PRIVATE ETHICS AND PUBLIC OFFICE

by

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ABSTRACT

The apparent dichotomy between public and private morality and the problem of justifying 'raison d'etat' has been a constant problem in political philosophy since the publication of Machiavelli's 'Il Principe'. In this thesis the conflict between personal morality and the demands of public office are examined in the light of the ethical and political systems of Hobbes, Locke, Bentham, Kant and Bosanquet all of which to a greater or lesser extent fail not only to answer the questions raised but to provide a comprehensive justification of the grounds for ethical conduct. It is contended here that the morality of self perfection, coupled with the acceptance of the notion of Natural Law as a yardstick against which both legislation and executive acts of public officials can be judged, does provide a unifying moral principle capable of bridging the gap between political action and private conscience. Statesmen, politicians and public officials cannot shirk the hard decisions that often go with public office but if they recognise a wrongful act for what it is and subscribe to a morality which includes an ethic of character then the chances of their being corrupted are greatly reduced.
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1 INTRODUCTION

Two broad distinctions can be made between 'public' and 'private' morality - the first between the ground covered by public morality and private morality, and the second between two different sorts of morality, the one applicable to the private individual and the one applicable to the state, or, in terms of the individual, to the holder of public office or the citizen of a democracy in his capacity as legislator.

Within the first distinction two further dichotomies can be detected - first, John Stuart Mill's distinction between the private morality applicable to self-regarding actions and the public morality applicable to actions affecting others (Mill 1974 Chapter 4). These latter 'other-regarding' actions can again be further sub-divided into actions open only to censure by criticism from other members of society and actions meriting legal sanctions because of the harm they cause - provided always that legal sanctions can be effectively enforced. It has, with reason, been argued against Mill that very few actions indeed are purely self regarding. All actions by an individual affect his character and hence his behaviour towards others. Less narrowly, one can argue that an action may be seen as self-regarding if its effect on others is only indirect (i.e. because it affects the agent's character) and if it does not result in the agent's disavowal of an assignable obligation.

The second dichotomy that arises in surveying the ground covered by 'public' and 'private' morality occurs in a plural society where a general consensus over the whole moral spectrum does not exist - for instance, where a significant proportion of the members of a society hold that moral propositions cannot be rationally validated or where corporations within the state, such as different religious bodies, hold differing deontological principles. Society cannot be sustained unless there is a consensus at least on certain key or fundamental issues and insofar as there is such a consensus there will be a publically accepted standard of moral behaviour on which social conduct, conventions and the laws of society can be based.
In a plural society we have, therefore, distinctions between the private morality of the individual, the differing moralities of various sub-groups and a moral consensus on a number of issues - this latter is essential if society is not to fragment because of the harm or affront caused to the welfare or consciences of some of its members. This consensus is the proper object of legislation because, like the law, it applies to all. Rousseau's notion of the General Will (Rousseau 1913, Bk.IV, p.85 et seq.) served as an attempt to enlarge this 'target area' of legislation to encompass the whole spectrum of society's beliefs and it fails in this on the grounds that no society is so homogenous that all its members' beliefs or interests coincide. If moral judgements are held to be derived from a set of principles that can be rationally validated and applied to all, and if all human beings were perfectly rational, then these distinctions would simply not exist. Indeed, if immorality is itself irrational, as Kant holds, then in a perfectly rational society the distinction between 'moral' and 'immoral' would not exist.

Even if the first of these propositions were true, the second, factually, is not. Human beings often act irrationally, shortsightedly and on many occasions allow their passions to sway their intellect. For various reasons they hold different values and this greatly reduces the support the law can give to morality. Of course, all members of society may hold some actions to be immoral, but, because they are too difficult to police, even these actions may be immune to legal sanction. Again, the freedom to act as one wills may be held to be of greater value than the prevention of many immoral acts. The law, it is said, cannot make people moral though its task should be to provide safeguards and create conditions where consensus morality can be upheld if not positively encouraged. Kant's Philosophy of Right is a paradigm of this approach to legislation (Kant 1952d).

It is, however, with the second broad distinction between 'public' and 'private' morality that this thesis is concerned i.e. with the difference between the moral worth we see applicable to the same sort of action when that action is done by a private individual or by a public servant, sovereign or politically active citizen. As a corollary or derivation of this, a different moral evaluation may be made of a particular character
trait when we recognize it in an individual acting privately in his own interest or as an agent of an association (say, for instance, ruthlessness, which may be held to be a vice in a private individual but, in certain circumstances, a virtue in an embattled statesman). These considerations give rise to the Machiavellian problem (or, following Sartre, the 'problem of dirty hands'). How can one use 'raisons d'état' as the moral justification of an action? A distinction is drawn between moral and political judgements and between morally and politically motivated actions. There is, in Nagel's phrase, discontinuity between public and private morality (Nagel 1978 p.78). Nagel argues that, in a significant number of cases, public morality cannot be derived from the principles governing private morality. The writer hopes to show that this theory does not stand up to closer examination.

It is worth noting that, although the public and private dichotomy is usually taken to refer to the divergence between political and private morality, much the same sort of distinction can be drawn between private morality and the morality of an association or corporation, be it a business organization, a church, a trade union or even a cricket club.

Certain ethical theories see no valid distinction between public and private morality. For instance, in judging which act to do or in censuring other's actions, the act utilitarian appeals directly to the Principle of Utility - the rightness or wrongness of an act is judged by its result i.e. whether or not it is an action which, in the given circumstances, maximises, or least diminishes, utility. There is no difference between the end pursued by the state and by the individual and no difference in the moral assessment of a particular act whether done by the private citizen or the statesman, provided that both have access to all the information necessary to arrive at the correct decision. Very often there is simply a difference of perspective (e.g. the statesman may have access to relevant information not accessible to the private citizen). In other words, there are differences between them in the cognitive content of judgement.

In his 'Constitutional Code' (Bentham 1962b), Bentham takes this approach. Several parties have different interests but if each party is able to
consider every other party's interests as of equal importance to its own, then the conclusions of all are the same as those of the impartial legislator and the action to be taken may be settled by reference to the Principle of Utility.

However, where the act utilitarian restricts his universalism to, for example, a sub-group or to his immediate family, then distinctions will be drawn between private and public morality. The object of Benthamite legislation (perhaps reinforced by moral and religious sanctions) is to push such people into line by ensuring that their ends are best served by conforming to society's needs.

Lyons (who holds that rule utilitarianism collapses into act utilitarianism) interprets Bentham as advocating that the Principle of Utility should be appealed to not in a universal, but, in practice, in a more localised way i.e. that whereas the maximization of utility of the whole human race is the ideal of moral action, the attainable end varies according to the sphere of responsibility of the agent (Lyons 1973). Thus, the United Nations' official might well apply it for the benefit of humanity but the French statesman for the good of France, the Union official for the benefit of his union members, the father for his family, right down to the individual seeking to maximise his own happiness. This idea is clearly connected to the notion of agency, with the view that a person's actions must be decided upon and be judged good or bad by the nature of his office.

The statesman may be a father, the trade union leader a minister in his church or an official in his club as well as being 'his own man'. Depending on his role at the time of the action, he may well be obligated to act in different and perhaps diametrically opposite ways, and yet still act rightly.

Given that utilitarianism is a valid ethical theory for both individuals and statesmen, there is much to be said for this interpretation (though it will be maintained in this thesis that utilitarianism is not a good guide for individual conduct). It does explain the basis for differential judgements of a certain action or class of actions depending on by whom or in which office an action is performed.
Public morality is directly derived from private morality, and the statesman or official is spared the hard choice between his conscience and the public good. He simply does what is right from his own perspective. As will be seen when Bentham is discussed (chapter 4), it is possible to understand Bentham as seeing the private individual motivated deterministically by psychological hedonism - compelled by his nature to seek pleasure. In the accepted sense, therefore, the private individual cannot act morally for he has no freedom to do so. Public morality may be equally proscribed or it may be that, in the public sphere, there is indeed a moral code (to promote the greatest happiness of the greatest number, for example) which leaves us with the interesting but implausible view that morality is applicable to the state but not to the individual.

Lyons' approach can accommodate rule utilitarianism and act utilitarianism i.e. different rules can be formulated for each office holder (or for the private individual) - all appealing to the Principle of Utility. This approach can be seen as a plausible interpretation of Machiavelli himself - the ruler needs to practise the virtue of the statesman rather than the virtue of the private person.

Attractive superficially as this approach is, its result is to fragment the human personality - just how many different moralities can a person's psyche accommodate? The sphere of morality, from the individual's point of view, becomes an unmanageable chaos.

Any consequentialist morality devoted to the attainment of a single objective and where any means are justified to reach it clearly makes no distinction between public and private acts - both are judged by their efficacy in promoting the required result. Such, for instance, is the 'revolutionary morality' advocated by Plekhanov and enthusiastically espoused by Lenin (Shub 1967 pp 81-82). The purpose of morality is to further the establishment of the classless society by means of the dictatorship of the proletariat, and 'anything goes' which will bring success to the revolution needed to achieve this end. The distinction abolished here is that between moral and immoral procedures. Dorothy
Emmett classifies this sort of morality as specifically political ('teleology A - the end is right, any means will do) (Emmett 1979 Chap.2). This sort of consequentialism has been attacked from many different standpoints. Flew points out that 'different routes most often lead to different places' (Macquarrie 1986 p.192) whilst for Dewey, means and ends are two names for the same reality (Copleston 1966 p.370).

In Emmett's 'Teleology B' the political purpose is the promotion of a certain way of life and the manner in which this is done is not simply purely instrumental but is itself part of the end sought. One may criticize Lenin's subordination of means to the end on the purely prudential grounds that the achievement of a peaceful, classless society is unlikely to be attained by revolutionaries who have abandoned all moral constraints in their struggle to achieve it.

It might be argued that Machiavelli can be read as seeing the sole end of morality as being the security and maintenance of the state. Is this subsumed under the wider goal of 'salus populi suprema lex'? Does such an end justify any means? The pursuit of power is necessary if the statesman or politician is to achieve his ends. Emmett sees the danger here in 'the close conjunction of public ends and personal ambition' (Emmett 1979 p.21-22). The danger is the warping of the politician's thinking so that, perhaps, without initially intending to, the politician comes to see power as an end in itself. Lord Acton's dictum that all power corrupts is a pithy reminder of this danger. When we argue that politics is more highly valued than simple morality, are we saying that it is more important because more people are affected by political decisions i.e. we ought to care more for many interests than for few - surely a moral 'ought' - or are we simply besotted with power? This is a difficult view to justify. If we simply like exercising power more than anything else we are either behaving selfishly (and therefore immorally) or we are full blown ethical egoists (exercising power makes us happy - everyone should seek his or her own happiness ...).

Is it feasible to pursue good ends by bad means and so attain these good ends? Certainly the end (e.g. happiness) may well be morally justified but is any good end attainable in this way?
The persistent pursuit of the good end depends perhaps on the moral virtue of the pursuer - can this virtue withstand the corrosion of a succession of immoral means? Aristotle's view that a good act is that done by a good man may not always be seen to be true in practice but his view that a succession of bad acts diminishes the good in the man's character is more likely than not to be true (Hardie 1980 p.116; Aristotle 1975 1114b). Emmett points out that if the end sought is:

1. A specific objective (e.g. to reduce inflation)
2. We know when we have achieved it (say 4% inflation or less)
3. The means are specific and have instrumental value (e.g. a wage freeze)

then if (3) entails, for instance, breaking a promise to pay a 5% increase or a number of similar actions immoral by private moral standards, such actions can be justified and the end be gained. The danger lies where the end is vague (e.g. to promote happiness). The objective is cloudy; we never know for sure when we have attained it and the means to attain it may verge on the infinite. You travel but never arrive and your very actions en route may serve further to postpone your arrival.

Locke recognizes 'salus populi' as a justification for the state's behaving in a way that would be condemned were the action concerned taken by a private individual on his own behalf (Locke 1965 p.419,para 158). If the state's behaviour goes too far and breaches the social contract (actual or implied) then the citizens' obligation to obey the ruler ceases and the ruler can be overthrown.

The moral deontologist has problems of a different kind in confronting the issue of 'public' as against 'private' morality. The deontologist's position is that some acts are intrinsically wrong - for example those forbidden by Kant's categorical imperatives. Such acts are always wrong when done by the individual but are they always wrong when done by the state? In this latter case are they even morally good or perhaps just morally indifferent when if done by individuals, they would be morally reprehensible? To a deontologist there is a discontinuity between public and private morality not always to the detriment of the former. The state
must of necessity concern itself more with the welfare of many than need the private citizen. It must act magisterially and impartially more times than might be expected of the private individual. The state's agents usually must not profit personally from any action taken on behalf of the state. The individual citizen has a duty not to harm others but perhaps not a duty zealously to promote their good. The state clearly has a duty, one might think, to do both. The other side of this coin is, of course, permission for the state to do what would not be permitted to the private citizen - to punish lawbreakers (more easily defended), to act ruthlessly, to 'disinform' - all for raisons d'etat.

For Kant, in a perfect world, in his Kingdom of ends, there would be no distinction between public and private morality nor indeed, as will be shown, any distinction between 'public' and 'private'. In the phenomenal world, however, both state and citizen should try to act both in private and in public life so as to ensure conformity of the individual's will-to-choose (Willkur) with the Ideal Will (Wille). This necessitates the governing of the individual's actions by obedience to the Categorical Imperative, and the ruler's or statesman's actions by conformity to the Philosophy of Right.

Is the state supramoral? Is it a supramoral entity or being whose actions cannot be judged by canons applicable to private individuals? This is a possible interpretation of Machiavelli and of Hobbes and of some Hegelians and members of the German historical school such as Treitschke (Davis 1914 & Treitschke 1916). The deification of the state carries with it the danger of Rousseau's General Will acting as an umbrella for all sorts of self-seeking actions on the part of the state's rulers and officials. The state's view at any time is expressed by those in a position to govern it and, unless these persons are of high moral worth, the state's interests soon become indistinguishable, at least from the point of view of the governors and often of the governed, from the interests of the ruling clique.

Are the politician's or statesman's actions determined by necessity? 'Ought' implies 'can'. If you are unable to do 'x' then you have no moral obligation to do it because you are denied the choice. Where a bad act
is not the result of a bad intention but rather the result of a lack of ability or opportunity to do anything else, we do not blame the agent. Political actions require power and power must therefore be preserved at a high if not at any cost. A state served by the morally scrupulous will fall victim to a state served by the morally unscrupulous. A statesman is denied the luxury of acting in conformity with his private conscience. There is an unbridgeable gap between the private world of moral hegemony and the public world of power politics. Again, this could be Machiavelli's view (see his concept of necessita) but it is just as plausible to read him as seeing two distinct moralities - one 'of the soul' and one of politics, corresponding to private and public morality. Bismarck certainly held that political necessity rules out morality, hence his admonition to the Prussian Diet that 'it is better to dive into the sewer than be strangled'. Political scientists favour this view - politics is concerned with 'facts', with 'the art of the possible', the sole criterion being success - the success of achieving a specific aim (see Emmett's teleology A). The end sought after is either itself instrumental to another end or is an end-in-itself which is valued and therefore has an ethical content. An alternative view is that the state's morality is simply legitimising its power, justifying its conquests. This is Hobbes' position, that just as man's sole end is self preservation (or self development in its wider sense), so is this the end of the state and to this end power is the only means. It is not easy to see whether this end is moral ('ought to preserve') or merely prudential ('ought to acquire power to preserve oneself'). This notion that politics is exempt from morality is surely not tenable since it removes from moral scrutiny and from the guidance of moral principles a very large segment of human affairs. It is one thing to argue that the state is so essential for the preservation of the moral fabric of society that almost anything can be justified to protect it, but quite another thing to maintain that morality stops at the door of the ministry.

Another view of the state (and perhaps of all corporate bodies) is that the state and/or other corporations are in fact (and not merely in the fiction of Roman law) persons and persons of a sort subject to a different moral code from human persons. If, as for the Idealists, the state is a moral being of a different (and perhaps more sublime) order than the
human person, with its own moral code, then the ruler, statesman or official is simply an agent for the state whose moral duty is to perform his public actions as an office holder on the state's behalf in accordance with the state's, and not his or her personal, moral code.

If the state is a 'moral person' so might other associations be (vide Figgis 1913, Gierke 1934 and Maitland 1958). This may or may not imply that the state is just one association among many. Associations are seen not as personae fictae but as moral persons. This pluralist view can, of course, be reconciled with either a single morality applicable to all moral beings i.e. human beings and associations, or with appropriate and different moralities for each. Emmett holds, for instance, that the state's morality is utilitarian no matter what its subjects' moralities are - deontologist, consequentialist or whatever.

Kant saw the rule of law as a necessary adjunct to man's ethical life in an imperfect world. It differs from private morality in that it applies sanctions, and, to this extent, constitutes a public as against private morality. The state is here seen as an instrument or a machine designed to achieve certain ends and perhaps indispensible for achieving them. Locke's notion of trusteeship, for instance, sees the state as a means of ensuring that its subjects can lead a good life. The trust is tolerant of minor deviations on the part of the state from this role and can accommodate minor moral infractions on the part of the rulers but if the infractions are great then the trust is broken.

If the state is not seen as a moral being yet those who serve or rule it are, then these latter may be subject to different moral codes according to the roles they play. Different moral obligations and sanctions apply to different spheres of human conduct, although there will be a great deal of overlap both in these codes and in the fact that a person playing different roles may be subject to a number of them e.g. as a pater or mater familias, trade union secretary, soldier, or civil servant. The office changes the moral nature of its occupant but it cannot efface his own conscience, hence the dilemma of 'hard choices' (the statesman's view) or the 'shuffling off' of moral responsibility from the person to the office (the prosecutor's view of Eichman).
Aristotle sees different roles calling for different virtues (note the difference between the virtues of motherhood and soldiering). Machiavelli sees political virtue (virtu) as different from personal virtue. Both see a special set of virtues for political office holders which take account of political expediency.

This notion of multiple moralities is damaging to the very nature of a personality. It leads to its disintegration and is not seriously sustainable.

The various threads running through this analysis of public and private morality are explored and differently treated by those moral and political philosophers whose theories are examined in this thesis. Each approaches the problem of morality and politics from a different angle. Machiavelli first brings the split between public and private morality to light and Hobbes, Locke, Bentham, Kant and, as representative of the idealist tradition after Hegel, Bosanquet, are studied to see how the problem can be explored from their individual standpoints. Other philosophers might well have made a contribution and perhaps Marx is a notable absentee from this list. Much has been written in recent years about the development of Marx's moral thought but it seems to the writer that his doctrine of historical materialism is essentially incompatible with a serious theory of morality, relegating it, as it does, to an ideological offshoot of the prevailing means of production.

None of the theories examined does justice to the problem. It is contended here that without acceptance of a unifying moral principle, the morality of self perfection, and the acceptance of the notion of Natural Law (at least as embodying principles against which positive laws and administrative actions can be judged) without which the very concept of law loses its meaning, the dichotomy between morality and political actions cannot be bridged.

On one thing, perhaps, we can all agree with Emmett. The one always unforgiveable stance by the statesman or politician is that expressed in the phrase 'après moi, le deluge'.
2 MACHIAVELLI

Unlike, for instance, Hobbes, Machiavelli did not set out to present us with a coherent political philosophy within the framework of which his observations on the conduct of political life would slot neatly into place. Indeed, if we attempt to extract a comprehensive and well ordered system of ideas from his writings, we are in danger of creating 'a structure of our own built of his materials' (Plamenatz 1963, p.16). Although he has been described as a brilliant theorist, Machiavelli was not a political philosopher. He does not explicitly define key concepts used in his argument ('virtu', for instance) and on occasion uses the same word in different senses. He shows little or no interest in speculation on the nature of man nor does he explore the notions of political sovereignty or obligation. 'In his general disdain of a speculative faculty of mind, Machiavelli reflects a fairly widespread sixteenth century attitude' (Fleisher 1972 p.118). Generalising from both contemporary events and ancient history, he examines man's behaviour as a ruler and as a subject whilst eschewing any attempt to explore his psyche. Machiavelli sought to portray man as he is, not as he ought to be, and did so via the study of history so as to learn empirically how man actually behaves. Unfortunately, he was singularly uncritical of his historical sources (he accepted Titus Livius' judgements at face value). Indeed, historical characters speak to him like contemporaries and we can accept as fair Plamenatz's observation that Machiavelli lacked a sense of history (Plamenatz 1963 p.6). He was also capable of making grave errors of judgement as, for instance, when, in Chapter 2 of the second book of the 'Discourses', he wrote that 'Cities never have increased in dominion or in riches except while they have been at liberty' (Machiavelli 1970, p.275) - an interpretation of history that flies in the face of Roman expansion under the Caesars.

