disposed to identify Ethics with what is known as the art of good conduct. But although practical in its aim Ethics is quite a different discipline from the art of good conduct. The end of Ethics is, as we said, to tell us what is good and what is evil—the art of good conduct tells us how we may do the good and avoid evil with greater ease and security. For instance, the art of good conduct tells a man when and in what circumstances he should fly temptations to evil, and when and how he ought to face temptation; also, how a man should set about the acquiring of a virtue, and how he may best retain it when acquired. Counsels of this kind may, indeed, sometimes be found in works on Ethics, but they are not essential to the science of Ethics,

nor are they in strictness included in its object. Ethics does not aim at telling a man how to do good or how to strengthen his will against evil, but only tells him what is good and what is evil. In this sense we find it said that Ethics supplies no moral dynamics—that is, its aim is, at least primarily, not to purify and strengthen the will, but to inform the Reason—that is, to enable the Reason to form correct moral judgments about the right order of conduct.

### 1.1.2 It is the science of conduct as directed by Reason.

Human Reason bears a two-fold relation to the order of objects in the Universe. First, there is an order which human Reason merely *considers* but does not make, like the order of the heavenly bodies or the order exhibited in the growing plant. Secondly, there is an order which Reason not merely considers, but also *constitutes*—an order which Reason sets up in things like the order of a well-arranged house. Now, the order which is considered in Ethics is of the second kind.<sup>1</sup> The ethical or moral order is an order which the human Reason itself introduces into conduct—an order which belongs to conduct in so far as it is under the control of Reason.

Now, this order which Reason sets up in human action is not an arbitrary order, but depends on certain fixed and necessary laws, and it is the business of Ethics to formulate these laws, to say when conduct accords with them or is good and rational, and when it does not accord with them or is evil and irrational. In this sense we define Ethics as the science of conduct as *directed or controlled* by Reason.

### 1.1.3 It is the science “of human conduct.”

Ethics has to do with conduct or with *human* actions only. This implies two things. First, it has to do with *man* and not with the movements or ways of animals or of anything lower than man; neither with the superhuman

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<sup>1</sup>This doctrine of Aquinas, that the moral *order* of the human act is set up in the act by human Reason, is to be carefully distinguished from the Kantian theory of the autonomy of Reason—the theory, namely, that the moral *law springs from* our own Reason. According to Aquinas, Reason sets up in the human act the right order, but, in doing so, it follows laws that spring not from Reason itself but from nature. According to Kant, Reason not only directs the act, but also creates the laws according to which the act should be directed.

world—with divine actions or angelic. It has to do with *human* actions only. Of course, much that is naturally good for us men—granted for a moment that we shall establish such a thing as moral good—is good for other beings as well, since man’s nature and other natures are not wholly different. Still they are different in many points, and consequently the law of good for man is not in all things the same as the law of good for others. There is, indeed, no being for whom veracity is “evil” and lying “good.” But to apply without limitation to God’s action or to angels’ the rules of good and evil that obtain for us would be wrong, since their natures are not the same as ours. Ethicians, for instance, sometimes say that God should remove all pain out of the world, because a good man is supposed to do all that he can to alleviate human suffering, and what a good man should do God also should do. They forget that the relations in which men stand to God are very different from those in which they stand to one another. As well, to compare a less with a greater, might we say that what is good for a tree is necessarily also good for a horse or a man as to say that the “good” or the “right” for us is the “good” or the “right” for God and for all creatures above us. The “good” for us is what is natural *for us*. The “good” for other beings is what is natural *to them*.

Secondly, when we say that Ethics relates to *conduct* only, we mean that it has to do with *deliberate* acts only (*actus humani*), with acts that proceed from Reason (*qui a voluntate deliberate procedunt*); it has nothing to do with indeliberate acts which are in no sense from Reason (*actus hominis*).<sup>2</sup> And in this connection we should emphasise the fact that the science of Ethics has reference primarily to human *actions*, not to *states* of the self or character, since it is not character but action that is primarily good or bad. Some men are born of such complexion as makes the pursuit of evil easier for them and that of the “good” more difficult for them, than it is for others. But these weaknesses and tendencies are part of the character only, and they are good or bad not in themselves but only in reference to the acts that they facilitate.

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<sup>2</sup>“Sic ergo moralis philosophiae proprium est considerare operationes humanas, secundum quod sunt ordinatae ad invicem et ad finem. Dico autem operationes humanas quae procedunt a voluntate hominis secundum ordinem rationis. Nam si quae operationes in homine inveniuntur quae non subjacent voluntati et rationi, non dicuntur proprie humanae, sed naturales, sicut patet de operationibus animae vegetative, quae nullo modo cadunt sub consideratione moralis philosophiae. Sicut autem subjectum philosophiae naturalis est motus vel res mobilis ita etiam subjectum moralis philosophiae est operatio humana ordinata ad finem vel etiam homo prout est voluntarie agens propter finem.” (Aquinas, “Commentaries on Aristotle,” *Ethicorum*, Lib. I., Lect. 1.)

The only thing that is morally good or bad in itself and primarily is the act of the will, and of the other powers in so far as they are controlled by will. This is what is meant by saying that the moral law has reference to acts and not to states. The good man is the man who does good deeds, and he is all the better man who does them in spite of character.<sup>3</sup>

### 1.1.4 “As directed to man’s final natural end.”

Other sciences, like Physics, treat of the efficient causes of human action. Ethics treats of the final causes or the ends of conduct. It treats in particular of the final end and of other ends as leading to the final end. Ethics tells us what acts will lead us to our final end or are morally good, and what will lead us away from it or are bad, that act being morally good which is directed by Reason to the final end, its opposite being morally evil. In Ethics the final end holds the same place and exercises the same function that the first principles do in the speculative sciences. For as reasoning begins with principles so action depends on and begins with “end.” The last end will be the *first* ground of action, since it is that which moves to the attainment of all other intermediate ends.

## 1.2 Scope of the Science of Ethics

In our definition of Ethics we have already implicitly indicated its scope. The scope of Ethics is the formulation and establishment of the laws of human conduct—those laws following which conduct tends to man’s ultimate end and is good, violating which conduct is bad.

Ethics is thus a normative science—it prescribes norms or rules of action. In this it resembles many other sciences, like Medicine, which also is normative, since it prescribes laws of health, laws following which we shall be healthy, neglecting which we cannot be healthy.

Now, many modern ethicists take quite another view—a very erroneous view—of the scope and subject-matter of Ethics. They maintain that the proper subject-matter of Ethics is not the *laws* of morals, the laws to which conduct *ought* to conform, but what they call the *facts* of Ethics—by which they mean the moral customs and beliefs of various peoples in different ages

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<sup>3</sup>According to Hume, Schopenhauer, and most evolutionists, “character” and not action is the proper subject-matter of Ethics.

and under different conditions, the scope of Ethics being, according to these ethicists, to describe and correlate these facts (without reference to their being right or wrong)—to give their origin and the law of their development.

The difference between what moderns call laws and facts can best be illustrated from architecture. We assign the laws of architecture when we say how buildings *ought* be constructed. The facts of architecture would be the history of men's views on architecture or an account of the fashions that have prevailed in architecture at different periods and in different places. But whereas we do not find that any architect has ever described his science as a history of men's views on, or of fashions in architecture (this he would call the *history* not the science of architecture), we do, as we have said, find ethicists who claim that the business of moral science is merely to explain and correlate men's views on morals<sup>4</sup> and the customs to which these views have given rise.

We are indebted to Professor Sorley for an interesting account and a valuable criticism of this theory, from which we may be permitted to quote the following:—“The enquiries,” he writes,<sup>5</sup> “commonly described as ethical comprise two kinds of questions which differ fundamentally from one another in scope, and require the employment of distinct methods for their solution. On the one hand, there are the *facts* of human conduct, the customs and institutions to which it gives rise and the sentiments and ideas by which it is accompanied. All these are facts in time whose genesis and history may be investigated by appropriate historical methods. On the other hand, there is a question of different scope which no amount of history could solve. This is the question of the value or worth of conduct and the truth of the judgments which men pass upon it. The question is no longer how the action came to be performed or the judgments passed upon it arose, but whether the action was right and whether our moral judgments are true judgments.”

And again,<sup>6</sup>—“It is an irrelevant answer to the question, ‘what is the good,’ when we are given a mere record of men's ideas about what is good and of the way in which these opinions arose. We ask about the validity of moral judgments, and are put off by speculations concerning their history. The strictly ethical question is thus disregarded.”

According, then, to Professor Sorley the strictly ethical question is not

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<sup>4</sup>Amongst the most prominent members of this School is M. Levy Bruhl. His views are to be found in a remarkable work, entitled “La Morale et La Science des Moeurs.”

<sup>5</sup>“Ethics of Naturalism,” page 310.

<sup>6</sup>*Ibid.*, page 320.

what men have thought about the laws of conduct or how our moral ideas have originated, but “what are the laws of right conduct—what should conduct be?” This, of course, is also the view taken by Aristotle and by St. Thomas Aquinas.

