II.—REMARKS ON THE PREDICATES OF MORAL JUDGMENTS.

BY EDWARD WESTERMARCK.

THAT the various predicates of moral judgments are ultimately based on emotions of either indignation or approval seems to me to be a fact which ethical intellectualists have in vain attempted to deny. By this I mean that without such emotions there would have been no moral predicates at all. These predicates involve generalisations of emotional phenomena made by man in the course of time. They do not state the actual existence of a specific emotion in the mind of the person judging, or of somebody else; they indicate a tendency to call forth a moral emotion, just as "pleasurable" denotes a tendency to give pleasure, and "frightful" a tendency to inspire fear. Like all general terms they are used without any distinct idea of their contents. But I think that an exhaustive analysis of them must ultimately trace them back to the emotions mentioned. In a genuine moral judgment the tendency of its subject to call forth indignation or approval necessarily refers to him who pronounces it. If I say that a certain mode of conduct is bad or good, and if I mean what I say, the predicate of my judgment implies that its subject is apt to evoke moral indignation or moral approval in myself. But besides this the moral predicate has a character of generality. It seems to apply some vague assumption that the object in question is apt to give rise to the same moral emotion in the mind of every one who possesses a sufficient knowledge of the case and of all the attendant details, who has a "sufficiently developed moral sense," or the like.

Space does not permit me to attempt anything like a detailed analysis of the moral emotions. Such an analysis would require an examination not only into the predicates of moral judgments, but into their subjects. I must be contented with indicating that moral indignation is a hostile, and moral approval a friendly, attitude of mind towards its object; that the objects which give rise to moral emotions

belong to the very same groups of phenomena as those which are apt to call forth resentment and gratitude; and that the essential differences between moral indignation and resentment, and between moral approval and gratitude consist in the disinterestedness and relative impartiality which characterise every moral emotion. A comprehensive study of the moral ideas of various nations and in various ages confirms the ingenious hypothesis set forth by Adam Smith, that resentment and gratitude belong to the root-principles of the moral consciousness—a circumstance all the more satisfactory to the student of psychical origins as anger towards an ill-doer and friendliness towards a well-doer are mental facts easily explicable as results of natural selection. How these primary attitudes of mind have been modified, chiefly through sympathy and social influences, into moral emotions, does not concern us at present. I merely wish to point out the fact, generally overlooked, that the impartiality which a moral emotion presupposes is not absolute, only relative, that is, impartiality within certain limits. Absolute impartiality, I understand, would concede to all sentient beings equal rights. But where is it to be found, and who would look upon it as equitable? The moral estimation recognises classes with different rights. It requires impartiality within the limits of each class, but those limits themselves may have been drawn with the greatest partiality. If, for instance, a savage censures as wrong a homicide committed upon a member of his own tribe, but praises as meritorious one committed upon the member of another, he attributes different rights to the members of the respective tribes, and his indignation and his approval possess not only that personal disinterestedness, but at the same time that relative impartiality, which is required by tribal morality.

After these preliminary remarks, I shall proceed to what is the chief object of the present article, *viz.*, to show in what relation the various moral predicates stand to the emotions of indignation and approval. Such a detailed examination will, I think, afford the best proof possible of the emotional basis of the moral consciousness.

In modern Ethics the conception of *ought* generally occupies a central position among moral predicates. It is frequently looked upon as an ultimate and unanalysable notion, as "too elementary"—to quote Prof. Sidgwick¹—"to admit of any formal definition." This view, I think,

instead of simplifying the matter, has been the chief cause of the prevailing confusion in ethical thought. Far from being a simple notion, "ought"¹ appears to me clearly decomposable, even though it may have a special flavour of its own. First of all it expresses a conation. When I feel that I ought to do a thing, I experience an impulse to do it, even though some opposite impulse may finally be the successful determinant of my action. And when I say to another man, "You ought to do this or that," there is certainly implied a conation on my part that he should do it. In the notion of *duty*, the moral content of which is identical with that of "ought," this conative element is not so obvious.

Closely connected with the conative nature of ought is the imperative character it is apt to assume. Nevertheless, though being frequently used imperatively, "ought" is not necessarily and essentially imperative. Even if the "ought" I address to myself may, in a figurative sense, be styled a command, it is impossible to speak of a present command with reference to past actions. The common phrase, "You ought to have done this or that," cannot be called a command.

The conation expressed in "ought" is determined by the idea that what ought to be is not, or will possibly not be. It is also this idea of its non-existence that determines the emotion which gives to "ought" the character of a moral predicate. What ought not to be is apt to call forth moral indignation; this is the most essential fact involved in the notion of "ought". It has often been observed that the so-called negative commandments, which tell men what they ought not to do, are more ancient than the positive commandments which tell them what they ought to do. It is easy to understand why this is the case. The negative commandment is the simpler and more natural expression of "ought". Every "ought"-judgment contains implicitly a negation. Nobody would ever have dreamt of making a moral injunction if the idea of its transgression had not presented itself to his mind. When Solon was asked why he had specified no punishment for one who had murdered a father, he replied that he supposed that it could not occur

¹ I need hardly say that "ought," "wrong," "right," etc., are here used only in their moral sense. I shall not discuss the relation between the moral and non-moral meaning of these terms, since I believe that such a discussion would not help us to solve our problem. Language is a rough generaliser. The attempt to apply the philological method to an examination of moral conception has proved a failure—which may be seen from Mr. Baynes's book on *The Idea of God and the Moral Sense in the Light of Language* (1895).

