

## ***“Nothing to invite or to reward a separate examination”: Sidgwick and Whewell***

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### **ABSTRACT**

In this paper I discuss Sidgwick’s reaction to Whewell’s moral philosophy. I show how, to Sidgwick’s eyes, Whewell’s philosophy looked as an emblem of the set of beliefs, primarily religious, into which he had been socialised, and that his reaction was over-determined by both his own ambivalent feelings to his own Anglican upbringing and his subtle rhetorical strategy practised by presenting new shocking ideas hidden between an amount of platitudes and playing the neutral observer or the ‘philosopher of morality’ instead than acting the part of the preacher of a new morality. Then I discuss Sidgwick’s assessment of Whewell’s doctrine as an idle systematisation of received opinion and the reasons why in the *Methods* he feels entitled to dismiss historically given intuitionism as ‘dogmatic intuitionism’ without detailed criticism and discusses instead a so-called ‘intuitional method’ as one of the procedures allegedly used by common sense. Besides, I show how individual instances of detailed criticism to Whewell’s doctrines are meant to be not ‘real’ criticism of a rival outlook but instead illustrations of the limits of ‘common-sense morality’. My final claims are: first, Sidgwick ends with a short-circuit between a inner dialectic of his own argument and discussion of rival doctrines; second, the weight of Whewell’s legacy in Sidgwick’s ethics has been heavily underemphasized.

*His elements of Morality could be nothing better than a classification and systematizing of the opinions which he found prevailing among those who had been educated according to the approved methods of his own country; or, let us rather say, an apparatus for converting those prevailing opinions, on matters of morality, into reasons for themselves...*

*He leaves the subject so exactly as he found it...that it can scarcely be counted as anything more than one of the thousand waves on the dead sea of commonplace, affording nothing to invite or to reward a separate examination.*

John Stuart Mill.

### 1. *Sidgwick and ‘intuitionism’: which and whose?*

“Probably nothing did more to discredit Whewell’s system than Sidgwick’s study of Intuitionism in his *Methods of Ethics*” (1). This is hardly surprising since, in a well-known passage, Sidgwick candidly mentions what he names “my early aversion to Intuitional Ethics derived from the study of Whewell” (2). In other words, it seems that the reasons for Sidgwick’s strategy of dismantling Intuitionism and proving its irreparable limits was motivated by his antipathy to a book that had been a juvenile (compulsory) reading as well as to its author. In view of this circumstance, one may wonder whether Sidgwick’s campaign has been so effective as to blur the memory of Whewell’s ethics to the point that, until recently, the Sidgwick scholarship, while paying due attention to the topic of intuitionism in Sidgwick, did usually not go much beyond than repeating as a mantra the threefold distinction between perceptive, dogmatic, and philosophical intuitionism, and referring in all seriousness the information that dogmatic intuitionism was hopelessly unable to solve the dilemmas left by perceptive intuitionism and besides was a way of giving an appearance of intellectual respectability to moral prejudice. Some of the more recent literature tries to discuss the meaning and scope of ‘intuitionism’ in Sidgwick’s ethics by careful textual reading and linguistic analysis of Sidgwick’s own assertions, without even including in the bibliography the intuitionist authors whose views Sidgwick was criticizing or partially endorsing in the hope that real intuitionism is intuitionism as described by Sidgwick. The reasons? The usual ones, namely, Anglo-Saxon phobia vis-à-vis the history of philosophy, and world-wide spread powerlessness when facing the task of looking for books one cannot find in one’s Department Library, besides the ruinous effect of Sidgwick’s campaign.

The result is that everybody repeats, as if it were a source of objective historical information, what Sidgwick says in his preface to the seventh edition of the *Methods*, that is: he was disgusted by lack of clarity in definitions when compared with those by mathematicians (nothing less, with all that Aristotle has said about the lesser degree of certainty of the propositions with which practical philosophy has to start compared with the purely theoretical parts of philosophy) and he felt that this textbook he had to study as an undergraduate was a systematisation of all the unjustified moral teachings he had been imparted in his childhood. Nobody reflected about the circumstances that this was a senile restatement of events that occurred decades before; that these reactions referred to an item of compulsory reading in somebody’s education; that this item was

signed by somebody who was one of the older dons of the same college as Sidgwick’s, a generation with which Sidgwick had a conflictive relationship for many years; that this senile restatement echoes strangely Mill’s opinion on Whewell’s *Elements*, “nothing better than a classification and systematizing of the opinions which he found prevailing”, that is, what the educated public had been in the meanwhile educated into thinking through the extraordinary influence won in the meanwhile by Mill as a “public moralist”; that Whewell had been a public figure in a context where he and Mill had been for a time the champions of the Old and the New, and that the New had won the war, so to say making no prisoner, and even in the Church of England the trend represented by Whewell had been wiped out and substituted by either a more ‘progressive’ trend – a kind of Anglicanised Unitarianism such as that proposed by Bishop Baden Powell (the father of George) and other liberal Anglican divines – or the more traditional trend of Evangelicalism, and last of all, that the strictly philosophical doctrines by Whewell were in Sidgwick’s eyes not only intertwined with a wider overall view, religious and political, but were part of a set of beliefs (a moderately enlightened Anglicanism with a moderate liberal Whiggish political outlook) that were part of Sidgwick’s own *Bildung*, that he never totally rejected and looked from outside but always cherished as a lost Ithaca to which he would have liked, were it possible, to come back some day.

This may be enough in order to account for ambivalences, turns, and tensions in Sidgwick’s relationship to Intuitionism in general and Whewell in particular, but looking at these only, as Schulz tries to do (3), would only yield a ‘genetic’ history of ideas of one of the most familiar Continental kinds, and a not very enlightening one. What I suggest to do is instead taking this background into account and trying to detect which *things* Sidgwick was trying to do with *words*. That is, I suggest we should make the most of one remark by Schulz himself, namely that in his major works:

Sidgwick appears to have applied the lessons that he had set out so many years before, for his friends in the Initial Society. That is, he became quite expert at masking the originality and subversiveness of his claims by the Mauricean tactic of presenting them as mere developments of received belief, cloaking his real insights with massive tomes of respectable opinion so that few could apprehend how destructive his criticism was trivialities... Perhaps, as with the *Methods*, Sidgwick always felt that the respectable views he criticized were enduring elements of his own

being, and that the criticism really was a form of self-scrutiny, an inner Socratic dialectic rather than “hostile criticism from the outside” (4).

I would like to add that Sidgwick staged a twofold strategy in order to deal with Whewell, a strategy indeed he tended to mount also in many other occasions: on the one hand he develops an inner Socratic dialectic with views that were still part of himself, albeit as a polarity of a Hegelian dialectic between beliefs we would like to have and beliefs we have to be rest content with, and at the same time he develops an external rhetorical strategy aimed at an audience made of a majority of educated and rather traditional Victorian readers and a minority of progressive Millian readers.

In my attempt, I start with conclusions reached by Donagan and Schneewind, the ones who first started reading the *Methods* as a text, not as an oracle. Donagan provided the proof of the rather obvious conclusion that Sidgwick had not really read Whewell’s arguments on the main points on which he attacked intuitionism and that his refutation of intuitionist arguments is curiously enough a suggestion of the fact that common sense has no answer to a number of doubts concerning limitations in the scope of principles and conflicts among principles, not a detailed answer to arguments provided by Price, Reid, and most of all Whewell in order to settle the issues under discussion (5). Schneewind has taken a step further, namely he has read first Sidgwick not as Moore’s reluctant stepfather, but instead in the light of the controversy between Mill and Whewell; in this way he has shown *why* to Sidgwick occurred the not-too-peregrine idea of reconciling utilitarianism and intuitionism and *where* he found the arguments in favour and against each of his own three methods (6). In Schulz’s words,

an excellent way to approach the *Methods* is by reading it, as Schneewind has done, in the light of the great conflicts between Mill, the romanticized utilitarian, and Whewell, the intuitionist defender of orthodoxy whom Mill himself singled out as representing just about everything that utilitarianism should oppose (7).

In fact, in the former phase, the young Sidgwick found in Mill a spiritual guide in his own search for freedom of thought. It may be reminded that he corresponded with him at the time of his famous conscientious objection to subscription of the 39 articles of the Anglican faith required to Cambridge faculty members. Sidgwick mentioned later on also the cir-

cumstance that Mill’s ‘hedonism’ sounded attractive to him as a kind of “relief from the apparently external and arbitrary pressure of moral rules” which he had been educated to obey (8). But in subsequent phases Sidgwick also discovered the attractiveness of a Goethian neo-pagan ideal and wavered more than once between the alternative enticements of mysticism, benevolence, and hedonism, or religion, utilitarianism, and romantic aestheticism. Also his way of reading more strictly philosophical doctrines was coloured by their associations with these more encompassing world-views. Also his way of reading Whewell’s moral doctrine is overdetermined by his own personal experiences, that is, by the circumstances that Whewell, with whom he was directly acquainted, was to his eyes connected with the set of religious beliefs he had been imbibed with in his boyhood and to which he longed all his life long to come back, if only it were possible. Without such ambivalent personal experience, probably Whewellian intuitionism would have been discussed more at length and in a more detached manner, and the rather powerful dose of intuitionism Sidgwick finally thought it proper to take would have been openly acknowledged as Whewell’s legacy. Finally, another factor played in favour of under-stressing Whewell’s legacy, namely the wary rhetorical strategy-cum-tactic stages by Sidgwick. On the one hand Sidgwick as a public figure – the proponent of educational reforms, the women’s rights etc. – had as partners both ‘militant’ Millians and respectable enlightened Anglicans; for both these groups the *Methods* were too obscure a work, and yet it was important not to arise polemics that could reach this wider audience; thus, not presenting himself too explicitly as an orthodox utilitarian was good for the latter part of his audience, not attacking too explicitly Whewell could have been good for the former, albeit at the time of the *Methods* Whewell’s star was on the point of declining even in the Anglican firmament. Thus, a good tactic in order not to become either group’s enemy could have been to pay lip service to Mill’s attacks on Whewell, to present himself as being somewhere in between Utilitarians and Intuitionists, to keep silent on Whewell the rest of the time, and especially keeping up being rather tedious and obscure in the highest degree all the time.

## 2. Whewell’s philosophy of morality

Let me come back briefly to Whewell’s own ethics. It popped up, at last as a sketch, in his Preface to the 1835 edition of MackIntosh’s *Dissertation*, and by 1845 it was developed into a bulky work, the *Elements of Mo-*

*reality* (9). The work was written in order to provide an alternative to Paley's *Principles* that were still basic reading for undergraduates at Cambridge and whose negative influence had been denounced in Sedgwick's *Discourse* of 1832 (10). In order to provide an alternative to Paley, Whewell wanted to offer an anti-empiricist moral philosophy, well-tuned with his own anti-empiricist epistemology, rescuing ideas that had emerged in Cambridge Anglicanism at the end of the seventeenth-century and the beginning of the eighteenth but that had been totally wiped out by the Gay-Brown line of voluntarist consequentialism that was later systematized in Paley's *Principles* of 1785 (11). By doing so, the moderately liberal Anglican Whewell pillaged also the work of the Dissenter Richard Price, for rather obvious reasons, without stressing too much the circumstance.

It is fair to say, yet, that Whewell added a lot of his own, primarily a para-Kantian moral epistemology, which made room for an a priori element in moral discourse while making it compatible with varying historical institutions by a sort of 'circular' development that provides the blueprint for human knowledge, both in the natural science and in ethics: from facts to principles and from principles to facts and another quasi-Kantian idea, the idea of a 'fact' of moral judgement that needs clarification but does not require any justification. Whewell's epistemology turns around the idea that empiricism heads to vicious circles, and this idea was more or less at the centre of his first controversy with Mill, concerning induction (12). In ethics too Whewell contends that empiricism, like in Paley and Bentham's case, heads to a vicious circle, or a hopeless tangle made of virtue and happiness. Against empiricism, he defends an idea of ethics as being indeed a science – what the empiricists agreed on – but a science of a peculiar nature, aiming at some objective truth that is a *specifically moral* truth – a point on which he parted company with empiricism. Yet one idea he has clear in mind – it is worth stressing it when facing Sidgwick's criticism to intuitionism – is that we do not need to assume that we already possess it in full, but it may be a kind of truth we acquire step by step, not unlike what happens in the natural sciences (13), whose development follows a spiral-shaped pattern travelling between two opposite poles, namely clarification of the Idea and discovery of Facts. In both physics and morality,

all truths include an Idea and a Fact. The Idea is derived from the mind within, the Fact from the world without (14).