The result of this absence of a theoretical framework is that it is possible to read into his generalisations and exhortations widely divergent views on a number of philosophical and political problems. Isiah Berlin has enumerated no less than twenty five leading theories on the interpretation of 'The Prince' alone (Machiavelli 1970, p.15 fn 1). Is it simply a biting satire on the Medicis? Even if it is, it would not
affect the doctrines it contains as we know them today. Did Machiavelli intend it to be a seminal work of political science, or, as Ernst Cassirer maintains, is it 'neither a moral nor an immoral book (but) simply a technical book (wherein) ... we do not seek rules of ethical conduct, of good and evil' (Cassirer 1963, p.153). It simply tells us what is useful or useless. Nevertheless, his writings scandalised most of his contemporaries because of the immorality of the means he advocated. More recently, he has been acclaimed as a pioneer political scientist with a commitment to objective truth and to the autonomy of both the study and the practice of politics and its emancipation from the domination of morality and religion (Sibley 1970, p.4). Certainly, it is difficult to conclude other than that for Machiavelli politics is man's primary concern - for him life is inescapably political. Meinecke saw him as the man who described the state as it really is rather than postulating an ideal state against the attributes of which those of actual states were to be appraised (Sterling 1958 p.24). Both 'The Prince' and the 'Discourses' give us a clear and reasoned description of republican and princely government, and although he clearly preferred the latter, his view of the political process was the same for both. We cannot however ascertain the philosophical basis on which Machiavelli grounded his conclusions about the way in which government should be conducted. Even if we admire the ideal of Plato's republic, we might have to acknowledge that it is unattainable, but, for Machiavelli, politics deals with only what is strictly possible. He judged both rulers and ruled by the way they actually behaved and not by the way they should have behaved by the moral standards of his day.

Political philosophers before Machiavelli regarded political power as a means to achieve and maintain justice, to enable members of the polity to attain the good life, however envisaged. For Machiavelli and many thinkers thereafter, states were not artefacts of human reason but natural phenomena which were born, flourished, decayed and died as did human beings themselves. As with human beings, every effort was needed to sustain and preserve them.

Whilst Machiavelli studied man as a political being, he did not regard him as such in the same sense as did Aristotle or Aquinas. He never sought
to delineate the essential nature of man; he never posed such questions as 'what is the destiny of man?' or 'what are man's duties?' Machiavelli's homo politicus stands in the same relation to his political theory as does Adam Smith's 'economic man' to the theories of classical political economy. Both are peculiarly one dimensional figures motivated solely by the attainment respectively of political or economic ends and both are equally and unequivocally consequentialist.

For Machiavelli, as for Hobbes, the stability and territorial integrity of the state are of paramount importance as the end of all political activity. Indeed, if there is an ethical underpinning of his political theory, it is that one ought to preserve the state by any means possible. Politics deals with the problem of seeking out the most efficacious means.

Unlike Hobbes, Machiavelli does not make any distinction between the ruler as a person and as a sovereign – in this sense there is, for him, no 'private' and 'public' in the ruler's life, nor does he give us a guide as to how to judge between two strong, efficient and purposeful rulers. If they both maintain equally the power of the state then that is all that matters. Surprisingly, Machiavelli saw discussion and disputes as essential elements in the wellbeing of a republic where it is vital that virtu and ambizione are characteristic of all citizens and not simply of the prince or of the nobility (Machiavelli 1970 pp113-114). Whoever has political responsibility must have virtu if he is to retain it for long.

Human desires are limitless and a scarcity of means to assuage them inevitably results in conflict. Hence, social order is imperative and it must be established, secured and perpetuated. The state is set up by the powerful; not as a bastion of morality or in accordance with the dictates of natural law. Notions of the latter and of morality itself, follow the setting up of the state and the promulgation of positive laws. The state is not justified by man's lack of morality in a state of nature. This Machiavelli makes clear in Chapter 2 of the first book of the 'Discourses' (Machiavelli 1970, p.107) – justice and honesty develop after man has settled in society. It is worth noting here that Machiavelli sees these as essentially moral virtues. They cannot be interpreted,
as in Hobbes, as merely prudential - simply, that is, as refined forms
of egoism. It is interesting to contrast Hobbes' elaborate theory of
sovereignty, rationally constructed on a partly moral, partly prudential
set of axioms which reinforce or even make possible the sovereign's
domination, with Machiavelli's view of the relationship between the ruler
and the ruled which is based on power alone. Both agree, however, that
good laws should restrain the subjects, and since, for Hobbes, the
sovereign's will is law, then he can legally enforce his will on his
subjects. In 'The Prince', certainly, should good laws fail to promote
the attainment of a political end, the ruler has to apply force ruthlessly
and without hesitation. He should do whatever is appropriate to the
situation so as to achieve success as quickly and decisively as possible.
As will be seen, this is not carte blanche for the cruel or sadistic ruler.
Punishment is for a purpose; cruelty is not to be inflicted for its own
sake. The sole task of the ruler is to be politically efficient. Caesare
Borgia was, in Machiavelli's eyes, a ruler who exemplified this approach;
in no way was he constrained by the morality or religious precepts of
his time (Machiavelli 1981, p.53 et seq). Machiavelli did not see
religion, morality and politics as a hierarchical structure descending
in that order, as did his contemporaries, but he saw them as three separate
spheres and it depended within the realm of which sphere you happened
to be, or, indeed, wished to be, as to which rules you obeyed.

Both Machiavelli and Hobbes held a pessimistic view of human nature; the
former saw the grounds for this pessimism, at least in part, springing
from the natural scarcity of means to satisfy human desires. He accorded
scarcity ontological status (Machiavelli 1979, pp28-29). Because human
wants can never be satisfied, human beings are condemned to compete with
each other - they seek their own interests and cannot do otherwise. Hobbes
sees this struggle as being essentially for self preservation. It is
not the result of any inherent weakness in the human character. In this
respect, Machiavelli is closer to medieval theology; men are prone to
wickedness if left to their own devices. Ambizione is not merely desire
for power; it is also the desire to be seen and respected as powerful,
a lay reflection of the cardinal sin of pride.

As subjects, men are treacherous turncoats whose loyalty to their sovereign
lasts just so long as they benefit from his rule, but 'since men are bad' this loyalty evaporates with hard times (Machiavelli 1981, p.96). By nature more prone to do evil than good, even good men are corrupted unless protected from corruption by the sanction of good laws. Men are best motivated by fear rather than by love since men love at their own choice and fear at the Prince's choice (Machiavelli 1981, p.98). Whilst all men are not wicked all the time the wise ruler legislates as if they were. Just as history is essentially cyclical and repeats itself from age to age, so men's nature is unchanging, repetitious and predictable. Understanding this, the ruler can frame his laws and policies accordingly, secure in the knowledge that if it worked in the republic of Rome, it will work in Florence or Venice.

It is just this question of how men are best governed that brings to our attention the conflict between the prescriptive morality of the individual and the way in which, to be able to govern him, the ruler has to behave. That the former is the sphere of 'the morality of the soul' (Machiavelli 1970, p.65-66) is without doubt - the question remains - is the latter the 'morality of the state'? The successful ruler sees man as he is, not as he ought to be, and governs him accordingly. He may even seek to reform his subjects or have some moral end in view, but if he is to rule efficiently and achieve his aims, then his actions must be dictated by the material with which he has to work. This is one possible view of Machiavelli but, though persuasive as an interpretation, it is hard to substantiate it from his own writings. Machiavelli's own ends for the good ruler are less farsighted and more down-to-earth - the preservation of his power and therefore that of his country.

Machiavelli does not praise immorality for its own sake. He accepts moral values and their place in civilised society but, for the ruler, the necessity of retaining power takes precedence over moral norms. What is morally good for the ruler to do is not identical to that which is morally good for the subject to do. Good and evil are no longer absolutes but are relative to the agent's position in society.

If the dictates of morality are set aside because of political considerations then only the possession and use of political power can
prevent anarchy. States and rulers must adapt to this environment to survive - their preservation will not be ensured, as political philosophers prior to Machiavelli had in the main thought, by rigid adherence to a moral code applied across the board to public and private spheres alike. Machiavelli seems to have taken the Christian mores of his day as the morality of the private individual (although on one occasion he posits a prudential basis to morality suggesting that it arose originally from man's observing the effect of injustices on others and his wish to avoid such injustices being perpetrated on himself) (Machiavelli 1970, p.107). Nowhere does Machiavelli make morality subservient to the state. Neither is he unwilling to pass moral judgement on the behaviour and character of princes. He does not, for example, condone cruelty per se, as his condemnation of Agathocles shows (Machiavelli 1981, p.63), even though he is quite prepared to recommend cruelty, injustice, deceit and treachery when the safety of the ruler or the preservation of the state depends on it. To attain such an end, use the most effective means at your disposal. Thus he justified the killing of Remus by Romulus (Machiavelli 1970, p.131).

Some scholars are wary of attributing to Machiavelli the principle that the ends justify the means. Bondanilla and Musa, for instance, see this maxim as a gross mistranslation of 'si guarda al fine' in Chapter 18 of 'The Prince' (Machiavelli 1979, p.21). However, no consequentialist can ever completely shrug off this charge. 'To use fraud in any action is detestable' he tells us (Machiavelli 1970, p.513), yet in war or in a state of emergency, 'it is praiseworthy and glorious to deceive' (Machiavelli 1970, p.513). To keep one's word is an admirable quality in the private citizen but a prince is better served by deceit. By all means let the prince appear virtuous - this is not difficult since 'men ... will always let themselves be deceived' (Machiavelli 1981, p.100).

This is the dichotomy between public and private morality, between what one ought morally to do as an individual private person and what one ought to do as a ruler, politician or official or even as an elector in a democracy, for 'reasons of state'. As Meinecke says 'there is a profound difference whether one simply commits an act which violates the moral law ... or whether one justifies the action in the name of unavoidable
necessity. In the first instance the validity and absolute sanctity of the moral law remains unimpaired ... (in the second) ... evil (has) seized a place next to the good claiming it was also a good, or at least an indispensable means for the realisation of a good' even if 'only the stern necessities of the State and not personal caprice justify it' (Sterling 1958, p.236). However, as noted above, Machiavelli does not distinguish clearly (if at all) between the 'private' and 'public' aspects of the ruler's life, between what is good for the ruler as a person and what is good for the state. We take it for granted today that a statesman, politician or official should not personally profit from his office. This notion of public probity is all to the good but carries within it the seeds of a dangerous de-personalisation of the agent. This sharp distinction between the public and private functions of the office holder was a concept alien to Machiavelli and his contemporaries and to most of his predecessors.

Nécessita recurs constantly in Machiavelli's analysis and plays a key role in justifying 'reasons of state'. Virtù is an essential ingredient of public morality; peripheral to this study is his concept of 'Fortuna'. Both virtù and Fortuna reflect the classical values of the Renaissance and Machiavelli's flirtation with the paganism of ancient Rome. His concept of Fortuna has been interpreted variously: at one end of the spectrum as the pagan goddess of luck; at the other end as the composite of socio-political factors sufficient and necessary to bring about changes in the structures of society. More simply, Fortuna may be seen as the pagan's equivalent of Providence. 'I assert again as a truth to which History as a whole bears witness, that men may second their fortune but cannot oppose it' (Machiavelli 1970, p.372). Fortuna, then, represents the parameters of man's field of choice, a limit to what man can do to succeed in an enterprise. Fortuna is a component of necessita.

Virtù is, to our minds, a more alien concept. It stands in stark contrast to Christian virtues. Its meaning lies much closer to its Latin root - 'manly qualities'. For Machiavelli this is sometimes synonymous with civic spirit - indeed the former entails the latter. Virtù is pre-eminently the quality of character of the good ruler, or, in a republic, of the good politician and citizen. When many men possess virtù it is
possible for the form of the state to be a republic — but when men are
Corrupt and venal then the few — or the one — with virtu will, by the
nature of things, seize power. Virtu is a combination of energy, courage
and willpower which is required of any successful ruler, statesman or
politician. In the 'Art of War' published in 1521 (Machiavelli 1965b,
Vol.II, p. 506 et seq), Machiavelli develops the analysis of virtu required
by the man who is to liberate and unite Italy in the last chapter of 'The
Prince' (Machiavelli 1981, p.133 et seq.). He must have the ability to
judge the time and act accordingly — a combination of courage, political
prudence and military skill. Virtu is not necessarily equivalent to public
morality in the same way that Christian morality can be said to equate
to the private morality of Machiavelli's Florentine contemporaries.
Energy, courage and resourcefulness can be utilised for good or bad ends
but as Machiavelli uses the term there is always the implication that
civic duty is an integral part of virtu. If we accept this interpretation
then virtu does, in fact, encompass public morality. Either way, if
virtu is the necessary requisite of the public man then it follows that
the demands made by 'reasons of state' have got to outweigh the claims
of any other moral code. This contrast between virtu and virtue mirrors
the conflicting claims of politics and morality, or, more accurately,
of public and private morality.

In classical political theory, the correlation between good government
and virtuous rulers presupposed a shared morality between rulers and the
ruled. In governing well, the ruler developed his own virtue (his private
virtue, not his princely virtu) and the more virtuous he was, the better
he ruled. Machiavelli's ruler, spurred on by virtu, must break the private
moral code to preserve his sovereignty and his country. He does so to
protect the peace and prosperity for which his subjects yearn but which,
if left to their own devices and without a ruler of virtu, they cannot
achieve. By the standards of his subjects in their private capacity,
the ruler must act immorally if necessita demands it — but, if not, then
he should obey the (private) moral code (Machiavelli 1981, pl00). He
should do this partly for prudential reasons (he needs to be feared but
not to behave so badly that he is hated by his people so much as to render
them ungovernable and disloyal), but also, when Fortuna permits it, such
moral behaviour is in keeping with his virtu. Perhaps, therefore, by
defending society the ruler is also defending the morals and way of life of his subjects. This is his duty: to protect the private morality of his subjects rather than to practise it consistently himself. When the state is at peace and the government stable, the ruler may, indeed should, practise the accepted virtues, honesty, compassion and so on. But History shows us that Fortuna changes. The world of politics is rarely stable for long. If the ruler behaves consistently, and this includes behaving in a consistently moral way, then neighbouring rulers or political opponents at home will soon learn to predict his actions and plot his downfall or plan the subjugation of his country.

In a republic, the justification of liberty is that it allows more scope for virtu among its citizens and this, in turn, provides the state with a firm foundation. If many citizens have virtu then a republic can thrive, but, if only a few, then these few will seize power and establish an oligarchy. As an active citizen of a republic, or as a ruler, necessita therefore determines that when a man enters political life, he surrenders his freedom to follow the moral code of his choice, for this may jeopardize the security of his country or of its government. As necessita demands, so must he act, however wrong by the standards of his private moral code his actions might be. Machiavelli quotes, with approval, Vergil's Dido 'harsh necessity and the newness of my kingdom force me to do such things' (Machiavelli 1981, p.96). The ruler or politician does what he believes to be morally right when circumstances permit — but he knows how to do wrong when he must. He cannot consistently practise those virtues commonly held to be good.

It is tempting to see in Machiavelli's use of necessita a veiled logical argument for determinism. On occasion, indeed, Machiavelli seems to imply that men cannot go against nature and they must act as the force of nature compels them. However, to posit necessita as a factor in politics is not to espouse determinism. The essence of both 'The Prince' and the 'Discourses' is that men are free to decide how to act. Why advise a ruler how to conduct himself unless he is free to follow the advice? Machiavelli at times insists that both the ruler and the private individual have free will and are able to choose between alternative courses of action. Fortuna may be mistress of some of our actions but the rest are
under our control in order not to annul our free will, God does not, though omnipotent, do everything; some of our actions stem from our free will (Machiavelli 1981, p.130). We are not therefore predestined for political life. We can 'opt out'. A man may well avoid 'dirty hands' by remaining a private citizen. He should not be compelled, in the normal course of events, to rule. But should his freedom in a republic, or the safety of his country, be threatened, then maybe he has an obligation to undertake his political duties in whatever way is open to him.

In one important respect, Machiavelli foreshadows Nietzsche, that is in his strictures on the absence of civic virtue (as he sees it) in the Christian ethic. He complains that the Christian ideal of the good life has left the world weak 'and handed it over as a prey to the wicked' (Machiavelli 1970, p.278). Christianity had its origins among the weak and politically negligible part of society, and the virtues it extolls - humility, patience under suffering and so on are counter-productive in political man and especially so in a ruler. Man's choice to opt out of politics or affairs of state may leave these activities to the unscrupulous. Is this a greater wrong than to take up one's duties and thereby be prepared to do other wrongs? Good men who are prepared to do this are hard to find; unscrupulous men less so. To become a ruler, statesman or politician and to ignore the difference between how men actually live and how they ought to live simply courts disaster for oneself and for one's country (Machiavelli 1981, p.91). When a man assumes political responsibilities he must be prepared to make hard choices and this calls for virtu; for greater strength of character and courage than that required of the private citizen. Of course such a man need not make such choices - he can act as a political innocent. Machiavelli's not unsympathetic account of Soderini's fate (Machiavelli 1970, p.431) shows what happens when private morality overrides political prudence (but elsewhere Machiavelli sneers at Soderini's childlike innocence in an epigram (Machiavelli 1965b, p.1463).

If we accept, as seems reasonable, that necessita sometimes compels statesmen and politicians to act ruthlessly and in ways inconsistent with private morality, we must decide whether such actions are dictated solely by political considerations, and all other notions such as those of private
morality are ignored. Do we find an unbridgeable gap between private morality and public life? Is morality simply excluded from the latter? If we do so divorce morality from politics, then all political figures, whatever their role, need not recoil from 'dirty hands' - 'reasons of state' give them permanent absolution. As long as the interests of the state are served, the morality of everyday life can be disregarded because it is not relevant. 'Salus populi suprema est lex' supercedes all laws, moral, natural or positive. Saville's maxim of state that 'A Prince who falleth out with Laws breaketh with his best friends' (Saville 1912, p.180) is vehemently denied by the true Machiavellian.

On closer examination, this position does not seem tenable. Machiavelli's necessita is itself hypothetical - if you wish to preserve the state then act as you must. If by necessita politics drives out morality then the only 'ought' in the politician's vocabulary is a purely prudential one. This is not, it would seem, the case. The ruler, statesman, politician official and politically active citizen have a paramount duty - to promote the wellbeing of the state. They ought, in the moral sense of the word, to preserve the state or government as a moral duty. Thus politics, even for Machiavelli, on this interpretation, is not non-moral or divorced from morality. Qua ruler, the ruler ought to do 'x'; qua private individual, not 'x' but 'y'. As a ruler performing his function he cannot be judged by common moral standards nor even by the laws he promulgates for his subjects. In this respect he is a true Hobbesian sovereign. Instead of a moral and non-moral dichotomy, we have two distinct moralities, one operating on the public and one on the private plane. Thus Machiavelli posits a 'morality of the soul' and a 'morality of politics' (Machiavelli 1970, p.65). It may be that this distinction is shadowed by other distinctions between moralities appropriate to other associations than the state - churches, trade unions and the like, but Machiavelli did not concern himself with such subtleties.