to any man to commit such a crime;¹ and the modern Shintoist concludes that the primæval Japanese were pure and holy from the fact that they are represented as a people who had no moral commandments.² It is this prohibitive character of "ought" that has imparted to duty that idea of antagonism to inclination which has found its most famous expression in the Kantian ethics, and which made Bentham look upon the word itself as having in it "something disagreeable and repulsive".³ It is this intrinsic connexion between "ought" and "wrong" that has given to duty the most prominent place in ethical speculation whenever moral pessimism has been predominant. Whilst the ancient Greeks, with whom happiness was the state of nature, never spoke of duty and held virtue to be the Supreme Good, Christianity, on the other hand, which looked upon man as a being born and bred in sin, regarded morals pre-eminently as the science of duty. Then, again, in modern times, Kant's categorical imperative came as a reaction against that moral optimism which once more had given the preference to virtue, considering everything in the world or in humanity beautiful and good from the very beginning.⁴ It is also worth noting that the feeling of self-complacency connected with the consciousness of having acted in accordance with the law of duty has no distinctively expressive name in ordinary language, while the opposite feeling is known by so familiar and distinctive a term as "remorse". This is not, as has been said,⁵ "a significant indication of the moral condition of mankind," but a significant indication of the true import of the notion of duty itself.

We may undoubtedly applaud him who is faithful to his duty, but the idea of duty involves no applause. There is no contradiction in the omission of an act being disapproved of and the performance of it being praised. "Ought" and "duty" express only the disapproval of its omission, and say nothing about the consequences of its performance. The conscientious man refuses the homage paid to him, by saying, "I have only done my duty". Duty is a "stern law-giver," who threatens with punishment, but promises no reward.

The ideas of "ought" and "duty" thus spring from the

¹ Diogenes Laërtius, *Solon*, ch. x.; Cicero, *Pro S. Roscio Amerino*, ch. xxv.

² Griffin, *The Religions of Japan*, p. 72.

³ Bentham, *Deontology*, vol. i., p. 10.

⁴ Cf. Ziegler, *Social Ethics*, pp. 22, 75, sq.

⁵ Murray, *An Introduction to Ethics*, p. 108.

same source as the idea of *wrong*, that is, from the emotion of moral indignation. To say that a man ought to do a thing is, so far as the morality of his action is concerned, the very same thing as to say that it is wrong of him not to do it. And the wrongness of an action is nothing but its tendency to call forth moral indignation.

"Wrong" is popularly regarded as the opposite of *right*, and they are really contradictories in a certain sense within the sphere of moral valuation. We do not call the actions of irresponsible beings "right," although they are not wrong, nor do we pronounce morally indifferent actions of responsible beings to be "right," unless we wish thereby especially to mark their moral value, as not being wrong. If the question is put whether it is right for a man to do a certain thing, the answer may be in the affirmative, and can certainly not be in the negative, in case the act is not regarded as wrong. But the most proper answer would be, that he has a right to do it. The adjective "right," in its strict sense, refers to cases from which the indifferent is excluded. A right action is *the* right action, and other alternatives are wrong. "Right" is thus closely related to "ought," but at the same time "right" and "obligatory" are not identical. I cannot subscribe to the view of Prof. Sidgwick, that "in the recognition of conduct as 'right' is involved an authoritative prescription to do it".¹ What is right is in accordance with the moral law; the adjective right looks upon duty as fulfilled. It is true that the super-obligatory also is right. But "right" takes no notice of the super-obligatory as distinct from the obligatory, and what goes beyond duty always involves the fulfilment of some duty. It may be admitted to be "not only right," but not to be more right. Right has no comparative. A duty is either fulfilled or not, and unless it be perfectly fulfilled the conduct is wrong. There are degrees of wrongness and of goodness, as the moral indignation and the moral approval may be stronger or weaker, but there are no degrees of rightness.

The fact that the right action is a duty fulfilled, accounts for the erroneous opinion so generally held by ethical writers, that "right" is intrinsically connected with moral approval.² The choice of the right alternative may give us satisfaction,

¹ Sidgwick, *loc. cit.*, p. 106 *sq.*

² Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections with Illustrations on the Moral Sense* 1728, p. 279. Clifford, *Lectures and Essays* (1886), pp. 234, 304 *sq.*; Fowler and Wilson, *The Principles of Morals*, vol. II., p. 199; Alexander, *Moral Order and Progress*, p. 399; etc.

but satisfaction is not the same as approval or praise. We may even praise it, but "right" *per se* involves no praise. It is right to abstain from killing, robbing, lying, but it is not generally regarded as praiseworthy. "Right," as well as "ought" ultimately derives its moral significance from moral indignation. This may seem strange considering that "right" is commonly looked upon as positive and "wrong" as its negation. But we must remember that language and popular conceptions in these matters are modelled on the idea of a moral law. Wrong is to be prohibited, and the prohibition is expressed in a command. The breach of it is wrong, the obedience to it is right.¹ But the fact which gives birth to the command itself is the indignation called forth by that which the command forbids.