Not morality, but a “philosophy of morality” is the philosopher’s subject, since the former already exists, and may be recognized even when the eventual reasons for its justification are still a matter of controversy, not unlike the theorems of geometry which are agreed upon by mathematicians who disagree in their philosophies of mathematics. This philosophy of morality combines Ideas and Facts trying to build a deductive system, which can absorb results of previous systems but be more consistent, eliminate inner contradictions and inability to account for *moral* facts. The latter are particular evaluative or prescriptive judgments that present themselves as undeniable to everybody’s conscience. *Brute* facts are the laws enforced in one society, viewed at within the framework of the process that made them such as they are and accordingly, “though we have, in different places, different Laws, we have everywhere the same Morality” (15).

Existence of moral facts is proved by the existence of public opinion or by “the great fact of the universal and perpetual judgment of mankind on actions as just or unjust”(16), from which a lesson may be drawn, namely the fact that

man cannot help judging of actions, as being right or wrong; and that men universally reckon this as the supreme difference of actions... this characteristic of human nature marks man as a moral being; as a being endowed with a faculty or faculties by which he does thus judge (17).

And this fact is indeed “the beginning of all morality” (18). Whewell does not claim that “this *Faculty* or those *Faculties* by which man thus judges of right and wrong should be anything peculiar and ultimate, but only that the *distinction* should be a peculiar and ultimate one” (19). It is in so far as human beings form such judgements, not in so far as they feel pleasure and pain that they are moral creatures. These, unlike the facts of natural science, are prescriptive facts, consisting in the whole of the norms imposed by the laws and the public opinion of one society to its members; this is the prescriptive form of what a society assumes to be moral facts.

The moralist’s task is working out a set of “Ideas” that will account for these facts as a whole, while occasionally correcting their account on individual points. In other words: morality qua phenomenon is a fact; ethics as an intellectual discipline consists in a twofold task: first, providing a rational reconstruction of morality qua phenomenon, second, working out a philosophy of morality, that is a clarification of the ways moral-

ity works and of the grounds for its justification. A preliminary task for the philosopher is working out a consistent account of the contents of morality so that philosophical reflection may become possible about a well-defined subject matter. In the Preface to the first Edition of the *Elements* Whewell declares that

Morality and the philosophy of Morality differ in the same manner and in the same degree as Geometry, and the Philosophy of Geometry... Men would never have discussed whether and why Geometrical Truth was possible, if they had not had before them and undeniable collection of such truth. Or, if without having any certainty or knowledge of Geometrical propositions, Men had speculated and disputed, as to whether they could have such knowledge and such certainty; we cannot suppose that they could have arrived at any distinct or stable result of such speculations (20).

The current distinction between metaethics and normative ethics is believed – fairly enough – to date back to George Edward Moore’s formulation of a distinction between ‘ethics’ and ‘casuistry’. Yet, it is clear enough that an idea of ethics as purely theoretical discipline, distinguished from normative ethics is already present in Sidgwick’s often quoted anti-Aristotelian dictum “not practice but knowledge” (21). What is less known to Sidgwick’s readers, but was indeed quite clear to Sidgwick – is that Whewell had introduced a distinction between Morality and the philosophy of Morality on whose basis the latter became a purely theoretical science, and besides that the construction of a consistent system of morality was a prolegomenon to any fruitful discussion of theoretical issues concerning the nature and justification of ethics (22).

### 3. *Whewell’s system of morality*

The leading idea in our search for true moral propositions is that man acts qua man only when he acts under the guidance of reason, and the latter addresses us towards norms; the latter thus are required for the action of man as a man; indeed we cannot conceive of man without conceiving him as subject to norms and belonging to some norm-based order (23). The proof lies in the fact that the authority of reason over our desires is self-evident, for man is seldom impelled merely by the most elementary springs of action, bodily desires and affection” (24) but most of the time,

they “are unfolded by thought, so as to involve abstract conceptions and the notion of a Rule” (25), and in case of conflict between desire and reason, we are aware that that our own act is the one we carry out in accordance with reason, and the reason for this is that “the Reason alone is capable of that reflex act by which we become conscious of ourselves” (26).

Our quest for a set of moral truths leads us to five basic ideas, implicitly underlying all the moral facts we discover by observation of law and custom in different societies, and besides to a basic moral norm that turns out to be a fundamental principle or axiom of morality as such. The five ideas of benevolence, justice, truth, order, purity “are dispositions conformable to the Supreme Law of Human Action: they are Virtues” (27), and they provide specific contents to the “Supreme Norm of morality”. The latter may be described by its end, that is the True End of human action or the *Summum Bonum*, and may be framed in several alternative ways, such as “we *ought* to do what is right; we *ought not* to do what is wrong. To do what is right is our duty; to do what is wrong is a transgression, an offence, a violation of our duty” (28).

A need for a Supreme Norm arises out of the need to answer questions about the justification of particular norms. The succession of means and ends with a corresponding succession of subordinate and superior norms has to stop somewhere. Thus, concerning the Supreme Rule, the question “why?” admits of no further answer. “Why must I do what is right? Because it *is* right. Why should I do what I ought? Because I ought. The Supreme Rule supplies a reason for that which it commands, by being the Supreme Rule” (29).

Whewell’s claim was that morality arises from the *Intellect*, not from *Sense* (30). Only in the Preface to the second edition a concession is made to common sense, the notion cherished by his Cambridge idealist colleagues. He writes:

Morality has its root in the Common Nature of man; and no Scheme of Morality can be true, except a scheme which agrees with the Common Sense of mankind, so far as the Common Sense is consistent with itself: including in the term Common Sense, both men’s convictions as to what is right, and their sentiments as to what is morally good (31).

Whatever Whewell’s intentions in making such a concession, the fact is that rules of morality are derived from the Supreme rule and the binding character of the latter lies in its character of an axiom. That is, com-

mon sense cannot but confirm rational morality, but the latter does not need the former in order to be justified.

A serious traditional problem for which Whewell undertakes to provide an answer is the possibility of a conflict of duties. Whewell suggests that such possibility has been too much emphasized by casuists in order to find excuses for the omission of duty itself. A real conflict between duties arises only in case of “extreme necessity”, while in the majority of cases of necessity there is an *excuse* for transgressing the moral law, but not a *real conflict* of duties (in these cases one could avoid to transgress the moral law and sacrifice one’s life as a heroic act, which would be supererogatory). There is genuine conflict between duties only

in the case in which Moral Rules are transgressed, not for the sake of our own preservation, but in order to preserve *some other person* from great impending evil; we may have a Case of Necessity, which is also a *Conflict of Duties*: for to preserve another person from great evil, is a part of the general Duty of Benevolence; and when the person is connected with us by special relations, to do this, is involved in the Duties of the Specific Affections (32).

Only in such cases “we have two Duties, placed in opposition to each other; on one side, the Duty of rescuing, from a terrible and impending evil, a husband, a friend, a daughter, a neighbour; on the other hand, the Duty of not telling a falsehood, or committing homicide” (33). For such cases “the Moralist must abstain from laying down definite Rules of decision” (34), firstly because in such cases a previous decision is difficult and accordingly general rules are of little use. Besides, to state

General Rules for deciding Conflicts between opposing Duties, would have an immoral tendency. For such a procedure would necessarily seem to make light of the Duties which were thus, in a general manner, postponed to other Duties; and would tend to remove the compunction, which any Moral Rule violated, ought to occasion to the Actor (35).

It is unavoidable that law be violated, but it is a good thing that compunction is left; the moralist’s task cannot be teaching the lawfulness of violating the law. People in cases of necessity will have no time to consult the rules laid by the moralist, but “they will be determined in their conduct on such emergencies, by their previous moral culture and moral progress (36). Such cases are indeed real occurrences, and virtues dis-

played in such cases are on the same occasion called heroic virtues, since tragic choices depend on a too strong adherence to one moral principle. Yet they may be admired to a point but not be recommended for imitation, since to aim “at Heroic Virtues only, would be an extremely bad culture of ourselves. It would lead to an entire rejection of Duties” (37).

Whewell’s main point yet is that moralists have overemphasized the possibility of conflict of duties. Most of such conflict is apparent one, since they simply arise from the existence of a plurality of principles, not by cases where danger of death is impending on some person to which we have duties of affection. Mere coexistence of conflicting rules creates indeed problems, but such as may on principle be settled by rational argument and problems concerning not such a disturbing question as “How may Duty be evaded?” but a more plain question such as “What ought I to do?” (38). The most typical of such questions, addressed in ch. 15, is veracity, or keeping promises and telling the truth, a matter discussed by moralists for centuries and about which a few quite questionable conclusions have been circulated as if they were respectable opinions. Whewell’s general line of argument is that in most cases there is no need to ask whether we may be dispensed from doing what is our duty, since there are doubtful cases where it may be proved that it is or it is not our duty to keep a promise or to tell the truth. The general premiss is that words are not to be understood literally but according to the “mutual understanding” which the use of language implies (39). From this general principle in several cases the proof may be given that one has no duty to keep a promise because a mutual understanding concerning the truth of a number of conditions is implied in every act of promising; this is why I have no duty of fulfilling a promise in case that “the Common Understanding of what the Promiser is to do for the Promisee, includes some false suppositions which are afterwards discovered to be false” (40). Whewell’s settlement of the allegedly doubtful case is that “the false supposition releases the Promiser, so far as it was included in the Common Understanding” (41). On the basis of such general principle Whewell gives an answer for a number of traditional debated issues, and on three specific cases argues an answer more rigorist than Paley’s. These are the case of the promise extorted by fear, where he argues that the promise, if morally made, should be kept, even in cases where the law allows for duress as an extenuating circumstance. It is worth noting that Whewell argues that, even taking consequences into account, these are so uncertain that they can hardly play in favour of one alternative; for ex., will not paying a ransom dis-

courage hijackers from further kidnapping, or will it prompt them to “add murder to robbery?”.

Even on the balance of probable advantage, it would seem that such a promise is to be kept.

But on our principles, we should not look to these results as to our own moral culture. By keeping this promise, we cherish and exemplify our regard for truth. What moral quality do we cultivate by breaking it? If it be replied, that we thus cultivate a regard for consequences; we reply, that consequences, when both their existence, and their moral character are so doubtful, are not the main objects for our regard (42).

Another case is the one of the author of an anonymous work who, according to Paley, may deny his authorship while, according to Whewell, may try to guard his secret by avoiding to answer by various devices, but cannot tell overtly a lie, for all he may suffer is “some vexation or inconvenience”, while by succeeding in keeping his secret at the expense of truth “he receives a moral stain” (43). Another case is that of lies told by advocates in favour of their clients, admitted of by Paley and ruled out by Whewell (44). One more is the promise made to a woman by a married man to marry her in case his wife would die. Paley’s answer was that it is wrong to claim that the promise was void “for, however criminal the affection might be, which induced the promise, the performance, when it was demanded, was lawful; which is the only lawfulness required” (45). Whewell’s more complex answer is that, even if the promise is immoral, and by implication void, the duty to marry the woman does not depend on the immoral promise alone and the promiser may marry her since the promise “does not necessarily vitiate all the succeeding dispositions to the woman to whom the promise was made” (46).

The allegedly dubious cases thus settled differ from one case, where the same dilemma presents itself for truth as for any other duty; this is the case of extreme necessity, where what is at stake is not some inconvenience but life itself, or, even worse, not the agent’s but that of a third person’s life. Here, as in all similar cases, a breach of duty is excusable in the former situation, and is even required in the second, in so far as, by carrying out a lesser duty, we would violate a heavier one.

Besides truth, also justice – discussed in ch. 21 – may be a ground for (real or alleged) conflict of duties. Rights are a condition for man’s action; they are defined by the State; but there is widespread a fundamental conviction, that rights are arbitrary. In other words, there is Natural Law,

depending upon the nature of man. Such law is not found somewhere else than in existing systems of law, and yet it is not coincident with any of them. The solution to the apparent dilemma arising is that

*Right cannot be founded on Injustice*: such is the negative maxim, which serves to define the Idea of Justice. *Justice assigns Rights according to existing Conditions*: such is the positive maxim, which makes Justice applicable to facts (47).