For the classical political philosophers, the virtu of the ruler was made up of all the virtues a morally developed person should exhibit - little different from the virtues to be admired in the private citizen. In 'De Officinis' Cicero sums these virtues up and specifically praises honesty and trustworthiness as indispensable to the ruler wishing to earn glory
and honour (Cicero 1967, Book 2, Chapters 12 and 13). To do wrong by force and fraud was unmanly - putting men on the same level as beasts. The Renaissance humanists, steeped in classical traditions, reechoed these sentiments. For them, public and private morality were identical. The medieval thinkers accepted that the prince's role was circumscribed by the dictates of natural law and by custom if not by the Church. No such constraints hampered Machiavelli's prince, who should be as cunning as a fox (Machiavelli 1981, pp.99-100). Indeed, by the need for the prince to maintain the appearance of virtue whilst practising deceit, Machiavelli elevated hypocrisy into a virtue - an essential offshoot of virtu.

Clearly, Machiavelli appreciated the distinction between public virtu and private virtue. The ruthlessness and deceit of the ruler serve his political ends and are not to be carried over into his private life. Pointless cruelty is condemned on both prudential and moral grounds. Wickedness to assuage private whims is self-destructive (Machiavelli 1981, p.102).

In order to preserve his country the prince needs more than the mere obedience of his subjects through fear even though he needs to be feared more than loved. He must ensure that his subjects are imbued with patriotism which is their sort of virtu. Is patriotism a virtue as well as an integral part of virtu? Bosanquet discusses this question (Bosanquet 1917, p.1 et seq.) and one can agree with his conclusion that it is at least a commendable thing in just the same way as is love of family or of friends, provided it is not promoted to the detriment of all else (e.g. respect for humanity).

Quentin Skinner seeks to remove the anomaly which is present when we consider the virtu of the prince and that of his subjects - or the virtu of the statesman of a republic and that of its citizens. The virtu of the ruler(s) entails on occasion treachery and hypocrisy - not likely to be the virtues most desired in a subject or citizen. Is Machiavelli using virtu in two different ways? Skinner (Skinner 1978 Vol I, pp137-138 and 183-4) argues that he is not and that for Machiavelli the virtu of a ruler is simply the willingness to do whatever necessita dictates to attain his ends - a sort of moral elasticity - and the virtu of his
subjects is much the same. It is to do whatever is best for the country - or to place the good of the community above selfish interests. Thus, in 'The New Prince' Gramsci sees the revolutionary party as the possessor of virtu - he assimilates Leninism to Machiavellianism. For both anything goes in the pursuit of the end, be it the revolution or the preservation of the state (Fleisher 1972, p.116).

The problem with this analysis is twofold. In the first place, the concepts seem rather vacuous - one can argue cogently about what is best for the country and the problem of 'dirty hands' has simply been swept under the carpet. Cicero argued that in the long run a deceitful ruler did not benefit his country. Secondly, if we accept Skinner's analysis we have to note that the virtu of the subject puts country before self, but for the prince (or rulers) the interests of the country and self very often become indistinguishable. We are left with three moralities: that of the ruler, that of the citizen or subject in relation to his country, and, finally, the private (Christian) morality of the individual.

It is interesting to note that, in a Christian country, we have a problem in that Machiavelli sees virtu as being encouraged to develop in the people by good laws and by religion (Machiavelli 1970 Bk.I Pp 142 et seq.) - but certainly not by the Christian religion with its emphasis on humility and 'turning the other cheek'. Thus, a religious dichotomy presents itself between the public (pagan) religion encouraging virtu and the private (Christian) religion in some ways discouraging it. Hobbes' distinction between the sovereign's religious hegemony and his subjects' private (even unspoken) religious beliefs is clearly foreshadowed. For Machiavelli, religion is a tool to coerce the subject into obedience. The latter must weigh the fear of punishment by an eternal God against the lesser discomforts of the relatively brief reign of a temporal ruler. One is reminded of Voltaire's aphorism that if God did not exist, it would be necessary to invent Him.

The adoption of a dual morality is fraught with danger in the world as it is. The implicit assumption in its adoption is that the 'homo politicus', the man of virtu, remains immune in his private morality to the corruption inevitably accompanying power. Will this coldly rational
man remain unsullied - his personal moral goodness untouched no matter how often he commits acts for 'reasons of state' which are, to his private conscience, abhorrent? This may be logically possible but our common instinct, the appeal of History and our everyday experience suggest that it is not.

If man is overriding political, as Machiavelli held him to be, then the survival of the polity must be his principle aim. Machiavelli leaves unclear the question as to whether this is, just factually, his aim or whether it morally ought to be. Leaving this question aside for the moment, it is arguably the case that non-political man has other aims that might override his political ones. St. Thomas More is a case in point.

For most of his life an admirer of Machiavelli, Meinecke eventually abandoned his belief in a dual morality of state and individual. He came to the conclusion that the state should strive to live within the moral law accepted by its citizens even if, by its very nature, it cannot altogether succeed in doing so. By 'the stern necessity of its nature' it is fated to 'a constant repetition of its sins' (Sterling 1958, p.232).

In other words, there is a universal moral law applicable to all spheres of human conduct but easier to follow and obey in some areas than others. For Meinecke, as for many historians and most statesmen, the most pressing problem is the regulation of relations between states: 'the compulsive force which leads the state beyond law and morality ... is to be found in the external and not in the internal actions of the state because 'raisons d'etat' co-exist with morality internally because (internally) no other power contests the state's power' (Fleisher 1972, p.287). In a world of competing nation states these latter mirror the rivalries of Hobbesian men in a state of nature. The struggle for power as a necessary pre-requisite of survival determines the conduct of international affairs. Clausewitz pointed the moral 'The 21st. chapter of Machiavelli's 'Prince' is the basic code for all diplomacy - and woe to those who fail to keep it' (Plamenatz 1963, p.172). Pressed to its conclusion this argument might lead us to conclude that maybe there need not be posited a division of morality into two or more spheres. If a man's survival is at stake, if his very life is threatened, then most ethical theories, even the
strictly deontological, would allow that, in self defence, one might be permitted extreme means to safeguard oneself. However, this takes us beyond Machiavelli's position. For him, the gap between public and private morality remained, for though he extolled the pagan morality of classical Rome, he chose not, perhaps he could not, ignore the conventional Christian ethic of his day.

In 'The Life and Times of Machiavelli' Villari gave his view of the Florentine's position succinctly and he encapsulated the essence of his outlook. Machiavelli, he points out, was 'absorbed in pondering the divergencies between public and private action (and) ... pushed on relentlessly to extreme conclusions, without pausing to observe whether some link of connection might not be hidden beneath such divergence; whether both public and private conduct might not proceed from a common and more elevated principle ...' (Villari 1878, p.vii). Villari makes an elegant defence of Machiavelli: '(if we) ... admit in real life that public morality truly differs from private ... (but) ... on the other hand we are sufficiently imperious - not to say hypocritical - to maintain that the essential characteristics of modern politics consists in conducting public business with the same good faith and delicacy that we are bound to observe in private affairs ... if we deny the difference - which really exists - it follows that, in practice, everything must be left to chance. And this would be a triumph for those politicians who, while feigning the highest and most immaculate virtues, succeed in perpetrating actions equally condemned by every rule of public and private morality' (Villari 1878, p.viii). What we should do, as Villari indicates, is that if, in real life, we see a difference between public and private morality, then we should seek to define the limits of this difference and investigate the true principles of political integrity. We may feel, however, that whilst this is a commendable view to take of the 'public' and 'private' problem it is not Machiavelli's.

The Machiavellian thesis gives rise to some other interesting ideas which occur again in the writings of later political theorists. Both Bosanquet and Machiavelli held that force on the part of the government is both necessary and permissible in inverse ratio to the political maturity of the populace (Sibley 1970, p.267). Both Machiavelli and Hobbes believed
that a citizen had the right to rebel and overthrow the government provided that they were successful. Indeed, in the world of politics, there was no longer the classical idea of harmony, but a perpetual struggle of competing interests. Reason itself is reduced to a handmaiden in the service of the pursuit of political power. This power rests, in part, not on knowledge but on belief – the belief of the populace in the sovereignty of the government, a belief reinforced by the duplicity and hypocrisy of the Machiavellian ruler(s).

Machiavelli is the progenitor of the power state and also of the Idealist concept of the state as a self-existent being with its own persona, morality and teleology. Meinecke thought that the Machiavellian state was simply outside the sphere of ethics and Machiavelli's analysis of politics an empirical study revealing man's innate egoism. The incorporation of this state in the Idealist's thesis and the allocation to it of the guardianship of the whole ethical system Meinecke saw as the 'legitimization of a bastard' (Cassirer 1946, p.122).

Perhaps Figgis best sums up our instinctive reaction to the advice Machiavelli gives to the Prince: 'It is not the removal of restraints under extraordinary emergencies that is the fallacy of Machiavelli; it is the erection of this removal into an ordinary and everyday rule of action' (Figgis 1956, pp 6 - 7).
It is Machiavelli's singular contribution to political thought to have revealed the dichotomy between public and private morality. If, in Meinecke's words, Machiavelli demonstrated that 'raison d'etat' is the fundamental principle of a nation's conduct, the state's 'first law of motion' (Sterling 1958,p.1), it follows that rulers and officials (including politically active citizens in democracies) must, in their political actions, serve the interests of the state. Where such service calls for actions which offend against their own moral code, therein lies the problem of how to reconcile private conscience with public duty.

Machiavelli did not explicitly analyse human nature, and base his political theory on this analysis, but Hobbes did. Both men viewed human nature pessimistically and consequently recognized that the behaviour of rulers had to take this into account. Even Locke who, unlike Hobbes, saw man in the state of nature as, in the main, sociable and cooperative, could not altogether ignore the question of 'raison d'etat', for certain steps had to be taken to maintain the power of a ruler acting as a benevolent umpire. Such steps may not always fall in with the precepts of the Law of Nature.

In determining what light Hobbes can shed on the distinction between public and private morality one must first satisfy oneself that there is, in fact, a moral component in Hobbes' political philosophy. Hobbes can be interpreted as a political realist intent merely on providing a rational basis for the power of the sovereign; for attempting to justify might as right. Indeed, in so doing, Hobbes does not just brush morality to one side as irrelevant to political policy and decision making; he subordinates morality to politics. Morality becomes a tool of government. The Hobbesian subject is morally obliged to obey the law, and the law is the expression of the will of the sovereign. That which is morally good or morally bad is simply that which the sovereign declares to be so (Hobbes 1983,pp 52,142,178; 1981, pp322 & 333). The sovereign is, without doubt, taken to be the interpreter of the laws of nature but, so far as his subjects are concerned, his interpretation is infallible. In this sense Hobbes' morality is based on law and it is simply a
contingent fact that in a polity, and out of the state of nature, the sovereign enacts the laws.

On the other hand, Taylor, for instance, holds that Hobbes' theory of sovereignty and of political obligation is based firmly on the morality of promise-keeping, which is enshrined as a law of nature (Brown 1965, p 35 et seq.).

It is possible that Hobbes' main purpose in writing 'Leviathan' might well have been purely practical - to decide upon the essential function of government i.e. security, and then to determine what sort of government most efficiently provides it, to wit, a sovereign possessed of the fullest authority and power. However this may be, Hobbes clearly recognizes the need to base political authority and obligation on something more than simple fear of the consequences of disobedience. Just as the feeble condition of the Italian states provoked Machiavelli into working out how a strong government could provide a stable society for a united Italy, so the disorders of the civil war in England and the earlier experiences on the continent of the anarchical forces unleashed by the unfettered individualism of the more extreme protestant reformers, provided Hobbes with the same sort of impetus. He saw, in the absence of government, the state of nature as political nothingness, as the dissolution of all political bonds. Rickaby (Rickaby 1902a, p.83) compared Hobbes' vision of the state of nature as war of all with all, with the description of unredeemed mankind in Romans 1 (29-31); '(men) ... filled with all iniquity malice fornication covetousness wickedness, full of envy murder contention deceit malignity contumlness, proud, haughty, inventors of evil things, disobedient to parents, foolish, dissolute, without affection, without fidelity, without mercy'. Hobbes' remedy is for man to de-naturalize himself by convention.

Machiavelli and Hobbes saw firm government as essential if the human condition were to be rendered tolerable. Both believed that, up to their time, political philosophy had either contributed nothing or even militated against the establishment of a sane, ordered and peaceful society. Men had to think out afresh the ways in which a stable political order could be created and maintained. For Machiavelli, this was essentially a
practical problem - lessons learnt from history could be applied to the
states and cities of his day. Experience, wisely interpreted, could teach
rulers and citizens alike how their politics should be governed. Locke
seems to reflect this view in his argument against Filmer's paternalism:
'For there are no Examples so frequent in History ... as those of men
withdrawing themselves, and their obedience, from the Jurisdiction they
were born under .... All which are so many Testimonies against Paternal
Sovereignty, and plainly prove, that it was not the natural right of
the Father descending to his Heirs, that made Governments in the beginning
... (Locke 1965, p.389). Locke for certain did not share the Machiavellian
view that political philosophy could be ignored, nor equally surely did
Hobbes. That political philosophy could be reshaped as a powerful tool
to set things right if it were first reformulated on scientific principles,
was the starting point of Hobbes' 'civic science'. Armed with the right
method, and further armed with opportunity, man could construct a political
order as timeless as a Euclidean theorem. Indeed, Hobbes claimed to have
discovered two new sciences, 'Optics' and 'Civil Science' of which the
latter was by far the more important, since, unlike other sciences, the
learning and application of this science might enable lives to be saved
by preventing conflicts due to ignorance and false opinions (Sorell 1986,
p.2). This was to be an exact science. Not for Hobbes the lurking
presence of Fortuna to inhibit the sovereign. The logical symmetry of
Euclid provided the model of reasoning that confirmed his basic hypothesis
that motion, (the natural state of all non-impeded bodies) is the cause,
not only of the movements of physical bodies, but of man's own bodily
functions including emotions and reasoning. A natural causal progression
led from the study of the movement of physical objects to the study of
men and thence to the study of the structure of political society. 'For
man is not just a NATURAL body, but also a part of the State or ... of
the BODY POLITIC; for that reason he has to be considered as both man
and citizen, that is, the first principles of physics had to be conjoined
with those of politics, the most difficult with the easiest' (Hobbes 1978,
p.35). Nevertheless, Civil Science could be studied independently of
natural science - it is part of science but independent of it (Hobbes
In his Introduction to 'De Cive' Hobbes describes his method of causal
analysis, likening it to taking apart a watch to see how it works. Thus,
'wee rightly understand what the quality of human nature is, in what matters it is, in what not fit to make up a civill government' (Hobbes 1983, p.32). Hobbes did not adhere faithfully to his proclaimed method — in 'Leviathan', for instance, he first looks at the whole (the state) and later examines the parts. He believed his theories capable of proof not only by demonstrative reasoning from the nature of bodies and of man, but by empirical observation. That men do, in fact, distrust one another is seen even in a civil society, for men do as a matter of fact hide their valuables in locked chests and bolt and bar their doors at night. The physics of motion could describe man's behaviour and introspection could confirm this description (Hobbes 1983, p.32).

In expounding his civil science, Hobbes presents us with a scientific moral philosophy — the science of the laws of nature. These are, from one point of view, rational rules of self-preservation which we apprehend through use of our reason. In the state of nature reason, for Hobbes, is simply a tool for man's passions, an aid to the defence of man's natural right to preserve his life and limb. Reason can certainly be used by man in two different ways — to enlarge his view of what is desirable and thus enkindle his passions and show him the way to assuage them; yet it also urges him to take a longer view of his prospects, to see the danger of yielding to these passions. 'These dictates of Reason men use to call by the name of lawes; but improperly, for they are but conclusions, or theorems concerning what conduceth to the conservation and defence of themselves ...' (Hobbes 1981, pp 216-217). Are these theorems or laws simply prudential counsels without moral content? Oakeshott (Raphael 1977, p.85) holds that they oblige men to obey them because they appeal to their rationality. If this is so, such obligation need not be moral. But Hobbes goes on to say 'Whereas Law, properly, is the word of him, that by right hath command over others. But yet if we consider the same theorems as delivered in the Word of God, that by right commandeth all things, then are they properly called Lawes' (Hobbes 1981, p.217). So, for the theist possibly, and certainly for the Christian and Jew, the laws of nature are Divine commands. Thus we have three possible interpretations of the laws of nature (or 'articles of peace'). Firstly, they are derivations from Hobbes' psychological theory showing what men with similar constitutions in similar situations will do after deliberation
i.e. they are rules of prudence; secondly, they are legal rules - God's laws - 'the word of Him that by right has command over others' (Hobbes 1981, p.217), so that within his domain the earthly sovereign is a god or at least God's envoy. God himself is seen as a sovereign whose laws must be obeyed for prudential reasons (for fear of hell or punishment on earth) or (not notable in Hobbes) out of love of God.

Thirdly, they are moral rules standing in their own right or, if one accepts that morality is based on Divine Command, because they are Divine Commands. Hobbes has no doubt that the laws of nature are moral laws. 'The natural law is the same with the morall' (Hobbes 1983, p.74) and 'the laws of Nature therefore are the summe of Morall Philosophy' (Hobbes 1983, p.75). These laws of nature are listed rather differently in Hobbes' various works (Hobbes 1981, pp 189-217; 1983 pp 53-84) but the fundamental law whence all the others are derived is the general rule arrived at by 'true ratiocination' 'That every man ought to endeavour peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps, and advantages of Warre' (Hobbes 1981, p.190).

The first part of this rule is the fundamental law of nature i.e. to seek peace, and the second part is the statement of man's fundamental and inalienable right - to defend his life and limb and to use his own power so to do. 'The Right of Nature ... is the liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature (Hobbes 1981, p.189). Hobbes uses 'right' not in the sense of the right of A engendering a duty on B (no one else in a state of nature has a duty to sustain another's right to life) but a right in the sense of a freedom i.e. a right to do 'x' in that there is no law or obligation or any impediment against doing 'x'.

The attainment of peace is very difficult to achieve because of man's psychological make-up. His drive for self-preservation gives rise to his desire to dominate others and to overcome his rivals i.e. his fellow human beings. The strong man is virtually just as vulnerable as the weak in the state of nature for the latter can band together to overcome him or harm him by 'secret machination' (Hobbes 1981 p.183). Hence, in a state of nature, an agreement between men to keep the peace will always be set aside where one of the parties thereto sees an advantage
in abrogating it for some immediate or greater benefit. Therefore, the only rational way out of this dilemma is for men mutually to covenant their 'right to all' to a third party, the sovereign, to whom they give absolute power to make and enforce laws and thereby render themselves his subjects. This sovereign can be a single person or a body of persons, but here the sovereign will be referred to as a single individual as a matter of convenience. The sovereign must consent to this arrangement but is himself not a party to the covenant which is made between his subjects only. Always with a view to the dangers of relapsing into anarchy (than which, in life, there is no more miserable a state (Hobbes 1981, p.186)), the subjects are abjured to obey the sovereign's commands implicitly in all things. This they must do just so long as the sovereign has the power to ensure the maintenance of the articles of peace, to force his subjects to keep their covenants one with another and to protect them from external enemies. Since he can be either a single person or an assembly, the sovereign, like Leviathan, is an artificial creation, a persona distinct from the individual or individuals who act as such. He does 'beare their Person, and everyone to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie' (Hobbes 1981, p.227). He is the instrument by which the first Law of Nature can be obeyed in full i.e. both peace can be sought and, if necessary, war prosecuted, whereas, in the state of nature, the former provision cannot be realised.