I have spoken here of "right" as an adjective. Used as a substantive to denote a *right*, it also has a negative character. It essentially contains a prohibition. In the notion of a right there is always immanent the idea that any infringement of that which constitutes the right is inadmissible, being prohibited either by positive law, in the case of a legal right, or by the moral law, in the case of a moral right. To attribute a moral right to an individual is thus to recognise that no hindrance ought to be put in the way of the realisation or enjoyment of what is his right. And this character of inviolability belongs to a right on account of its always being a right to an activity or to a state of existence which is not wrong.

The notion of "a right" thus derives its import from the notion of "ought". To every right there is consequently a corresponding duty, the duty of not intruding upon it, of not preventing its possessor from making use of it, of not blaming him for doing so. This duty is a universal duty, incumbent upon every one who has any duties at all, although it may practically affect some special individual, or individuals, more than other. In this point theorists upon rights have frequently been guilty of a confusion of thought. It has been said, for instance, that if parents have a right to obedience from their children, the corresponding duty is that children are obliged to obey their parents. But the parents' right does not really consist in the obedience of their children, they have a right to command obedience from them, to try, within certain limits, to compel them to obey, and the duty corresponding to this right is the universal

¹ This way of looking upon the matter also accounts for the fact that "wrong" and "right" as moral predicates, refer to conduct, not to character. We do not command a man to have a certain character.

duty of not preventing them from doing so. That there is no necessary connexion between the right to command obedience and the duty to obey, appears, for example, from the fact that a man undoubtedly has a right to compel his horse to submit to his will (unless, by doing so, he makes himself guilty of cruelty), whereas it is impossible to attribute to the horse the duty of obedience. The circumstance that in many, though not in all, cases a right is a right to a mode of conduct which has reference to some particular person, or class of persons, has disguised the truth that, whilst rights may be individual, their corresponding duties are always universal.

It has been maintained that rights and duties are really identical, it being always a duty to insist upon a right.¹ No doubt, if anybody prevents me from making use of my right, I ought to insist on it, inasmuch as it is a duty not to tolerate wrong. But this does not make rights and duties identical. In innumerable cases rights imply such duties, and the implication is more frequent according as the moral standard is more rigid. In proportion as the sphere of duties is extended, the sphere of what is permissible, without being obligatory, is restricted. But even the strictest judge does not in practice abolish the merely permissible. Those who maintain that there is nothing morally indifferent, and nothing that goes beyond duty, who, in other words, look upon all conduct of responsible beings as either wrong or obligatory, they of course are bound to draw the conclusion that a right in every case is a right to perform a duty. But their premise is psychologically incorrect, being contrary to the moral consciousness as it actually exists. Even though it be my duty to insist upon my right when it is infringed, it is not always my duty to exercise a right I possess. And if a man's right happens to coincide with his duty, we say that it is not only his right but also his duty, which shows that these notions are in no case identical.

As there is a universal duty corresponding to each right—the duty to respect it—so there is a universal right corresponding to each duty—the right to disapprove of its transgression. The universality of this right is not invalidated by the fact that the permissible means of expressing disapproval vary indefinitely. Everybody has a right to try, within certain limits, to prevent the transgression of a duty, but everybody has not, except in extreme cases, the right of

¹ Alexander, *loc. cit.*, p. 146 sq.

actual compulsion nor the right of inflicting punishment, in the ordinary sense of the word, upon the transgressor. It is a universal right to arrest the assassin's dagger, even if it be at the cost of his life, but it is not a universal right to compel a child to obey its parents. Among the ancient Teutons it was a universal right to kill an outlawed man; but, as a general rule, the right to punish an offender was restricted to the injured man and his family, and in later times it was transferred to the State. When the transgression of a duty consists in the violation of somebody's right, the offended party, however, has retained a particularly important share in the universal right corresponding to the duty. It is true that there has been a general tendency, in the course of evolution, to restrict this share within more and more narrow limits. Self-revenge has been succeeded by State-punishment; the paternal authority has lost its rigidity; the right to hate an enemy has been theoretically transformed even into a duty to love him. Nevertheless, in spite of the commandment of an idealistic moral code, public opinion, even in the most civilised societies, gives to the sufferer a certain right of retaliation, especially if his honour has been attacked, and to injured nations the right of war.

Besides the corresponding right every duty gives to all who are capable of possessing rights, it carries with it a special right, that of performing the duty—in somewhat the same way as every right brings with it the duty of not tolerating its violation. It is almost superfluous to point out the inaccuracy of which certain writers are guilty, when speaking of “colliding duties,” just as if, in a certain moment, a man could have a duty which he had no right to perform. The so-called “duties” only represent, in a rough way, modes of conduct which under ordinary circumstances are obligatory. The “duties” a man owes to his family, for instance, do not really imply that he, under all circumstances, ought to look after its special interests, and can never collide, say, with the duty of patriotism. It is an odd way of putting it to say that a lower duty has to give way to a higher duty, since “the lower duty” in case of “collision” is no duty at all. An action which a man ought not to do, and which he has no right to do, never can be called his duty.

In some way connected with the notion of “rights” is the notion of *justice*. It is thus defined in the *Institutes* of Justinian: “*Justitia est constans et perpetua voluntas jus suum cuique tribuendi*”—“Justice is the constant and perpetual will to render to each one his right”. In fact only

the discharge of a duty corresponding to a right is called "just," in the strict sense of the word, only the violation of a right is called "unjust". At the same time "justice" and "injustice" are not simply other names for respecting and violating rights. It is true, as Adam Smith observes,¹ that "we may often fulfil all the rules of justice by sitting still and doing nothing," and that the man who barely abstains from violating either the person or the estate or the reputation of his neighbours is so far a just man. But we do not generally call him just. "Justice" involves something besides the mere respect for a right.