That is, there is an ideal and an arbitrary element in any legal framework of rights. It is positive law that assigns specific rights, such as those of property, and in doing so it depends on facts, that is on “circumstances, which are not governed by our Ideas” (48), but existing arrangements should be constantly improved in order to bring them more and more close to requirements of justice. How much and when is matter of external circumstances, and cannot be dictated by the Ideal element, but the idea of a Natural Law does not consecrate existing arrangements, on the contrary provides a standard for amending them.

Sidgwick’s criticism to intuitionism in the *Methods* will concentrate precisely on these two points, truth and justice, assuming that they are the paramount cases where the inability to settle dubious cases by the ‘method’ of intuitionism is particularly apparent.

#### 4. *The Mill-Whewell controversy*

The controversy on ethics between Mill and Whewell took place between 1852 and 1854, following another on philosophy of science, more precisely on induction. The difference between the two controversies is that the former was more academic in tone and in its course Mill paid due respect to Whewell’s superior merits in the field of the history of science, the latter had all the aspects of a public controversy, one where what is at stake is control over the public opinion and the ultimate issue is, rather than a theoretical one, who is going to be the ruling group in a given society at a certain historical phase (49).

A start was provided by Whewell’s criticism to Bentham in his *Lectures on the History of Moral Philosophy in England* of 1852 (50). Mill thought it proper to attack openly Whewell after he had published an explicit criticism of Benthamite ethics, probably in order to be in a stronger position than if he had criticized the *Elements*, since he was in position to

complain of the fact that utilitarian ethics had been unfairly misrepresented. Mill was not new to such exploits. A good example is his previous attack on Sedgwick's allegedly "intemperate assault on analytic psychology and utilitarian ethics, *in the form of an attack on Locke and Paley*" (51). Sedgwick had criticized Paley without even mentioning Bentham, and was made the target of Mill's vehement counter-attack starting with the curious proviso that he Mill would not spend a word in defence of Paley, since he was a priest and hence a preacher of reactionary ideas. Mill's odd argument is that, since Sedgwick, while criticising the reactionary and superstitious Paley had *implicitly* attacked Benthamism for what the latter shared with Paleyism, and therefore he was twice guilty, for having attacked (implicitly) utilitarianism and for having ignored it (explicitly). The reason for Mill's choice in this case was the – very good one indeed – that Sedgwick's *Discourse* had enjoyed an enormous circulation and could accordingly grant comparable popularity also to its critic. Also in the case of Whewell's *Lectures* the reason for the attack was the author's prestige, besides the fact of having offered an occasion for *complaining* of something, misrepresentation, unfair criticism, bad faith in attacking a doctrine just because it subverted established prejudice etc., instead of expressing sentiments of gratitude for the fact that an established intellectual authority had dedicated no less than 63 pages to a discussion of the (until then neglected or at best execrated) Benthamite ethics (52).

The XXI century reader might ask why rationalism should find itself siding with religion, tradition, and political conservatism, while empiricism in turn was taking sides with atheism, progress, and political liberalism. Mill's reasons were the following:

the notion that truths external to the mind may be known by *intuition or consciousness*, independently of *observation and experience* is, I am persuaded, in these times, the great intellectual support of false doctrines and bad institutions. By the aid of this theory, every inveterate belief and every intense feeling, of which the *origin* is not remembered, is enabled to dispense with the obligation of justifying itself by reason, and is erected into its self-sufficient voucher and justification (53).

But such an account sounds slightly odd. After all, on one hand, Edmund Burke, the most able advocate of traditionalism, had based his own argument precisely on anti-rationalism, Hume, an empiricist if any, defended a kind of mild Toryism; on the other, William Godwin had been a

rationalist radical, Richard Price, the intuitionist moral philosopher, had been a supporter of the cause of American independence and had been attacked by Bentham from a more moderate stance.

At the time Mill wrote his own attack on Whewell *intuitionism* was comparatively a novelty, and the very word intuitionism as the name for an ethical doctrine arose out of Mill’s own classification of ethical thinking into the empirical school and the “doctrine of intuitive principles of morality” (54). There had been indeed a rationalist tradition in British ethics from the end of the seventeenth century, but in its first phase it was more Platonic than intuitionist in Whewell’s sense. In fact their main claim was a kind of moral realism, that is, a thesis in moral ontology, not a thesis in moral epistemology. Towards the end of the eighteenth century the only advocate of some kind of ‘intuitionist’ ethics (as far as he put forth a claim in moral epistemology, namely that there are a number of prescriptions that cannot be denied at the price of logical contradiction) had been Richard Price. The Scottish school, Thomas Reid and Dugald Stewart, defended against Humean empiricism the existence of moral principles belonging to the common sense, not to our rational faculties, which is in turn a peculiar claim, different from both moral Platonism and moral intuitionism as I have defined it. As a consequence, one may wonder who were the enemies Mill wanted to fight in his youth, since there was hardly any rationalist or apriorist school around at that time defending both erroneous doctrines and bad institutions. The Scottish followers of Dugald Stewart were outsiders to the establishment and committed liberal reformers, less radical than the Benthamites, but still clearly fellow-travellers, not enemies. Cambridge had been Paley’s own preserve, and Mill manifested despise for Paley and his followers – their empiricism notwithstanding – because of their conservative position cloaked under progressive language. and thus one may wonder why rationalism, should be blamed for all the evils existing in the world.

Whewell in his *Lectures* argued that Benthamite moral theory was defective on two main points, namely the impossibility to calculate all consequences of actions and the circumstance that happiness includes moral elements, and thus we cannot properly derive morality from happiness. Let me illustrate this criticism in more detail. Whewell wants to rule out the claim that morality be a means to some end, which in turn is not moral in its nature (55). He concedes for the sake of the argument the truth of the assertion that “acts are virtuous in proportion as they calculably produce happiness” (56) if we take all acts as a whole into account

and calculate all consequences, but he argues that, even on this premiss, it turns out to be impossible to make this assertion the very basis of morality. The first, already mentioned, reason for this impossibility is our inability to calculate all consequences of an act, or to solve so difficult a problem as that of establishing, among two lines of action, which one will yield the maximum amount of happiness (57); there is yet a more simple way of deducting such rules, that is, as Whewell explains in the Preface to the Second Edition of the *Elements*, considering that human beings living among other human beings need such rules and, “by the mere contemplation of our human faculties and springs of action, we can discern certain relations which must exist among them, by the necessity of man’s moral being” (58). The second reason for this impossibility is that happiness includes moral elements, and thus we cannot just derive morality from happiness without falling into a vicious circle. For example, we may ask, “Why should a man be truthful and just? Because acts of veracity and justice, even if they do not produce immediate gratification to him and his friends in other ways... at least produce pleasure in this way; that they procure him his own approval and that of all good men” (59). This may be all right, but a Benthamite would add that he “thinks it virtuous, because it gives him pleasure: and it gives him pleasure because he thinks it virtuous. This is a vicious circle” (60).

In 1852 in the *Westminster Review* Mill attacked Whewell’s *Lectures on the history of Moral Philosophy* and his *Elements* in a long essay. He explained that he had not discussed in public the *Elements* until the *Lectures* too were published, because the former work was of limited interest as such – being a “mere a catalogue of received opinions, containing nothing to correct any of them, and little which can work with any potency even to confirm them” (61), and that he felt that a rejoinder was required after Whewell’s attack on Benthamite doctrines in the *Lectures*, and finally that he felt that a consideration of at least some parts of the *Elements* was needed in order to expose the roots of Whewell’s mistake (62). Mill argues first that Whewell in epistemology and ethics adopts arguments that justify use of a priori theses not derived from experience and in this way he finds a theoretical argument for justifying the transformation of the precepts of traditional morality in a system of allegedly self-evident truths (63). Then he argues that Whewell’s stronghold, that is his idea of a fundamental norm, that we must do what is right, is a tautology and thus does not contribute anything positive, unless we admit that doing what is right is equivalent to not violating rights, and in this case his sys-

tem of morality is made dependent on positive law, so that his rule of right is

to infringe no rights conferred by the law, and to cherish no disposition which could make us desire such infringements! According to him, the early Christians, the religious reformers, the founders of all free governments... and all enemies of the rights of slaveowners, must be classified among the wicked (64).

Thirdly, he claims that to make morality depend on other elements, themselves moral, as Whewell wants to do, would end up with a vicious circle, but actually Whewell cannot keep up his own standard and in the end he admits that morality serves other ends, themselves not moral in their nature, that is preventing “a disturbed and painful state of society” (65), but – Mill comments – this is utility or, in a word, when “real reasons are wanted, the repudiated happiness-principle is always the resource” (66).

Whewell responded to Mill’s criticism in ch. 2 of the bulky Addendum he wrote for the third edition of the *Elements*. The points he made are: first, that his reasoning was not circular because *right* means just “what must be done”, and there is no further reason, that is, no “why” is introduced for doing what must be done (67); second, that he was not a utilitarian in practice, since he did not *derive* fundamental rights from human happiness, even while agreeing that they serve also this purpose (68); third, that he had not based morality on law, but just used law as an “indication of its place and form” (69).

To sum up, in Snyder’s words, Whewell claims there is

a progressive intuition of necessary truth in morality as well as in science. Hence it does not follow that because the moral truths are axiomatic and self-evident we currently know them... Nevertheless, Whewell does claim that we can look to the dictates of positive law of the most morally advanced societies as a starting point in our explication of the moral ideas. But he is not therefore suggesting that these laws are the standard of morality... Mill is therefore wrong to interpret Whewell's moral philosophy as a justification of the status quo or as constituting a "vicious circle." Rather, Whewell's view shares some features of Rawls's later use of the notion of “reflective equilibrium” (69).

And, if we try to assess the *raison d'être* and the outcome of this controversy, these turn out to have been rather bizarre ones. Looking at the philosophical pulp, not at the political rind, they were both trying to do something that was, albeit not the same thing, at least something that was much closer than Mill realised. I may conclude, again in Snyder's words, that

Their conceptions of morality were quite similar in some important respects. Both men eschewed the utilitarianism of Bentham, which asserted that pleasure was the sole determinant of virtuous action. Instead, both erected moral philosophies that stressed the importance of creating morally excellent characters that would find happiness in acting virtuously. Both believed that a proper education – one aimed at “cultivating minds” – would help in creating this kind of moral character. Moreover, both had hopes that a widening of the scope of this type of education could lead to an improved society (70).

##### 5. *Sidgwick's Holzwege: from morality towards religion, heading nowhere*

The impact of this controversy on Sidgwick could be hardly overemphasized. The two decades after it were his formative years, and he struggled hard in order to find his own intellectual path. What should be kept in mind is that Mill was the winner on the ‘external’ ground: in the following three decades that “marked the peak of Mill's reputation and influence as a public figure, and he quite deliberately set about exploiting his acknowledged intellectual authority to promote certain social and political views as they related to the leading public issues of the day” (71), and while Whewell was being rather quickly forgotten by the academic and even the religious establishment. On the other hand, I would dare to suggest that Whewell was in a sense a winner of the controversy on the ‘inner’ ground, in so far as several of the changes and qualifications to Benthamite utilitarianism introduced by Mill in *Utilitarianism* of 1861 were precisely on points raised in the controversy with Whewell, and – let me add – while paying lip service to Bentham and manifesting execration for the “intuitional” moralists, incorporating much of Whewell's criticism into his own revised version of *Utilitarianism* (72). But what happens on the inner ground is of interest only to academic scribblers, while what happens on the open battlefield determines who is going to be the boss, which books will be reprinted, which books will be adopted in universi-

ties, which names will be mentioned reverentially by semi-educated elites, and in fact the fourth edition of the *Elements* of 1864 will be the last one for one and half a century while Mill’s *Utilitarianism* will be reprinted and translated into many languages an incredible number of times, and authors of textbooks in many countries have been repeating just what Mill said about intuitionism.