Bosanquet (Bosanquet 1923, pp 87-88) points out that Hobbes makes use of the concept of persona in Roman law where it signifies 'a complex of rights or the possessor of those rights, whether an individual or a corporate body'. This persona can be devolved on another man or on a corporation, and this is what the individuals did who came together in the state of nature to found the Hobbesian state. They devolved their personae upon the sovereign whose subsequent political acts, therefore, are the acts of all individuals in the state united in one person. 'This is more than consent or concord, it is a real unity of them all in one and the same person' (Bosanquet 1923, p.88). This unity is the unity of the well run prison rather than the unity of a natural community, or that envisaged by, for instance, Hegel, Green or Bosanquet. We cannot
detect in Hobbes a sense of common purpose other than the maintenance of an ordered polity in which a mass of individuals go about doing their own thing, pursuing their own individual interests, an inch away from anarchy with the thin iron screen of Leviathan to prevent its penetration into the fabric of society.

In Leviathan, the subject is left with two sorts of right - always with his natural right to preserve his own life even if it is legally in jeopardy (in a war on his sovereign's behalf or in a court of law) since, as Hobbes legalistically reasons, a man may only renounce or convey a right to another in return for some advantage; and Hobbes sees none in failing to preserve one's life, and, secondly, with such positive rights as are bestowed on him by Leviathan's laws. By the creation of a powerful state these rights are 'channelled' and protected. The sovereign is left with all the rights man has in the state of nature and can defend them just so far as it is in his power to do so.

It is perhaps surprising that Hobbes can see no reason why, by and large, a person should voluntarily give up his or her life. In an era of religious wars and persecutions martyrs abounded. Many sacrificed their lives for their beliefs. The sceptic might argue that such people were merely exchanging a harrowing life on earth for a blissful one in heaven - a sort of religious prudentialism - but Hobbes does not go even this far in recognizing the existence of this phenomenon. As will later be seen, he does perceive that his picture of man omits motives higher than or at least different from self preservation at all costs.

The second Law of Nature (in 'De Cive' (Hobbes 1983, p.62)) or the third (in 'Leviathan' (Hobbes 1981, p.201)) is that 'men perform their covenant made'. The law of nature enjoins everyone to covenant for peace but a covenant consists of two parts, making it and carrying it out - without the latter covenants are in vain. Therefore, to make a covenant with the intention of breaking it is 'in vain' - 'it is against reason for a knowing man to doe a thing in vain' (Hobbes 1983, p.62), and, if contrary to reason, then also contrary to natural law. To make a promise with the intention of breaking it is a contradiction. However, one may gain advantage, pretend to covenant (i.e. lie). Equally, one may intend to
keep a covenant made at time t(1) but, at time t(2), change one's mind as to the desirability of keeping it. Hence, the sovereign's task in the state is to enforce the keeping of covenants made. However, in a state of nature, with no third party to enforce the contract, one party cannot be sure that the other party will keep the covenant. Covenants of mutual trust are invalid where either party has good reason to fear non-performance by the other, as must invariably be the case in the state of nature, wherein, therefore, there can be no valid covenants. For Hobbes, 'Justice' is the keeping of agreements and 'Injustice' the non-performance of a covenant to do so. Hence, in the state of nature, there can be neither justice nor injustice. It is easy to see that this must be true if the state of nature is as Hobbes sees it and if the covenant is one where one party must perform before the other, i.e. one at time t(1) and one at time t(2). It is not so evidently true of the covenant where the performance of both parties is simultaneous (A exchanges b with C for d). There seems no reason why simple contracts of this sort cannot be kept. Indeed, Hobbes implies that the covenant setting up a sovereignty is precisely of this sort - a simultaneous renunciation of rights to a third party i.e. present performance by all parties of their contract. Plamenatz (in Brown 1965, pp 78-79) points out that such simultaneous renunciation of men's natural rights is not equivalent to a grant of power to the sovereign for it will take a further period of time for the sovereign to consolidate his power. There will always be some men too shortsighted to realize that their interest is best served by staying their hand until the sovereign's might is available to enforce performance of covenants. At this time the sovereign's power is weakest even though he has the authority to govern. However, the sovereign's authority rests on his power to protect his subjects and their covenants; for Hobbes, authority is as much de facto as de jure. Hence we seem to have an interregnum between the state of nature and the exercise of power by the sovereign. That all his subjects should keep their covenant to transfer their rights (saving the right to preserve their lives) to the sovereign is clear, but - would they? Would they, in this case, recognize and adhere to a covenant on moral grounds alone? It would suffice, for Hobbes' purposes, if the majority of covenantors on either moral or prudential grounds, supported the sovereign by force, if necessary, until his power were established. They would be able to subdue by threat of
force or by force itself a minority of dissenters or covenant breakers. Once the commonwealth is thus set up and the sovereign’s power consolidated, then justice and injustice become meaningful; covenanting and contracting become legally and morally binding.

Thus, the laws of nature seen as stemming from right reason do oblige men to obey them, insofar as men reason. In a state of nature ‘we are obliged yet in the interim to a readinesse of mind to observe them whenever their observation shall seem to conduct to the end for which they were ordained. Therefore the Laws of Nature ... oblige in the internalle Court, or that of Conscience, but not always in the external Court, but then onely when it may be done with safety’ (Hobbes 1983, p.73). Because the laws of nature need to be enforced to become universally obeyed ‘he that endeavoureth their performance, fulfilleth them and ... is just’ (Hobbes 1981, p.215). In the state of nature, performance by one party alone simply endangers that party’s existence, so all that is called for is the desire that it were otherwise. Without question, Hobbes recognizes the existence of moral rules in a state of nature – the possession of a conscience is a sufficient and necessary condition for the existence of a moral order.

The fundamental good for all human beings is their self preservation; anything conducive to that is ‘good’, anything detracting from it is ‘bad’. Appetite is man’s motive power to seek such ‘goods’, aversion the motive power to avoid such ‘evils’. Thus, over a wide range of moral issues, men will have different ‘goods’ and ‘evils’ – one man’s meat is another man’s poison. What these ‘goods’ and ‘evils’ are depends on each man’s constitution and contingent situation (Hobbes 1981, p.120). Hobbesian morality is consequentialist and a paradigm of ‘the ends justifying the means’ – the end always being the preservation of the agent’s life and limb.

What pleases a man is that for which he has an appetite; what displeases him is that for which he has an aversion – therefore the good for man is what pleases him and the evil whatever displeases him. ‘Since different men desire and shun different things there must be many things that are good to some and evil to others. Therefore good and evil are correlated
with desiring and shunning ... therefore one cannot speak of something as simply good; since whatsoever is good, is good for someone or other' (Hobbes 1978, p.47). An again 'Nor is there any such thing as agathon aploes - that is, simply good' (Hobbes 1969, p29).

We must conclude that the laws of nature are 'good' and the keeping of them virtuous because they are conducive to what all men desire - their security.

Once the Hobbesian state has been established then the security of its citizens is guaranteed by the sovereign whose power includes the making of all laws, moral, religious and positive. In the Preface to 'De Cive', Hobbes writes that he intends 'by most firm reasons (to) demonstrate that there are no authentickall doctrines concerning right and wrong, good and evill, besides the constituted lawes in each Realme, and government, and that the question whether any future action will prove just or unjust, good or ill, is to be demanded of none, but those to whom the supreme hath committed the interpretation of his Lawes' (Hobbes 1983, p.31). Herein lies the evidence which some philosophers believe renders Hobbesian morality dependent upon legal and political sovereignty. What is right and what is wrong, what is in accord with the laws of nature and morality, is interpreted and laid down by the sovereign. His power to interpret these laws is limited only by the power he has to enforce them once he has promulgitated them as laws of the state. This power gives him the right to command, or more accurately, to continue to command once his subjects have assigned their right of sovereignty to him. Without him, there will be no peace and security and no moral performance - morality will reside only in each man's conscience and will not be able to influence his behaviour. The threat to the subject who seeks to disobey the law comes not only from the fear of sanction but also from the fear that, if he does disobey, the structure of the state and the preservation of morality itself is threatened.

The only limiting factor to the sovereign's power is the need to preserve himself and the lives of his subjects. One of the worst ills to befall a commonwealth is the diffusion therein of the doctrine that 'every private man is judge of good and evil actions' (Hobbes 1981, p.365). Such
judgements, and, indeed, all definitions of the meaning of words, belong to the sovereign alone. This must mean that the sovereign can assign to a word any meaning he likes. Not only the notion of a universal moral order but the whole concept of universal truth is expunged from the Hobbesian state. Within the state, definitions are clearly defined as are rules, both enunciated by the sovereign. Words retain their meaning until the sovereign enacts otherwise. If rationality entails, as it surely must, a commitment to objective truth and the rules of logic, the Hobbesian society must contain within its structure an element of irrationality sufficient to threaten its very existence. It is difficult to conceive of a language or a science whose meanings and terms can be changed at will by the sovereign's fiat.

One possible interpretation of Hobbes' moral philosophy is that man is predetermined by his nature to act in a certain way - to seek always to preserve his life and, in the course of so doing, to augment his own power and add to his pleasures. Man is a psychological egoist - in other words he is so constituted that he can do no other than seek his own welfare. It is thus possible to argue that Hobbes' morality is a sham. Natural laws and the sovereign's moral precepts and institutions are merely prudential creations. They give rise to hypothetical imperatives of the sort 'in order to preserve your life, do 'x''. Given the psychological premiss, one cannot infer from it an ethical conclusion. To hold this view one must regard Hobbes' reference to 'conscience' as an aberration - a use of the term 'conscience' without its having a moral content. This does not seem to be the most straightforward interpretation of Hobbes. Psychological egoism is usually taken to mean that human beings never act to help others save accidentally in helping themselves. Hobbes does, however, recognize limited benevolence if only to family and friends. His moral philosophy is better seen as a form of ethical egoism in which benevolence can find expression if it does not run counter to the agent's interests and where the agent may even take pleasure in acting benevolently.

Certainly, given Hobbes' description of human nature, there is no point in prescribing any behaviour other than that a person should seek to promote his own greatest good or at least not promote any other good
(however defined) that in any way detracts from his survival. Ethical egoism of this sort has some claim to be a moral theory. It can be universalised - 'everyone ought to seek his or her own good'. To the contention that ethical egoism contains more than a pinch of mere prudentialism and that it is not a valid moral viewpoint to determine what is good or right wholly in terms of what a person desires (i.e. 'desired' is not equivalent to 'desirable'), MacIntyre points out that Hobbes' predecessors also held that there is a proper connection between what men desire (e.g. happiness) and what men ought to do (MacIntyre 1967, p.135).

In his paper 'The Ethical Doctrines of Hobbes', published in 1938, A.B.Taylor put forward a radically different view of Hobbesian morality (Brown 1965, pp.35-55). Hobbes, he said, sought to answer two questions:-

1. Why ought I to behave as a good citizen? and
2. What can induce me to do so?

The second question Hobbes answers by reciting the horrors of internecine strife in the state of nature which can only be avoided by our setting up, and maintaining, by our obedience and loyalty, Leviathan.

The first question Hobbes answers by suggesting that I ought to be a good citizen because I have, expressly or tacitly, pledged myself to be one, and to go back on my word or to refuse to perform my covenant is iniquity - 'malum in se' (Brown 1965, p.37).

Iniquity is the violation of the natural law (the violation of the civil law is injustice, but then all injustice is iniquity because the citizens have covenanted to obey the civil law). Iniquity cannot be prudential - it is a purely moral concept - hence, for Hobbes, natural law is the moral law. In the state of nature wanton promise breaking (i.e. to break a promise without sufficient cause) is iniquitous. In a state of nature, though, it is hard to envisage an instance of wanton promise breaking since it is always open to one party to a covenant to suspect the other party of bad faith. If acting rationally, a man would break his promise if and only if he hoped thereby to maximise his own security. Wanton
promise breaking can only occur if man's passions spur him to disregard his reason.

Taylor argues that one can accept Hobbes' psychological egoism and yet divorce it from his ethical doctrines with which, he avers, it has no logically necessary connection. He stresses that whilst Hobbes reduces the moral imperative to promise keeping (i.e. he reduces all 'injury' to violation of express or implied promises), he 'agrees with Kant on the imperative character of the moral law just as he also agrees with him when asserting that the moral law is the law of 'right reason'" (Brown 1965, p.37).

The usual interpretation of Hobbes on this issue is that, in the state of nature, men will more often than not find it better for them if they keep their covenants - i.e. this is simply a matter of prudence and not of morality. Once Leviathan is established, these are converted into legal and moral imperatives by command of the sovereign.

Nevertheless, we note that in referring to the laws of nature, Hobbes uses such words as 'forbids' 'dictates' 'precepts' 'commands', all of which are to be found in the language of morality, and although he initially refers to the laws of nature as 'theorems' and questions whether they can be laws, he later invokes God as the sovereign whose commands, and therefore laws, they are (Hobbes 1981, pp 216-217).

Further, although difficult to obey in the state of nature and therefore not always, if ever, commanding external compliance, the laws of nature always oblige 'in foro interno', that is to say, in conscience. They can therefore be violated by improper thought or purpose (Hobbes 1981, p.215 & 1983, p.73). Again, Hobbes recognizes the concept of a just man and compares it to that of a 'just act'. The just man is essentially a moral person who may, on occasion, do unjust acts through weakness but who sincerely wishes to obey the natural law in both the state of nature and in civil society. The immoral man, on the other hand, will only be constrained not to perform unjust acts by fear of the consequences. In the latter's case, there will be no conflict between his conscience and the civil law but only between the law and his wayward desire. In
the case of the just man, however, Hobbes recognizes that his perception of the dictates of natural law might be at variance with the sovereign's commands - he is then to recognize that to obey the sovereign's command is the overriding moral imperative - in no way may he undermine the sovereign's authority by disobedience. The cardinal sin of the Hobbesian citizen is, by disobedience, to attack the state which is the foundation of the moral order. In disobeying the sovereign, he is disobeying God. The dissident must assuage his pangs of conscience by regarding the sovereign's commands as paramount and obedience thereto as absolving him from culpability. If any transgression of the natural law has taken place, it rests on the sovereign's shoulders (Brown 1965, p.48). Herein, perhaps, is the germ of the idea of the state conceived as a moral being of a higher order than individual man, with its own code of behaviour which supercedes, in the realm of statecraft and politics, the private moral code of its citizens. This is a possible Hobbesian resolution of the conflict between public and private morality. As Taylor points out, the sovereign has duties laid on him by natural law - Chapter XIII of 'De Cive' is devoted to them (Hobbes 1983, pp.156-167). Breach of these duties is described by Hobbes as 'iniquity' and 'sin' - that is, in the language not of prudence but of morality.

Unlike Machiavelli, Hobbes makes an implicit distinction between the public role of the sovereign as an 'artificial person' and the private role of the person or persons on whom the mantle of sovereignty rests. The sovereign qua sovereign has the duty to preserve his subjects' lives and the enforcement of their covenants with each other. To do this, it is essential that he maintains his power. For the sovereign, therefore, to breach the articles of peace is to act in an irrational way for he is then going against the very reason for his existence. He can do this in one of two ways - either by unintentional miscalculation - in which case he acts, albeit unknowingly, against the precepts of reason, or he can allow his private person to dictate the actions of his public persona. In this case he undermines his sovereign authority - not least by showing his subjects that he is not a god, nor even God's true viceroy, but simply a man motivated by passion and self interest. Such actions, if he persists in them, may endanger the fabric of the state with the result that his subjects' loyalty is eroded and his power base collapses. He is unable,
in the final event, to carry out the task for which his subjects ceded to him their natural freedom.

Hobbes does not investigate the relationship between the public and private personae of the sovereign. He simply assumes, as did Machiavelli, that the sovereign's own good is best served by retaining power, but, unlike Machiavelli, he sees this 'own good' in terms of the public sovereign and not of the private person, or persons, holding this office.

Hobbes sees God as the lawgiver who enacts natural law and makes it self evident to rational human beings. The same law he gives to Christians by 'propheticall covenant' (Hobbes 1983, p.185 and 1981, p.397). In the former instance, God's rule is founded on his irresistible power and we must then ourselves decide whether Divine Command can beget moral obligation any more than the earthly sovereign's command can. Christians and Jews are obligated by covenant, but non-believers are not. The Christian view that the obligation to obey God is a moral one is based in part on prudential considerations (it is better for me in the long run) but mainly on the basis that God created man and desires his good. Insofar as the laws of nature are discovered by reason they are demonstrated also to be for mankind's good - the difference in the last analysis between prudential and moral considerations becomes blurred and indistinct. Taylor has no doubt that Hobbes' ethics are firmly deontological.

Howard Warrender stresses that Hobbes' theory of political obligation rests upon a theory of duty (Brown 1965, pp72-100) which arises because God ordains it so. Hobbes thus appears to have fixed the moral basis of man's obligations in the will of God. Warrender admits that the reason Hobbes offers for men's obedience to God is that they will thereby secure their eternal salvation - if this is the sole reason for obedience then it would seem to be a purely prudential one.

Hobbes' rejection of absolute standards of 'good' and 'evil' and their ascription to man's desires or aversions brings him close to the emotivist theory of ethics. Hobbes' ethics lack, however, the universalism of the former since Hobbes only maintains that every man should seek his own
good, not that each man should hold that 'all men should seek what I feel to be good'. Hobbes is an extreme relativist in ethics. Yet the desire for peace is universal, and so are the natural appetites. All men ought to seek peace and ought to keep their promises made and all men have the duty to preserve their own lives. Thus, Hobbes' view of 'good' and 'evil' may indeed form a strand in the historical development of the emotivist theory but the latter is not an adequate description of his ethical system.

Raphael quotes with approval McNeilly and Gert (Raphael 1977, pp96-98) for showing how, initially, in the 'Elements of Law', Hobbes relied exclusively on his theory of man's egoistic psychology. Later, as he developed his political theories in 'De Cive' and 'Leviathan', Hobbes moved away from strict determinism until, by the time he wrote 'De Homine', he stood close to traditional Christian doctrine. Insofar as we are interested in ascertaining what Hobbes himself thought, this theory renders the controversy over the 'Taylor thesis' redundant. Nevertheless, the historical development of Hobbes' thinking, however interpreted, is of less importance for our purpose, which is to consider what light Hobbes can shed on the dichotomy of public and private morality. What is of interest are the arguments Hobbes put forward to justify what may well have been his changing views on the nature of moral and political obligation. Psychological egoism and the rational egoism that stems from it cannot explain the nature of political and moral obligation. To be obliged means to be restricted to certain modes of action although being free to act in other ways. Obligation implies choice. Moral obligation implies choice between good and bad or between more or less good and more or less bad acts. If man's nature is such that he cannot do other than seek his own good then this simply means that a man is obliged to do what he is obliged to do - a tautology if 'obliged' and 'must' are synonymous but meaningless if we re-jig the sentence to read 'man is morally obliged to do what he has no other choice but to do'.

In 'The Elements of Law' Hobbes defines deliberation as 'the alternative succession of appetite and fear, during all the time the action is in our power to do, or not to do' (Hobbes 1969, p.61,sect.1). The will, far from giving effect to the moral judgement of the individual, is simply the last appetite or fear before the action is taken. 'The will is not
voluntary' (Hobbes 1969, p. 61, sect. 5). Voluntary acts are willed acts but 'menn kann was er will, er kann aber nicht wollen was er will'. Even in his last, mature work 'De Homine', Hobbes wrote that 'to talk of having free will ... is absurd' (Hobbes 1978, p. 46). When a man has conflicting desires, he compares the objects of these desires one with another until one desire conquers the rest; then he acts.