Whenever we style an act "just" or "unjust," we emphasise its relative impartiality or partiality. We do not denominate murder and robbery unjust, but wrong or criminal, because the terms "murder" and "robbery" lay stress, not upon the iniquity of the act, but upon its general wrongness or criminality. We admit however at once their gross injustice, when we consider that the murderer and robber indulged their own inclinations with utter disregard of their neighbours' rights. And we look upon "unjust" as an exceedingly appropriate term for a judge who condemns an innocent man with the intention to save the culprit, and for an employer who robs his servants by withholding their stipulated wages.

The essence of justice lies in impartiality within the recognised order of rights. This impartiality, as we have already seen, is only relative, because the distribution of rights itself may be partial. In a society which regards slavery as a morally permissible institution, a man is not necessarily deemed unjust if he beats a slave in a case where it would have been wrong to beat a free man. Justice requires impartiality within the sphere of equal rights. A father is unjust if he gives away property to one of his children in preference to others, in case all of them are recognised to have a right to an equal share in his property, even though it be only a conditional right; and a man is unjust if he keeps for himself a profit to which another man has an equal right. Moreover, in the case of unequal rights, justice admits of no greater "inequity" of treatment than what the difference in rights implies. It is just to punish a man who by a crime has forfeited that right to be protected from wilfully inflicted pain which every law-abiding citizen possesses, but it is unjust to extend the inequality between his condition and the condition of others beyond the in-

¹ Adam Smith, *The Theory of Moral Sentiments* (Bohn's edition), p. 117

equality of their rights by inflicting upon him a punishment which is unduly severe

It is, so far as I can see, the emphasis laid on impartiality that gives the justice a special prominence in connexion with punishments and rewards. A man's rights depend to a great extent upon his actions. Other things equal, the criminal has not the same rights to inviolability as regards reputation, or freedom, or property, or life, as the innocent man; the miser and the egoist have not the same rights as the benefactor and the philanthropist. On these differences in rights, due to differences in conduct, the terms "just" and "unjust" lay stress: for in such cases an injustice would have been committed if the rights had been regarded as equal. When we say of a criminal that he has been "justly" imprisoned, we point out that he was no victim of undue partiality, as he had forfeited the general right to freedom on account of his crime. When we say of a benefactor that he has been "justly" rewarded, we point out that no favour was partially bestowed upon him in preference to others, as he had acquired the special right of being rewarded. Of course the "justice" of a punishment or of a reward involves something more than this. What is, strictly speaking, "just" is always the discharge of a duty corresponding to a right which had been in a partial manner disregarded by a transgression of the duty.¹ If justice demands that a man should be punished, his not being punished is an injustice towards all those whose condemnation of the wrong act finds its recognised expression in the punishment, inasmuch as their right of resisting wrong is thereby violated in favour of the wrong-doer. In cases where the claims of justice are not strictly defined, the comparatively lenient treatment of a criminal, though not being unjust *per se*, involves a special injustice towards other criminals, whose guilt was the same but whose punishment was more severe. Retributive justice admits of a certain latitude as to the retribution. It may be a matter of small concern from the point of view of justice whether men are fined or imprisoned for a certain crime. But it is a just claim that, under equal circumstances, all of them should be punished with the same severity, since the crime has equally affected their rights.

The notion of "justice," thus implying a kind of right-

¹ The relation between "just" and "unjust" is the same as that between "right" and "wrong". An act is "just," in the strict sense of the word, if its omission is "unjust". At the same time, non-obligatory acts that are "not unjust" can hardly be denied to be "just," in a vague sense, although they are not demanded by justice.

ness, obviously derives its origin from moral indignation. This is not contradicted by the fact that men are frequently applauded for being just. Considering how difficult it is to be perfectly impartial and to give every man his due, especially when one's own interests are concerned, such a praise is only natural. But the notion of "justice" itself involves no praise, and what is "only just" is in no way meritorious.

From the predicates springing from moral indignation and involving, or referring to, censure, we pass to those that spring from moral approval and involve praise. Foremost among these ranks the predicate *good*.

Though "good," being affixed to a great variety of objects, takes different shades of meaning in different cases, there is one characteristic common to everything called "good". This is hardly, as Mr. Spencer maintains,¹ its quality of being well adapted to a given purpose. It is true that the good knife is one which will cut, the good gun one which carries far and true. But I fail to see that "good" in a moral sense involves any idea of an adaptation to a given purpose, and, by calling conduct "good," we certainly do not mean that it "conduces to life in each and all". "Good" simply expresses approval or praise of something on account of some quality which it possesses. A house is praised as "good" because it fulfils the end desired, a wine because it has an agreeable taste, a man on account of his moral worth. "Good," as a moral epithet, involves a praise which is the outward expression of the emotion of moral approval, and is affixed to an object of moral valuation on account of its tendency to call forth such an emotion.