In his different phases, Sidgwick kept on being, as a whole, a follower of Mill, at least on things that really matter, that is, everything but philosophy. He wanted to find his own tortuous path to truth, at times defining himself a utilitarian and at times leaning towards Kant and Butler and Reid, or alternatively towards Goethe and perhaps the Greek philosophers. But in the phases in which he looked for intuition, as against empiricism, he was careful in styling himself as a critical follower of the progressive party, leaving as little room as possible to suspicions of sympathies for the establishment, old Cambridge, and the Church of England. This is why he chooses his allies, in this phase, in Germany or in the British eighteenth century. Besides, he depicted himself on purpose as an impartial inquirer into truth in moral matters, a scientist, as contrasted with a preacher. He even added, while actually recalling Aristotle’s project of transforming common-sense morality into a consistent system of opinions, a kind of Spinozean flourish in declaring that also the study of morality may be undertaken not in order to become better men – as Aristotle believed – but just for love of truth, like the theoretical sciences, a view that would be incompatible with Aristotle’s view of practical philosophy as different in goal and standards from theoretical philosophy. Sidgwick also referred to his own encounter with the *Nichomachean Ethics* as some kind of revelation of the right kind of job to be carried out by moralists, but nonetheless, one page before, he mentioned “mathematicians” as embodying the standard of precision and clarity on which the “Intuitionist moralists” should be judged (73). This self-image – as argued by Schultz – has much to do with his own rhetorical strategy, which may be summarized as follows: present a few subversive ideas on top of a ballast of shared opinions, mix heresy with Philistine common-sense, call all this ‘science’ or ‘philosophy’ and vindicate freedom of speech in the name of the impartial and objective approach you are entitled to adopting in so far as you are a member of the elite and a professional philosopher.

On the contrary, ethics was for Sidgwick a subject with deep existential implications, verging even more than on practical morality on the issue of the meaning of life, the existence of design and purpose in the world, and the problem of evil or theodicy. Sidgwick’s real problem was

whether there is a way of reconciling rationality with the set of beliefs into which he had been educated and to which he had preserved a deep attachment up to the time of his studies at Cambridge. Such set of beliefs de facto meant Anglican theology of a non-traditionalist as well as non-Evangelical kind and the rationalist ethics taught by Whewell. Had he been a Cambridge undergraduate three decades before there would have been Paley's consequentialist voluntarism instead of Whewell's rationalist intuitionism. As a matter of fact, since the constellation of elements he had to face was this one, Sidgwick's idea of a philosophical defence of traditional morality amounts to Whewell's rationalism, and he seems not to be aware of the fact that the very same set of precepts had been taught for centuries cloaked under a Thomist, an Aristotelian, and more recently in England a consequentialist voluntarist philosophical jargon (or rather, he seems to refuse to draw consequences from something he knew too well). He wrote, at the time of the sixth edition, that as a teenager he felt uneasy under

the apparently external and arbitrary pressure of moral rules which I had been educated to obey, and which presented themselves to me as to some extent doubtful and confused; and sometimes, even when clear, as merely dogmatic, unreasoned, incoherent (74).

He added, that his feelings of uneasiness were but

intensified by the study of Whewell's *Elements of Morality* which was prescribed for the study of undergraduates in Trinity. It was from that book that I derived the impression – which long remained uneffaced – that Intuitional moralists were hopelessly loose (as compared to mathematicians) in their definitions and axioms (75).

Did he remember – while writing so – what Aristotle had said about different degrees of precision admitted of by theoretical and practical philosophy? Apart from this, the reported version of the story is something Sidgwick wrote thirty years after the first edition of the *Methods*. A circumstance worth stressing is that Whewell's book was the textbook he had to study as an undergraduate, that his feelings to it may have been over-determined by the way he felt with regard to his own previous moral education. It is far from clear that Sidgwick ever read seriously the work at a later stage when he discussed the "Intuitional moralists" in the *Methods*, and the impression may be not unjustified that, for various rea-

sons, he did not. One of these reasons may have been that he believed that it was necessary to distinguish between intuitional “ethical writers... who have confined themselves mainly to the definition and arrangement of the Morality of Common Sense, from those who have aimed at a more philosophical treatment of the content of moral intuition” (76) and that “the more philosophical school is the earlier” (77), that is Clarke and for some aspects also Butler. Another reason may have been that he was interested in intuitionism more as a possible ‘method’ he partly shared and this kind of intuitionism was a way of dealing with, and improving, common sense, and accordingly he was more interested in what the Scottish common sense philosophy had to say than in what Price and Whewell, the real intuitionists according to my definition of the term, had to say, and in fact he seems to ignore totally the former and to repeat on the latter the judgment passed on him by Mill, that of being the author of a “classification and systematizing” of moral prejudice, without apparently having taken the most theoretical part of the *Elements* into serious consideration. A third reason is that he did believe there were no serious discussions of ethical issues by ‘really-existing intuitionism’ and accordingly did not examine such discussions in detail preferring to concentrate on his own home-made intuitional method or on the conclusions allegedly reached by “Common Sense Morality”, which he sought elsewhere, in writings by jurists or in prevailing opinions as he was able to reconstruct them through amateurish sociological observation. That is, as Donagan aptly remarked, there is a *qui-pro-quo* in Sidgwick’s confrontation with Whewell and the intuitionists in general, arising from his assumption that, in order to be able to vindicate a self-evident character of moral first principles one should assume that morality be already evident in all its implications to common sense (78). Such request is too demanding and fails to meet Whewell’s explicit argument that “in *moral* no less than in *physical* speculation”, we face “a gradual and successive clearing and unfolding of those ideas which, on each subject, our knowledge must include, and in terms of which those speculative truths at which we arrive must be expressed” (79).

And yet, even if one could hardly believe that Sidgwick could lapse into such a blunder, an explanation of the reasons why he actually did could be found in his own overall strategy.

Before discussing this strategy, let me add something on the horizon of existential questions within which his inquiry into the so-called ‘methods’ of ethics took place. Sidgwick oscillated at different times of his life between Millian empiricism and some kind of mysticism, and between

‘Christian’ ascetism and a pagan or romantic experientialist approach to life. He wrote that among “the deeper problems” in which he was interested at the time, the main one was that of reconciling his “religious instinct” with his “growing conviction that both individual and social morality ought to be placed on an inductive basis (80).

The following year he wrote:

I am revolving a Theory of Ethics... I think I see reconciliation between the moral sense and utilitarian theories (81).

And shortly after he added:

My instinct for it [mysticism] is yet so strong that I am gradually developing my intuitive theories... You know I want intuitions for Morality; at least one (of Love) is required to supplement the utilitarian morality, and I do not see why, if we are to have one, we may not have others. I have worked away vigorously at the selfish morality, but I cannot persuade myself, except by trusting intuition, that Christian self-sacrifice is really a happier life than classical insouciance... That is, the question seems to me an open one. The effort to attain the Christian ideal may be a life-long painful struggle; and therefore, though I may believe this idea when realised productive of greater happiness, yet individually (if it is not a question of life or death) my laxness would induce me to prefer a lower, more attainable Goethean ideal. Intuitions turn the scale. I shall probably fall away from Mill and Co., for a phase... Another way out of it is finding the foundation of Christianity inexplicable by ordinary laws, and therefore, as the *vulgus* [do], worshipping the mystery, and obeying (child-like) the moral and religious intuitions of Christ, and, to a certain extent, of the Apostles (82).

If we look at Sidgwick’s swings between different ‘methods’ through these letters, the different ‘methods’ of ethics start looking less as purely logical possibilities open to the human mind, and more as real-world alternatives. The choice among such alternatives had little to do with disinterested speculation, if the slogan “Knowledge not Praxis” is understood according to the prevailing mood of mainstream analytic philosophy, made of technical refinements, discussions of purely academic issues, and avoiding the Big Questions, or instead it was precisely ‘disinterested’ speculation of the best kind if one understands by the word open-

mindedness in a quest for the meaning of life. Basically, Sidgwick, the son an Anglican Rector (not unlike Nietzsche, the son of a Lutheran Pastor, and Durkheim, the son of a Rabbi) mourned until the end of his life over the death of God, longed for his resurrection, and found it over and over again impossible; in the while, he had found a substitute for his lost Ithaca in a progressive and humanitarian movement, Millian utilitarianism, not unlike Durkheim in France became an adept of republicanism. Both Sidgwick and Durkheim illustrated *ad abundantiam* the shortcomings of their respective secular churches' Creed, but also argued that people should be made to believe in such assumption as a token for non-existing more grounded ideals. Nietzsche took a different turn when he denounced humanitarian secular churches as the last harbingers of superstition, and looked bravely for the coming of some kind of ultra-man, one that could do without humanitarianism and pseudo-churches. Coming back to Sidgwick, it is as well to quote Keynes's famous dictum according to which he “belonged to the tribe of sages and pastors” (83) and elaborate on Keynes's suggestion, speculating that perhaps he *wished* he still could be a Christian and, precisely because he knew too well this was impossible, he *wanted* to be a Millian. He never betrayed – his mixed feelings to Mill himself notwithstanding – his loyalty to the Millian camp, not so much on theoretical as on real-world issues, precisely because, after the loss of the Christian faith – a Millian ‘Religion of Mankind’ was everything he had to preach.

In his unfulfilled wish to be a Christian, the great question Sidgwick kept on asking himself was one not infrequently asked in the nineteenth century, first by Kant and then in England by Coleridgean Idealists, namely, after we have proved that some kind of moral order in the human world has its own justification (the typical Enlightener's claim), is there a way to travel from the assumption of a moral order in the human world to a different claim, that of a cosmic moral order, implying the existence of a God as a judge? To this question, another – also a legacy of the Enlightenment – was added, namely, why is there underserved evil in the world? These questions were the ones debated by the Cambridge idealist sympathisers of Coleridge, first Frederick Denison Maurice and then George Grote and a number of less known figures with whom Sidgwick had been in close contact for decades (84). These were the questions that really mattered for Sidgwick. In a sense *The Methods* is a more an essay in theodicy than a treatise of ethics. In 1888 Sidgwick declared that “somehow or other, morality will get on” (85) and that maintaining morality

not *somehow* but establishing it “logically as a reasoned system” was an impossible task if we were to admit that

we are limited to merely mundane sanctions, owing to the inevitable divergence, in this imperfect world, between the individual’s Duty and his Happiness (86).

The dismal conclusions of the first edition of the *Methods* – the two very last words were “unavoidable failure” – rephrased in a slightly smoother way in the following ones, refer, more than to the issue of normative ethics, to the unattainable ‘moral theodicy’.

#### 6. Sidgwick’s missing criticism to Whewell

Let us come now to Sidgwick’s intellectual strategy, and let me try to locate Sidgwick’s discussion of Whewell within such a strategy. Sidgwick insisted that in the *Methods* he had not been discussing intuitionism as a doctrine viewed at ‘from outside’, but was discussing instead the intuitional method as a method in which he himself could not avoid believing. He declares that “the general aim of the part of my treatise which deals with Intuitionism” is not

criticising from the outside a particular school or sect of moral philosophers. My endeavour was rather to unfold a method of reaching practical decisions which I find (more or less implicit) in the ordinary thought of the society... *The doctrine which is called by the name Intuitionism is only one of those phases* (87).

Sidgwick’s genuine criticism of Whewell’s moral doctrine may be found instead in the *Outlines of the History of Moral Philosophy for English Readers*. Here he makes it clear that he believes the philosophical basis of intuitionism to have been worked out in full in the eighteenth century and that nothing important has been added after. He thinks that neither “Reid nor Stewart offers more than a very meagre and tentative contribution to that ethical science by which... the received rules of morality may be rationally deduced from self-evident first principles” (88) and that Whewell has been “more ambitious, but hardly more successful” (89), since his attempt “differs from that of this Scotch predecessors chiefly in a point where we may trace the influence of Kant – viz., in his rejection of

self-love as an independent rational and governing principle. And his consequent refusal to admit happiness, apart from duty, as a reasonable end for the individual” (90). It is true that Whewell has a “certain air of systematic completeness”, and his five basic moral ideas try to depict a system of normative principles that be as complete as possible, but at a closer look

we find that the principle of order, or obedience to government, is not seriously intended to imply the political absolutism... The formula of justice is given in the tautological or perfectly indefinite proposition “that every man ought to have his own”... however... this latter formula must be practically interpreted by positive law, though he inconsistently speaks as if it supplied a standard for judging laws to be right or wrong... Purity... merely particularises that supremacy of reason over sensuous impulses which is involved in the very notion of reasoned morality as applied to a being whose impulses are liable to deviate from rational duty (91).

Thus,

if we ask for a clear and definite fundamental intuition, distinct from regard for happiness, we find really nothing in Whewell’s doctrine except the single rule of veracity (including fidelity to promises); and even of this axiom the character becomes evanescent on closer inspection, since it is not maintained that the rule is practically unqualified, but only that it is practically undesirable to formulate its qualifications (92).

And so the general judgment Sidgwick passes on nineteenth century intuitionism is that

the doctrine of the intuitional school, down to the middle of the present century, had been developed with less care and consistency than might have been expected, in its statements of the fundamental axioms or intuitively known premises of moral reasoning. And if the controversy which this school conducted with the utilitarianism of Paley and Bentham had turned principally on the determination of the matter of duty, there can be little doubt that it would have been forced into more serious and systematic effort to define precisely and completely the principles and method on which we are to reason deductively to practical conclusions. But in fact the difference between intuitionists and Utilitarians as

to the method of determining the particulars of the moral code was complicated with a more fundamental disagreement as to the very meaning of ‘moral obligation’ (93).