The view taken by our opponents on this point—for instance, by M. Levy Bruhl—is, we maintain, opposed to the whole conception of the scope and subject-matter of a science. As well might we confine the science of Physics to the description and correlation of the various views of physicists at different periods as to say that the exclusive purpose of Ethics is to describe the history of men’s views on good and evil, and the practices to which these views have given rise. Of course, if it could be shown that conduct has no laws, that it is all the same to a man whether he is drunk or sober, honest or dishonest, that the supposition of laws for conduct is purely a figment of our imaginations, then certainly we should admit that the study of morals could mean no more than the study of opinions on matters of conduct. But, apart altogether from the scientific proof of morality which we hope to give in the present work, it ought be evident even from common sense that human conduct is not without its laws. We have only to open our eyes and see what men come to through intemperance, and to consider what society would come to were there, for instance, no such thing as marriage contracts, in order to know that human conduct is subject to laws of some kind, that it has requirements just as a tree has requirements, that it is not the same to a man and society whether we follow one set of courses or the opposite set—in other words, whether we do good or evil. At present we do not say what is the nature of the laws of conduct, what the “good” is and what evil is, or to what end the laws of conduct should guide us. We only insist that there are courses that are necessary for us and courses that will ruin us, and therefore that human conduct is really subject to laws of some kind. That being the case, it is evident that the science of Ethics, which is the science of human conduct, deals not with the growth of ethical views and customs, but with the laws of conduct, just as Physics deals not only with opinions about the phenomena of nature, but with the objective phenomena themselves. The purpose of Physics is the establishment of the laws of physical nature. The purpose or scope of Ethics is the establishment of the laws of human conduct. The correlation or history of the views and customs of different peoples at different periods may, indeed, be interesting on its own account, and we might even find a place for such questions in Ethics, as leading indirectly to a right view of the good and evil of certain acts. But these views and customs are no part

of the direct object of Ethics.

## 1.3 Ethics and some other Sciences

Having defined absolutely the science of Ethics, we turn now to define it relatively—in other words, to determine its boundaries and to show where it differs from the other sciences, or at least from those that are more or less closely connected with it.

### 1.3.1 Ethics and Psychology

We shall draw out the distinction between these two sciences step by step. In the first place, Ethics has a narrower object than Psychology, for Psychology treats of every act of man, whereas Ethics treats of deliberate acts only. Secondly, even deliberate human actions are considered very differently by the psychologist and the ethician. For whereas Psychology treats of these actions in every aspect—as regards their origin, the conditions of their existence, their relations to one another, and their relations to the various faculties and to the natural ends of the faculties—Ethics treats of them in this latter way only, that is, in their relation to natural ends. Hence, whilst the psychologist is like the geographer, who tells us everything about a road—its length, its position in respect to other roads, &c.—the ethician is like the cyclist who is interested in one question only—namely, whether a particular road leads to the town he is seeking, and how.

So far, however, Psychology is but the wider science and not specifically distinct from Ethics. Some ethicians have stopped here, and been content to draw this mere quantitative distinction between the two sciences. They sometimes formulate it thus—whereas Psychology treats of the origin and nature and ends of our acts, Ethics treats of their end only, and, therefore, of their goodness or badness. But it is evident that if Ethics is not to be accounted a chapter of Psychology it must differ from that science qualitatively as well as quantitatively—that is, it must concern the human act under a separate aspect, an aspect which the psychologist does not consider.

The existence of a qualitative distinction between Ethics and Psychology is clearly shown by Aquinas in his “Commentaries on Aristotle.”<sup>7</sup> “Order,” he writes, “bears a fourfold relation to Reason. There is first, the order which

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<sup>7</sup>Liber Primus Ethicorum, Lectio I.

Reason does not establish, but merely *considers*<sup>8</sup> (*quam ratio non tacit sed solum considerat*), as is the case with natural things (*i.e.*, physical nature). There is also an order which Reason itself by considering *sets up* (or establishes) in its own act—for instance, the proper ordering of the concepts to one another .... A third ‘order’ is that which Reason sets up in the operations of the will. A fourth is that which Reason sets up or establishes in external things in so far as they are made by Reason. (Now) ... these different kinds of order give rise to different sciences. Natural Philosophy, including Metaphysics (under Natural Philosophy Aquinas also includes Psychology), regards that order which Reason discovers but does not itself establish. Rational Philosophy (*i.e.*, Logic) regards the order which Reason itself sets up in its own act, for Logic regards the order of terms in a judgment and of premisses to conclusions. Moral Philosophy has to do with the order of our voluntary actions (an order which Reason sets up or establishes in the human will). Finally, there is the order of the mechanical arts, an order which Reason sets up in external objects in so far as external objects are subject to or constituted by Reason.”<sup>9</sup>

We see then, that the order which is contemplated in Ethics is not one (to use a modern expression) which is *given* to Reason, but rather an order which Reason itself sets up in the acts of the will. Its specific object is “an order in human acts to be *established by* Reason.” In Psychology, on the other hand. Reason merely plays the part of *knower*. It tells us what *are* the objects of the faculties, what *are* the relations between the faculties and the soul, &c. In other words, whereas Psychology treats of *what is*, Ethics treats of an “order” in our acts which perhaps *is not*, but which, if conduct is to be rational, *ought* to be, and which can only be set up in the will by Reason itself. Psychology, then, like Mathematics and Physics, treats of mere facts or actual happenings of mind. Ethics is, like Logic and certain of the arts, *normative*. It lays down rules of action. And even amongst *normative* sciences it has a specific difference of its own—namely, that the order which it contemplates is an order of acts not to any proximate or intermediate end, but to the final end of our whole being—the *summum bonum*.

But though Ethics is a distinct science from Psychology, it is yet in many points dependent on Psychology. For, first, it is from Psychology that we learn the freedom of the will or the fact that Reason is able to control our

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<sup>8</sup>The distinction has already been mentioned, page 2.

<sup>9</sup>See note, page 2.

actions. Again, it is from Psychology we learn what are the ends and objects of the various faculties, and it is through the information thus obtained that Reason is enabled to set up in our wills the necessary ethical order, the order of act to final end. In this way, just as the cyclist gets his information from the geographer, so does the ethician from the psychologist. But still Ethics is not to be identified with Psychology, nor with any chapter in Psychology. It is a distinct science, since the aspect under which conduct is related to our human Reason is different in the two sciences.

### 1.3.2 Ethics and Political Philosophy

We meet in recent ethical literature with two remarkable and quite opposed accounts of the relation in which Ethics stands to Politics. One tends to separate the two sciences altogether; the other tends to merge Ethics in Political Philosophy or in Sociology. The first view is advocated by Kant and his many disciples. The second by the modern utilitarians. In the first view, whereas Moral Philosophy concerns itself with the individual conscience and with the inner act as subject to conscience, Political Philosophy concerns itself with the laws and interests of the State and with external acts. In the second view, morality is regarded as identical with the good of the race, and the science of Ethics as identical with the science of the racial interest in so far at least as the racial interest can be promoted by individual effort, and gives rise to individual responsibility. Ethics is thus, in the utilitarian system, identified with Politics regarded as the science of the social good. (The school of M. Levy Bruhl identifies Ethics with that part of Sociology which treats of the history of social customs and opinions and with the development of these, as society develops.)

Now, the view taken in the present work is that Ethics is neither distinct from Political Philosophy nor identical with it; that, on the contrary, Political Philosophy is merely a branch of Ethics, that as Ethics considers the actions of men in regard to our last end, both in our character as individuals and as members of society, Political Philosophy considers the acts of men as citizens or as members of society only, and directs the lawgiver as to the best way to rule the citizens so as to obtain the ends of society.

On this question of the relation of Ethics to Political Philosophy, it may be well to quote the argument of Aquinas. Having determined the general subject-matter of Ethics—that is, human operations as directed by Reason

to the last end—he writes<sup>10</sup>:—“It should, however, be mentioned that man is a social animal inasmuch as many things are necessary for his life which he himself as an individual could not procure: from which it follows that according to the design of nature man is to be considered a member of a *multitude* which is (nature’s) means for affording him the necessary help in the proper ordering of his life. This necessary help extends to two classes of requirements. First, it extends to things necessary for life, without which the present life could not continue; and in this respect man is a member of the domestic multitude (or of the family), since it is from our parents that we receive life, support, and education .... Secondly, as members of another multitude we receive those things that are required for *complete sufficiency* of life, things necessary not for life, but for the perfect life, and on this account man is a member of the multitude of civil society, and that, not merely in regard to” (such things as) “bodily necessities which only a number of artificers living together can fully supply, but also in regard to the moral necessities like that of public punishment, whereby youths are coerced into good behaviour when they cease to give heed to mere paternal admonition .... Hence moral philosophy is divided into three parts. The first regards the acts of a man in his individual or personal relation to the final end—which is ‘Monastica’ (or personal Ethics). The second considers the actions of the family—which is ‘Oeconomica.’ The third considers the political organisation and its action—which is ‘Politica.’”