"Good" has commonly been identified with "right," but such an identification is incorrect. It is right that a father supports his young children, inasmuch as he, by supporting them, discharges a duty incumbent upon him, but we do not call him good for doing it. Nor do we style a man good because he does not kill or rob his neighbours, although his conduct is so far right. The antithesis between right and wrong is contradictory, the antithesis between good and bad is only contrary. Every act, falling within the sphere of moral valuation, that is not wrong is right, but every act that is not bad is not necessarily good. Just as we may say of a thing that it is "not bad," and yet refuse to call it "good," so we may refuse calling "good" the simple discharge of a duty, although the opposite conduct were bad.

¹ Spencer, *The Data of Ethics*, p. 21 sq.

On the other hand, it involves no confusion of ethical conceptions to attribute "goodness" to the performance of a duty, or, in other words, to praise a man for an act for the omission of which he would have incurred blame. To say of one and the same act that it is right and that it is good, really means that we look upon it from different points of view. Since moral praise expresses a benevolent attitude of mind, it is commendable and even obligatory for a man not to be too niggard in his acknowledgment of other people's right conduct, whereas, as self-praise is objectionable, only the other point of view is deemed proper when he passes a judgment upon himself. He may say, without incurring censure, "I have done my duty," but hardly, "I have done a good deed," and it would be particularly obnoxious to say, "I am a good man". The best man even refuses to be called good by others—"Why callest thou me good? there is none good but one, that is God".

Whilst "goodness" is the general expression for moral praise, *virtue* denotes a disposition of mind which is characterised by some special kind of goodness. He who is habitually temperate possesses the virtue of temperance, he who is habitually just the virtue of justice. And even when a man is simply said to be "virtuous," this epithet is given to him, more or less distinctly, with reference to some branch of goodness which constitutes his virtue. A Supreme Being, to whom is attributed perfect goodness, is not called virtuous but good.

It was the opinion of Aristotle that virtue is imperfect so long as the agent cannot do the virtuous action without a conflict of impulses. Others maintain, on the contrary, that virtue essentially expresses effort, resistance, and conquest. It has been represented as "mediation through pain";¹ according to Kant, it is "the moral disposition in struggle". For my own part I cannot admit that virtue presupposes struggle, nor that it is lessened by being exercised with little or no effort. A virtue consists in the disposition to will or not to will acts of a certain kind, and is by no means reduced by the fact that no rival impulses make themselves felt. It is true that by struggle and conquest a man may display more virtue, viz., the virtue of self-restraint in addition to the virtue gained by it. The vigorous and successful contest against temptation constitutes a virtue by itself. Thus the quality of mind which is exhibited in a habitual and victorious effort to conquer strong sexual passions is a virtue

¹ Laurie, *Ethica*, p. 258 sqq

distinguishable from that of chastity. But even this virtue of resisting seductive impulses is not greater, *ceteris paribus*, in proportion as the victory is more difficult. Take two men with equally strong passions and equally exposed to temptations, who earnestly endeavour to lead a chaste life. He who succeeds with less struggle, thanks to his greater power of will, is surely inferior neither in chastity, nor in self-restraint. Suppose, again, that the two men were exposed to different degrees of temptations. He who overcomes the greater temptations displays more self-restraint—although the other man may possess this virtue in an equal degree—but his chastity is certainly not made greater thereby. He may have more merit, but merit is not necessarily proportionate to virtue.

In order to form a just opinion of a man's moral worth we must take into account the strength of his instinctive desires and the motives of his conduct. There are virtues that pay no regard to this. A sober man who has no taste for intoxicants possesses the virtue of sobriety in no less degree than a man whose sobriety is the result of a difficult conquest over a strong desire. He who is brave with a view of being applauded is not inferior in courage to him who faces dangers merely from a feeling of duty. The only thing that the possession of a virtue presupposes is that it should have been tried and tested. We cannot say that a people unacquainted with intoxicants possesses the virtue of sobriety, and that a man who never had anything to spend distinguishes himself for frugality. For to attribute a virtue to somebody is always to bestow upon him some degree of praise, and it is no praise, only irony, to say of a man that he "makes a virtue of necessity".

This fact that a man's virtues are no exact gauge of his moral worth is due to the stereotyped character of the virtues. They are broad generalisations of mental dispositions which, on the whole, are regarded as laudable. In individual cases, on the other hand, the possession of a virtue may confer no merit upon the possessor.

In illustration of the somewhat vague moral nature of the virtues may also be adduced the fact that among virtues have been ranked mental qualities which have little or nothing to do with morality, or which have a moral value only on certain conditions. The Aristotelian division of the virtues into intellectual and moral, and Hume's obliteration of the line between moral excellencies and mere gifts and talents, have now-a-days hardly any adherents. But in the popular catalogue of the virtues there is still included a

mental quality like courage, which derives all its morality from the end it serves. A brave brigand certainly possesses the virtue of courage. At the same time we refuse to call his brave conduct virtuous—which shows that the adjective “virtuous” is more discriminating than the substantive from which it is derived.

Attempts have been made to reconcile the Aristotelian and the Kantian views of the relation between virtue and effort by saying that virtue is the harmony won and merit is the winning of it.¹ This presupposes that the man to whom virtue is natural has had his fights. But, to be sure, it is not always so. Who could affirm that every temperate or charitable or just man has acquired the virtue only as a result of inward struggle? There are people to whom some virtues at least are natural from the beginning, and others who acquire them with a minimum of effort.