Read in this way, Hobbesian man, in and out of society, is motivated solely by prudence. Hobbes' precepts may be cloaked in the terminology of morality but they are straightforwardly hypothetical: in a state of nature, to survive, you should do 'x'; in a civil society, you should obey the sovereign or it will be the worse for you. If you are found out, you will be punished. If you escape detection, and thereby successfully defy the sovereign, you have taken a step, however small, towards undermining Leviathan, and have put you and your fellow subjects at risk from civil disturbance and ultimately anarchy. This will leave you in a worse state than before. Public and private morality then simply become terms applied to the behaviour of the subject and of the sovereign, which, if the object of furthering their own good is to be achieved, should be guided by the civil law and the laws of nature respectively. The sovereign's adherence to the laws of nature is explained simply by the fact that this is the surest way for him to maintain his sovereignty and therefore, qua sovereign, his own good. For those who accept God as a lawgiver, these precepts are happily reinforced by His commands, through men's reason, via the laws of nature, or specifically by his teaching in the Scriptures. The Hobbesian Christian or Jew obeys God for purely prudential reasons. Hobbes religious commentaries are certainly legalistic - the God of love is notably absent. Agapism and Hobbes are poles apart. It has been held that Hobbes, for purely polemic reasons, found it advisable to buttress his political theory by showing to his largely Christian readership that even his most extreme views (e.g. in relation to public policy and private conscience) are supported by Scripture and in no way contravene Christ's teachings. Alternatively, whilst being in some part motivated in this way, Hobbes, though not an orthodox member of the established Church, felt the need to reconcile his religious beliefs with his philosophical doctrines. This, at least, avoids Hobbes' being accused of bringing God in afterwards to save the appearances.
The real weakness of supposing that Hobbes founded his system on prudential precepts alone was demonstrated by T.H. Green in his 'Lectures on the Principles of Political Obligation'. 'No obligation, then, as distinct from compulsion, to submit to an ostensibly sovereign power, can consistently be founded on a theory according to which right either equals simple power, or only differs from it, in the form of 'jus civile', through being a power which an 'imperium' enables individuals to exercise as against each other (Green 1911, p.64). To overcome this difficulty, Hobbes supposes the covenant of all with all to convey sovereignty to a third party. Thus, 'the obligatoriness of this covenant, then, cannot be derived from the sovereignty which is established through it' (Green 1911, p.64), and so Hobbes has to ascribe it a 'law of nature' which enjoins that men perform their covenants made. But, in Leviathan I (15) Hobbes clearly states that 'the validity of Covenants begins not but with the Constitution of a Civill Power sufficient to compell men to keep them' (Hobbes 1981, p.203). Herein Green sees the contradiction that the founding of civil society and the whole structure of Hobbes' political philosophy depends on the validity of that first covenant.

It has been shown that there is no problem of this sort if the laws of nature are moral precepts and that, when a covenant is made, it should be kept if at all possible. Even so, with their differing views as to what is good or bad for them in a state of nature, men may then make and break covenants as their reason dictates. In the state of nature, 'right reason' is judged by each person, as, indeed, are the meanings of all terms. In the absence of a sovereign, power to determine the meaning of terms of any sort but especially of 'good' 'bad' 'right' 'wrong' 'just' 'unjust' and so on, each man must be his own judge and provide his own lexicon. But when sufficient men come together convinced that the appointment of a sovereign is their sole chance of peace, then we must presume that their rationality has triumphed over their emotions sufficiently to enable them for this limited purpose to speak the same language as, or at least understand the language of others. With understanding, the laws of nature become evident, so that in the annotation to para 2 of Chapter XIV of 'De Cive', Hobbes can write 'I say thus, that a man is obliged by his contracts, i.e. that he ought to perform for
his promise sake' (Hobbes 1983, p.170). Furthermore, promises bind 'in foro interno'. It is hard to shrug these statements off as disguised counsels of prudence. As Brown puts it 'in the state of nature the social utility, not the validity of covenanting, is impaired' (Brown 1965, p.68, note 29).

Hobbes does not clearly distinguish between a legally valid and enforceable covenant and one whose obligatoriness is purely moral. He does, however, bring out the distinction between legal and moral rules (the laws of nature are moral rules which cannot be used by men in their social life until they are translated into civil laws) and so foreshadows the tenets of legal positivism. Equally, Hobbes' command theory of law is an early statement of Austin's position. Hobbes' insistence that, once the sovereign has been appointed by means of a covenant of his subjects one with another, the latter are obliged thereby to obey his laws, is likewise an early statement of Hart's view that acceptance of the validity of secondary rules (the validation of the legislative process) necessarily incurs acceptance of the primary rules emanating therefrom. The subjects, having accepted the sovereign's authority, are therefore obliged to obey his laws.

As we have seen, Hobbes' psychological egoism, if that is what it is, may be, but need not be, the foundation of his political and moral theory, which can well stand or fall without it. It is not a necessary prerequisite of a theory of obligation motivated by self interest. Love of, and concern for, others and beneficence are not themselves sufficiently strong or universal a human characteristic to impel men to form civil societies or to explain political behaviour. It is not love, nor regard for his fellows, that makes man a political animal, no more for Aristotle and Aquinas than for Hobbes.

The sovereign's power is limited, prudentially, by his need to keep his subjects' allegiance, but Hobbes infuses this with moral duties. The sovereign is obliged to obey the laws of nature so far as he is able (like anyone in the state of nature). Thus, in Chapter XIII (2) of 'De Cive':-

'All the duties of the Rulers are contained in this one sentence 'The Safety of the people is the Supreme Law' ... and ... 'their duty in all
things, as much as possibly they can, to yield obedience unto right reason, which is the naturall, morall and divine law' (Hobbes 1983, p.157). In the 'Elements of Law' (Chapter XXXIII (13), we read similarly that 'the duty of the sovereign consisteth in the good government of the people' for 'when they tend to the hurt of the people in general, they be breaches of the Law of Nature, and of the Divine Law' (Hobbes 1969, p.179). True, Hobbes goes on to reinforce his strictures by pointing out that 'the end of art is profit, and governing to the profit of the subjects, is governing to the profit of the sovereign' (Hobbes 1969,p.179). Again, in 'De Cive', he writes 'Now as the safety of the People dictates a law by which Princes know their duty, so doth it also teach them an art how to procure themselves a benefit; for the power of the citizens, is the power of the City ...' (Hobbes 1983, p.157). Nevertheless, it is not unusual to hold that the honouring of moral obligations brings benefits to the agent other than a sense of moral wellbeing, and this in no way casts doubt on the validity of the moral precepts themselves.

Accepting that, as Hobbes explicitly stated, the laws of nature are moral laws, we find in Hobbes a similar dichotomy between public and private morality to that found in Machiavelli. For Hobbes, both subject and sovereign should obey the laws of nature. At first sight this might seem as if both should obey the same moral code. For the subject, however, the moral code is enacted in the sovereign's laws. Hobbes goes to inordinate lengths to prove, to his satisfaction, that however it might seem to the individual citizen, the sovereign's law, civil law, can never contradict natural law. Nor can natural law contradict Divine law. The subject is clearly bound to obey the civil law once sanctions for disobedience can be enforced.

The sovereign, too, must strive to obey the natural law but with a significant difference. He operates above the civil law still in a state of nature and it is therefore not always possible for him to obey the laws of nature in his external behaviour or perhaps to obey it at all. This is certainly true of his dealings with other states but it is also true of his dealings with his subjects. Like Machiavelli's prince he may have to disregard the laws he himself has promulgated in order to secure his own authority and to promote the security of his subjects.
In 'Leviathan' Hobbes attempts to sum up the laws of nature in one simple rule - 'Do not that to another which thou would'st not have done to thyself' (Hobbes 1981, p.214). In no way can the sovereign commit himself to such a prohibition. Machiavelli saw the morality of the ruler as consisting in the cultivation of virtu - a code of conduct different to that which should be pursued by the private individual. The supreme lex of the Hobbesian sovereign is to maintain his power to enforce his subjects' covenants made, and if this resulted in his having to disregard the precepts of the laws of nature, then so be it. Of course, his own conscience (single or collective) might urge the ruler to obey the natural law but he might (they might) assent to do so 'in foro interno', yet regret on this or that occasion he is/they are unable to do so, for reasons of state.

For all the power which Hobbes ascribes to the sovereign, he never suggests that the state itself is a being of some superior sort to the individual person. 'The City' he writes in 'De Cive', 'was not instituted for its own, but for its subjects' sake' (Hobbes 1983, p.157). The purpose of Leviathan is to provide for the safety and well-being of all the citizens. It is purely a machine for this purpose, made by man for men, simply as an instrument. Yet, as mentioned previously, there is in Hobbes' conception of the sovereign as a 'public person' the notion of the sovereign as a supra moral being, a foreshadowing of the supramoral state recognized by the Hegelians and carried to extreme state worship by Treitschke and others. For Hobbes, however, the sovereign himself is a means to an end, the preservation of peace as laid down in the first law of nature. The sovereign or the state is the necessary pre-requisite of a moral order and a moral life. We do not have to be Hobbesists to acknowledge that altruism or benevolence flourish most in stable and peaceful societies and with them morality also. The less secure human beings are, the more ruthless and self centred they become. Any actions of the sovereign to secure a stable and peaceful society are therefore, on the face of it, morally justified, given the accuracy of Hobbes' analysis of the features of man and society. Neither Hobbes nor Machiavelli tolerated wanton cruelty or self centred immorality if such behaviour were not directed to the good of the state. Hobbes saw such behaviour as a sin against God and a wanton breaking of the moral law.
Like Machiavelli, some of Hobbes' moral stances are divorced from the mainstream of his argument. Both men had absorbed the beliefs of their day - both were steeped in Christian values and attitudes though from different traditions. The whole edifice of Hobbes' political theory is based on man's overriding need to preserve his own life and hence to extend if possible his power and influence. Yet, there is some hesitation on Hobbes' part in the universal application of this principle. He recognized that, on occasion, life itself may not be worth living, because of pain, or more interestingly, because some men value honour above life. One can see that pain may be visualised as life-destroying and therefore account for the former contingency but the latter is not so easily accounted for.

Keith Thomas points out that this genuflection by Hobbes in the direction of honour stems from sources outside his political thinking. He identifies one source as Hobbes' membership of 'the cultivated and high-thinking group of friends meeting at Falkland's house at Great Tew' (Brown 1965, p.206). An instance of such thinking is to be found in 'Leviathan', Chapter XV, where Hobbes, in comparing the justice of men to the justice of actions, writes 'That which gives to humane actions the relish of Justice is a certain Noblenesse or Gallantnesse of courage (rarely found), by which a man scorns to be beholding for the contentment of his life, to fraud, or breach of promise' (Hobbes 1981, p.207). No talk here of keeping covenants for fear of sanction. There is a glimpse of a moral code, even of an ethics of character, which transcends the arid legalism of the main corpus of Hobbes' moral and political theory.

It is, perhaps, just possible for the student of Hobbes who is determined to see no moral basis in his theory of obligation and no place for morality in Hobbesian man, to hold that man's power to preserve his life and possessions depends, in society, on his riches and honour - the latter being but a reflection in the eyes of his fellows of his power and ability to preserve himself. To such a man dishonour might be tantamount to death if it is grievous enough to shatter the image of his invincibility or to threaten the position of his family and descendants. This
interpretation, however, divorces Hobbes’ 'noblenesse' and 'gallantesse' from the commendatory artice and moral judgement these words convey. It is not clear whether Hobbes is asserting that there are a few rare souls who consistently behave nobly and gallantly or a wider spectrum of men who on occasion do so. There are at least two instances where such virtue is necessary.

Plamenatz (Plamenatz 1963, p.9) has drawn our attention to the interregnum that occurs between the time the people covenant with one another to appoint a sovereign and the time when the latter amasses sufficient power to enforce it. Clearly, this is a period of great peril in the life of a state with the ever present danger of irredentist factions seeking to augment their own power before the sovereign's power is well enough established. To repress such factions or to support a weak sovereign in his efforts to assert his authority might well call for devotion to duty and courage, neither prompted by prudence, on the part of many of his subjects as occasion demands, and on the part of the few who consistently display these virtues. The second instance of this need for honourable and courageous conduct comes, of course, when the established state wages war with its neighbours. It is hard to see how an army of Hobbesian men, whose prime duty is at all costs to preserve their lives, and the preservation of whose lives removes all obligation to obey the sovereign, can ever fight, let alone win, a battle. Draconian discipline might help, but at the first opportunity the Hobbesian soldier will either surrender or run away if his life is threatened. Some men, some time, must face the probability of death for motives of honour, out of courage or nobility, if any state is to survive. It is possible that Hobbes eventually recognized this need. Hobbes' theory rests on the natural right of self-preservation so it is not possible to hold that a soldier surrenders this right (Hobbes overlooks this — see Hobbes 1981, p.270). Certainly loss of honour diminishes a man but not nearly so much as death at the point of a sword.

Is Hobbes' concept of morality so tied in with prudentialism as to render it unrealistic and unacceptable as an account of moral behaviour? It is certainly difficult for it to account for self-sacrificing behaviour or for altruism. It is true that, in the long run, man's best interests
are served by obeying the laws of nature as developed and enforced by the sovereign's commands. Is moral obligation any the less moral because it is also wise for prudential reasons for a man to honour it? This is not the case, surely, since all moralities aim, in the long run, to improve the quality of human life. It is not therefore surprising that, very often, morality and prudence go hand in hand.

A more serious weakness in Hobbesian morality lies in the conflict between the private person's view of the moral law and the view of the sovereign. Hobbes seems to allow for the possibility of a conflict between the two provided always that the citizen obeys the law externally, that he conforms externally in religious practice and moral behaviour to the sovereign's commands. But what if the citizen's conscience compels him to speak out on some topic on which the sovereign has pronounced in a fashion contrary to the citizen's beliefs? Hobbes' answer is unequivocal - the citizen must keep silent.

The Reformation initiated an agonized debate on the problem of the sovereign's enforcement of religious conformity and its effect on the conscience of the private individual. The consensus of both Catholic and Protestant opinion came eventually to be that the private citizen declared his own beliefs, refused to conform but did not avoid punishment; rather, he willingly accepted it (Allen 1960, p.8). Such, at least, was the counsel of perfection. Anarchy was thus avoided and the individual retained hegemony over his own conscience. In a Hobbesian state, this he cannot do. If he publicly disagrees with the sovereign's precepts he is not merely breaking the law and risking punishment but breaking the moral law and, for the Christian, risking eternal punishment. Paradoxically, in following his conscience to preach the Word of God, the disciple of Christ breaks not only the law of the Roman state but God's law as well. Most of Hobbes' contemporaries would have seen this as an inherently contradictory position as we do today. It is a ruthless application of geometrical reasoning applied to human society and human nature that leads inexorably and ultimately to such absurdities. For Hobbes, all human beings act in such and such a way - exceptions are swept aside and generalisations resolutely defended. All people bolt and bar
their doors not because all their fellows are thieves, but because just a few are, though most of them will, at some time or other, act dishonestly.

It was this realization of the non-monotonous irregularities in human conduct that led Locke to formulate his theory of the contractual basis of the state. For him, the state of nature was, in the main, peaceful and not one of 'war of all with all' (Locke 1965, Bk.II,para 19,p. 321). It is the depravity of the few, coupled with the need for impartial judgement on (property) disputes that encouraged mankind to set up the state (Locke 1965, Bk.II,para 13,p 316). The state, as for Hobbes, is a means to an end. It must act as the trustee for the benefit of the citizens. Ultimate power rests with the community as a whole. Disputes in the state of nature are inevitable, especially over property, which was acquired from common land by individuals who worked on it and thereby came into possession of a right to it because of their input of labour (Locke 1965, Bk.II,para. 27,pp 328-9).

The laws of nature, knowledge of which is implanted by God in all rational creatures, yield natural rights for all men to life and limb, freedom of action and rights to that part of nature which, by working on it, they can call their property. For Locke, property is virtually as much a part of the person as his body. These rights can only be removed or circumscribed by consent and only in the case of the right to property and possibly to freedom. The right to life and limb cannot be assigned elsewhere (Aaron 1971, p.279).

The social contract is not an historical event but is implied by the nature of civil society itself. Government is simply an apparatus to ensure that the laws of nature are obeyed - it does not, as with Hobbes, create or interpret these laws. It acts as umpire in civil disputes (Parry 1978, p.114) with the reasonableness and impartiality that implies. Once a civil society is established its members are deemed tacitly to accept its rules (Locke 1965, Bk.II,para.121,p 393) - they can always live elsewhere if they do not. In short, Locke's civil society is truly liberal in that it maintains the minimum of restraint, a government of property owners with a minimalist view of the field of actions proper to it.
Bosanquet observes that, in general and apart from particular cases of dissent, the will or interest of the community is the will of the government whose powers are held in trust according to its constitution. This trust can be revoked if the government does not abide by its actual or tacitly accepted terms (Bosanquet 1923, p. 98).

Moral laws are natural laws and are a standard by which both the individual's and the state's actions can be judged. On the face of it, then, Locke might not distinguish between public and private morality and certainly not in the way that these can be distinguished, however variously, in the writings of Hobbes. Locke does make one interesting distinction between public and private persons. Public representatives (members of Parliament) are specifically exempt from prosecution for debt whilst Parliament is sitting. This is to ensure that they shall not be deflected thereby from considering measures for the public good by pressures from their creditors. However, when Parliament is not sitting, the creditors can sue (Parry 1978, p.128).

Locke cannot altogether ignore reasons of state any more than other successors to Machiavelli. In para 158 of the 2nd. Treatise on Government, he deals with prerogative. "Salus populi suprema lex' is certainly so just and fundamental a rule that he who sincerely follows it cannot dangerously err,' he writes, and 'prerogative being nothing but a power in the hands of the prince to provide for the public good in such cases which, depending on unforeseen and uncertain occurrences, certain and unalterable laws could not safely direct. Whatevsoever shall be done manifestly for the good of the people, and the establishing the government upon its true foundations is, and always will be, just prerogative' (Locke 1965, Bk.II,para. 158,p. 419). Later, in para 160 Locke writes 'This power to act according to discretion for the publick good, without the prescription of the law, and sometimes even against it, is that which is called prerogative' (Locke 1965 para.160,p.422). In para.161, Locke establishes that prerogative must be used for the good of the people and will only be tolerated by them if this is seen to be so (Locke 1965 para 161,p.422).

There is some recognition here that reasons of state on occasion call
for the state or its agents to act unlawfully or in ways inconsistent with private morality. This is nowhere specifically stated by Locke but may be inferred from the need to act from time to time outside or contrary to the law laid down by the legislature.

Now the legislature is entrusted with the power to make laws by the community and the executive is further entrusted with powers to act in between meetings of the legislature. Gough finds (Gough 1964, p.147), in Ponte's 'Short Treatise of Politike Power' (1556) an early citing of the case where rulers govern as trustees for their subjects. It was earlier a commonplace that princes were entrusted with the governance of their subjects, but here the trustor was God rather than the subjects themselves. For Locke, the people are both trustees and beneficiaries of the trust. The implication here is that the ruler (legislative or executive) must act within certain boundaries, normally set out in the laws proclaimed (though 'salus populi' permits some deviation). When the rulers set aside the laws without just cause then they have broken their trust and can be taken to task or even overthrown by the citizenry. As with the social contract, the trust is implied - it does not have to be documented. If the rulers cite 'raisons d'etat' then it might plausibly be argued that the executive, for instance, has exceeded its duties under the trust by 'going too far' against positive or moral law and the people can then regard its authority as no longer lawful (Locke 1967,p.113 & 1965,Bk.II,para 221,p.460 & para 240,p.476). In this sense, at least, the private morality of the citizens exercises some form of control over the public acts (and the morality thereof) of their rulers.

Locke did regard natural law as binding on government and subject alike. Locke would see (but then so would his medieval predecessors like Aquinas) a serious breach of natural law (not undertaken for sufficient reason) as a breach of trust nullifying its authority. Thus, Locke's rulers are brought down by breach of trust whilst Hobbesian sovereigns, likewise having abused their position, lose their authority through simple loss of power to enforce it.

The Lockean notion of trust raises as many problems as it solves, not least the problem of determining who decides when the trust is breached?
In a legally constituted trust, there is an arbiter or judge to settle the matter. However, as Locke would be the first to point out, one cannot be judge in one's own case. For all the Whigs who deemed James II guilty of a breach of trust, there were many, if not more, of his subjects who did not. Locke's anxiety to hedge about the sovereign's authority with liberal safeguards and restrictions seems just as excessive as Hobbes' fear that any limits demolish the sovereign's power. Perhaps it is the very nature of the problem that the right of the people to overthrow their rulers, like the problem of tyrannicide for Aquinas, can only admit of partial and tentative solutions.