There is, however, one difficulty in the way of regarding Political Philosophy as a branch of Ethics—namely, that Political Philosophy considers many questions which apparently have nothing to do with the moral good or with duty—for instance, the question of the best form of “electoral system” or the best methods of taxation. Our view of these questions is that, though they do not appertain to strict duty, they do nevertheless appertain to the moral good, inasmuch as, like many other moral goods, political systems regard the means by which we promote our final end, means which are necessary, if not for the essentials of our life, at least for the conditions of a perfect life. Besides, these same questions, even where they do not concern the duty of the individual, may easily have a bearing on the duty of a lawgiver who is bound morally to suit his enactments to the given concrete circumstances so as to direct his subjects efficiently and well. They are, therefore, a part of the moral law for him. It must, indeed, be acknowledged that men as a rule tend

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<sup>10</sup>“Commentaries on Aristotle,” Liber primus Ethicorum, Lektion 1.

to regard such things as the incidence of taxation and methods of election as no part of the moral good. But the reason is, because in estimating the moral good we consider for the most part our own duties and not the duties of lawgivers, and also what is necessary for our own end, not what is necessary for society, whereas it is the good of society that is most consulted for in questions of the modes of election and of taxation. However, such questions have, as we have seen, at moral bearing, and are to be regarded as belonging to the science of Ethics; for the ends of society just like personal ends are part of the moral good, and hence the laws that consult for the social ends are also a part of the moral law.

The discussion of the two views we have mentioned—that of Kant and that of the utilitarians—belongs to our subsequent chapters on Right and on Utilitarianism.

### 1.3.3 Ethics and Moral Theology

Ethics treats of the moral law from the standpoint of natural Reason alone. Moral Theology from the point of view of revelation. The relation of Ethics to revealed Theology is very clearly drawn by the scholastic writers. The ethician must not oppose revelation, but inasmuch as Ethics is a natural science in the sense of a science conducted by our natural Reason, the ethician does not in the construction of his science use the Revealed Word as a proof of ethical truth or as a premiss from which to draw ethical conclusions. Revealed morality stands to Ethics in the same relation exactly that the biblical account of the origin of the material world stands to the natural science of geology. In other words, no proposition can be regard as a genuine conclusion of the science of Ethics unless it can be established on grounds of natural Reason alone without revelation. If revelation be necessary in order to establish a particular proposition this proposition is a conclusion of Moral Theology, not of Ethics. There are a great number even of moral truths that unaided natural Reason could not possibly establish. These truths are not ethical truths, and are not the premisses of ethical conclusions, nor are they used as such by the scholastic writers. Ethics and Geology are natural sciences, Theology is a revealed science. The standpoints, or what are called the formal objects of the natural and the revealed sciences, are not indeed opposed, but they are distinct. The science of the revealed moral law is Moral Theology. Ethics is the science of natural morals only, and its standpoint is that of natural Reason.

## 1.4 Method of Ethics

The methods<sup>11</sup> employed by various ethicists in the development of this science may be conveniently reduced to three. First, methods are either intuitive<sup>12</sup> or inferential—that is, moral truths are either represented as known directly and immediately without reasoning, or they are represented as knowable through reasoning alone. Secondly, the inferential method is either one of induction or of deduction—that is, the ethicist either starts from experience and builds up the general moral proposition from particular truths, or he represents particular moral truths as deducible from the more general self-evident moral principles. Speaking broadly then, the methods recognised by different ethicists are the intuitive, the inductive or *a posteriori*, and the deductive or *a priori*.

*The intuitive method* represents moral truths as knowable immediately by direct perception. Now, in general, there are possible two modes of intuition—intuition by sense and intuition by intellect. Accordingly, intu-

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<sup>11</sup>By “method” here we mean, not a system of Ethics, but the method of study adopted in discovering moral truths. It is perfectly possible that two men following the same method (for instance the inductive) should arrive at very different ethical systems. The reader will easily understand that it would be no easy matter to classify all the methods adopted by the ethicists, or even to know in every case the precise method adopted by individual ethicists. Many ethicists adopt a plurality of methods, which is, indeed, quite logical and often necessary. But many who lay claim to using a single method are often so vague in their account of it, that it becomes impossible at times to know under what heading to classify it. Thus it is exceedingly difficult to know how far many “moral sense” ethicists acknowledge intellect, or whether they regard the testimony of the moral sense as given by inner reflection or by outward perception. Thus they speak of the moral sense as a “sentiment of judgment,” which would suggest some kind of intellectual faculty. Yet such prominence is given to “feeling” in these theories that the moral faculty would seem to be regarded as predominantly sensuous. In the main we may say that the moral-sense writers regard conscience not as an intellectual but as a sensuous faculty with higher sentiments attached. Again, the moral sense is sometimes represented as extra-regarding, in so far as by it we become aware of the moral qualities of other men’s acts, and sometimes as reflective or intra-regarding, in so far as it is a reflective liking for certain affections in ourselves.

Again, with the exception of a few, intuitionists generally fight shy of the question whether our moral intuitions concern the general moral principles only, or whether they extend to particular acts. They speak generally of intuitions (not of moral *principle*, and not of individual *act* but) of *morality* simply.

<sup>12</sup>Speaking strictly, “intuition” is not a method. Common usage and convenience, however, are our justification for speaking of it as a method.

itional moralists may be divided broadly into two classes—those who attribute the knowledge of moral truths to a sense which they call the moral sense,<sup>13</sup> and those who attribute it to intellect. To the former class belong Reid,<sup>14</sup> Shaftesbury and Hutcheson, to the latter, the Intellectual moralists Cudworth and Clarke. Again, the “moral sense” theory is a theory either of an “inner” sense or of an “outer.” An “inner” sense, it is claimed, discovers the moral law within a man himself by introspection. In this way Hume may be regarded as a sense intuitionist. The moral sense as “outer” is represented as sensible to the morality of other men’s acts as well as of our own, and as such its action is said to be akin to that of our other ordinary outer senses.

It is not so easy to mark off the various methods of “intellectual” Intuitionism. In one way even the defenders of the inferential method are all, to some extent, Intellectual Intuitionists, for they insist that the process of reasoning must begin with intuition of some kind, that we cannot reason back *in infinitum*. Indeed, every moralist recognises the need of intuition at some stage or other in the determination of moral truths. But between the inferential theory and the theory of the “Intellectual Moralists” we may at least draw a distinction of degree, as regards the number of intuitions they each admit. Intuitional Moralists as a rule regard all the general moral principles, or at least those simpler truths which all civilised men know of, like “justice is to be done,” “drunkenness to be avoided,” “the truth to be told,” “superiors to be obeyed,” as judgments of intuition. Those who follow the inferential method insist that the great body of them same moral principles, including many principles which are generally accepted by civilised men, need to be proved; but they admit that we must fall back somewhere in our reasoning on self-evident truths.<sup>15</sup> This second class of writers are not

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<sup>13</sup>So far as method is concerned, the moral sense theory may be classed as one with the theory of moral feeling, with, *e.g.*, Adam Smith’s theory of “Conscience—a feeling of sympathy,” and Brown’s theory of “Conscience—a feeling of approvableness.”

<sup>14</sup>Sidgwick distinguishes two intuitional methods. (1) The strict *a priori* method, in which a man’s duty is clearly stated on general principles, and no room is left for individual tastes or freedom. (2) The æsthetic intuitional method which allows for individual tastes, puts virtue above strict duty, and allows for its not being always realisable at will. The moral code resulting from this latter method is necessarily very indefinite. We need not say that in the following treatise we shall take no notice whatever of æsthetic intuitionism in Sidgwick’s sense. Of *Æsthetic Ethics*, in another sense, we shall have something to say, but æsthetic intuitionism in Sidgwick’s sense is not a science, and it is therefore disproved by everything we can bring forward in favour of the scientific method.

<sup>15</sup>Where shall we place Kant in this connection? It is not so easy to say what his

usually described as intuitionists, and in this work we shall speak of Intellectual Intuitionism in the first sense only. We shall not at present discuss the intuitional method. Our view of intuition and of the other methods will be given in a special section on the right method of Ethics, and also in later discussions on particular moral theories.

The *a posteriori* or *inductive method* may be defined in a general way as that method which bases the general principles of moral science, if not exclusively, at least mainly on experience. It is the method adopted, for instance—(1) by hedonists and utilitarians, for whom moral good and evil are determined by the pleasurable and painful consequences of acts, pleasure and pain being plainly matters of experience.<sup>16</sup> (2) By evolutionists, in so far as they lay claim to discover the moral law in the general line of development that may be observed in the past history of men and things. This also is an appeal to experience. (3) It is used by all who discover the moral laws by comparison of the various types of character and sentiment that have come prominently before the world in the course of history, and that have aided its progress. As so employed it is sometimes known as the historic method; but this kind of historic method must be carefully distinguished from (4) the HISTORIC method proper (also a method of empiricism), which bases moral judgments on the examination of the development of history as a whole, and not on the accidental appearance of individual types.