There has been much discussion about the relation between virtue and duty. It has been said that “they are co-extensive, the former describing conduct by the quality of the agent’s mind, the latter by the nature of the act performed,”² or that virtue, in its proper sense, is “the quality of character that fits for the discharge of duty,” and that it “only lives in the performance of duty.”³ At the same time it is admitted that “the distinctive mark of virtue seems to lie in what is beyond duty,” and that “though every virtue is a duty, and every duty a virtue, there are certain actions to which it is more natural to apply the term virtuous.”⁴ Prof. Sidgwick, again, in his elaborate chapter on “Virtue and Duty,” remarks that he has “thought it best to employ the terms so that virtuous conduct may include the performance of duty as well as whatever good actions may be commonly thought to go beyond duty; though recognising that Virtue in its ordinary use is most conspicuously manifested in the latter.”⁵

It can be no matter of surprise that those who regard the notion of “duty” as unanalysable, or who fail to recognise its true import, are embarrassed by its relation to virtue. We do not call it a virtue if a man habitually abstains from killing or robbing, or pays his debts, or performs a great

¹ Dewey, *The Study of Ethics*, p. 183 sq.; Simmel, *Einleitung in die Moralphilosophie*, vol. i., p. 228; cf. also Shaftesbury, *An Inquiry concerning Virtue and Merit*, bk. i., pt. ii., § 4.

² Alexander, *loc. cit.* p. 244.

³ Muirhead, *The Elements of Ethics*, p. 190, note *.

⁴ Alexander, *loc. cit.*, p. 243 sq. ⁵ Sidgwick, *loc. cit.*, p. 221 sq.

number of other duties. We do call chastity and temperance and justice virtues, although we regard it as obligatory on a man to be chaste, temperate, just. We also call hospitality, generosity and charity virtues in cases where they go beyond the strict limits of duty. "The relation of virtue and duty is complicated," says Prof. Alexander.¹ "In its common use each term seems to include something excluded from the other," observes Prof. Sidgwick.² But, indeed, the relation is not complicated, for there is no other intrinsic relation between them than their common antagonism to "wrong". That something is a duty implies that its non-performance tends to evoke moral indignation, that it is a virtue implies that it tends to evoke moral approval. That the virtues actually cover a comparatively large field of the province of duty is simply owing to their being dispositions of mind. We may praise the habits of justice and gratitude even though we find nothing praiseworthy in an isolated just or grateful act.

There has been no less confusion with regard to the relation between duty and *merit*. Like the notions of "good" and "virtue," the "meritorious" derives its origin from the emotion of moral approval, but while the former merely express a tendency to give rise to such an emotion, "meritorious" involves that the object to which it refers merits praise, that it has a just claim to praise, or, in other words, that it ought to be recognised as good. This makes the term "meritorious" more emphatic than the term "good," but at the same time it narrows its province in a peculiar way. Just as the expression that something ought to be done implies the idea of its not being done, so the word "meritorious" suggests the idea of a goodness which is not duly recognised. And as it is meaningless to speak of duty in a case where the opposite mode of conduct is entirely out of question, so it would be an absurdity to attribute merit to somebody for an act the goodness of which is universally admitted. Thus "meritorious" involves a restriction. It would be almost blasphemous to call the acts of a God conceived to be infinitely good meritorious, since it would suggest a limitation of his goodness.

The emphatic claim to praiseworthiness made by the "meritorious" has rendered it objectionable to a great number of moralists. It has been identified with the super-obligatory—a conception which is to many an abomination. From what has been said above, however,

¹ Alexander, *loc. cit.*, p. 244.

² Sidgwick, *loc. cit.*, p. 219.

it is manifest that they are not identical. As the discharge of a duty may be regarded as a good act, so it may also be regarded as deserving praise. The apparent antagonism between duty and merit arises from the fact that no merit is conferred upon him who performs a duty which is seldom transgressed, or the transgression of which would actually incur censure or punishment, and also that many or most acts deemed to be meritorious really fall outside the limits of duty as roughly drawn by the popular mind. We praise and regard as praiseworthy only what is above the average,¹ we censure chiefly what is below it. We are disposed to attribute merit to a man not only on account of the intrinsic character of his conduct, but at the same time because it is comparatively unusual; and to confer greater merit upon him who, *ceteris paribus*, has overcome unusually great difficulties by resisting temptations from without or by subduing some strong desire. On the other hand, we do not think that a man ought to be praised for what his own interest prompts him to perform. And since the transgression of a moral command which is usually obeyed is generally censured or punished, there is under ordinary circumstances nothing meritorious in performing a duty.

I confess that I fail to grasp what those writers really mean who identify the "meritorious" with the "super-obligatory" and at the same time deny the existence of any super-obligatory. Do they shut their eyes to the important psychical fact indicated by the term "merit," or do they look upon it as a chimera inconsistent with a sufficiently enlightened moral consciousness? For my own part I cannot see how the moral consciousness could dispense with the idea that there are actions which deserve moral praise.² The denial of merit can be defended from a purely theological point of view, and then only with regard to man's relation to God. It is obvious that a fallen being who is sinning even when doing his best, could not be recognised as good by God and could have no merit. But it is hardly just, nor is it practically possible, that a man should measure his fellow-creatures by a superhuman standard of perfection,

¹ Merit, as Prof. Alexander puts it (*loc. cit.*, p. 186), "expresses the interval which separates the meritorious from the average".