Let us examine now *The Methods* (94). On the one hand it is apparent that the book is not a utilitarian work. It was not so for theoretical reasons, namely that Sidgwick’s own coherentist way of justifying the principle of utility, alternative to Mill’s ‘proof’ and to Bentham’s ‘axiomatisation’ of the principle itself was not – to Sidgwick’s eyes – completely successful, at least as far as it worked against the intuitionist opponent but it did not work against the egoistic one. But it was so also for pragma-rhetoric reasons, namely because Sidgwick wanted to make the utilitarian doctrine, still perceived as a radical one, palatable to the audience by submerging its novelty under a heavy cloak of opinions supposedly supported by commonsense. As a result, and curiously enough, utilitarianism is criticized more in depth than intuitionism. Indeed Sidgwick works out a destructive criticism of the former doctrine heading to the conclusion that it lacks a real justification, is impossible to apply, and yet is the only way of talking about morality that makes any sense, since in order to make sense, an ethical theory should appraise actions on the basis of their consequence. The reader who would expect a parallel systematic discussion of intuitionism may be deceived in finding instead a discussion of “dogmatic intuitionism” that is exemplified by recourse to beliefs allegedly shared by the enlightened common opinion or by jurists, such as Blackstone who never had anything to do with the intuitionist philosophers. This is strange enough, but Sidgwick had his own (more or less good) reasons for that. The fact is that a discussion of historically given intuitionism is never at issue here and Sidgwick does not take the pain to be fair to “Intuitional philosophers” because in this work he is considering their doctrines only occasionally and as examples of those procedures he believes to be practised by enlightened common sense and in whose (limited) validity he believes too. Thus the kind of intuitionism he discusses here is as a puppet he has tailored to his own purposes, not out of sheer bad faith, but instead as a kind of unintended effect of his own strategy vis-à-vis intuitionism conceived in terms of rescuing what is ‘living’ in intuitionism itself while discarding what is ‘dead’ (namely, undue philosophical overgrowth). Within the framework of such an approach to intuitionism, Whewell’s doctrine seems to be not the real thing, but some kind of hybrid. In Sidgwick’s view, it consists half of the naïve ‘perceptive’ intuitionism that is allegedly the ‘doctrine’ uncritically

adopted by common sense, the doctrine according to which good and bad actions are perceived immediately as such, and the other half consists in a philosophical theory, which in turn is useless in order to ground the doctrine.

In more detail, when Sidgwick wants to illustrate some philosophical doctrine defended by so-called “dogmatic intuitionism” he prefers to refer to Clarke as to the proponent of a more solid doctrine on the foundations of ethics and he refers to Reid as to the proponent of a more detailed reconstructions of the data of ethics such as may be reconstructed on the basis of common sense morality. Price and Whewell, strangely enough, are discussed less than Clarke and Reid, and are never presented as the proponents of a specific kind of intuitionism. The reason may be that – as I have already illustrated – the *old* intuitional school for Sidgwick included the Cambridge Platonists and allies, the *new* school included the Scottish common sense philosophers. Whewell, who was the avowed source of Sidgwick’s dislike for “intuitional” doctrines, was neither discussed systematically nor given a consistent location either within the old school, to which his extreme rationalism seemed to draw him nearer, or with the new school, from which his own rationalism seemed to divide him. The reason may be that for both Price and Whewell common sense has a very limited importance, since their own kind of ‘intuitionism’ starts with the idea of self-evident rational propositions, not – unlike Reid, Stewart, Coleridge, Maurice, and perhaps Grote – with that of beliefs universally shared by humankind, and accordingly neither Price nor Whewell fits well Sidgwick’s idea of an intuitionist.

What Sidgwick does is mentioning Whewell a number of times with reference to individual issues. In the seventh edition he mentions him explicitly eight times, and besides he clearly refers to some of his theses on a handful of occasions. Only twice the explicit mention is followed by a footnote with some precise reference. One of these, coming after mention of “cheerfulness, and the cultivation of the social affections” is apparently mistaken since it refers to Whewell’s chapter where chastity is discussed, which is in fact the subject of Sidgwick’s following paragraph (95); clearly enough, one more footnote referring to Kant’s *Doctrine of Virtue* should show up at this point, since Sidgwick mentions the doctrine according to which appetite should be satisfied as a means of fostering “cheerfulness and the cultivation of the social affections”, which is indeed Kant’s doctrine (96). Let us examine six different topics about which Whewell’s claims are discussed:

1. The first is the existence of a system of moral intuitions, which Sidgwick refuses while formulating the idea that common sense made consistent may be the best proxy for such system. He writes:

The orthodox moralists such as Whewell (then in vogue) said that there was a whole intelligible system of intuitions: but how were they to be learned? I could not accept Butler's view as to the sufficiency of a plain man's conscience: for it appeared to me that plain men agreed rather verbally than really.

In this state of mind I had to read Aristotle again... What he gave us there was the Common Sense Morality of Greece reduced to consistency by careful comparison (97).

2. On another occasion Whewell is mentioned as arguing the same as the Kantians, namely that a man "is a free agent in so far as he acts under the guidance of reason" (98), and as offering the justification that we ordinarily "consider our Reason as being ourselves rather than our desires and affections: we speak of Desire, Love, Anger, as mastering us, or of ourselves as controlling them. If we decide to prefer some remote and abstract good to immediate pleasures, or to conform to a rule which brings us present pain (which decision implies exercise of Reason). We more particularly consider such acts as our *own* acts" (99). Sidgwick admits that such statements win assent "from ordinary readers", since what Whewell describes is our usual way of considering reason. Yet, even though he does not object to this idea of freedom as denoting "voluntary actions in which the seductive solicitations of appetite or passion are successfully resisted", he sees a further problem that the Kantians as well as Whewell seem to overlook, that is, how to account for the very concept of responsibility, if one does not admit that an agent may be free to choose between acting rationally and acting irrationally. He adds: "We may say, if we like, that when we yield to passion, we become 'the slaves of our desires and appetites': but we must at the same time admit that our slavery is self-chosen" (100). Omitting discussion of the objection to Kant's view of freedom, which goes beyond the scope of the present essay, we may ask whether this is a fair objection to Whewell. In fact, Whewell adds:

If we ask why we thus identify ourselves with our rational part, rather than with our desires and affections; we reply, that it is because the Reason alone is capable of that reflex act by which we become conscious of ourselves. To have so much thought as to distinguish between

ourselves and our springs of action, is to be rational... It is by the Reason that we are conscious; and hence we place the seat of our consciousness in the Reason (101).

Whewell would object that acting under control of desire and affection uncontrolled by Reason means being – so to say – “passive, and merely acted on” (102), or, to be more precise, an agent in such a situation “is not really passive” but just adopts the suggestions of Desire or Affection, and rejects the control of Reason; he thus does not cease being aware “that there is a Rule, and that he is violating it” (103). In other words, he would say that passion is not irresistible and human action, qua human, has as its “essential condition” some amount of rationality. In the *Lectures* the point had been framed in terms of a distinction between dependent and independent schemes of morality; the latter are those

which would regulate human action by an internal principle or relation, as conscience or a moral faculty, or duty, or rectitude, or the superiority of the reason to desire... We maintain, with Plato, that reason has a natural and rightful authority over desire and affection; with Butler, that there is a difference of kind in our principles of action; with the general voice of mankind, that we must do what is right, at whatever cost of pain and loss (104).

Sidgwick goes on discussing the issue of Determinism and Free Will, which “is widely believed to be of great Ethical importance” (105) even if he is not sure it can be really settled.

3. A third point with regard to which Whewell is mentioned is a criticism to intuitionists of resorting actually to utilitarian considerations when trying to prove the necessity of moral rules.

This is a leading motif from the controversy between Mill and Whewell, echoing Bentham’s main argument in favour of the principle of utility, namely that those who deny this principle in fact do affirm it in other words. Mill quotes Whewell while declaring that rules are necessary for the peace of society and that, without the satisfaction of some desires made possible by an ordered social life, “man’s life is scarcely tolerable” (106), and he adds that here Whewell contradicts what he affirms elsewhere, since moral rules “are here spoken of as means to an end... This is utility – this is pleasure and pain. When real reasons are wanted, the repudiated happiness-principle is always the resource” (107). Mill goes on

widening the scope of his detection of the principle of utility in Whewell to the conclusion that

Almost all the *generalia* of moral philosophy prefixed to the Elements are in like manner derived from utility. For example: that the desires, until subjected to general rules, bring mankind into conflict and opposition; but that, when general rules are established, the feelings which gather round these “are sources not of opposition, but of agreement”... This is Benthamism – even approaching to Fourierism (108).

He adds, as a further proof of the “hybrid character” of Whewell’s theory, the remark that also his classification of virtues and duties “are in principle utilitarian. Though Dr. Whewell will not recognize the promotion of happiness as the ultimate principle, he deduces his secondary principles from it, and supports his propositions by utilitarian reasons as far as they will go” (109).

Was such criticism by Mill justified? I would remark that in ch. 3 Whewell is trying to reach in the beginning something that is for him like an intermediate halting-place, that is the proof that human life in society needs systems of rules, in order to try to prove that *there are* “such Moral Rules as we have spoken of” – which he supposes to be something *still in need of proof* – and says that in order to arrive at such rules “we must proceed by series of several steps” (110). He goes on then trying to show how human action is by its very nature, constituted through rule following, how the various rules are subordinate to each other, and how they presuppose a basic rule of human action (111). At this stage he believes he has proved not only that life in human society requires rules, but also that the constitution of human beings implies a set of rules which are self-evident in their basic contents and have an authority given by what we would now call ‘internal’ reasons. In other words, he believes he has proved on the one hand, that human society needs *some* set of rules, on the other that such sets may be of worse or better kinds and that there is an a priori way to the discovery of the essential structure of the justified set of rules, to be given flesh and bones then through a survey of detailed conditions of life and institutions existing in a given society. This is the reason why Whewell believes that morality depends on law as to the proof of the existence of a need for morality and as to the specification of a part of its actual contents, but that on the other hand, really existing systems of laws may be properly appreciated on the standard provided by

morality, which is something Mill always refused to admit was Whewell’s point.

Sidgwick, apparently giving Mill’s criticism for granted, bluntly states that

even moralists (as Whewell) who are most strongly opposed to Utilitarianism have in attempting to exhibit the “necessity” of moral rules, been led to dwell on utilitarian considerations (112).

Even if the assertion is made without reporting precise statements by either Whewell or others, the passage Sidgwick has probably in mind is precisely ch. 3 in the *Elements*, book I, which was attacked by Mill, and he seems to assume that Mill’s criticism was the final word. Besides he may have had his own historical reconstruction in mind according to which in the 17<sup>th</sup> century both intuitionism and utilitarianism were already there and both were in “friendly alliance” (113) fighting against the selfish system first proposed by Hobbes, and both approaches were seen as alternative ways of supporting the existing morality. It was only with Paley and Bentham that utilitarianism was first presented as method for determining conduct, which was to “overrule all traditional precepts and supersede all existing moral sentiments” (114). Sidgwick seems to add to Mill’s argument that it was precisely because of such alliance that in the first phase no preoccupation arose with finding some ‘pure’ intuitionist way to “a philosophical basis of morality”, since the real danger was then Hobbesian doctrine, and an opposition between utilitarianism and intuitionism was not on the agenda before Paley’s and Bentham’s time.

4. A point connected with the former is Whewell’s allegedly inadequate account of justice, as far as for intuitionism – as Sidgwick understands it – the idea of justice should *translate* what common sense understands for justice into a more rigorous definition. Sidgwick declares that

it is an assumption of the Intuitional method that the term ‘justice’ denotes a quality which it is ultimately desirable to realise in the conduct and social relations of men; and that a definition may be given of this which be accepted by all competent judges as presenting, in a clear and explicit form, what they have always meant by the term, though perhaps implicitly and vaguely (115).

On a careful examination of the data of common sense, it turns out yet that justice is “a kind of Equality” or better “Impartiality in the observance or enforcement of certain general rules allotting good and evil to individuals” (116) and that it includes the principles of reparation and those of conservative justice (compliance with contracts and laws and “normal” expectations) as well as of ideal justice, which in turns comprises conflicting ideals, namely the ideal of freedom and that of reward to desert (117).