We find some difficulty in bringing the various forms of this historic method under one formula or principle, so different and apparently so opposed are the accounts that are given of it by different ethical writers of the historical school. Thus some, like M. Levy Bruhl, regard the historic method

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method is. On the one hand he would seem to be a purely deductive ethicist, for all moral principles with Kant reduce to the one law—"Act so that your maxim may be capable of becoming a law for all mankind." And this law he deduces from the general principle that morality is obedience to law for the sake of law. On the other hand, he sometimes speaks as if we learn our duties by listening to God's voice within us, as when he tells us that it is our duty to cultivate conscience ("cultivation" in Kant's system does not mean "rectifying," since conscience cannot err with Kant; it means strengthening our will to do the good for the sake of duty) by quickening our attention to the voice of the internal judge, and using all means to secure obedience to it ("Preface to *Metaph. Elements*," page 312, Abbot). This would place him among the inner-sense intuitionists. We are, however, we believe, safe in regarding Kant's method as in the main deductive.

<sup>16</sup>Even those *a priori* scientific hedonists who ground the hedonistic code on theories of the *cause* of pleasure, must have recourse in practice to experience. Of this, however, we shall speak later.

as purely positivistic and descriptive. They maintain that it is the business of Ethics to give the history of human customs and of the moral views of different nations as expressed in these customs; also, to discover from an examination of these views and customs the law that has regulated their occurrence and succession. They also expressly declare that all these customs and views, though opposed to one another, *are equally natural and true*, since they are all necessary stages in the evolution of mind and of society. On the other hand, some, like Professor Wundt, who often speaks of Ethics as a study of the “social historic phenomena” and describes the historic method as the right method of Ethics, would seem to imply that the object of Ethics is not merely to correlate the customs of nations and discover the law of their succession, but to distinguish what is natural and good in them and in law from what is unnatural and bad.<sup>17</sup> Wundt, for instance, suggests a distinction between valid and invalid moral law when he speaks of the “universally valid contents of morality,” and between “natural” and “unnatural” when he describes the moral laws as founded on “uniformity in human nature,” or on “certain moral impulses which are in essence always and everywhere the same;” and he even gives as one characteristic of the moral laws (and, therefore, of course, as a criterion by which they are to be distinguished from immoral laws) the fact that the former kind afford “enduring satisfaction.”<sup>18</sup>

These, we say, are seeming differences between the forms of the historic method adopted by M. Levy Bruhl and Professor Wundt and their respective schools. Yet, though seemingly so different in their purpose and presuppositions, these methods, we claim, are fundamentally one and the same, for they depend both upon a view of morals which so many evolutionists maintain and defend—namely, that there is no *a priori* rightness and wrongness, that distinctions of right and wrong do not exist outside the customs and views of different peoples, that the moral law, in so far as such a thing exists at all, is discoverable not by reasoning but by the study of the views and customs of nations, and that all views on “good” and “evil” that have gained anything like wide acceptance are necessarily right and true even though our Reason cannot prove them.

This historic method will be considered later in our chapter on Rights. To treat of it here would, we think, be premature, and it would carry us too

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<sup>17</sup>These systems differ in aim. One aims at history for its own sake. The other uses history to distinguish right from wrong.

<sup>18</sup>“Ethics,” page 327.

far afield.<sup>19</sup> It is better also, as we have said, to reserve our view of the value of the *a posteriori* method generally until we come to treat in particular of the various *a posteriori* systems in which it is embodied.

However, at this point it will be well to call the reader's attention to one particular form of the inductive method, a form to which, we may say at once, we shall rigorously refuse a place in this science—namely, the method of “induction through moral instances,” or the establishment of general moral truths through particular cases of the general truth. An example of this method would be the establishment of the general proposition “all lies are bad” by finding that this, that, and the other lie were bad, or that “murder is bad” because the murder of this, that, and the other man was bad. This method, as we have said, cannot be admitted into Ethics.<sup>20</sup> We do not know that the lie in general is bad on the ground that many particular lies are bad. On the contrary, we can only know that a particular lie is bad through knowing that the lie of its nature, and therefore of itself and in general, is bad. Induction through instances has an undoubted value in the physical sciences, for the physical sciences are concerned solely with objects and qualities that fall under the senses. We see, for instance, with our eyes that this and that piece of gold are yellow, and thus we can argue from many single instances to the general proposition that “gold is yellow.” But such a form of argument is quite inapplicable to Morals. For, individual lies are not labelled “good” or “bad.” We have to discover their moral quality by the use of reasoning, and in establishing their moral quality we argue on the strength of premisses that are quite of general application.<sup>21</sup>

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<sup>19</sup>We may, however, remark at this point that truth and falsity cannot be *tested* by the fact that men believe in certain things and disbelieve in others, and that right conduct and wrong conduct cannot be tested by the fact that such and such courses of conduct have obtained amongst the people.

<sup>20</sup>Some have adopted the *a posteriori* method as equiprimary with the deductive, and as the exclusive method of certain branches of Ethics. Thus, Grote divides Ethics into three distinct parts—the treatise on duty, that on virtue, and that on happiness. For the last of these three treatises the *a posteriori* is, he maintains, the only method available.

<sup>21</sup>A method akin to that of induction, and sometimes adopted in Ethics—*e.g.*, by Sigwart—is that which some critic call the *reductive method*, corresponding in great measure to what Mill calls induction by parity of reason. It is the case of a law revealed fully and necessarily in one particular instance. Thus, the fifth proposition of the first book of Euclid is not only exemplified by proved from any isoceles triangle which one may draw.

To this method all we have said about induction by instances may be applied without exception. Even Sigwart implicitly admits its impossible character when he says—“*Ethics can only come down from above; it cannot be built up from below*”—that is, the general

*The a priori method.* The deductive or *a priori* method is that which deduces all moral truths from certain broad general principle that have either the force of analytic<sup>22</sup> judgments themselves or may be reduced to judgments that are analytic. As there are schools of Ethics that adopt the *a posteriori* method only, so there are ethical schools that adopt the *a priori* method exclusively, and make no appeal, or at least aim at making no appeal, whatsoever to experience in the building up of their science.

The following are instances of the *a priori* ethical method:—(a) The geometric method of Spinoza, in which proposition is drawn from proposition exactly as in Euclid, without any appeal to experience, or any admixture of probable reasoning—the last conclusions being, it is contended, quite as certain as the axioms from which they are drawn, whatever be the number of intervening propositions; (b) the transcendental or abstract *a priori* method, in which all moral truths are deduced from some *one* original speculative truth, such as “I find myself willing” (Fichte), or “I am free” (Hegel), which one proposition, it is contended in each case, is just the abstract expression of the whole moral order, the manifold laws of which are derived from the first principle by pure *a priori* reason alone;<sup>23</sup> (c) the Ideal *a priori* method of Plato in his “Laws,” and of More in his “Utopia,” in which conduct is regulated not by what is good and obligatory for real men, but by an abstract ideal of what is best or might be best for us under conditions that are superhuman.

What value attaches to *a priori* reasoning in Ethics will be seen in the following section, which will contain our view on the function both of deduction and of induction in the science of Ethics.

### 1.4.1 The True Method of Ethics

As the present work proceeds and the moral laws and their many applications come before us for consideration, it ought to become plain to the reader

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moral truths can be established from general principles only, and not from empirical facts. The expression “reductive method” has another meaning also—namely, the establishing of the premises of an argument given the conclusion that has come from them.

<sup>22</sup>By an analytic judgment is meant a judgment of which the predicate is a part of the meaning of the subject.

<sup>23</sup>Hegel recognises the *a priori* method as primary and fundamental. But he is finally led to the adoption of the historic method as the practical and proximate method of Ethics. See later, page ??.

that the method of Ethics is a mixed one, that it is partly *a priori* or deductive, and partly empirical. Ethics is primarily and in the main a *deductive* science—that is, it is a science in which the morality of particular acts is deduced from general moral propositions. For Ethics is a practical science, and, therefore, its aim is to direct men aright in the concrete circumstances of real life. Hence the primary and essential method of Ethics will be that by which our Reason determines the individual duty in individual circumstances. Now, in order to determine the morality of any particular act, it is necessary to bring together certain general moral principles such as will suit the circumstances of the act in question, and from a consideration of those principles we are able to determine deductively the individual duty. Hence the method of Ethics is primarily and in the main deductive.

But it is in the establishment of the general principles themselves that Reason has to fall back to a large extent on experience.<sup>24</sup> For we can only establish the general moral laws by a consideration of the natural human appetites and their objects, and this latter it is evident is largely a matter of experience. We must, therefore, acknowledge that experience is a necessary part of the method of Ethics. Thus we know that society is a natural necessity, because we know that there is in man a natural appetite for society and for certain things that can only be achieved in society, and because, allied to the natural appetite for society, there is also a special natural faculty—namely, speech—which has no other natural purpose than the attainment of certain social ends. Now, the discrimination of these faculties and their objects is the work to a large extent of experience, and, therefore, experience is a necessary factor in the establishment of the general moral principles. We should mention, however, that this experimental factor which plays so important a part in the determination of the general moral principles is no bar to the certitude required of the science of Ethics. For the experience that we presuppose in Ethics is no narrow experience, but one so broad and universal that there can be no error nor risk of error in following it. The method, therefore, of Ethics is in the main deductive. But it presupposes experience, for in the establishment of its general principles it must rely upon experience.<sup>25</sup>

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<sup>24</sup>We refrain from calling this experimental factor in Ethics “inductive,” because of the meaning usually attaching to “induction” as *reasoning built on instances* in the way we have described. To say that there is in Ethics an element of experience expresses our whole meaning here.