² Prof. Bain, who takes a very legal view of the moral consciousness, maintains that "positive good deeds and self-sacrifice . . . transcend the region of morality proper, and occupy a sphere of their own" (*The Emotions and the Will*, p. 292). I believe that his restriction of the moral consciousness within so narrow limits is unique among modern writers, and it is certainly not to be recommended.

and to try to suppress the natural emotion of moral approval by persuading himself that there is no mortal being who deserves it.

Quite distinct from the question of merit, then, is that of the *super-obligatory*. Can a man do more than his duty, or, in other words, is there anything good which is not at the same time a duty? The answer depends on the contents given to the commandments of duty, hence it may vary without affecting the notion of duty itself. If we consider that there is an obligation on every man to promote the general happiness to the very utmost of his ability, we must also maintain that nobody can ever do anything good beyond his duty. The same is the case if we regard "self-realisation," or a "normal" exercise of his natural functions as a man's fundamental duty. In all these cases "to aim at acting beyond obligation," as Price puts it,¹ is "the same with aiming at acting contrary to obligation, and doing more than is fit to be done, the same with doing wrong". It can hardly be denied, however, that those who hold similar views have actually two standards of duty, one by which they measure man and his doings in the abstract, with reference to a certain ideal of life which they please to identify with duty, and another by which they are guided in their practical moral judgments upon their own and their neighbours' conduct. The conscientious man is apt to judge himself more severely than he judges others, partly because he knows his own case better than theirs,² and partly because he is naturally afraid of being intolerant and unjust. He may indeed be unwilling to admit that he ever can do more than his duty, seeing how difficult it is even to do what he ought to do, and impressed, as he would be, with the feeling of his own shortcomings. Yet I do not see how he could conscientiously deny that he has omitted to do many praiseworthy or heroic deeds without holding himself blamable for such omissions.

Prof. Sidgwick observes that we can hardly deny that it is, in some sense, a man's strict duty to do whatever action he judges most excellent, so far as it is in his power.³ This, as it seems to me, is not a matter of course, and nothing of the kind is involved in the notion of duty itself. We must not confound the moral law with the moral ideal. Duty is the minimum of morality, the supreme moral ideal of the best man is the maximum of it. Those who sum up the

¹ Price, *A Review of the Principal Questions in Morals* (1787), p. 204 *sq.*

² Cf. Sidgwick, *loc. cit.*, p. 221.

³ *Ibid.*, p. 219 *sq.*

whole of morality in the word "ought" identify the minimum and the maximum, but I fail to see that morality is better for this. Rather it is worse. The recognition of a "super-obligatory" does not lower the moral ideal; on the contrary it raises it, or at any rate it makes it more possible to vindicate the moral law and to administer it justly. It is now-a-days a recognised principle in legislation that a law loses part of its importance if it cannot be strictly enforced. If the realisation of the highest moral ideal is commanded by a moral law, such a law will always remain a dead letter, and morality will gain nothing. Far above the anxious effort to fulfil the commandments of duty stands the free and lofty aspiration to live up to an ideal, which, unattainable as it may be, threatens neither with blame nor remorse him who fails to reach its summits. Does not experience show that those whose thoughts are constantly occupied with the prescriptions of duty are apt to become hard and intolerant?

Those who deny the existence of anything morally "praise-worthy" which is not a duty, are also generally liable to deny the existence of anything morally *indifferent* in the conduct of responsible beings. The "super-obligatory" and the "indifferent" have this in common that they are "ultra-

¹ The bad reputation which the "super-obligatory" has obtained among moralists seems partly due to the wrong use made of it in the doctrine of *opera supererogativa*. This doctrine, the substance of which is not co-extensive with the Roman Catholic Church—in a more or less developed form it is found in Judaism (Montefiore, *Religion of the Ancient Hebrews*, p. 527 sq.), Muhammedanism (*Korân*, sura xi., v. 16; Sell, *The Faith of Islam*, p. 220 sq.), Brahmanism (Wheeler, *History of India*, vol. ii., p. 475), degenerated Buddhism (*The Indo-Chinese Gleaner*, vol. iii., pp. 150, 161, 164)—is based on the ideas that by a good or meritorious deed a man has done more than his duty; that a good deed stands in the same relation to a bad deed as a claim to a debt; that the claim is made on the same person to whom the debt is due, viz., God, even though it be only by his mercy; and that the debt consequently may be compensated by the claim in the same way as the payment of a certain sum may compensate for a loss inflicted. This doctrine is particularly objectionable to the moral consciousness for this reason, that it, directly or indirectly, attaches badness or goodness to external acts rather than to mental states. Reparation implies compensation for a loss. The loss may be compensated by the bestowal of a corresponding advantage, but no reparation can be given for badness. Badness can only be forgiven, and moral forgiveness can be granted only on condition that the agent's mind has undergone a radical alteration for the better. It is true that this last point was not overlooked by the Catholic moralists, but even the most ardent apology cannot explain away the idea of reparation in the Catholic doctrine of the justification of man (cf. Manzoni, *Osservazioni sulla Morale Cattolica* (1857), p. 100). Penance consists of contrition, confession, and satisfaction, and contrition itself is chiefly "a willingness to compensate" (*The Catholicism of the Council of Trent*, pt. ii., ch. v., qu. xxii).