In secondary literature this account has gone unnoticed as a matter of course. Yet, even if Sidgwick ascribes this account to common sense, or to common sense sifted by philosophical scrutiny, it would be naive to assume that the “Intuitional writers” were clearly on the same side with both ‘common sense’ and Sidgwick. In fact, Whewell’s account is somewhat different and it would be interesting to know whether Sidgwick had any specific objection to such an account. Whewell had defined justice as “the Desire that each person should have his own” (118), and the corresponding part of Whewell’s Supreme Rule which belongs to this Virtue declares that “*each man is to have his own*” (119); more substantive contents of such virtue and of the corresponding Rule, that is, a specification of the rights everyone may claim in matters of property, derive from historically given institutions of each particular society, which vary according to the previous historical circumstances and the present conditions of life, but which are not to be taken as something given once for ever but instead are to be modified with a view at a closer approximation to the ideal of equality between human beings (120).

5. Another crucial topic is truthfulness and promises. On these issues I have already reminded that Sidgwick’s criticism is that Whewell is unable to provide any content that would not turn out “evanescent at a more accurate examination”. A duty to keep promises – Sidgwick acknowledges – is admitted by everybody; the obligation seems to unreflective common sense to be intuitively independent and certain; on the other hand, yet, existence of a number of exceptions seems to be commonly accepted: namely, when a promise contrasts with another obligation; when what has been promised is immoral; when circumstances have been modified; when the promise has been obtained by a lie etc. Common sense yet (note, common sense, not “intuitional” philosophy) seems to be unable to reach a consensus on what are precisely the cases where a promise must be kept, and “if one of these conditions vanishes it seems that consensus becomes

evanescent and that common moral intuitions of reflective persons become obscure and diverge” (121).

Among these a typical one is that of a promise formulated without prior knowledge of relevant facts or before important elements of the context were modified. On this case, according to Sidgwick, common sense “seems to give no clear answer” (122). Why, if common sense fails, also other tentative ways of giving an answer should be dropped is never spelled out. That is, the “Intuitionist” moralists did try to provide answers, and these were based on rational a priori arguments, not on surveys of what common sense seems to suggest. Here Sidgwick’s ambivalence plays a decisive role. He was sure that it was so because the intuitive method was *his own* method as well as that of *the most educated part* of society, and accordingly he only needed to ask himself and consult his acquaintances over a cup of tea, a method not different from the one Hume himself used in order to discover what *belief* normally yields. But in Sidgwick’s case conclusions reached through his own kind of amateur sociological survey concerning intuitions reached by common sense were then applied with no further step to the claims of intuitionist philosophers as well, without apparently any strict duty to read what they had really said on the issue. This is particularly striking with reference to this issue and to Whewell, since in ch. 15 of book II of the *Elements* he had claimed to have given a solution precisely to this problem by his “Principle of Truth”, namely by establishing that in such cases as the one of the promise obtained by giving false information, any duty arising from the promise itself should always be understood as conditional duty, bound to truthfulness of the conditions made known at the time the promise is formulated. Whewell argues his conclusion also referring to cases widely discussed in the casuistic literature and already found in Cicero (123). In this way Sidgwick gives an answer to one question and makes the reader believe he has answered also a different one, namely he gives the impression he does not need to criticize Whewell’s solution, which is something different from what common sense suggests or fails to suggest. Whewell indeed never claimed that common sense *has already settled* the issue, but *only that it be possible to solve it* by means of distinctions that are rationally justifiable but also highly abstract and novel, and no way already familiar to common sense. The fact that what he argues for is a novelty for common sense does not imply the validity of Mill’s accusation of falling back into considerations of expediency, since his argument is based solely on criteria of inner consistency, and Sidgwick, were he to prove that the intuitionists are wrong on the point, should have carried out a criticism of

the arguments of Whewell, the casuists, Cicero, not of the opinions allegedly shared by common sense (124). It is surprising that on the one hand Sidgwick discards what intuitionism has to offer in order to settle the issue on the argument that it *seems* that common sense have nothing to say and on the other avoids criticizing in detail the solution proposed by the last proponent of this doctrine. Sidgwick – as I have already suggested – had his own justification for this, namely that in the *Methods* he did not want to examine intuitionism as a doctrine from outside, but as a “method” practised by common sense and to a certain extent accepted by Sidgwick himself. But here Sidgwick’s ambivalence to intuitionism (sometimes a mistaken philosophical doctrine and sometimes a plausible albeit limited “method” for formulating moral judgements) becomes an unconscious excuse for dodging the main objections that could withstand his will to be a Millian, or cast a doubt on his conclusion that utilitarianism is a rickety building, and yet is the only roof left under which we may find shelter.

A closely related issue is establishing limits or exceptions to the duty of truthfulness. The rule ‘to speak the truth’ would not be difficult to apply, yet, even if “many moralists have regarded this, from its simplicity and definiteness, as a quite unexceptionable instance of an ethical axiom” (125).

Nonetheless, “reflection” shows that truthfulness cannot be raised to the status of a “definite moral axiom” (126) because common sense seems to admit that the right to truthfulness may be suspended under certain circumstances, such as those under which most of us “would not hesitate to speak falsely to an invalid” (127), and that we cannot establish “how we can decide when and how far it is admissible, except by considerations of expediency” (128). As a conclusion the rule of Veracity cannot be elevated into a “definite moral axiom” for there is no agreement as to when absolute sincerity is required (129). Also the Kantian argument of the self-destroying character of the rule of lying under certain circumstances is discarded claiming – in a perfectly Millian spirit – that it is no more than a “strong – but not formally conclusive – utilitarian ground for speaking the truth” (130).

Concerning Veracity Sidgwick makes a precise reference to Whewell. He writes:

it is not uncommonly said that in defence of a secret we may not indeed *lie* (fn.: Whewell, *Elements*, book II, ch. xv, par. 299), i.e. produce directly beliefs contrary to fact; but we may “turn a question aside”... or

“throw the inquirer on a wrong scent”... These two methods of concealment are known respectively as *suppressio veri* and *suggestio falsi*, and many think them legitimate under certain circumstances: while others say that if deception is to be practised at all, it is mere formalism to object to any one mode of effecting it more than another (131).

Sidgwick’s own opinion has already been presented, that is, he endorses the latter opinion. But let me remind, before trying to assess the goodness of Sidgwick’s criticism, what Whewell had actually written. This is:

(i) that “the necessary conditions of a Rule of Human Action is the existence of a Common Understanding among men, such that they can depend upon each other’s premeditated and predetermined actions” (132);

(ii) that the idea of Truth as a Virtue, which may also be named integrity or Truthfulness, is the idea of a conformity of “*our language to the universal understanding among men which the use of language implies*” (133);

(iii) that some kind of implicit contract that binds human beings to telling the truth, “the universal understanding among men which the use of language implies”, is tacitly signed when they start using language, and a “Right to know the Truth is conveyed, by every speaker, to the person to whom he addresses the assertions” (134);

(iv) that lying, no less than not keeping a promise, is “a violation of the general understanding among mankind, which the use of language implies” (135);

(v) that lying always carries a moral stain on the liar, with an exception to be made for cases of necessity, as when it is made to save one’s life, which is looked upon “as at least excusable, and allowable”, or to save a friend from some great misfortune, which meets “with a more decided approval” (136);

(vi) that in cases of necessity which are also conflicts of duties, as far as a moral rule is transgressed not with a view at one’s preservation, but “in order to preserve some other person from great impending evil” it is better for the moralist to abstain from laying down definite rules of decision, for doing so

would have an immoral tendency. For such a procedure would necessarily seem to make light of the Duties which were thus, in a general manner, postponed to other Duties; and would tend to remove the com-

punction, which any Moral Rule violated, ought to occasion to the Actor (137).

It may be worth noting that with regard to lying Sidgwick quotes Whewell in a precise way, but also that he mentions his conclusion as one of these opinions which moralists allegedly share with common sense, and that he does not discuss in any detail Whewell's solution to the conundrum raised by cases of necessity. Also here he has his own reason for not doing that, since he believes that a critique of the intuitionist moralists' arguments goes beyond his own self-appointed task, which is amending and systematizing the opinions shared by common sense. This could be a convincing enough reason, if only Sidgwick after that did not announce the conclusion that as a consequence "dogmatic intuitionism" – which, according to Sidgwick himself, is tantamount to the doctrines of the British rationalist and/or common-sense moralists from Clarke, Butler, Price to Reid and Whewell – does not stand up.

6. The relationship of morality and law. Sidgwick's criticism to Whewell's Idea of Order on which the latter grounded the claim that obedience to law be on principle an unconditional duty (138) echoes heavily the Mill-Whewell controversy. I recalled above how Mill had bluntly accused Whewell of implicitly defending slave owners and besides of heading to a vicious circle. Sidgwick denies that it be possible to settle conflicts between civil and moral law unless we have recourse to the utilitarian method since common sense only manifest a rather vague general consensus on the idea that law as such should be obeyed. A proof of such impossibility to reach precise shared conclusion is that "jurists" (note again, jurists, not intuitional moralists) "have contrasting opinions as to the fact whether we are strictly bound to obedience to laws when they command what is not otherwise a duty or forbid what is not otherwise a sin" (139). On the basis of "so much difference of opinions" Sidgwick announces that

It seems idle to maintain that there is any clear and precise axiom or first principle of Order, intuitively seen to be true by the common reason and conscience of mankind. There is, no doubt, a vague general habit of obedience to laws as such... but when we try to state any explicit principle corresponding to this general habit, the *consensus* seems to abandon us (140).

Note that the “axiom or first principle of Order” mentioned is not yielded by some mental experiment enacted by Sidgwick but is a notorious Whewellian doctrine that contemporary readers could easily have associated with its author’s name. The principle is defined by the latter as

a disposition to conform, both to positive human Laws... and to special Moral Rules, as the expression of the Supreme Rule... And the corresponding part of the Supreme Rule is: *We must accept positive Laws as the necessary conditions of Morality* (141).

The remark is not out of place that the principle had *not* been introduced by Whewell as a means of settling the issue under discussion by Sidgwick. The latter was a doubt concerning the subsistence of an obligation to obey the civil law in a number of cases, a familiar problem in casuistry, to which the casuists had given more complex answers than those ascribed by Sidgwick to the jurists, while mentioning just Austin, Hobbes, and Blackstone (142). Whewell’s aim was instead to examine a more general issue. Whewell had added:

We must conform our Dispositions to the Laws; obey the Laws cordially, or administer them carefully, according to the position we may happen to hold in the community. This disposition may be denoted by the term Order, understood in a large and comprehensive sense. But further: not only positive human Laws, but subordinate moral Rules, are necessary conditions of morality. We cannot conform our actions, intentions, desires to the Supreme Rule, without having in our thoughts subordinate Rules, which are partial expressions of the Supreme Rule; and to such subordinate Rules, it is our Duty to conform our Intentions and Desires. The disposition to do this may also be included in the term Order, taken in its largest sense (143).

That is, what Whewell was concerned with in the quoted passage where he introduces the “axiom or first principle of Order” was the relationship of general and particular laws, be they *civil* or *moral* laws. Sidgwick seems to be ignorant of the circumstance that the problem mentioned had been treated by Whewell elsewhere, namely in the *Elements*, book IV, chapter 1. The fourth book of the 3<sup>d</sup> edition is something new, that was absent in the text Mill read – or did not read in full – but Sidgwick may have been just following Mill blindly without noticing that he had a detailed answer to Mill’s criticism by Whewell at hand. Mill had

made it a point of honour to declare that he had confined himself to those pages of the *Elements* which could be evidence on one point, that is, how he “argues in condemnation of any external standard, and especially of utility, or tendency to happiness, as the principle or test of morality [as well as] how he fares in his attempt to construct a coherent theory of morals on any other basis” (144). On a close reading, Mill appears to refer only to few pages in book I and he never mentions book IV, chapter 21 where the issue of the relationship of law and morality is discussed in more detail than in the couple of pages from the “Preliminary Lecture” in the *Lectures on the History of Moral Philosophy in England* to which Mill, strangely enough, limits himself when discussing this point (145).

In this chapter Whewell had done what he did later in a more detailed way in book IV of the 3d edition, that is, he had illustrated how morality depends on law for one aspect, the definition of rights, which are indeed the subject-matter of moral rules, but not for a different aspect, namely in so far as morality provides a standard on which historically given laws may be appraised and with a view at converging with which we may wish that they be modified, and “thus, for the moment, at any time, Morality depends upon Law; but in the long run, Law must be regulated by Morality” (146).