<sup>25</sup>The reader must not complain that we give no convincing proof here that the method

## 1.5 Possibility of the Science of Ethics

Is a science of Ethics really possible? A full discussion of this question would anticipate what we hope to prove regarding the reality of the distinction between moral good and evil, and the validity of the first principles of Ethics. But the question may be partly answered here by meeting the more important of the arguments that have been advanced against the possibility of a Moral Science.

(1) It has been said that if there is a science of Ethics at all it must be a science of the most inexact type, so inexact as scarcely to merit the title of science. Opinions, it is contended, are so varied on moral matters that no certain convictions can be entertained about them. Savages, for instance, have only the rudest morality. Their highest code of morals is immorality to civilised men. Nor can it be argued that a savage's opinions are only savage, and are consequently a negligible quantity. Valueless as his opinions may be on purely speculative scientific questions, like astronomy or electricity, they certainly, it is insisted, have a value all their own on matters that concern human life and existence. We have not, therefore, in morals a sufficient consensus of opinion to constitute a genuine science of Ethics.

*Reply*—It is untrue to say that Ethics is either not a genuine science or is an uncertain science. Ethics, in the first place, possesses all the elements that are required for a genuine science—namely, indisputable principles and a definite method; and it is *certain* because the conclusions to which it leads us are certain. This, of course, we can only make clear to the reader as we proceed. We admit, indeed, that there are problems in Ethics, not of a primary character and remote from our first principles, which cannot be solved with certainty. Also, the practical application of the complex rules about circumstances, &c., is not in many cases without difficulty. But yet we shall be able to show that a very large number of our moral conclusions are certain—a number quite large enough to cover all the important duties of a man's life.

The argument drawn from the difference in existing Codes, between that of the savages and that of civilised men, is, we maintain, no disproof of the validity of our science, just as differences of view of the physical world are no disproof of the validity or reality of Physical Science. We admit,

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of Ethics is such as we have described. At this stage of our work it would be irrational to expect us to prove these things. The requirements of Ethics in regard to method can only appear when we come to treat of particular moral problems.

however, that it would be a serious thing for our Moral Science if men did not agree on at least the first principles of Ethics, for these principles are, many of them, intuitions involving experience, and all minds agree about intuitions. But there can be no doubt whatsoever, as we shall see later on in this volume, that savages and civilised men are quite in agreement about the first principles of morals,<sup>26</sup> and that all differences between our codes fall under one or other of the following heads, none of which have reference to primary Ethical principles—(a) remote and difficult ethical conclusions which only the developed Reason can successfully determine; (b) the secondary laws of morality—that is, laws that appertain, not to absolute moral necessities, but to the higher necessities or the necessities of the more perfect human existence; (c) positive laws that are above nature.

For instance, (a) it is not to be expected that savages will have right and proper views of the details of justice, since “justice” cases require reasoning—reasoning of which even civilised men are often quite incapable; (b) savages practise polygamy, civilised men as a rule do not. But then this difference appertains, not to the strictly necessary or primary laws of natural Ethics, but to the secondary laws—the laws of greater human perfection. Now, of these secondary laws the savage has either no care (for he does not desire the greater human perfection) or no knowledge (since what is necessary for the greater perfection is never so obvious as that which is required for existence or life itself); (c) sometimes savages differ from us in their ideas of morality, because our ideas are sometimes formed by positive laws which are above nature, and which savages know nothing about. For instance, we have the law of Christian charity. But such differences of moral idea are not ethical, since Ethics is the study of natural morals, and hence these differences are outside the question which we are discussing.

(2) Secondly—It is contended that many weighty authorities have not regarded this science as demonstrative—*e.g.*, Aristotle.<sup>27</sup>

*Reply*—We can only answer briefly that Aristotle merely meant to indicate that Ethics could not give us certainty in every case, and that the science had its difficulties like other genuine sciences that in part depend on

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<sup>26</sup>Professor Wundt, though an ardent evolutionist, writes (“Ethik,” Engl. transl., page 46)—“No unprejudiced observer can avoid the conviction that in the last resort the differences here (that is, on points of practical morals), are no greater than that in the intellectual realm, where, in spite of all the multiplicity of views and schools, the universal validity of the laws of thought remains unquestioned.”

<sup>27</sup>Also Butler.

experience.

(3) Again, it is objected that “the philosophical explanation of morality always lags behind the fullness of real life”<sup>28</sup>—that the principles of a science of Ethics must be purely general, whereas the object of Ethics—viz., human life—is concrete and real. You cannot, it is contended, frame a body of laws which will reach into all the crevice’s of a man’s life or regulate all his motives.

*Reply*—On the question of the relation between general law and individual fact we shall speak at some length later. Here we may say that, in regard to this relation, Ethics stands on exactly the same footing as Mathematics and Physics. Let us confine our comparison to the case of Ethics and the Physical sciences. The function and aim of the Physical sciences is the discovery of general laws in nature and the deduction of facts from general laws. Yet the general laws of Physics do not of themselves account for the individual facts, but have to be supplemented by considerations of the circumstances in which these facts exist and under which they are produced. Thus, from the general laws of Dynamics no man could deduce the actual course of a falling stone because so much depends on the surrounding circumstances. So also in Ethics the general moral laws could not of themselves meet all the requirements of the individual life. But, given a full statement of the circumstances and given the general laws, the ethician will determine our individual duty, if not in every case, at least in every important case.

(4) Any genuine science, it is argued, should fulfil two important conditions: it should *verify* and it should *predict*. Now, on the one hand, a principle of virtue or of duty could neither be verified nor contradicted by any fact, positive or negative; and, on the other, no man will predict that because we ought to follow certain lines of conduct we therefore shall be found in fact to follow them. If Ethics, then, be a science at all it must be quite unreal, and a science only in a very broad and imperfect sense of the term.

*Reply*—This difficulty we shall dispose of in very few words. Ethics does not propose to tell a man what he *will* do, but what he *ought* to do. Prediction, therefore, is no part of the function of Ethics. Nor need it be. Mathematics is a real science. Yet it is quite incapable of predicting in the strict sense of the word: and, even if Mathematics did predict, the acceptance of mathematical truths is not made surer when its predictions realise themselves, nor more difficult when they do not. And Ethics is to a large

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<sup>28</sup>Prof. Bussel in “Personal Idealism,” page 343.

extent a deductive science like Mathematics, and, therefore, we must not look for predictions from it. What a man *will* do depends on his own will and not on moral law. Ethics treats of moral laws only. Prediction treats of matters of fact. In the same way the laws of Ethics may be quite certain even though they be not *verified* in fact. The laws of Mathematics stand in no need of verification, yet Mathematics is a genuine science. So, also, Logic is a genuine science: yet its laws cannot and need not be verified. Like Ethics, the laws of Logic are themselves the rule and the norm of action, and, therefore, they need no verification in action.

(5) Again, we have Mr. Balfour's objection that ethicists simply falsify their ethical conclusions for the sake of coming into line with the code of morals that obtains *de facto* in the world,<sup>29</sup> since, while they disagree concerning their moral principles, they agree about the code of morals which these principles yield.

*Reply*—This is a serious charge to make against intellectual men, and we do not think it can be substantiated. No doubt ethicists do agree about their conclusions and their codes, and differ very widely about their principles; but from this it does not follow that ethicists deal dishonestly with their principles or force them to unwarranted conclusions. *De facto*, many ethicists hold fast to principles which they find it exceedingly difficult, if not impossible, to bring into harmony with the accepted code. But it is strange that it never occurred to Mr. Balfour that possibly these so divergent principles really supplement one another—*i.e.*, are each true, but, at the same time, that they are only partial truths, and that, consequently, the codes they make possible must in the main be one; in other words, that they are all partial views of the same central fact—human nature and its needs. As a matter of fact we are persuaded that that is the true explanation, and we shall in the course of the following inquiry rarely find ourselves obliged to discard any ethical theory wholly. In practically all of them there is a great deal of truth mixed up with some error. We do not, however, wish it to be understood that the theory we are going to offer is one of eclecticism. Eclecticism means weakness, compromise, insecurity. But to recognise the “true” in what is in part false is not eclecticism but common sense.

(6) There is, then, the much repeated difficulty about the “is” and the

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<sup>29</sup>Prof. Bussel in “Personal Idealism” expressly impugns the candour of ethicists in admitting, as part of their stock-in-trade, principles which we “blush to examine, and for which we find it impossible to account” (page 344).

“ought.” Science, we are told, deals with the real, with what *is*, whereas Ethics deals only with the ideal or with what “*ought*” to be.