obligatory," and the denial of the one as well as of the other is an expression of the same tendency to look upon the moral law as the sole fact of the moral consciousness. Even Utilitarianism cannot consistently admit of anything indifferent within the province of moral valuation, since two opposite modes of conduct can hardly produce exactly the same sum of happiness. Since this repudiation of the "indifferent" is quite contrary to the morality of common sense, which no ethical theory can afford to neglect, considerable ingenuity has been wasted on vain attempts to show that the "indifferent" is nothing but a rude popular conception unable to keep its ground against a thorough-going examination. Prof. Ziegler ironically asks,¹ "Such outward matters as eating and drinking are surely morally indifferent. And yet—is eating and drinking too much, is spending too much time in outdoor exercise, is lounging idly about, morally indifferent? Or, on the other hand, is it morally allowable or wholesome to reduce one's self and make one's self weak and ill by fasting, or to become a hypochondriac by continually staying indoors?" This way of reasoning implies a confusion of quite different volitions. To admit that eating or drinking on a certain occasion are matters of indifference, surely does not involve that eating and drinking generally, or eating or drinking too much are matters of indifference. Mr. Bradley observes,² "It is right and a duty that the sphere of indifferent detail should exist. It is a duty that I should develop my nature by private choice therein. Therefore, *because* that is a duty, it is a duty *not* to make a duty of every detail; and thus in every detail I have done my duty." This statement also involves a curious confusion of entirely different actions. It may be very true that it is a duty to recognise certain actions as indifferent. This is one thing by itself. But it is quite another thing to perform these actions.

It has been maintained that the sphere of the indifferent forms the totality of "ought," that when the same end may be reached by a variety of means, an action may be indifferent merely in relation to the choice of means, but not so far as regards the attainment of the end, hence only apparently indifferent.³ "If it is my moral duty to go from one town to another," says Mr. Bradley, "and there are two

¹ Ziegler, *loc. cit.*, p. 85.

² Bradley, *Ethical Studies*, p. 195, note ¹.

³ Simmel, *loc. cit.*, vol. i., p. 85 *sqq.*; Alexander, *loc. cit.*, p. 50 *sqq.*; Murray, *loc. cit.*, p. 28 *sqq.*; Bradley, *loc. cit.*, p. 195 *sq.*

roads which are equally good, it is indifferent to the proposed moral duty *which* road I take; it is not indifferent *that* I do take one or the other; and whichever road I do take, I am doing my duty on it, and hence it is far from indifferent: my walking on road A is a matter of duty in reference to the end, though not a matter of duty if you consider it against walking on road B; and so with B—but I can escape the sphere of duty neither on A nor on B." All this is true, but forms no argument against the "indifferent". The statement, "You ought to go to the town and to take either road A or B," refers to two volitions which are regarded as wrong, *viz.*, the volition not to go to the town at all, and the volition to take any road not A or B, and it refers also to two pairs of volitions in reference to which it indicates that the choice between the volitions constituting each pair is indifferent. You may choose to take road A or not to take it; you may choose to take road B or not to take it. The "indifferent" is always an alternative between contradictories. It can therefore never form part of an "ought"-totality, being itself a totality as complete as possible. This is somewhat disguised by a judgment which makes an obligation of a choice between A and B, but becomes conspicuous if we consider a simple case of indifference. Suppose that it is considered indifferent if you speak or do not speak on a certain occasion. What is here the "ought" that forms the totality of the indifferent? Would there be any sense in saying that you ought either to speak or not to speak? Or is the alternative, speaking—not-speaking, only a link in an indefinite chain of alternatives, each of which is by itself indifferent, in a relative sense, but the sum of which forms the "ought"? You may be permitted—it will perhaps be argued—in a given moment to speak or to abstain from speaking, to write or to abstain from writing, to read or to abstain from reading, and so on, but however wide the province of the permissible may be, there must always be a limit inside which you ought to remain. *That* you do this or that may be a matter of indifference, but only relative indifference, for it is not indifferent *what* you do on the whole, hence there is nothing absolutely indifferent. Such an argument, however, involves a misapprehension of the true meaning of the "indifferent". The predicate expressing indifference refers to certain definite volitions and their contradictories, not to the whole of a man's conduct in a certain moment. The whole of a man's conduct is never indifferent. But neither is the whole of a man's conduct ever wrong. In the moment when the murderer kills his victim he is fulfilling

an endless number of duties: he abstains from stealing, lying, committing adultery, suicide, and so on. The predicate "wrong" only marks the moral character of a special mode of conduct. Why should not the indifferent be allowed to do the same?

It has, finally, been observed that the so-called "indifferent" is something "the morality of which can only be individually determined".¹ This remark calls attention to the fact that no mode of conduct can be regarded as indifferent without a careful consideration of individual circumstances, and that much that is apparently indifferent is not really so. This, however, does not involve an abolition of the indifferent. Such an abolition would be the extreme of moral intolerance. He who tried to put it into practice would be the most insupportable of beings, and to himself life would be unbearable. Fortunately, such a man has never existed. The attempts to make every action, even the most trivial, of responsible beings a matter of moral concern, are only theoretical fancies without practical bearing, a hollow and flattering tribute to the idol of Duty.

¹ Martensen, *Christian Ethics*, p. 415.