It is important to remark that – contrary to what Sidgwick seems to believe – for Whewell the standard on which positive law is to be judged is not the axiom of Order, which is called to carry out rather the function that I have illustrated, but that of Justice (147).

Besides, it may be mentioned that Whewell believed he had settled the problem whose existence Sidgwick denounces with regard to justice, namely that when we try to make the apparent principles in which it seems to consist more precise, “we find ourselves involved in grave difficulties” (148). In Book II ch. 21 Whewell responds to the ancient objection according to which the law of nature, being positive laws different in different states, exists nowhere. The answer is that the trouble may be dissolved in the light of the general claim of circularity between Idea and Fact. In more detail the answer is that

the *Conceptions* of the Fundamental Rights, which Law establishes, are necessary and universal for all men; but that the *Definitions* of these Rights are Facts, which grow out of the History of each community, and may be different in different times and places (149).

Again, Sidgwick does not seem to be aware of Whewell’s attempt at solving the problem, that is, at reconciling variability and universality, and thus never tries to criticize the solution offered. As I have argued, also on this issue, he believes he need not criticize intuitionist doctrines since he is not really interested in such doctrines but believes instead he should draw on common usage and try to reach a definition which be acceptable to all “competent judges”, and in doing so, so to say, “clip the ragged edge of common usage, but we must not make excision of any considerable portion” (150). So much is what he thinks being required by the “Intuitional method” (151), but this, once again, is *his own* method, not the method of the intuitionist moralists.

## 7. Concluding remarks

To sum up, my claims were the following:

1. Sidgwick’s notion of “dogmatic intuitionism”, an expression reverently repeated by commentators, is a queer notion; it is the result of one of those divisions of one into two that philosophers use to stage every time they want to keep an old doctrine while claiming originality; in this case, *dogmatic* intuitionism was the ‘bad company’ to which all that Sidgwick did not like of “the intuitional school of morality” should be entrusted, to be distinguished from the ‘good company’, *philosophical* intuitionism that was to take over all that Sidgwick liked of this school; that is, it was a way of disguising the fact that Sidgwick’s final doctrine was ethical intuitionism.

2. Sidgwick’s reconstruction of the history of ‘intuitionist’ doctrines is an odd one in so far as he distinguishes between an earlier more philosophical school and a later school more based on common sense; it is clearly Reid and Dugald Stewart that he has in mind, and Whewell, with his bold apriorism, seems to drop out of the picture; besides he ignores Price totally.

3. Sidgwick has recourse to a strange enough argument for justifying his lack of a real criticism of intuitionist doctrines; that is, he is interested in assessing the role of intuitions in common sense, not the role assigned to them by philosophers, but then he constantly shifts from allegedly proved conclusions concerning the limits of common sense to unwarranted conclusions on the intuitionists’ mistakes.

4. Whewell had his own version of a rationalist (not common sense) intuitionist ethics, which followed Price closely and also incorporated a

few Kantian insights; on this version, moral dilemmas could on principles be settled through argument, but untutored common sense did not possess already a clear solution to such dilemmas.

5. Such version incorporated solutions or alleged solutions to a few of those difficulties of moral reasoning that Sidgwick believed were decisive in proving the inability of both common sense and intuitionist ethics in settling moral dilemmas; Alan Donagan has claimed that Sidgwick's polemic is vitiated by the fact of ascribing to Whewell a claim that the latter had never advanced, that is, that common-sense morality may afford a solution to moral dilemmas; what Whewell did is proposing a way of dissolving, on the basis of intuitionist procedures (not of common sense morality), that is, starting with clauses and limitations to duties that may be logically derived from the general formulation of general precepts, most of apparent moral dilemmas; on examples such as the duty to keep promises extracted through reticence concerning relevant information Whewell's answer is that such a promise is not a real promise since full knowledge of relevant facts is one of the conditions of the act of promising; Sidgwick does not discuss Whewell's argument, and indeed it is impossible to prove that he ever read the relevant chapter, and limits himself to noting that common sense lacks an answer, but if intuitionists were right, common sense should already know the right answer (which is not what Whewell claimed).

6. Sidgwick is far from immune to rhetoric, and indeed his work is a powerful experiment in persuasion, adopting as a systematic strategy the stratagem of introducing subversive ideas – among other things, concerning current standards of sexual morality – hidden under a heavy burden of received opinions and justified repeatedly by appeal to one's faithfulness to the duties carried by the status of philosopher or scientist; also the choice of writing dry and as-boring-as-possible treatises is a rhetorical trick no less than any declamation about the beauty of virtue; the message conveyed is: "I am not a preacher, I am a scientist"; that is, Sidgwick's trump is one of the rhetorical stratagems recommended by Schopenhauer: if you lack specific objections, shift from the point under discussion to general considerations on the limits of human knowledge, suggesting by implication that your opponent's claim cannot have strong reasons on its side, since nobody's claim does.

7. Sidgwick wanted basically to defend Millian ideals, and believed his own theoretical work to be also a powerful exercise in persuasion; in order to do that, he believed he had to sacrifice all of Mill's (as well as Bentham's) strictly philosophical ideas on ethics, adopting instead Whewel-

lian intuitionism as a “philosophy of morality” (i.e. metaethics); but he used such philosophy of morality in order to support conclusions in morality (i.e. normative ethics) opposite to Whewell’s and close to Mill’s; by doing so, he wanted to defend a familiar view of ethics, shared by both Utilitarians and Intuitionists, against new approaches, Spencer’s evolutionism and Bradley’s idealism, as well as – had it been possible – against an old/new approach, ethical egoism, against which he confessed his weapons were blunt; yet, he was keen in giving the impression that his newly assembled machine as Utilitarianism-on-a-new-basis, not as Intuitionism-improved; on the main philosophical issue, the need for intuitions in ethics, he acknowledged the victory of Whewell on Mill but – what is typical of all philosophical controversies – he condemned the sinner while condoning the sin, and appropriated Whewell’s ideas while declaring the latter to be a shallow thinker. “We buy our opinions wholesale” was one of the famous remarks by Montaigne; right or wrong, this is precisely what Sidgwick did, since at some point he came back to Whewell on all that mattered for a philosopher, but he remained all his life aligned with the Utilitarian camp on real-world issues. The result was leaving to twentieth-century analytic ethics a legacy of intuitionist *ideas* combined with utilitarian *opinions* and sanctifying Mill’s image as a discoverer of truths he would never had been able to discover by himself (i.e. without his controversy with Whewell), and damning Whewell’s figure to oblivion as but the efficient cause of “one of the thousand waves on the dead sea of commonplace” (152).

*Acknowledgements:* I had the opportunity to take advantage, besides the guest editor’s Gianfranco Pellegrino competent revision, also of useful comments by Massimo Reichlin.

(1) A. Donagan, *Whewell’s Elements of Morality*, “Journal of Philosophy” 71\1 (1974): 724-736, p. 734.

(2) H. Sidgwick, *The Methods of Ethics*, 7<sup>th</sup> ed. (1907), in *Works*, 15 vols. (Bristol: Thoemmes Press, 1996, vol. 1), p. xiii; unless otherwise stated, reference will be this edition.

(3) B. Schultz, *Henry Sidgwick. Eye of the Universe* (Cambridge: Cambridge University Press, 2004), particularly pp. 181, 142-146, 155.

(4) *Ibidem*, p. 511. For an example of a study of such pragma-rhetoric structure of texts as the one Schultz proposes to carry out for Sidgwick,

- see S. Cremaschi and M. Dascal, *Malthus and Ricardo on Economic Methodology*, "History of Political Economy" 28\3 (1996): 475-511; Idd., *Persuasion and Argument in the Malthus-Ricardo Correspondence*, in W.J. Samuels and J.E. Biddle (eds.), *Research in the History of Economic Thought and Methodology*, Stanford, Co: JAI Press, vol. 16, 1998, pp. 1-63; Idd., *Malthus and Ricardo: Two Styles for Economic Theory*, "Science in Context" 11\2 (1998): 229-254; M. Dascal and S. Cremaschi, *The Malthus-Ricardo Correspondence: Sequential structure, argumentative patterns, and rationality*, "Journal of Pragmatics" 31 (1999): 1129-1172.
- (5) A. Donagan, *Whewell's Elements of Morality*; Id., *Sidgwick and Whewellian Intuitionism*, in B. Schulz (ed.), *Essays on Henry Sidgwick* (Cambridge: Cambridge University Press), pp. 123-142.
- (6) J. B. Schneewind, *Sidgwick's Ethics and Victorian Moral Philosophy* (Oxford: Clarendon, 1977).
- (7) B. Schulz, *Henry Sidgwick*, p. 143.
- (8) H. Sidgwick, *The Methods*, p. xv.
- (9) W. Whewell, Preface to J. Mackintosh, *Dissertation on the Progress of Ethical Philosophy, chiefly during the Seventeenth and Eighteenth Centuries* (1836, Bristol: Thoemmes, 1991); Id., *Elements of Morality, including Polity*, 3<sup>d</sup> edition (London: Parker 1854); unless otherwise stated reference will be this edition; numbers of paragraphs in the 4<sup>th</sup> edition remain unchanged.
- (10) A. Sedgwick, *Discourse on the Studies of the University* (1833), ed. by E. Ashby and M. Anderson (Leicester: Leicester University Press 1969).
- (11) See J. Brown, *On the Motives to Virtue, and the Necessity of Religious Principle* (1751), in J. Crimmins (ed.), *Utilitarianism and Religion* (Bristol: Thoemmes 1998), pp. 55-104; J. Gay, *Concerning the Fundamental Principles of Virtue or Morality* (1731), *Ibidem*, pp. 33-48; W. Paley, *The Principles of Moral and Political Philosophy*, 1785, ed. by D.L. LeMahieu (Liberty Fund, Indianapolis, IN, 2002).
- (12) See L.J. Snyder, Whewell, William, *Stanford Encyclopedia of Philosophy* (2000, rev. 2006) (<http://plato.stanford.edu/entries/Whewell/>).
- (13) W. Whewell, *Two Lectures to two Courses of Lectures on Moral Philosophy*, in Id., *Collected Works*, 16 vols., ed. by R. Yeo (Bristol-London: Thoemmes - Routledge, 2001), vol. XI, p. 28.
- (14) W. Whewell, *Elements of Morality*, art. 97.
- (15) *Ibidem*.
- (16) W. Whewell, *Lectures on the History of Moral Philosophy in England* (1852, Bristol: Thoemmes, 1990), p. 223.
- (17) *Ibidem*, p. 221.

(18) *Ibidem*, p. 222.

(19) *Ibidem*.

(20) W. Whewell, *Elements, including Polity*, 1<sup>st</sup> ed. (1845), 2 vols. (New York: Harper, 1861, vol. I, pp. 7-8); the idea that a system of normative ethics should be completed in a consistent way as a condition for starting discussion of metaethical issues is suggested, while referring to Noam Chomsky instead of Wheweel, in J. Rawls, *A Theory of Justice* (Cambridge, MASS: Harvard University Press, 1971), pp. 46-48

(21) H. Sidgwick, *The Methods*, p. v.

(22) This is why Rawls made this point without apparent awareness of having being ‘forerun’ by Whewell. On the aspects under which first Whewell discovered a coherentist approach and then Sidgwick adopted it, while trying to use it in order to reach conclusions opposite to Whewell’s, see J.B. Schneewind, *First Principles and Common Sense Morality in Sidgwick’s Ethics*, “Archiv für Geschichte der Philosophie”, 45\2 (1963): 137-156; Id., “Whewell’s Ethics”, in *Studies in Moral Philosophy*, “American Philosophical Quarterly. Monograph Series”, 1 (1968): 108-141. Note that at the time Schneewind was writing a similar kind of approach was still waiting to be rediscovered by Rawls.

(23) W. Whewell, *Elements*, art. 66.

(2) *Ibidem*, art 62.

(25) *Ibidem*.

(26) *Ibidem*, art. 63.

(27) *Ibidem*, art. 128.

(28) *Ibidem*, art. 75.

(29) *Ibidem*, art. 76.

(30) *Ibidem*, art. 68-70.

(31) *Ibidem*, p. 1.

32) *Ibidem*, art. 322.

(33) *Ibidem*.

(34) *Ibidem*, art. 323.

(35) *Ibidem*.