*Reply*—The obvious answer to such a difficulty is that Ethics is a *normative science*—that is, it offers us norms or rules of conduct. Surely it is no drawback to any science that it has a *differentia*, which distinguishes it from other sciences. Ethics, like Logic, treats of what *ought* to be—Physics and Mathematics of mere facts. Again, we do not recognise any very marked and essential distinction between the real and the ideal, between what *is* and what *ought* to be, such as is here postulated. Surely the necessity or “oughtness,” of taking the one road that leads to a town if a man would get to a town, is a *real* necessity, and yet it is also ideal or a thing that *ought* to be just in so far as a man may or may not take the road. Now, as we shall see later, Ethics has just to do with these teleological necessities, with the necessities of certain ends of human appetite. These necessities are *real* necessities and the means by which they are supplied are *really* “means.” There is, then, no absolute cleavage between the *ought* and the *is* in Ethics, any more than there is in “Medicine.” The needs of the body are as real as the body itself, and so are the means to its development and maintenance. Yet Medicine treats also of what *ought* to be done. Medicine, like Ethics, is a normative science. But it is also real. The only distinction of “ought” and “is” which we recognise in Ethics is that of the laws of conduct and the actual practices of conduct. These two may not coincide, and it is the business of Ethics to assign these laws of conduct not to tabulate views or practices.

(7) And this leads us to another objection of Professor Bussel<sup>30</sup>—that the end contemplated in Ethics is always an ideal which the individual can never realise, an ideal which belongs to a world beyond the present, and is out of space and time, and so can give rise, not to rational judgments, but to vague sentimentalities and unreal yearnings which never can be satisfied.

*Reply*—Now, we admit that some ethical systems may be so described, particularly those which we shall afterwards discuss under the heading of “Elpistic” theories—theories, viz., which place the good of man in what has been described as “asymptotical desire,” or in the working of the will towards an end which we may always approach, but which we can never realise. But Ethics, as we shall see later, has to do with a real end—an end which we can prove real, as real as man himself, an end, too, which man can reach—*quem homo consequi possit*. It has to do also with the means which

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<sup>30</sup>“Personal Idealism,” pages 359 and 361.

lead thereto necessarily and infallibly. Then, in the matter of the criterion, Ethics deals with our human nature—a real principle, from which spring all the real properties and perfections, relations and needs of man. In the fullest sense of the word, therefore, Ethics deals not with sentimentalities but with realities, and with rational judgments concerning them.





# Chapter 2

## On Human Acts

IN our last chapter we defined Ethics as the science of human action in relation to our last end, and we gave a brief account of what is meant by a human act. It will be our duty in the present chapter, first, to enumerate very generally in the various kinds of human action, and thus to determine in a rough way the subject-matter or range of application of the science of Ethics; then, secondly, by a fuller investigation of the “elements” or “principles” of the human act, or of what makes an act human, to determine this subject-matter still more closely and scientifically.

### 2.1 Division of Human Acts

The human act we defined as an act which is done under the control of Reason and will; and as Ethics is the science of human action or conduct we may regard any act that is controlled by the rational will as falling within the compass of this science and as governed by ethical law. Now, roughly speaking, the rational will controls two classes of acts—its own acts and the acts of certain other powers—or those acts which are done by and completed within the will itself, and which we call *elicited acts* of will; and those acts which, though done by other powers, are yet done at the command of the will, and are therefore called *commanded acts*. Both of these two classes of acts, and not the second merely (it will not be necessary to remind the reader), are commanded by the will, but it is usual and convenient to apply the expression “commanded acts” to the second class along—that is, to acts that proceed from *other* powers but at the command of will. Examples of

these two classes will readily suggest themselves. “Wishing” is an elicited act of will, because it involves the exercise of no other human faculty but that of will. It begins and is completed within the will itself. On the other hand, walking and speaking are “commanded” acts of will, because they belong to and proceed from other powers, but are done at the command of and under the control of will.

The following is a complete enumeration of the various kinds of “elicited act”—wish, intention, election, consent, use, and fruition.<sup>1</sup>

*Wish* (*velle*) means simply the love of, or inclination of the will to, anything. It precedes all other acts of will. *Intention*<sup>2</sup> is a movement of the will to the gaining of an end through certain means. Formally, however, it appertains to the end, not to the means. It differs from wish because a man might wish to do a thing and still not form the intention of doing it. *Consent* is a movement of the will to the taking of such means as are necessary to the end. *Election* is a movement towards or adhesion of the will to some particular one of the many means possible. Election is preceded by the intellectual act of “counsel.” *Use* is that act by which the will directs and moves the other faculties to realise the particular means chosen by the will. *Fruition* is the enjoyment of the end attained. Of these elicited acts three appertain to the end—namely, wish, intention and fruition. The other three appertain to the means.

*Commanded acts* it would not be possible to enumerate with any such precision because they belong to so many powers, and are often very complex. At present we can only divide them under the two broad categories of internal and external act—that is, the will can command the actions of the internal powers and of external powers. An INTERNAL human act is one that involves the use of internal mental powers only, like remembering and reasoning; an EXTERNAL act is one that involves the use of bodily powers also, for instance, the acts of the external senses and the various bodily movements. And though

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<sup>1</sup>These are translations of the scholastic expressions—*velle, intendere, electio, consensus, usus, fruitio*.

<sup>2</sup>“Intention” is sometimes used to signify the object of desire. Mill defines “intention” as what one wills to do, as distinguished from “motive,” or the feeling prompting to the act. With Bentham “intention” means that on account of which, or in spite of which, any thing is done. It includes, therefore, the pleasant and the unpleasant consequences, whilst “motive” means that on account of which a thing is done. This is also MacKenzie’s meaning. Hegel distinguishes “purpose” and “intention.” Purpose is the end desired with its concrete circumstances. Intention is the essential element in desire. Thus, to burn a house is the intention; to burn *this* man’s house and in such a way is the purpose.

in the case of these outward actions the external element is neither prior in order of time nor the more important ethically, still it is customary to speak of the whole human act as external, and not merely that part of it which is material and can be seen or felt by others. Thus the purposeful killing of a man is accounted an external human act.

Now, it may be considered that in giving prominence here to the external element in human action we are extending the range of application of this science beyond its proper limit, since morality is a quality of the free and deliberate act only, whereas the movements of the body are material and determined, and subject rather to physical laws and conditions than to moral laws. But it should be remembered that though the external act is in part physical and material, the whole act and not merely that part of it which is internal is caused by and done under the control of the human will, and that therefore both “external” and “internal” make up between them one act, which, as human and controlled by will, has a right to be considered in this science.

It is well also to point out in this connection that it is exactly in the sense just explained that our internal will-acts are moral. For it is not because our internal will-acts reside in the will as their subject that they are free and moral (there is one such act that is not free and moral—namely, the desire for happiness), but because they are controlled by will. And since the external act is also controlled by will, it also is free and moral.

The division of human acts into elicited and commanded acts of will, and into internal and external, gives us some rough idea of the range of application of this science of Ethics. It is the science which prescribes laws for all human action, whether elicited or commanded, internal or external, in relation to our last end.

We must now go on to a fuller and closer investigation of the nature of the human act.

## 2.2 Of What makes an Act Human

The human act is characterised by three essential qualities—(1) knowledge, (2) voluntariness, (3) freedom. All three are necessary to it, and, as necessary, they are called “principles” of the human act. Some acts fail to be human from ignorance, because a man does not know what he does, as when a person shoots at a bird and kills a man whom he had not seen; some because

they are not voluntary—that is, they do not proceed from will, for instance, purely reflex acts, also, movements to which we are compelled under stress of violence; some, because they are not free, like the acts of madmen or acts done in sleep. But all three “principles” must be present in an act before we can speak of it as *human*.

For, as we saw, a human act is one that is controlled by will. But (1) will depends on intellect it is a psychic appetite. It desires, therefore, only what is known, and what the intellect presents to it as desirable. Hence knowledge is necessary to the human act. (2) That the human act must be voluntary—that is, must proceed from the will either as elicited by the will or as commanded by it—follows from our very definition of the human act as an act done under the control of the rational will. (3) Again, the human act must be free. This also follows from the definition of a human act. For, as we shall see in a later chapter, a free act is any self-determined act of will, any act which the will causes in itself. But an act of will which the will does not itself produce, which is necessitated in the will by inner nature, or forced upon it by violence from outside (if that were possible), is plainly not under the control of the will, and therefore such an act is not a *human* act. Consequently, a human act must be free.

Now, though each of these principles is necessary to a human act, still it is not unusual to speak of a *human* and a *voluntary* act as one, and to include all three conditions under the second condition, or voluntariness, the reason being that voluntariness, *when perfect*, includes all three. For, first, a voluntary act is one that proceeds from the will, and every will-act, as we have already explained, depends on knowledge. Again, an act could not be said to proceed, in the full sense of the word, from the will, or to be voluntary, when it is caused within the will either by nature or by some external influence. An act proceeds from the will or is voluntary, in the fullest and most perfect sense of that word, only when it is caused by the will, and such an act is, according to our definition, a free act.

A voluntary action, then, understood in its most perfect sense, is always free, and any act that is not free is voluntary in a qualified and imperfect sense only.<sup>3</sup>

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<sup>3</sup>Aquinas defines a voluntary act as one that proceeds from will, with (in sense of *through*) a knowledge of the end. When free, such acts, he says, belong to the *will as will*. When not free they belong to the *will as nature*.