Both Hobbes and Locke reflect in their methodology the development of science and technology in the seventeenth century, and in particular the work of Galileo and Newton. Hobbes sets out to reason from first principles deductively, but, in fact, buttresses his argument inductively from observations of human behaviour; Locke's arguments are inductive and based on observation.

Hobbes and Locke both regard political philosophy as important for the welfare of mankind (unlike Machiavelli) but whilst Hobbes constructed an integrated political and moral philosophy which was taken by both Royalists and Parliamentarians to be antipathetic to their views, Locke was much more of a political propagandist, supporting the Whigs and the Revolution of 1688.

MacPherson (Macpherson 1964), sees Hobbes as the founder of the theory of possessive individualism and Locke as one who developed the theory to include a specific defence of property rights and an analysis and justification of wage labour. That Locke has been regarded as the protagonist of the legal system of the market economy and the more explicit defender of property rights cannot be denied but Hobbes himself talks of men having a value in much the same way as a marketable commodity - the value or worth of a man is his price. Both Hobbes and Locke are committed individualists, proprietors of their own person and capacities (Macpherson 1964, p.3).

Hobbesian and Lockean politics are composed of separate individuals ruled
by a machine; only laws cement them together with a cement that can be dissolved by the consent of the rulers. Civil society is surely a more natural phenomenon than that.

Hobbes and Locke each ground their theories on laws of nature; whilst Locke's natural law and natural rights are more easily recognisable as such - they stem from God and rights include those of life, liberty and property, Hobbes' basic right is that of preserving life and all his other rights are positive rights decreed or permitted by the Hobbsian sovereign. For Locke, man, in the state of nature, is subject to natural law. Locke is careful to distinguish the state of nature from the state of war (Locke 1965, p.321, para 19). Man can be contentious but is rational enough to hand over some of his rights to liberty to the civil power. Hobbesian man is warlike and needs to abdicate all his rights (save that to preserve his own life) and hand them over to an all-powerful sovereign. Locke was scathing of this all but unconditional surrender 'This is to think that Men are so foolish that they take care to avoid what Mischiefs may be done them by Pole cats or Foxes but are content, nay, think it Safety to be devoured by Lions' (Locke 1967, p 372). For Locke the state exists to protect individual rights and, as befits economic man, the citizen is the best judge of his own interests, not Leviathan.

For Hobbes and Locke the state is seen as a conciliator of interests and in this they foreshadow Bentham. Both maintain that political obligation is grounded on consent.

To some extent, Hobbes confuses the state with the government. His sovereign is all powerful, has the right to appoint his own successor, must fairly and generally enforce the laws he promulgates but can change these at will. There is no appeal to natural law for the Hobbesian subject, since the sole interpreter of that law (who decides what it is) is the sovereign. Locke's subject is safeguarded by natural law and governments can be changed without involving the dissolution of the state.

The Hobbesian man may be a more logical construct than Locke's man of property. The former is not the savage, noble or otherwise, of the American plains and forests but the so called civilised man of the 17th
century lacking the imposition of firm government and demonstrating the
right, in a state of nature, of all to all. He strikes us, however, as
an artificial man (like Leviathan) unlike the reasonable man, warts and
all, portrayed by Locke. Hobbes simply cannot account for altruism or
even for the man who prefers death or imprisonment to dishonour.

Locke's morality is the 'Christian hedonism' of Gassendi (Aaron 1971,
p.257) grounded in God's will. Hobbesian morality, too, depends in the
final analysis on the law of nature prescribing promise keeping which
in turn stems from the Divine Will.

If however we take the view that Hobbes simply brought in the Deity for
appearances sake, then Hobbes' morality turns out to be a sham — merely
a series of prudential counsels.

As the precursor of modern liberalism, as he is often portrayed, we find
Locke's political philosophy more congenial than that of Hobbes though
it is often overlooked that he is a creature of his time. As Macpherson
points out, for Locke, rationality is the preserve of the propertied class
— presumably the wage earner disposes of his rationality along with his
labour. This is perhaps unfair on Locke — rationality implies the leisure
and perhaps the education to think logically.

Bosanquet, in a telling phrase, states that 'for Hobbes ... political
unity lies in a will that is actual but not general; while for Locke it
lies in a will that is general but not actual' (Bosanquet 1923, p.98).

Neither Hobbes nor Locke recognised that a state implies a unity and calls
for a loyalty from its subjects greater than that from a number of
individuals confined together in a prison, in the case of Hobbes, or as
members of a joint stock company, voting the directors in and out of
office, in the case of Locke.

The germ of legal positivism and of the machine state has its roots in
the political theories of these two thinkers to whom we can trace back
the beginnings of Benthamite utilitarianism and Austinian legal positivism.
Neither Hobbes nor Locke can give us a firm basis or true explanation
of the reconciliation of public with private morality.
The dichotomy between public and private morality, between the morality of the wolf and that of the shepherd, presented to humanity by Machiavelli, was not satisfactorily dealt with by Hobbes or Locke. It is the claim of the utilitarian, inter alia, to have dissolved this dichotomy by revealing that both public and private morality stem solely from the dictates of the principle of utility.

As the classical expositor of utilitarianism, it remains to be seen if Bentham's theory of morality succeeds in this task. Baumgardt holds that Bentham was 'far more aware of the ethical weight of Machiavellism than all the critics he has hitherto had to face' (Baumgardt 1966, p.525). Both Machiavelli and Bentham recognized the distinction between what should be done as a general rule and what should be done in a specific case (Harrison 1983, p.137). Both believed that human beings were open to social engineering - as subjects to be manipulated by their rulers - even if for different ends. Machiavelli's avowed end was the maintenance of the ruler's power - one might infer that he saw that this maintenance promoted the happiness of both ruler and subjects but nowhere does he specify this to be the case. Bentham, on the other hand, proclaimed the immediate end of legislation to be the maximization of the happiness of all those affected by it - happiness being the supreme good all men seek. Happiness could be easily identified (the sum of pleasures) and quantified by means of his hedonic calculus. Pleasures were qualitatively the same and could be measured in standard units. They constituted the only good, as pain constituted the only evil. In essence, this was the teaching of Epicurus but, unlike him, Bentham was concerned with the common good and not merely with the good of the individual (Copleston 1966, p.11).

For Bentham, the common good consisted simply of the sum of good of each individual in the community (Bentham 1970, pl1, paras 4-5). However, this did not mean that the greatest happiness of each individual results from legislation designed to maximize the community's happiness nor, as will be shown later, did Bentham think that it would.

Utilitarians have ever debated the problem of reconciling the concept of maximising utility over the whole community (with some members thereof
achieving more, and some less) and the danger inherent in this idea that some members may remain in a perpetual minority, perhaps suffering more pain than pleasure, in order that the majority might maximise their pleasures, thus resulting in the greatest possible happiness (in abstract) for the community as a whole. The greatest happiness principle leads us to this conclusion (the greatest happiness of the greatest number does not entail the greatest happiness of the minority). Rawls (1972, p.33) has attempted to overcome this problem which is, however, of only marginal relevance here. Any law will result in widely differing aggregations of utility (pleasure or happiness) to the various individuals affected by it.

Like Hobbes, Bentham was a strict nominalist. Society, for instance, is, for him, but a fiction. He also held, like Hobbes, that human beings are, at heart, self-regarding, or at least, more generously, more likely to be self-regarding than otherwise. Both Hobbes and Bentham saw it as the state's task to regulate its subjects' physical and moral behaviour. Unlike Hobbes, Bentham eschewed the social contract as the basis of the state's existence. For Bentham, the social contract was a misleading fiction, and so in particular was the notion that such a contract was the justification of political obligation. The state, and the legislative power of the sovereign, were both the result of a social situation 'for the description of which no normative terms were required' (Hart 1982, p.221). The sovereign, and therefore the state, depended for his existence on the habit of the subjects to render obedience to the sovereign authority. Both Bentham and Hobbes agreed that sovereignty disappeared when the sovereign lost the power to assert his authority (Manning 1968, p.60). 'It is the habit of command in the few, coupled with the habit of submission in the many; are these habits formed, he is a lawful sovereign ... (are they) ... yet unformed? He is a usurper' (quoted in Manning 1968, p.56).

Thus, the right to make laws is a strictly legal, not a moral right, which is possessed by any established government, no matter how tyrannous. The principle of utility is a standard of judgement of a political action but it is not the basis of its legality. 'A dictate of utility is but someone's opinion that there is utility in a certain mode of conduct.
But a command is an act of the will. And Law is a command' (quoted in Manning 1968, p.56).

Hobbes and Bentham dealt with the question of natural rights. Supposedly, Bentham dismissed them as 'simple nonsense' (Bentham, 1962a, p.501) but, in fact, he did recognize the existence of a right not dissimilar to that of Hobbes' predating the setting up of a state. This right is that of liberty - it was 'an original or primary right ... constituted by the absence of the correspondent obligation ... no man, as yet, being under any obligation to abstain from making any use of anything, every man has, as yet, a right to make use of everything' (Bentham 1962b, p.192). In accordance with his nature man would exercise this right by seeking to maximise his own happiness. In this, the state has a role to play, for it is the legislator with the power to impose sanctions on its subjects in such a way that their individual happiness would, in the long run, be maximised (or, at least, the happiness of most of the subjects, for, as has been shown, it is not practicable to maximise the happiness of each and every individual). For example, the hardened criminal must be punished. For Kant, this punishment involved recognizing the criminal as an end-in-himself whom it would be wrong, in his own interest, not to punish (i.e. punishment not merely to be a deterrent) but, for Bentham, punishment involved the infliction of an evil and in no way can this be regarded as maximising the criminal's happiness. It can, of course, be argued that penal sanctions will reform the criminal so that he comes to realize that the infliction of harm on others will harm him, whilst obedience to the law (and to the dictates of the principle of utility) will not. But a hardened criminal is not so easily manipulated and must, presumably, if caught and convicted, look forward to a less than happy future for the duration of his sentence.

The question remaining to be answered in this connection is - what ought the legislator to enact so as to maximise the happiness of most of his fellows, bearing in mind that both he and they seek only to further their own interests? (Harrison 1983, p.264). Clearly, he must manipulate them by sanctions so as to minimise the conflict between their interests. One view of this answer would be that inherent therein is the notion of some sort of public morality (the state/sovereign/legislator ought to
act so as to maximise the subjects' happiness). Private morality is ruled out of court since the individual does what he is programmed by his very nature to do i.e. to seek his own happiness both in the sphere where legislation cannot affect him (because it is inappropriate, or is powerless to do so) and, where it does, by sanction, effectively constrict and channel his behaviour. Is it feasible to posit no private morality of any sort but a public morality arising out of the formation of a political community? Is the principle of utility a moral signpost for the legislator alone? Does the subject read the sign but be unable to follow its direction? It is possible to come to the conclusion that all obligation in Bentham can be read, not as moral, but as prudential obligation. Even the legislator in passing laws, applying sanctions, administering justice, is simply, like the subject, doing what he is programmed to do, far-sightedly promoting his own interests. It is essential for him, as for the subject, that peace and order are established and maintained as a fabric within which it is possible for all, or most, to maximise their happiness, or, at least, without which it is impossible for them to do so. Is there more than this to Bentham's theory of morality - is the principle of utility an ethical principle? To do justice to Bentham it is first necessary to look more closely at the moral propositions he endorses, for instance, in the early chapters of his 'Introduction to the Principles of Morals and Legislation' (Bentham 1970, pp11-41) but also scattered throughout the rest of his voluminous writings.

Bentham saw himself cast in the roles of Expositor (clearing away 'myths', 'misunderstandings' and 'fictions') and Censor, examining social practices and institutions in the light of the principle of utility, tasks first delineated by Beccaria (Hart 1982, pp1-2). The Principle of Utility he proposed as a standard of judgement for 'the trying of (men's) own actions, as well as those of other men' (Bentham 1970, p.13, para 12). Not for Bentham, as for Kant, the acceptance of the moral norms of his age and society and the necessity of philosophically justifying them (Copleston 1968 pp308-9). Whilst Hume gave him 'some perception of the true principles of morals' and demolished, to his intense approval, 'the chimera of the original contract' (Bentham 1960, p.50), Bentham swept aside those objections Hume had to applying utility to every judgement, and strongly dissented from Hume's admission that his arguments 'admit of no answer
and produce no convictions' (Hume 1974pp180-181, ft.note). Every bit as much as Marx, Bentham was set upon changing the world and not merely upon understanding it. Epistemological problems, which had largely occupied the attention of the classical English empiricists, were of little interest to him. His concern was the practical reformation of the law and institutions of his contemporary society. He had 'a reforming impatience with lawyers who assumed dogmatically that the Common Law of England enshrined the natural rights of man and was sacrosanct' (Benn & Peters 1959, p.94). Primarily, Bentham was 'neither a utilitarian moralist nor a philanthropist ... (but a) ... legal philosopher and reformer of the law' (Dicey 1981, p.127). Whilst his readers might see the principle of utility as a hedonistic theory of life, for Bentham it was simply a tool for legal and political reform. Indeed his readers could be forgiven for seeing Bentham's morality as conventional insofar as this coincided with encouraging people to do what they enjoyed doing.

Adopting Locke's enthusiasm for Newtonian methodology, Bentham saw his felicific calculus doing, for morals and legislation, what Newton's calculus did for physics. The legislator had to analyze and understand the forces which motivated human behaviour and apply them in such ways as to encourage desirable and discourage undesirable actions (did not the physicist calculate the force needed to move a given mass in the desired direction?) (Steintrager 1977, pp12-13). Discoveries in physical sciences could be mirrored by discoveries and reformation in the realm of morality or at least in the realm of human behaviour.

Armed with this firm grasp of a single principle and with 'a truly astonishing mastery of details' (Sorley 1965, p.228) Bentham virtually single-handed founded a movement (philosophical radicalism) that exerted a profound influence not only on contemporary politics but on practical politics up to the present day. To have done this is a distinction shared by both Bentham and Machiavelli.

For Bentham, moral theory formed a coherent and rational guide to conduct fully in accordance with man's natural desires. Hedonism is the foundation on which the fabric of felicity is built by reason (Bentham 1970, p.11, para 1). Morality is the pursuit of good and the avoidance of evil and
the only good is pleasure and the only evil pain (Bentham 1970, p.100, para 10). Pleasures are indistinguishable from each other by any criteria other than quantity - the pleasure of the sadist is not qualitatively different from the pleasure of the saint (Parekh 1974a, p.103). Pleasure is not just a good, but is synonymous with goodness. Goodness, therefore, is quantified by Bentham's felicific calculus (Bentham 1970, pp38-9).

Happiness is simply the sum of pleasures and the true end of morality, which human beings cannot do other than seek. If this is the case, then why should the individual seek the happiness of those around him, those whose interests he can affect? The answer would appear to be that his reason demonstrates to him that the surest way to maximise his own happiness is to maximise the happiness of the members of the community, his own and his fellows'. Bentham sees this as an ethical principle and not, as one might suspect, as a mere counsel of prudence. 'Ethics at large', he writes, 'may be defined, the art of directing men's actions to the production of the greatest possible quantity of happiness, on the part of those whose interest is in view' (Bentham 1970, p.282, para 2). Thus Bentham integrates the psychological hedonism of the individual with ethical utilitarianism.

To satisfy human desires may well be a good thing but Bentham does not espouse a crude hedonism based on the unfettered satisfaction of an individual's desires - clearly, such desires will often conflict with those of other individuals. There must be some sacrifice, some pain, some evil borne by individuals in order that, in society, the greatest possible balance of good over evil can be achieved (Harrison 1983, p.275).

In the Introduction to his 'Constitutional Code' Bentham points out that 'if the nature of the case admitted the possibility ... the endeavour of this constitution would be, on each occasion, to maximise the felicity of EVERY ONE of the individuals of whose interest the universal interest is composed ... but such universality is not possible ... for neither in the augmentation given to the gross amount of FELICITY, can all the individuals in question ever be included, nor can the INFELICITY in which the expense consists be ... bourne in equal amount by all' (Bentham 1962b, p.269). In view of this Bentham adopted 'the greatest happiness of the greatest number' only to jettison it at a later stage when he realized that this corollary raised difficulties, not least that if 2001 persons
out of a community of 4000 enslave the remaining 1900, the latter's misery might well outweigh the former's happiness (Parekh 1974a, p.99). Thus it is 'the greatest happiness of all those whose interest is in question' that is 'the right and proper, and the only right and proper and universally desirable, end of human action' (Bentham 1970, p.11,fn.aa) that remains Bentham's touchstone.

If Bentham were to hold to his maxim that every person is to count as one and no more than one (i.e. that everyone is to be treated as an equal) then there is no way in which this can be applied to all sentient creatures throughout time and space. How can one treat equally one's next door neighbour today and an eskimo in Greenland in the year 3000 A.D.? Even the formula 'the greatest happiness of all whose interest is in question' does not avoid the difficulty for the legislator of weighing the interests of those now affected by new legislation against those of future generations.

Bentham regarded the principle of utility or the Greatest Happiness Principle as intuitively true. He did not anticipate Mill's mistake in equating 'what is desired' to 'what is desirable', in the sense that Mill sought to prove that because individuals desire their own happiness they ought to desire the community's happiness (Sidgwick 1962, p.388). 'Is it (the Principle of Utility) susceptible of any direct proof?' Bentham writes, 'it should seem not, for that which is used to prove everything else, cannot itself be proved; a chain of proofs must have their commencement somewhere. To give such a proof is as impossible as it is needless' (Bentham 1970, p.13, para 11). The principle of utility is not, as Mill thought, an empirical induction but a rational intuition like the axioms of mathematics.

Bentham held that morality is essentially rational - pleasure itself is, for Bentham, the only thing for a rational individual to seek. Copleston raises the question that if, undeniably, all human beings seek happiness and that so to do is the only rational way to act, does this not then place a value on reason? Is reason not worthy of commendation like pleasure? Not, it would seem, if reason's value is simply instrumental in attaining happiness. Not for the first time one's intuition is that
something is not quite right with a moral theory that subordinates rationality to pleasure seeking.

The obviousness to Bentham of the truth of the Greatest Happiness Principle precluded his giving more than a peremptory defence of it, principally by demolishing ascetism and 'the principles of sympathy and antipathy' which he sets out as opposing moral theories in such a way as to make of them Aunt Sallys which he cannot then fail to knock down. He argues that whilst like any empirical proposition a moral proposition should ideally be proved from sense experience or by deduction from a prior principle, a moral principle is not empirically justifiable. The principle of Utility is simply the most basic of all moral principles and therefore cannot be deduced (Bentham 1970, p.13, para.11 & p.15, para.14). 'When a man attempts to combat the principle of utility it is with reasons drawn, without his being aware of it, from the very principle itself (Bentham 1970, p.14,para.13). To prove any other principle to be at fault, all that is needed is to show where its dictates differ from those of the principle of utility (Bentham 1970, p.17, para.1).