(36) *Ibidem*, art. 326.

(37) *Ibidem*, art. 327.

(38) *Ibidem*, art. 279.

(39) *Ibidem*, art. 201, 296-7.

(40) *Ibidem*, art. 281.

(41) *Ibidem*.

(42) *Ibidem*, art. 294.

(43) *Ibidem*, art. 299.

- (44) *Ibidem*, art. 303.
- (45) W. Paley, *The principles of moral and political philosophy* (1785), ed. by D.L. LeMahieu, (Indianapolis, IN: Liberty Fund, 2002), book III, ch. 5, sect. 3.
- (46) W. Whewell, *Elements*, , art. 308.
- (47) *Ibidem*, art. 489.
- (48) *Ibidem*, art. 390.
- (49) See E.W. Strong, *William Whewell and John Stuart Mill: Their Controversy over Scientific Knowledge*, “Journal of the History of Ideas” 16 (1955): 209-31; G. Buchdahl, "Deductivist versus Inductivist Approaches in the Philosophy of Science as Illustrated by Some Controversies Between Whewell and Mill," in M. Fisch, S. Schaffer (eds.), *William Whewell: A Composite Portrait* (Oxford: Oxford University Press, 1991), pp. 311-44; J. Losee, *Whewell and Mill on the Relation between Science and Philosophy of Science*, “Studies in History and Philosophy of Science” 14 (1983): 113-26; L.J. Snyder, *Reforming Philosophy: A Victorian Debate on Science and Society* (Chicago: University of Chicago Press, 2006), chs. 1-3.
- (50) W. Whewell, *Lectures on the History of Moral Philosophy*, pp. 202-265; the rest of the present section draws on materials from S. Cremaschi, *The Mill-Whewell Controversy on Ethics and its Bequest to Analytic Philosophy*, in E. Baccarini and S. Purić Samaržja (eds.), *Rationality in Belief and Action*, University of Rijeka, Rijeka: Faculty of Arts and Sciences - Croatian Society for Analytic Philosophy, 2006, pp. 45-62.
- (51) J.S. Mill, *Autobiography*, in *Collected Works of John Stuart Mill*, ed. by J.M. Robson *et al.* (Toronto: University of Toronto Press, 1967-, vol. I, pp. 1- 290), p. 209, emphasis added.
- (52) Discussion of Benthamite ethics between 1788 and the half of the nineteenth century was rather limited. F. Jeffrey in *Bentham’s Traité de Législation civile et pénale*, “Edinburgh Review” 4 (1804), n. 7: 1-20, had reviewed Bentham’s treatise of legislation, but ethics was not a major concern; a discussion of Bentham’s political ideas is in J. Mackintosh, *Bentham’s Plan of a Parliamentary Reform*, “The Edinburgh Review” 31 (1818), n. 61: 165-203; the first extended discussion of Benthamite ethics is in a series of three articles: T.B. Macaulay, *Mill’s Essay on Government: Utilitarian Logic and Politics*, “The Edinburgh Review” 49 (March 1829), n. 97; Id., *Bentham’s Defence of Mill: Utilitarian System of Philosophy*, “The Edinburgh Review” 49 (June 1829), n. 98; Id., *Utilitarian Theory of Government , and the ‘Greatest Happiness’ Principle*, “The Edinburgh Review” 49 (October 1829), n. 99; they are all reprinted in J. Lively and J. Rees eds., *Utilitarian Logic and Politics*, Oxford: Clarendon Press 1979,

pp. 97-129, 151-178, 193-223; note that the controversy started with criticism by MacIntosh of Benthamite political doctrines and only with the last of his articles shifted to ethics; after that, Bentham's ethics was first made the subject of extended treatment in an historical overview of British philosophy by J. Mackintosh, *Dissertation on the Progress of Ethical Philosophy, chiefly during the Seventeenth and Eighteenth Centuries* (1836, Bristol: Thoemmes, 1991), pp. 284-313; on the above mentioned literature see S. Cremaschi, *Utilitarianism and its Nineteenth-Century Critics*, “Notizie di Politeia” 24 (2008), n. 90: 31-49.

(53) J.S. Mill, *Autobiography*, p. 232.

(54) J.S. Mill, *Sedgwick's Discourse* (1835), in *Collected Works*, vol. X, pp. 31-74, p. 51.

(55) See W. Whewell, *On the Foundations of Morals. Four Sermons* (1837), in Id., *Collected Works*, vol. XI, p. vii; Id., *Elements*, vol. II, p. 303.

(55) W. Whewell, *Lectures on the History of Moral Philosophy*, p. 215.

(56) See *ibidem*, pp. 210-212.

(58) W. Whewell, *Elements*, p. 12.

(59) W. Whewell, *Lectures on the History of Moral Philosophy*, p. 215.

(60) See *ibidem*, p. 216.

(61) J.S. Mill, *Whewell on Moral Philosophy* (1852) in *Collected works of John Stuart Mill*, vol. X, pp. 167-201, p. 169.

(62) See *ibidem*, pp. 169-170.

(63) See *ibidem*, p. 171.

(64) *Ibidem*, p. 192

(65) *Ibidem*.

(66) W. Whewell, *Elements*, vol. II, pp. 300-303.

(67) *Ibidem*.

(68) *Ibidem*, p. 305.

(69) L.G. Snyder, “Whewell, William”, p. 10; as already noted, the discovery of the coherentist approach in Whewell has been made in J.B. Schneewind, “Whewell's Ethics”, in *Studies in Moral Philosophy*, “American Philosophical Quarterly. Monograph Series”, 1 (1968): 108-141; cf. *Sidgwick's Ethics and Victorian Moral Philosophy*, pp. 89-121.

(70) See L.G. Snyder, *Reforming Philosophy*, p. 266.

(71) S. Collini, *Public Moralists. Political Thought and Intellectual Life in Britain 1850-1930* (Oxford: Clarendon Press, 1991), p 122; for a remarkable overview of Mill's role as the first of the Victorian public moralists see pp. 121- 169.

(72) See L.G. Snyder, *Reforming Philosophy*, ch. 4.

- (73) This reference to *Nichomachean Ethics* as an example to be followed in so far as it was a successful attempt at reducing the Common Sense Morality of Greece to “consistency” by “careful comparison” is in the Preface to the sixth edition, in H. Sidgwick, *Methods of Ethics*, p. xix.
- (74) *Ibidem.*, p. xv.
- (75) *Ibidem.*
- (76) *Ibidem.*, p. 103.
- (77) *Ibidem.*
- (78) A. Donagan, *Whewell’s Elements*, pp. 734-735.
- (79) W. Whewell, *Two Introductory Lectures to two Courses of Lectures on Moral Philosophy*, pp. 43-44.
- (80) H. Sidgwick, “Letter to H.G. Dakyns”, Aug. 24, 1861, in . Sidgwick, E. M. Sidgwick (eds.), *Henry Sidgwick: A Memoir* (1906; Bristol: Thoemmes, 1906), p. 68.
- (81) Letter to H.G. Dakyns, March 1862, *ibidem*, p. 75.
- (82) Letter to H.G. Dakyns, December 1862, *ibidem*, p. 90.
- (83) J.M. Keynes, *Essays in Biography (The collected Writings*, vol x; London: MacMillan, 1972), p. 173.
- (84) See S. Cremaschi, *Utilitarianism and its British Nineteenth-Century Critics*, pp. 38-39 and 42-43; J.B. Schneewind, *Sidgwick’s Ethics and Victorian Moral Philosophy*, pp. 89-121; Schulz, *Henry Sidgwick*, pp. 45-54
- (85) A. Sidgwick, E. M. Sidgwick (eds.), *Henry Sidgwick: A Memoir*, p. 472.
- (86) *Ibidem.*
- (87) H. Sidgwick, *Professor Calderwood on Intuitionism in Morals* (1876), in *Collected Works*, vol. XIV, p. 563; emphasis added.
- (88) H. Sidgwick, *Outlines of the History of Ethics for English Readers* (1886; Bristol: Thoemmes, 1996), p. 233.
- (89) *Ibidem.*
- (90) *Ibidem.*
- (91) *Ibidem.*, p. 234.
- (92) *Ibidem.*
- (93) *Ibidem.*
- (94) The rest of this section is an expanded version of sect. 7 in S. Cremaschi, *Sidgwick e il progetto di un’etica scientifica*, “Etica e Politica/Ethics & Politics” 7/1 (2006), pp. 1-36.
- (95) *Ibidem.*, p. 329; cf. Whewell, *Elements*, book II, ch. X: “Duties connected with purity”.
- (96) H. Sidgwick, *The Methods of Ethics*, p. 58.

(97) W. Whewell, *Elements*, art. 63. Sidgwick adds that “it is also true – as I afterwards say – that we sometimes identify ourselves with passion or appetite in conscious conflict with reason: and then the rule of reason is apt to appear an external constraint, and obedience to it a servitude, if not a slavery” (*The Methods*, p. 58 fn); in the first edition (p. 44) the comment in the footnote was absent; in its place there was a more extended discussion in the text of the case of “many persons, to whom, from a preponderance of the emotional and active elements in their nature, the state of reflection in which action is most deliberate is essentially irksome and depressing” (pp. 44-45).

(98) *Ibidem*, p. 59.

(99) W. Whewell, *Elements*, art. 63.

(100), H. Sidgwick, *The Methods*, p. 59

(101) W. Whewell, *Elements*, art. 64

(102) *Ibidem*.

(103) *Ibidem*.

(104) W. Whewell, *Lectures on the History of Moral Philosophy*, p. x.

(105) H. Sidgwick, *The Methods of Ethics*, p. 58; in the 1<sup>st</sup> edition Sidgwick was much clearer in declaring that he believed that ethics could go without any solution of the dispute on free will (p. 45) and that there seems to be “no general connexion between systematic ethics and the disputed question of Free Will” (p. 57).

(106) W. Whewell, *Elements*, 1<sup>st</sup> ed., art. 65; cf. 3<sup>d</sup> ed., art. 66.

(107) J.S. Mill, *Whewell on Moral Philosophy*, p. 192.

(108) *Ibidem*, pp., 193-3.

(109) *Ibidem*, p. 193.

(110) W. Whewell, *Elements*, 1<sup>st</sup> ed., book I, ch. 3, art. 69.

(111) *Ibidem*, art. 70-77.

(112) H. Sidgwick, *The Methods*, p. 86.

(113) *Ibidem*.

(114) *Ibidem*.

(115) *Ibidem*, p. 263.

(116) *Ibidem*, p. 293.

(117) See *Ibidem*, pp. 293-294.

(118) W. Whewell, *Elements*, art. 119.

(119) *Ibidem*.

(120) *Ibidem*, art. 386 and 397

(121) H. Sidgwick, *The Methods*, p. 311.

(122) *Ibidem*, p. 308.

(123) W. Whewell, *Elements*, ch. 15.

- (124) This point was argued forcefully in A. Donagan, *Whewell's Elements*, pp. 734-735.
- (125) H. Sidgwick, *The Methods*, p. 315.
- (126) *Ibidem*.
- (127) *Ibidem*, p. 316.
- (128) *Ibidem*.
- (129) *Ibidem*, p. 317.
- (130) *Ibidem*, p. 319.
- (131) *Ibidem*, p. 317.
- (132) W. Whewell, *Elements*, art. 216.
- (133) *Ibidem*, art. 296.
- (134) *Ibidem*, art. 301.
- (135) *Ibidem*.
- (136) *Ibidem*, art. 323.
- (137) *Ibidem*.
- (138) H. Sidgwick, *The Methods*, pp. 295-303.
- (139) H. Sidgwick, *The Methods*, p. 302.
- (140) *Ibidem*, p. 303.
- (141) W. Whewell, *Elements*, art. 122.
- (142) H. Sidgwick, *The Methods*, pp. 300-302.
- (143) W. Whewell, *Elements*, art. 122.
- (144) J.S. Mill, *Whewell on Moral Philosophy*, pp. 169 and 191.
- (145) *Ibidem*, pp. 188-189.
- (146) W. Whewell, *Elements*, art. 648; cf. 1<sup>st</sup> edition, art. 217-222.
- (147) W. Whewell, *Elements*, art. 119.
- (148) H. Sidgwick, *The Methods*, p. 294.
- (149) W. Whewell, *Elements*, art. 382.
- (150) H. Sidgwick, *The Methods*, pp. 264.
- (151) *Ibidem*.
- (152) J.S. Mill, *Whewell on Moral Philosophy*, p. 169.