We should notice, also, that of all the acts that proceed from will, only one is not a free act—namely, the desire for happiness. See Chapter on Freedom and Morality.

But though voluntary acts and free acts may be regarded under certain technical conditions as co-extensive in their range, still it is necessary to insist that freedom is no part of the direct connotation of voluntariness, which latter term means simply that an action proceeds from will or that the will is directed or inclined to some object. And it is in this sense that we speak of voluntariness in the discussions that follow.

## 2.3 On Voluntariness

The human act, as we have already seen, involves three conditions—knowledge, voluntariness, and freedom. Now, of two of these conditions it will not be necessary to speak at any length here—namely, of knowledge and of freedom. For knowledge is a necessary part of every willact, and it will be sufficiently dealt with in our discussion on voluntariness. Besides, we shall in the present chapter consider the impediments to voluntariness, one of which is ignorance, and from our discussion on ignorance we shall be able to see how far knowledge is necessary to the human act. Concerning freedom, it is only necessary to remember at this point that any act is free which the will has power to do or not to do, and that in this sense freedom is necessary for every human act. An exacter and fuller account of freedom and of its relation to Ethics will be given in a later chapter.

But we must here enter upon a formal discussion of the various kinds of voluntariness, or the various ways in which an agent can be said to will anything, for it is not always easy to say what kinds of acts are voluntary, or how far voluntariness or involuntariness may attach to the same action, and, in that way, it is possible to mistake the range of application of our science which it will be remembered extends to voluntary acts only.

The following are some of the kinds of voluntariness, which are of most importance in ethical science:—

### 2.3.1 Kinds of Voluntariness

(I.) *Perfect* and *imperfect* voluntariness, according as we know clearly and fully intend what we do, or know it only obscurely and consent to it only imperfectly.

(II.) Simple voluntariness (*voluntarium simpliciter*) and conditional voluntariness (*voluntarium secundum quid*). The former means that the will

either has no repugnance to the thing done or that it has momentarily put aside its repugnance in order to do the act; the latter, that we do a thing, but with a certain measure of repugnance. That this second kind, however—the so-called conditional voluntariness—has reference to involuntariness rather than to voluntariness will be seen from the following example, which also makes clear the distinction between simple and conditional voluntariness. When the captain of a ship throws valuable goods overboard in order to keep his ship afloat in rough weather his act is *simply* or absolutely voluntary because his act is done with full knowledge and consent, but it is *conditionally* (*secundum quid*) involuntary, which means that he would not have thrown the goods overboard *if* there were no storm. In other words, he throws them overboard with repugnance. His act in this case is said to be voluntary simply (*simpliciter*) but involuntary conditionally (*secundum quid*).

(III.) *Direct and indirect, or in se and in causa.* We will a thing directly when we will it in itself either as means or as end (when wished directly as end it is wished not only *in* but *for* itself). Thus, the man who shoots in order to kill a bird wills both ends directly. We will a thing *indirectly* when we will not the thing in itself, but something of which it is a consequence. Thus the man who fires a bombshell at a monarch, knowing that it will kill the attendants also, wills indirectly the death of the attendants, and consequently the killing of them is voluntary, even though their death is by no means a pleasure to the assassin.

(IV.) *Positive and negative.* Positive willing is the willing to do. Negative<sup>4</sup> willing is the willing not to do. The man who voluntarily neglects his business is properly regarded as responsible for its decline as well as the man who injures it by positive bad management.

(V.) *Actual, virtual, habitual, interpretative.*<sup>5</sup> Voluntariness or intention is *actual* when we consent to what we do at the time of doing the act. It is *virtual* when the thing done is the result not of a present but of a former intention. It is *habitual* when the act done is not the result of any intention present or past, but nevertheless corresponds to an intention formerly made and never retracted. An example will bring out this distinction of virtual and habitual intention. The man who sets out to walk along a road, and then in conversation with a friend ceases to attend to the fact that he is walking,

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<sup>4</sup>In negative willing the attitude of the will is not one of pure negation. The will must consciously refuse to act.

<sup>5</sup>These qualifying expressions are more often used with the word “intention” than with “voluntariness.”

virtually intends every step he takes, for each step is a result of the intention he has already formed. But the man who, at some time during his life, made up his mind to kill an enemy, and has not as yet retracted that resolution, and afterwards, having quite forgotten about his resolution, kills him for some other independent reason, is said to have had the habitual intention of killing his enemy. Intention is *interpretative* when we have never actually willed a certain act but would will it if we knew of it or of its necessity.

These two latter kinds of intention—habitual and interpretative—though not so important as the first two kinds, are not without their effects in morals and in civil law.

Of the distinction drawn in the third place between direct and indirect will we must now offer some further explanation.

### 2.3.2 Of Indirect Voluntariness of Willing *In Causa*

In determining the various kinds of acts that lie within the ethical sphere, and may be good or bad, it is easy to see that at least all such actions lie within the moral sphere and are good or bad which a man consciously and deliberately elects to do. But sometimes, attached to those actions which please us and which we wish to do, there are *consequences* which do not interest us or which, perhaps, displease us, and it is not always easy to say whether in willing the act we may be justly said to will or be justly held accountable for these consequences, and more particularly whether, if these consequences are bad, we are bound always to refrain from the action to which they attach.

Now, the first of these two questions may be answered very briefly by saying that if a man knows that attaching to his act there will be certain evil consequences, then, whether he likes these consequences or does not like them, we must regard their production as a voluntary act; for the will in causing an act from which these consequences spring is indirectly also the cause of the consequences of this act (*causa causæ est casu causati*). And this is none the less true because the consequences may sometimes be displeasing to us. For when we do an act we do the whole act, just as when we buy a house we buy the whole house; and so a man is said to will and be the cause of consequences which, taken in themselves, he would not wish to produce, just as in buying a house we really will to own the whole house though some features of it may displease us, and even though it gives us no pleasure to own some parts of it. The will, therefore, is the true, though the

indirect, cause of all the known consequences of our action, and *if the act that we do is a free act* and the consequences be foreseen then we are rightly held to be responsible for them.

But a more difficult question arises concerning a man's *moral obligations* in regard to these consequences, whether, namely, in the case of evil consequences, he is always bound to refrain from the action to which they belong. And though we have not yet given any principles of conduct which might guide us to the solution of this problem, still it arises so naturally out of the question of indirect voluntariness now under consideration that we shall be pardoned for making reference to it at this early stage of our work.

Acts that are in themselves good or indifferent are not always forbidden because of the evil consequences to which they lead. For though the person who does these acts is the cause of the consequences to which they lead, still he is not their *direct* cause, nor does his will *rest in them* as an object. It is always wrong to wish evil directly, for acts are morally bad or good according as the objects of our wills are bad or good. But such a rule cannot be applied in all its strictness to cases in which the will is not fixed on an evil thing, but is fixed rather on some good thing from which certain evil consequences follow. It would, for instance, be an absurd thing to charge a ruler with evil-doing for engaging in a war which is otherwise just because he knows that many injustices will occur through means of it, or to prevent a man from saving his own honour even though some people might suffer from the disclosures that have to be made in his defence.

The question then arises—when may an act be done in spite of the foreseen evil consequences? and when is it forbidden on account of these consequences?

Plainly, if the consequences are all evil the act cannot be done. For an act that has no good consequences is bad intrinsically, since if it were either good or indifferent it should have some good effect. It would be at least an exercise of liberty. But our question gains point in the case of an act with mixed effects, some good, some bad, and concerning such acts we must determine when they are allowed and when they are disallowed.

Before, however, we answer this question it is necessary to remark that *causes* of action may be very different in kind and that they may bear very different relations to the effects that flow from them. The causes may be either *physical* or *moral* according as a man does an act himself or persuades another to do it. Also they are *proximate* or *remote* according as very few or many secondary intervening causes are necessary to the effect. Again, some

causes are *natural*, others are *accidental*. Taking poison is a natural cause of death. A passing locomotive engine is often the accidental cause of fires in the vicinity of railways. These distinctions have a bearing on our question which we now proceed to answer.

Our answer is that acts, good or indifferent in themselves, but yet productive of evil consequences, are allowed under the following three conditions, all of which must be fulfilled :- (1) The bad effect must be merely permitted it must not be desired in itself. For if the bad effect be desired in itself, evil is desired directly, and it is never lawful to will evil directly. (2) The bad effect must be coordinate with the good. In other words, the good effect must not be itself a consequence of the bad effect, for in that case the bad effect would be willed as a means to the good effect. But to will a bad effect as means is to will it directly, for means are always willed directly—that is, they are willed, as we have already explained, *in* themselves though not *for* themselves or for their own sake, and, therefore, the will that is directed to them is necessarily had. (3) There must be a sufficient cause for permitting the evil effect. A sufficient excuse is always required for the doing of an act from which an evil effect follows. And since the good effect is our excuse in the present case, the present condition amounts to saying that between the good and the evil effect there must be a due proportion. No man could for the sake of a very small good do an act from which follows a very great evil.