In the opening paragraph of the 'Introduction to the Principles of Morals and Legislation' Bentham sets out the basis on which his argument rests:--'Nature has placed mankind under the governance of two sovereign masters Pain and Pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects are fastened to their throne. They govern us in all we do ... say ... think ... a man may intend to abjure their empire; but in reality he will remain subject to it all the while. The Principle of Utility recognizes this subjection ...' (Bentham 1970, p.11, para.1). Taken as it stands, this would appear to confirm that human beings are psychological hedonists who cannot do other than seek pleasure or avoid pain. They are inescapably motivated to do so. 'By a motive ...' writes Bentham, 'is meant anything that can contribute to, give birth to, or even to prevent any kind of action' (Bentham 1970, p.96, para.2). No matter what a person believes, it is what he does, and how he acts, that matters. Intellectual motives are only 'speculations' - not to be considered unless they act upon the will when they become practical motives (Bentham 1970, p.97,para.3).
Of course, for Bentham, nothing can act of itself as a motive but the ideas of pleasure and pain (Bentham 1970, p.100,para.9). When, therefore, Bentham speaks of 'ought' it surely seems that he is using the word in its prudential sense. Thus 'in regard to government and law, you first draw a line ... between that which ought to be and that which is' (Manning 1968, p.23) seems not to refer to the distinction between the moral 'ought' and the factual 'is' but, in the light of this interpretation, to the need to clear one's mind as to how best things should be ordered in the field of government and legislation, so as to maximise one's happiness. 'What motives (independent of such as legislation and religion may chance to furnish) can one man have to consult the happiness of another?' asks Bentham, 'by what motives or, which comes to the same thing, by what obligations, can he be bound to obey the dictates of PROBITY and BENEFICENCE? ... the only interests which a man at all times and upon all occasions is sure to find ADEQUATE motives for consulting, are his own. Notwithstanding this, there are no occasions in which a man has not some motives for consulting the happiness of other men' (Bentham 1970, p.284,para.7). And what are these motives? Sympathy or benevolence which, by association, human beings come to feel for one another, and the social pressures of society, 'loss of amity' and of reputation. In the Introduction (Bentham 1970, p.116,para.34) Bentham characteristically classifies motives into three sets - social, dissociative and self-regarding. Goodwill is the purely social motive - it is that 'of which the dictates ... are surest of coinciding with those of the principle of utility (which are) ... neither more nor less than the dictates of the most extensive and enlightened (that is well advised) benevolence' (Bentham 1970 p.117,para.36). 'Loss of reputation' 'desire of amity' 'religion' are semi-social motives; 'physical desire', 'pecuniary interest' 'love to power', 'self preservation' are self-regarding ones (Bentham 1970 p.116,para.34).

Every action, says Bentham, has a motive and therefore, he argues, no human action can be disinterested. Interest is, of course, that which promotes pleasure. To be disinterested and act is tantamount to positing an effect without a cause. Do men have the same interests? Often, yes, but sometimes, no. How then can men coalesce in a society at all and work together to promote the general good? Simply because Bentham sees
a natural harmony of interest, in the long term, between the individual and the community. True morality recommends the duty and interest junction principle, 'connecting a man's interest with his duty' (Baumgardt 1966 p.442). In a telling phrase, Bentham states of the Poor Law that 'a system of economy and of ethics built on disinterest is built upon quicksand' (Bentham 1962d, p381) but immoral action (contrary to the dictates of the principle of utility) is 'a miscalculation of self-interest' and 'the first law of nature is to wish our own happiness and the united voices of prudence and efficient benevolence all seek the happiness of others - seek your own happiness in the happiness of others' (Ebenstein 1969, p.508).

Thus, Bentham did not reduce, as did Hobbes, 'pleasure' to a narrow self interest. He did not see individuals held back from a war of all with all simply by fear of the sovereign's power. Whilst self preference is, for him, the underlying motive for all actions, it can yet encompass altruism. All men are not necessarily egoistic or selfish in the sense that they always put their own wants first - they will, on occasion, seek the good of others where this does not conflict with their own more immediate interests. 'No man will promote the happiness of his fellows at his own cost. He may yet engineer relationships of benefit to himself and to others which enable him to claim that the desired and the desirable are coincident without his claiming that they are the same' (Manning 1968, p.24). Indeed, some concern for the community's happiness is essential if the individual is to attain his own happiness. Clearly, not all men at all times see this. In the 'Constitutional Code' Bentham holds that where parties have different interests each party should consider all other parties' interests as equal to his own and thus conclude with all his fellows that matters should be decided by reference to the principle of utility. This is the act of the impartial legislator (Bentham 1962b, p.6).

If there is this natural harmony of interests we could surely live happily together in an anarchical society - but men are often irrational and shortsighted and require the sanction of laws to ensure that they act in their own interest which, in the long run, are the interests of the community. Nevertheless, individuals must be persuaded that their
interests are best served by seeking to achieve the greatest happiness for the community so that they will strive for this in those areas where legislation will not or cannot attain that end i.e. where sanctions are ineffective or counter-productive (Harrison 1983, p.270). 'A man may be said to be a partisan of the principle of utility when the approbation or disapprobation he annexes to any action, or to any measure, is determined by, and proportional to the tendency which he conceives it to have to augment or to diminish the happiness of the community; or, in other words, to its conformity or nonconformity, to the laws or dictates of utility' (Bentham 1970, p.13,para.9).

If Bentham's assessment that human beings are psychological hedonists is correct and the apparent conflict between this assessment and the need for individuals to work together in the community and to legislate for the common good is based on this fact, then Bentham's wider definition of what constitutes 'pleasure' (i.e. to include altruism) and his identification of the long term interests of the individual with those of his fellows bridges the gap. We are left, not with a public and private morality - for morality without choice is a contradiction in terms - and, indeed, with no distinction between 'public' and 'private', in the sense that all statements about the good of the community are reducible to statements about the good of private individuals. The only distinction left is that between the realms of private behaviour where sanctions are ineffective, and public behaviour where they can be profitably applied.

Since no moral maxim is derivable from a statement of fact (in the same way that in a syllogism no term can occur which has not occurred in one of the premises) and since Bentham constantly appealed to facts and talked of 'war on fictions' (Sorley 1965, p.218) it seems reasonable to suppose that he meant what he said - that man is chained by cause and effect to his masters, pleasure and pain (Bentham 1970, p.11,para.1). Man's pleasure is inescapably what he seeks and he cannot help so doing, even if Bentham is generous in what he regards as 'pleasure' and wisely allows the full gamut of self and other regarding motives as pleasurable, thus allowing for man to act as a social being.

However, there is no doubt that Bentham himself regarded the principle
of utility as a moral maxim. He seems to distinguish between self-regarding behaviour ('duty to self') as prudential and other-regarding behaviour ('duty to others') as ethical (negative - do not harm others - as probity, and positive - promote others' happiness - as beneficence). The Principle of Utility is the 'standard of RIGHT and WRONG by which alone the propriety of human conduct ... can with propriety be tried' (Bentham 1970, p.11, fn.a). This principle 'approves or disapproves of ... every action whatsoever ... not only ... of a private individual, but of every measure of government' (Bentham 1970, pp 11-12, para.2). Attempts have been made to rescue Bentham from the consequences deducible from the opening paragraph of the 'Introduction'. The fact is cited that he mentions 'the standard of right and wrong' and does distinguish it from 'the chain of causes and effects' even if both are rooted in the same place in man's own inescapable nature. The concluding paragraph of this declaration - 'But enough of metaphor and declamation. It is not by such means that moral science is to be improved' (Bentham 1970, p.11,para.1) is seen as depicting the whole paragraph above it as one not to be interpreted too literally. Whilst it cannot be the case that one ought (either morally or prudentially) to do the impossible, one might hold that there is a distinction between strict impossibility (I cannot be in two places at once) and the highly improbable (I am overwhelmingly urged by my nature to seek my own preservation and yet may, on occasion, risk my life to save another).

If, for the moment, we accept that there is room for the principle of utility to be a moral principle, we can take note of Bentham's strictures on public and private ethics.

Primarily, Bentham wrote as a tutor of legislators and his references to private ethics are not as coherent as they might be.

'Private ethics teaches how each man may dispose himself to pursue the course most conducive to his own happiness' (Bentham 1970, p.293,para.20). This is the difference between private ethics and legislation. In 'Deontology' Bentham writes 'This work has for its object the pointing out to each man on each occasion what course of conduct promises to be in the highest degree conducive to his own happiness; to his own happiness,
first and last; to the happiness of others, no further than insofar as
his happiness is promoted by promoting them' (Deontology I, (1) p.123 quoted
in Steintrager 1977, p.266). For Bentham, these duties to self are
prudent and yet are an essential part of ethics, and it is at least
tenable that prudence, in this sense, is an ethical virtue (Bentham 1970,
p.284, para.6). However, elsewhere, Bentham treats private ethics as
setting moral standards of behaviour - the common good ought to be promoted
(Bentham 1970, p.285, para.8). Private morality is the principle of
utility applied to the conduct of individuals (reinforced, perhaps, by
informal moral pressures). 'Now private ethics has happiness for its
end; and legislation can have no other ... private ethics and the art
of legislation go hand in hand' (Bentham 1970, p.285, para.8). The former
ensures that the principle of utility is applied where the latter is either
counter-productive or ineffective.

In the 'Introduction' Bentham states that to obey or not to obey a bad
law requires recourse to the precepts of one's private ethics and these
precepts need not necessarily coincide with private interests (Bentham
1970, p.292, ft.note). Undoubtedly, this shows that Bentham believed
that the private individual could, without sanctions, accommodate himself
to the principle of utility. Nevertheless, it is open to the critic
who holds that the whole structure of Bentham's ethics is basically
prudential to point out in this case that 'private interest' might simply
signify 'immediate (short term) private interest'. In other words, the
individual should judge a law by its effect on the welfare of the
community, for this will, in the long term, best promote his own private
interests. Bentham certainly has the notion that it is prima facie right
(prudentially, perhaps, if not morally) to obey the law because to live
within the framework of the law is essential for human happiness and
freedom.

There is certainly more than one way in which one can view Bentham's moral
theory.

In the first instance one can argue that Bentham is using 'ethics' as
a term simply to denote 'behaviour'. The human being can do no other
but seek to promote his or her own interests and this can best be done
by promoting the interests of the other members of the community so long as these do not conflict with his or her own. It is one's rationality, seeking to further one's own happiness, which forms the basis of what Bentham would describe as one's ethical behaviour. As Helvetius pointed out, 'If citizens could not procure their own private happiness without promoting that of the public, there would be none vicious but fools' (quoted in Loring 1966, p.124). Bentham's political strategy for creating a community of maximally happy individuals is for the government, by legislation, to help every member of society to develop the virtue of benevolence, to become sensitive to praise and to criticism. Each subject is to be educated to pursue his own interests intelligently and to have his anti-social instincts curbed by praise and by fear (Parekh 1974, p.xxiv). If we use a shorthand to call this subsequent behaviour 'moral' then the government must make it in the subject's interest to act morally by legislation and legal sanctions and it must also act as a 'moral' educator by showing its subjects that it is in their own interests to do so (Harrison 1983, p.270). 'The art of legislation ... teaches how a multitude of men, composing a community, may be disposed to pursue that course which upon the whole is the most conducive to the happiness of the whole community, by means and motives to be applied by the legislator' (Bentham 1970, p.293, para.20). In Bentham's 'Constitutional Code' rule 10 states that the legislator should 'so order matters that in the instance of each such agent, the course prescribed by his particular interest shall on each occasion coincide, as completely as may be, with that prescribed by his DUTY; which is as much to say, with that prescribed by his share in the universal interest' (Bentham 1962b, p.273). 'Under a government of Laws, what is the motto of the good citizen? To obey punctually, to censure freely' (Bentham 1843, p.230). If this interpretation of Bentham is correct, 'good' here clearly means 'rational' and 'censure' means criticize.

Must we therefore assume that Bentham consistently misuses terms with a normative content - 'ought', 'good', 'censure', 'right', 'obligation', simply to disguise in moral terminology a prudential ordering of men's lives in society? Is he simply talking of private morality in such terms so as to stretch psychological hedonism, by means of the employment of moral language, to construct a system of private and/or of public
'morality' which can accommodate the fact that men can do no other than seek their own happiness? This demotes morality to the mere dictate of prudence and Bentham's theory to a rational scheme, correspondence with which will ensure that, as far as possible, men will achieve their desires. This interpretation leaves us, of course, with the problem of what Bentham meant by 'duty' other than when he was making reference to legal duties. The whole point of his duty and interest juncture principle is surely to make clear that what a person ought to do (i.e. to follow the dictates of the principle of utility) is what will, in the long run, best serve his interests. It is always permissible to speak of prudential as well as of moral obligations, but it is a distortion of language to speak of prudential duties - legal and moral duties, certainly, but a prudential duty, if not a contradiction in terms, is at the very least a phrase to which it is difficult to assign a meaning. It is quite in order for a theory of morality to contain a body of precepts telling us what we ought to do (whether or not it is always conducive even in the long term to our happiness, if we follow them) and then to encourage us so to behave by pointing out that it just so happens that this will be in our own best interest. This seems to be the thread which runs through all Bentham's writings. In addition to stating that men are motivated to seek their own pleasure and avoid pain, can it reasonably be held that men also have a duty to behave in this way i.e. a duty to themselves to seek pleasure and avoid pain? This would surely only be the case if it were possible for them to behave otherwise; for to have a duty to do 'x' means that one has the choice either to do or not to do 'x', and it is one's duty to adopt the former course of action. It is possible to hold a strong or weak theory of psychological hedonism. The strong theory would be that which holds that men have no choice but to seek pleasure (their own pleasure since psychological hedonism is invariably taken to mean egoistic psychological hedonism). This obviously precludes man's being swayed by moral motivations. A weaker theory of psychological hedonism would be that men automatically desire their own pleasure and are averse to pain. This would not preclude men's actions being motivated by moral instincts or precepts which could, on occasion, cause them to act against their pleasure-seeking and pain-avoiding instincts. Bearing in mind Bentham's strictures against asceticism it is at least reasonable to suppose that he thought men could behave in this way although it would
be wrong for them to do so. We thus have a theory of private morality which at least dictates certain duties to oneself — can this be a basis from which we can extend these duties to others? If there is a duty to avoid pain to oneself, does this duty arise because one is a person to whom moral duties are owing? Clearly so. Does one then have a duty to others?

Ethical egoism of this sort can be the basis of a form of reciprocal ethics — one 'does to others as one would be done to oneself' — because, prudentially, this ensures that one's own happiness is looked after. Ethical egoism is, however, open to the objection that it is irrational to attribute moral value to one's own wellbeing without recognizing the rights of one's fellow beings to do likewise. This recognition impels one, therefore, to recognize that moral duties are, in fact, reciprocal, and that one's duties to self give rise to similar duties to others. Perhaps it is in this way that one can move from Bentham's theory of psychological motivation to his espousal of the principle of utility. If this is the case, then, for Bentham, public morality is simply an extension of private morality — both seek the same ends (the maximum happiness that can be engendered within a community, which is also, on balance, the most happiness to which each individual member of the community can aspire) and both arise from the application of the principle of utility. It is surely reasonable to take Bentham's natural right that each man is free to promote his own interest (though Bentham would not apply the term 'natural' to this right) and base on this an ethical duty to treat one's fellows as having entitlement to the same right. Certainly, Bentham had little faith in the efficacy of private ethics to control the individual's behaviour — legal sanctions were needed whenever possible — moral sanctions only came into their own when punishment was unprofitable. As Baumgardt points out, moralists usually urge that ethics proclaim more altruistic duties and allow less egoistic rights than jurisprudence, but Bentham reverses this position. He sometimes shows little faith in persuasion not reinforced by legislative power (Baumgardt 1966, p.306).

The principle of utility is the standard of right and wrong in both the public and private spheres of morality — it is the principle by the
application of which we sit in judgement, like Bentham's censor, on the acts of private individuals and of governments. In particular, it is the principle by the dictates of which the legislator is able to evaluate individual or public conduct and thereby decide what norms should be enforced, or reinforced, by legal sanctions or left simply to moral sanction.

Quinton (1973, pp28-29) points out that the principle of utility enjoins probity (forbearing to diminish others' happiness) and beneficence (studying to increase others' happiness) and he shows that there is a rough conjuncture between the spheres of probity and of legislation, and of beneficence and of private ethics. Legislation is directed at preventing harm to others whilst the task of positively promoting the good of others remains in the compass of private morality. This distinction is, however, blurred by at least one well known example which Bentham gives as an instance where the law should compel an individual to promote a good (or at least prevent a harm) for another i.e. punishing an onlooker for failing to assist a woman whose headgear catches fire (Bentham 1970, p293,fn.u).

In the realm of public, as in that of private morality, we must face the problem of how, if human beings consistently pursue their own pleasure, can they, as legislators, pursue instead the interests of the whole community which may seem to them to be at variance with their own. To keep his theory coherent, Bentham must again assume a convergence of interests in the long run between the legislator's private interests and his public duty, and assume that, by and large, the legislator, prompted by consideration of the dictates of the principle of utility, is rational enough to see that his interest in the well-being of the community is also, in the long term, in his own private interest. Bentham was man of the world enough to build into his legislature checks on the performance of public officials so as to ensure, as far as possible, that their immediate interests also coincide with their long term interests and with the public interest (e.g. the welfare of those to whom they administer, for instance, bonuses to workhouse masters whose inmates' mortality rates are reduced or kept low) (Bentham 1962b, p.273,section 2).
It is now time to look again at the assumption that Bentham's psychological hedonism is of the weaker sort that enables us to draw a distinction between strict or logical impossibility and 'high improbability' such that whilst it may be true that human beings are very strongly motivated to seek their own pleasure and avoid pain, they need not invariably do so. Even if we allow the legitimacy of Bentham's slide from egoistic psychological hedonism to ethical egoism, we are still left with the conflict between the pursuit of one's own happiness and that of the happiness of the whole community. Sorley (1965, p.221) points out that this conflict is hard to dispel if we accept Bentham's theory of private ethics insofar as this is a species of ethical egoism. The same difficulty arises if we hold that Bentham postulated a hard theory of psychological hedonism eschewing therefore the possibility of a private morality. This conflict may, however, disappear when the point of view is shifted from that of the individual to that of the legislator or sovereign (i.e. the state). From the latter's point of view the principle of utility dictates canons of behaviour which appear to elevate it to an ethical principle. Have we here a situation similar to that in 'Leviathan' where the creation of a sovereign itself begets morality and transforms the self interest of the subject into a morality of the community? This would be the case if, for Bentham, the state were an organic entity, a moral person in its own right, or by its creation for this very purpose. If such it were, it could well be argued that the state, or sovereign, is a moral person with a moral duty to maximise its subjects' happiness. Now, for Bentham, without legislation the state has no raison d'être, and so it is the legislator or sovereign whose duty it is to promote the happiness of all who fall under his jurisdiction, by wise laws, punishments and rewards (Bentham 1970, p.74,para.1). This notion is attractive but as an interpretation of Bentham it founders on the rock of his intransigent nominalism. For Bentham, the sovereign is the person or persons or the institution possessing political authority because of the habit of obedience thereto of the subjects. This view comes straight out of Hobbes viz. that sovereignty is dependent on power. Once the sovereign loses the power to enforce his will, including the ability to keep his subjects' allegiance, then, ipso facto, he loses sovereignty and forfeits the right to be obeyed. At the same time, Bentham holds that the state is not a super-entity with a personality and will of its own, but is simply a
contrivance to enable human beings to realize as much happiness as they can. In addition, Bentham sees the sovereign in purely positivist terms - he simply factually and historically is the sovereign - so that, in the long run, the sovereign or state that promotes more harm than good for the subjects will collapse as the latter withdraw their obedience.

The state, then, is a machine programmed to produce happiness. Programmers have, but machines do not have, moral personalities - hence the latter do not have moral duties. Bentham's legislator is not a separate being of a different genus to homo sapiens. He is a human being whose task, in a Benthamite world, is to work out the rules necessary for the promotion of the general welfare of the polity and to see that these rules are enacted and obeyed on account of the sanctions they invoke. Thus, if there be a public morality, which is not founded on a private morality, it is not to be found in Bentham, as the morality of a being of a different order to mankind. If we accept that Bentham holds the hard view of egoistic psychological hedonism, then private morality is indeed ruled out at least as a guide to action if not as a guide to judgement. There seems no reason why one cannot rationally accept, for instance, the dictates of the principle of utility whilst being unable to follow them consistently because of one's psychological make-up. One could use these dictates to judge both one's own actions and those of others (including those of the state). As mentioned previously, one would see the signpost but be unable to take the road. Insofar as morality entails adherence to rules or principles specifying or recommending certain modes of conduct which one must be able to follow, then this would not be a sufficient basis for a private morality. If this be the case, and if Bentham's extreme nominalism fails to see the state other than as a conglomeration of individuals obeying another individual or body of individuals constituting a de facto sovereign, then it does not seem consistent to posit a public morality either. The principle of utility becomes a rational and prudent guide to the law-maker to enact and to enforce by sanctions laws which, in all the circumstances, give rise to the widest possible spread of the greatest possible amount of happiness (or least possible amount of misery) for the citizenry. The latter will obey the laws, not out of moral obligation, but because it is in their best interest to do so even if only to maintain intact the fabric of both state and
society.