If these three conditions are fulfilled, an act, which in itself is either good or indifferent, is allowable, in spite of the evil consequences to which it leads. But if even one of these conditions be unfulfilled, then the act is forbidden.<sup>6</sup>

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<sup>6</sup>These conditions sometimes offer difficulty in practice. It is not easy to know when the good effect is proportional to the bad. In estimating the proportion there are certain commonsense maxims to be followed—for instance, that the more remote our act is from the effect (considering the number of intervening causes accessory to the production of the evil effect) and the less the likelihood of the effect following from our act, the less is the excuse required. We should also remember that if we decide that there being no proportion between the good and the bad effect, the act is not lawful for us—then we must be prepared to forego this act every time the same circumstances are repeated. This of itself increases the awkwardness and evil of omitting the act, and hence a less amount of good is required in the case of acts which we often have occasion to do than in the case of uncommon acts. Again, if a man is bound from his position to guard generally against *this precise* evil effect, then a greater excuse is required for the permitting of the effect than is required in the case of a man who has no special duties in regard to this effect. Thus a soldier on guard should suffer almost any evil rather than do anything from which the betrayal of his comrades might possibly follow as an effect.

Following these rules we shall be able to compute when an act may lawfully be performed, which, though good or indifferent in itself, involves the occurrence of consequences that are morally evil. But of the two questions proposed by us, the first—namely, how far the effects of our actions may be regarded as voluntary—is the more important for our present purposes, for we are at present attempting to give a general account of what acts are voluntary and human, and, therefore, are subject to ethical rule.

### 2.3.3 Of what makes an Act less Human

Having now determined what it is that makes an action human and thus brings it within the sphere of ethical science, we turn next to consider a kindred and not less practical question which also appertains to the nature of the human act—namely, what are those things that make an act *less* human, that diminish the moral character of our acts? In this, as in the preceding question, we shall do very little more than explain the teaching of the scholastic writers, and in particular Aquinas' teaching.

The perfectly human act is, as we saw, one of which we have perfect knowledge, and which is perfectly under the control of will. But opposed to knowledge is ignorance; and the control of the will is impaired from two causes—namely, violence from without and passion from within. And, therefore, we shall in the following sections consider these three things—ignorance, violence, and passion—in their relation to voluntariness and freedom.

#### Of Ignorance

Ignorance means absence of knowledge in one who has naturally the faculty of knowledge. In reference to action it may be either antecedent, concomitant, or consequent. Ignorance is *antecedent* when the act that we do is done *through* ignorance, and would not have been done but for the ignorance—on the contrary, would have been avoided had we had any knowledge of our action. It is *concomitant* when it is done merely *in* ignorance, but not *on account of* ignorance, and therefore would have been done even if ignorance had been replaced by knowledge. Ignorance is *consequent* when it is itself consciously and voluntarily procured and maintained by the agent.

When ignorance is antecedent, the resultant act is not only involuntary,<sup>7</sup>

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<sup>7</sup>The scholastics use the word “involuntarium” to denote what is opposed to a man's will. The English word cannot be so used. It simply means “not voluntary” or “not

but is actually opposed to our inner will, and therefore we are not responsible for it. Thus a man who fires at an animal, not knowing that a child is near, could not be said to kill the child voluntarily. When ignorance is *concomitant* the act is simply *involuntary*, in the sense of not willed (it is not necessarily opposed to our wills), and we are not responsible for its performance. When ignorance is *consequent* the act is neither involuntary nor opposed to our will, but is simply *voluntary*, and we are responsible for its performance. Of consequent ignorance there are two kinds—ignorance which is directly willed and ignorance which is willed only indirectly. It is *directly* willed when we actually strive to remain in ignorance—that is, when we take care not to know; *indirectly* when we simply neglect to learn, but do not actually desire to be ignorant. The first kind of ignorance is called *affected* ignorance. The second when gravely culpable is called *crass* ignorance; and it is gravely culpable when we neglect to use what, humanly speaking, are ordinary means for its removal. Sometimes the removal of ignorance is possible by the use of extraordinary means only, and then our ignorance is not accounted consequent, but concomitant. Now, neither of these two kinds of consequent ignorance—affected or crass—makes an act involuntary, for the simple reason that the act done under their influence is due to that of which we ourselves are the cause. But though affected and crass ignorance do not wholly *destroy* the voluntariness of an act, yet they do *impair* its voluntariness to some extent, and if the act be bad they diminish the evil of it; for it is better to refuse to know the law, so as not knowingly to break it, than to break the law with a full consciousness that we are violating it. In the former case the violation of law is accompanied by some respect, in the latter there is violation and no respect.

### on violence

Violence destroys voluntariness and freedom in him who suffers violence, for an act done through violence is caused not by the agent who suffers the violence, but by him who inflicts it, whereas voluntariness implies that an act is done from the agent himself as cause.

However, it is sometimes hard to determine how far an agent who is violently compelled to an act is to be held responsible for the same. And this difficulty arises from two causes—first, because an act may be not wholly due

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willed.”

to violence. A man may resist violence and yet to some extent co-operate with it. Secondly, even when the violence is such as cannot be resisted, still the will retains always the power of determining itself independently of the external violence used, for violence cannot affect the will. Questions, therefore, arise concerning the duty of external resistance and also concerning the internal consent which may be given. But these questions we shall not consider here, since we are here merely considering what things can effect voluntariness and freedom—violence being one of them.

### the passions

The effect of the passions on the voluntariness of acts is set forth by St. Thomas Aquinas in a number of propositions which have now come to be looked upon as necessary formulæ for the solution of practical questions on voluntariness and responsibility. We give them here with the briefest possible explanation:—

(1) *Concupiscentia antecedens auget voluntarium sed minuit liberum*—that is, where passion is not itself consciously worked up, where it precedes our act, it increases voluntariness in the sense of increasing the onward movement of the will, but it lessens liberty since it brings the act under the control of the sense and not of will.

(2) *Concupiscentia consequens auget voluntarium*—that is, where passion is consciously worked up it increases voluntariness, for it increases the onward movement of the will. It also increases liberty in increasing the amount of free action.

(3) *Concupiscentia consequens et totaliter tollens usum rationis non tollit voluntarium*. Passion, when directly worked up, may completely take away the use of Reason, and still the act is voluntary and free.

(4) *Concupiscentia antecedens totaliter tollens usum rationis tollit voluntarium*. Passion which we do not ourselves cause, and which completely takes away the use of Reason, completely destroys voluntariness and freedom.

(4) *Concupiscentia non totaliter tollens usum rationis, et antecedens, minuit liberum*. Passion which we do not ourselves cause, if it should interfere with the use of Reason, lessens freedom for the reason given before.

These five propositions, in so far as they relate to voluntariness, yield the following resultant which Aquinas gives as expressing the general relation subsisting between passion and voluntariness—*concupiscentia magis facit voluntarium quam involuntarium*—the general effect of passion is to

increase voluntariness in the sense of intensifying the onward movement of the will to any object.

It is usual in works on moral science to pay some special attention to the passion of fear.<sup>8</sup> Fear is the recoiling of the mind from impending evil. It has this distinctive characteristic, that it induces the will to do an act which the will of itself would not do—that is, which it would not do were it not under the influence of fear. Thus the captain of a ship will, in order to save his vessel, throw out even valuable goods which it is no pleasure to him to lose. And though the throwing out of these goods is *secundum quid* involuntary—that is, would not be willed, did ordinary circumstances prevail, yet absolutely (*simpliciter*) the loss of them is voluntary since *de facto* these circumstances do prevail and the goods are thrown over. When an act is done *from* fear its voluntariness is lessened, but not when done merely *with* fear.

Fear, like the other passions, may be so strong as totally to destroy one's liberty, and the act so done is not a human act. It is an *actus hominis*, not an *actus humanus*. But if fear be not so strong as to destroy freedom, the act done under its influence is free and human, in the degree in which Reason is allowed to play its part. If the evil feared be grave, then the fear is grave; if the evil be light, then the fear is light. But these terms must be understood as relative to the person affected, for what would be grave fear for one person may be light for another.

But the positive law often invalidates an act which is done from fear, not because the act which a person does from fear is not voluntary in itself, but because it is for the common good that an act so done should be invalidated in certain cases. The conditions generally required for such "invalidation" depend upon particular forms of legislation and the kind of act that is being legislated for. There is, however, one condition that is pretty generally regarded as necessary in all such cases—namely, that the fear which invalidates an act must be excited by someone directly and wrongfully, and for the express purpose of obtaining consent to the act in question—"*directe et injuste incussus ad extorquendum consensum.*"

These are the principal elements that lessen the human character of acts—ignorance, violence and passion<sup>9</sup>—and it is for the moralist to compute in

<sup>8</sup>The full enumeration and classification of the passions can be found in any standard work on Psychology—for instance, in Maher's "Psychology."

<sup>9</sup>Some ethicists give prominence also to *habit* as a fourth factor. The consideration of it here would bring us too far afield in a work like the present.

individual cases how far an act done under their influence is voluntary and human and within the range of Ethical Science.