As Plamenatz (1958, p.9) points out, egoism, whether ethical or psychological, and utilitarianism are, in effect, incompatible doctrines. There is no sense in holding that human beings should seek the greatest happiness of the greatest number when they should (ethically) and must (psychologically) first seek their own pleasure. Bentham thought this dichotomy resolved by postulating the duty and interest principle i.e. a natural harmony of interests. Both egoism and utilitarianism might, in fact, promote and even attain the same end, but in the case of egoistic psychological hedonism, morality is clearly ultra vires, and in the case of ethical egoism it cannot be logically true that one ought always to promote one's interests AND at the same time one ought always to promote the community's interests. If there is, contingently, a harmony of selfish interests, then egoism and utilitarianism might serve to justify the same conduct. The fact of the matter is that Bentham wanted to establish rules which could be justified by the principle of utility and not by the dictates of ethical egoism. His attempt to reconcile egoistic hedonism with this principle and psychological hedonism with an objective theory of morality could not succeed.

The principle of utility need not, of course, be anchored to or be judged in connection with either egoistic psychological hedonism or ethical hedonism or egoism. It might be allowed that psychological hedonism of the egoistic sort can be weak enough to permit the individual, even if only on rare occasions, to make moral choices. The fabric of morality can then be constructed on the basis of this principle. There would then be a private morality which, if based on act utilitarianism, would prescribe similar conduct in both private and public morality. In the public sphere this raises the interesting question of the bounds of morality.

Bentham is usually interpreted as holding that both the individual and the legislator, guided by the principle of utility, ought to act (or legislate) so as to produce the greatest possible happiness for those affected by the action or by the law. This has often been seen to include the whole human race or even the yet unborn generations or even all
sentient beings, present and future.

Bentham himself, in the 'Rationale of Punishment', states that the influence of a person's conduct on the happiness of the WHOLE RACE OF SENTIENT BEINGS (my capitals) must be taken into account before 'an action can with propriety be termed virtuous or vicious, simply and without addition' (Bentham, quoted in Parekh 1974, p.96).

In his 'In the Interest of the Governed' (Lyons 1973), David Lyons argues cogently that, in most instances, Bentham's thesis is that the principle of utility enjoins that both the individual and the legislator ought to act so as to produce the greatest happiness for those subject to their influence, direction or control. Hence government should be carried on 'in the interest of the governed'. Lyons refers to the many occasions when Bentham writes of 'the party whose interest is in question' or 'whose interests are in view' or 'in the interests of the community'. For an interest to be 'in view' or 'in question' it must be the interest (i.e. utility) of those one directs, influences or controls.

It is possible from this to derive two standards of behaviour - an individual directs his own actions towards promoting his own happiness, and the legislator directs his actions towards promoting the happiness of those affected by the laws he makes. In like manner the statesman acts for the public good, and so on.

Whether or not one accepts Lyons' thesis as an historically correct interpretation of Bentham, it does provide a coherent theory of utilitarian morality. It does at least allow a logical relationship between public and private morality, recognizing the altruistic content of the former and the egoistic content of the latter. All actions do take place in a particular context, and this context defines the class of beings whose interests constitute the moral agent's prime concern. As the latter occupy different stations in life, so the range of people (or sentient beings) their actions affect varies. The principle of utility then becomes, not a guide for one's behaviour towards humanity or sentient beings in general, but only to one's behaviour to those for whom one is responsible. Public and private morality are one - an individual then ought to do what is
right judged from the perspective of the office he is filling at the time of his action. Different roles entail different areas of responsibility. This is a simple distinction to make, for instance, in considering in a democracy the two roles of the voter i.e. elector and subject. The subject should look after his own interests - the voter, qua citizen, participating in government, after the interests of the community as a whole. Presumably, when and where these interests clash, either the individual qua subject realizes that his long term interests are best served as a good and conscientious citizen or some other principle must be invoked (e.g. the greatest happiness of the greatest number) by which he will be guided to ignore his selfish and narrow interests.

However, if it is right to distinguish between acts proper to the citizen or legislator and acts proper to the private citizen how can we simply stop there? A case can be made for extending the Lyons' thesis to cover all the roles a moral agent may be called upon to play i.e. different roles in which the agent has to judge one and the same act as better or worse, as good or bad, depending on which role he is fulfilling at the time; whether he is a statesman, a union official, a teacher, a parent, doctor, religious leader or what you will. The position now becomes vastly more complicated, the clash of interests for the individual more strident. To those who hold that the collapse of a sandcastle on an English beach affects, however slightly, the Sphinx, there is also this amorphous, universal responsibility to take into account. A return to Bentham's felicorific calculus as it affects the universe would seem to be the only rational guide for action.

In the 'Principles of International Law' Bentham states that a sovereign should take into account other nations' interests as well as the interests of his own realm (Bentham 1962c, p.538). He could, of course, like the individual citizen, do so purely prudentially - it is, in the long run, better for him to do so in his own subjects' interests. As the long term interests of the individual coincide with those of the community, so the long term interests of one sovereignty coincide with those of all other sovereignties.

On balance, it seems that it is wiser, if one espouses Benthamism, to
interpret him as urging the principle of utility to be a guide to the individual's and statesman's actions targeted towards the welfare of those for whom they are responsible, not neglecting the duty of the latter to take into account the convergence of long term interests among the nations. A distinction can be made between the private morality of the individual (which may be moral or merely prudential) and a range of public moralities, or, rather, of a public morality having different applications according to the station in life of the agent. All derive from the principle of utility, their sole source.

This is not the place to do other than hint at the numerous objections to the principle of utility as enunciated by Bentham. His severance of pleasure from the action it accompanies means that pleasure becomes an abstraction - if I desire a book, I may be satisfied with a teddy bear. Pleasure as an abstraction does not exist - as Aristotle said, pleasure cannot be separated from an action any more than one can skim the bloom from the face of youth (Aristotle 1975, p.1174b). Work can be arduous, painful even, and yet be enjoyable; still, there is the danger that if the meaning of pleasure is stretched too far, one can end up by defining it as 'what it pleases one to do'. Bentham's concept of pleasure is too narrow. As Baumgardt points out, if pleasure is simply synonymous for what is immediately and intrinsically valuable, then it must encompass such virtues as integrity - 'infirmly fronting the unpleasant as well as the pleasant' (Baumgardt 1966, p.169).

Pleasure and pain are not that easily distinguished (e.g. is tickling a foot painful or pleasurable?) and some experiences are neither painful nor pleasurable (e.g. breathing in a healthy adult).

Fairness and justice are not explained by the principle of utility. Besides the affront to one's feelings arising from the apparent condoning of punishing the innocent (to deter other potential wrongdoers, for instance), the principle of utility might well condone providing the envious with more goods. Bentham himself placed no great importance on justice per se, 'Justice is of no use further than as the handmaid of benevolence. Justice is one of those means for compassing the ends that benevolence purposes ...'(Bentham 1834, p.117). 'What is it that we
understand by justice: and why not happiness but justice? What happiness is, every man knows, because what pleasure is, every man knows ... But what justice is ... is the subject matter of dispute. Be the meaning of the word justice what it will, what regard is it entitled to otherwise than as a means of happiness' (Bentham 1962b, p.123). 'Justice, in the only sense in which it has a meaning, is an imaginary personage, feigned for the convenience of discourse, whose dictates are the dictates of utility, applied to certain particular cases. Justice, then, is nothing more than an imaginary instrument, employed to forward on certain occasions, and by certain means, the purposes of benevolence' (Bentham 1970, p.120, para40, fn.b2).

The question as to how legislation, as a series of rules, can be made to tie in with act utilitarianism, raises many problems. If men live under the rule of law they must abdicate the freedom of individual judgement associated with act utilitarianism (Sartorius 1975, p.1). Members of a community must be able to rely on their fellows fulfilling their social obligations (Sartorius 1975, p.2).

Although the principle of utility did not originate entirely in Bentham's fertile mind (its forerunners can be found in the writings of Helvetius, Hume and Hutcheson, among others), it was he who enunciated it most clearly as the only rational guide for the legislator. The clearest benefit of such a principle is its apparent simplicity - both the legislator and the individual subject do not have to resolve conflicts of principle or attempt to reconcile opposing value systems. They only have to work out, by the light of reason, the best way to maximise the happiness of those affected by their actions.

Subsequent developments in utilitarian thinking have revealed the complexity of issues and the problems lying behind this superficial simplicity.

Three strands together form utilitarian moral theory:--
1. consequentialism
2. the Greatest Happiness Principle
3. Universalisation.
Consequentialism is concerned with the consequences of acts, so the theory is act- and not agent-centred. Morality is concerned with the rightness and wrongness of acts, but there is provision for aretaic judgements such that a good person is one disposed to take right actions. In effect, moral goodness is equated with benevolence - beneficence and rationality are the only truly utilitarian virtues. The acts themselves may be morally obligatory (i.e. wrong not to do) or merely morally permissible (i.e. not wrong to do). Moral obligation may be positive (one ought to do right acts) or negative (one ought not to do wrong acts). Bentham held that wrong acts ought not to be done but right acts are morally permissible but not obligatory (Bentham 1970, p.13,para.10). Since acts are justified solely by their consequences, the question arises as to whether these consequences are those intended or those which, in fact, occur. Intended consequences (subjectively right to bring about) may not always coincide with those consequences which the agent (or his observers) might rationally have expected to happen (acts aimed at bringing about rationally expected good consequences are clearly objectively right to do). Unfortunately, neither subjectively nor objectively right intentions might produce acts which, in fact, turn out to have good consequences.

Obviously, at least in terms of immediate and foreseeable consequences, the agent is under an obligation to take into consideration the rationally expected consequences of an act and thus act rightly by acting in accordance with their predictions even though the fallibility of reason and the intricate and far-flung web of causes and effects might well result in the actual consequences of an act failing to promote the intended consequences. This does not prima facie invalidate consequentialism as a component of a theory of moral action - a morality that allows for no mistakes in practical reasoning or assumes unlimited knowledge on the part of its practitioners is itself invalidated simply because 'ought' implies 'can', and no human being is infallible. Nevertheless, a fundamental problem of consequentialism is revealed in that it is, in practice, impossible to forecast accurately each and every consequence of any action even in the medium and short term, let alone in the long run.

The simplest form of consequentialism is act consequentialism (in this
context, act utilitarianism) which is the form implicitly considered by Bentham. It lays down that an agent should do that action which, out of all optional actions open to him, has at least as good consequences as any of the other options.

Act utilitarianism is open to three main criticisms. In the first place, it sometimes engenders acts which arouse in most people instinctive repugnance (e.g. the execution of an innocent if this would maximise utility). Secondly, it is unworkable as a guide for the legislator, for all laws universally applied must, on certain occasions, bring about overall disutilities. Thirdly, if each agent, before acting, attempted seriously to work out and evaluate the consequences of all the potential actions open to him in any given situation, very little activity of any sort would take place.

To overcome these difficulties, the rule utilitarian holds that an act is right if, and only if, it conforms to a set of rules which, if recognized by everyone in the community, would maximise utility within that community. Thus, to execute an innocent might reasonably be held to promote the best consequences on isolated occasions, but, if it were allowed by the rules, would not in the long term do so when all cases were taken into account. A rule utilitarian might hold that rules should be of a general nature e.g. 'do not punish the innocent' even if, on occasion, this, for the act utilitarian, would flout the principle of utility. Alternatively, he might attempt a more complex and more specific set of rules such as 'do not punish the innocent unless 'x', 'y' or 'z' is the case'. The problem with more specific rule framing is that it is hard to see where the rule framer should stop in stringing out his qualifications to the general rule until so many exceptions and amendments are made to it that rule and act utilitarianism collapse into one another. For that matter, it is hard to see how any rule utilitarian can feel wholly at ease with such a general principle as 'never tell a lie' when there are occasions when (as in the case of Kant’s mad axeman) the failure to lie accords neither with the principle of utility nor with common sense.

One possible solution to this difficulty is advocated by Hare (1981, chapter 2). He proposes a two tier system of moral thinking. On the
lower tier, for immediate everyday guidance, the agent’s conduct is guided by rules of general application which are formed and evaluated at the level of the second tier where the principle of utility is used to adjudicate rigorously. 'Hard cases' are, as it were, referred by the agent from the lower tier rule to the second tier principle, where the rule can be modified to suit the particular circumstance, or even, on occasion, be waived. Nevertheless, it is still open to the critic to point out that the conscientious utilitarian will spend a lot of time referring to the second tier so as to effect amendments or full or partial waivers to the first tier set of rules. Such a utilitarian is surely well down the slippery slope to becoming an act utilitarian in all but name.

Consequentialism is, then, by no means an easy or straightforward guide to moral action.

The second tenet of utilitarianism, the greatest happiness principle, simply enunciates that the rightness of an action is determined by its contribution to the happiness of everyone affected by it. For Bentham, the only good is pleasure and the only evil pain. Happiness is the sum of pleasures minus the sum of pains – the greatest happiness considered is that which shows the biggest difference in favour of pleasure between the pleasure and pain caused by an act. As stated by Bentham, the aim is 'the greatest happiness of the greatest number'. At its face value this means that the pleasure taken by the spectators and victor at a gladiatorial contest might well outweigh the pains of the vanquished; and for all spectators and those taking part, such a contest might show a greater net sum of pleasure than would any other action open to them to do on the afternoon in question. Bentham certainly viewed pleasures as indistinguishable by criteria other than their intensity, amount, propinquity and so on (Bentham 1970, p.36, para.8). Qualitatively, pleasures were all the same – the pleasure of the bully in intimidating his victim no different from the pleasure of the mountain climber attaining the peak. The units on Bentham’s felicific calculus made no distinction.

Since Bentham, many attempts have been made to distance utilitarianism from Epicurianism. John Stuart Mill differentiated between 'higher' and 'lower' pleasures (Mill 1972, p7); Moore held that personal
relationships were a desired end (Moore 1959, pp188-9) whilst for Hastings Rashdall 'bonum est multiplex' - not only pleasure, but knowledge, virtue and beauty were ends to be sought (Rashdall 1907, chapter 7). 'Preferences' have come to replace 'happiness' as the utilitarian's goal of action as more and more recognize the diversity of human needs and desires. There is thus a distinct division between the classical Benthamite utilitarian and the 'ideal utilitarian' of later generations. For the Benthamite, moral judgements were statements of fact, pleasures were calculable. For the latter, sometimes known as 'normative utilitarians' because of their recognition of values other than pleasure, moral judgements become prescriptives, imperatives, announcements of decisions but not, per se, matters of fact.

Once again, as refinements are made to the principle of utility or to the Greatest Happiness principle, the simplicity which is one of the more appealing features of Bentham's utilitarianism, disappears. The introduction of other values into the ideal utilitarian schema entails that these values should be justified independently of the principle of utility. Is Beauty or Friendship valuable per se regardless of whether either produces happiness or simply because their cultivation promotes happiness or is pleasurable?

Notoriously, the principle of utility does not explain the concepts of fairness or justice. As discussed above one can follow its precepts by giving to the envious, and not the equable child, more sweets or better toys. Less trivially, one can punish without thought of desert or redistribute property regardless of title, if happiness is thereby maximised. The rights of the innocent or the property holder can be weighed in the balance and found wanting. Utilitarians who counter these objections by arguing that injustice, for instance, produces less happiness than justice when all parties' interests are taken into account may be contingently right on nearly every occasion, but the contrary is always contingently possible. The principle of utility can therefore never be relied on as a defender of equity.

The third tenet of utilitarianism which is common to all non-relativistic ethical systems, is universalization.
As Parekh points out (1974b, p. 98), morality is, for the utilitarian, the pursuit of happiness for oneself. If happiness or pleasure is the summum bonum, then one person's happiness or pleasure is neither of greater nor lesser importance than that of another. Hence, all persons' happiness should be taken into account. This gives rise to interesting anomalies. Do we consider all human beings on this planet now alive or all living sentient beings? Or must we take into account future generations of one or both? Where do we stop? How does one choose between visiting a friend in hospital or writing letters of encouragement to the victims of a Peruvian earthquake?

Bentham, with his down-to-earth plan to reform legislation was clear that the happiness (or interest) to be considered was that of the party in question i.e. for the individual, him or herself; for the ruler, his or her subjects). As previously discussed, Lyons (1973 passim) sees the principle of utility as not universally applicable on each and every occasion (i.e. not to the entire universe) but as being applicable to those for whom the agent has a responsibility. The utilitarian's concern, therefore, is tied up with the notions of agency and office. Bentham's dictum that each individual counts for one and no more and no less than one, is seen to apply only to the group for which the individual or association or state is responsible. The rest may be counted as less than one if, indeed, they are counted at all. The individual is responsible for his own happiness, the parent for that of his or her family, the statesman for that of his country's inhabitants, and so on.

The deontologist's problem over conflicts of principles is replaced by the clash of the individual's sometimes conflicting responsibilities according to the number of 'offices' he holds. Certainly this is the mirror reflection in utilitarianism of the view that there are different moral rules for different agencies, and this fits closely with our view of the duty of office holders under almost any moral code. The judge who may personally abhor the death penalty should nevertheless impose it if it is the only penalty prescribed by the law of the land in the case he is sentencing, for he has sworn to uphold the law and to administer it impartially and this excludes consideration of his private feelings. However, it is not easy to see how one and the same person can easily
adjust to holding the same act as good, bad or morally indifferent depending on the particular function he is performing at the time in question.

This view of the applicability of moral precepts being confined to those areas for which one has responsibility makes it possible to delineate distinctively between the public and private domains of morality and is not confined solely to utilitarians of the Lyonsesque persuasion. There does seem, however, to be a more complex relationship between public and private morality than that suggested by Dorothy Emmett that, whatever one's private morality, utilitarianism is the ethical system best suited to guide the public official and legislator (Emmett 1979, p.24). As we have seen, there are many variations of utilitarian thought and many possibilities even in a thoroughly utilitarian society of distinctions between private and public morality.

Emmett's view is widely held that, whatever the private morality of the citizen, public morality can only be based on utilitarianism or on some form of consequentialism, especially in plural societies with an assortment of private moralities conflicting at least at the margins. Those holding such moralities can be made to respond to utilitarian pressures exerted by legal sanctions and propaganda aimed at moulding public opinion. In this way Bentham saw (though by education rather than by propaganda) the harmonization of the public and private standpoints in a utilitarian society. If the dominant private morality of a community were utilitarian, it might seem as if public and private morality would therefore coincide. Both the state and the subject would seek the same end (happiness maximised within the community) and their moral actions would differ in the same contingency only insofar as their predictions of consequences or their powers to act might differ. However, Lyons' notion of responsibility determining the sphere of action one has in making moral decisions, throws up a sharp distinction between the individual promoting his own or his family's interest, and the statesman whose actions affect the interests of all members of the community and, perhaps, of many outside it. The statesman's actions must take moral precedence over the individual's simply because more people's interests are affected.
In the case of the general utilitarian, who holds that that act should be done which, if everyone else in the same circumstances did it, would best promote the community's interests, there is obviously a close correlation between public and private morality. By sanctions, the state can make them identical. Much the same is true for rule utilitarians, for in a well ordered society, public laws and behaviour will reflect the morality of the citizens, except, perhaps, insofar as the precept of 'salus populi' engenders rather different rules for the statesman than for the private individual. If Bentham's assessment that human beings are psychological hedonists is accepted, then there is a dichotomy between the individual's seeking his own happiness and the state's promotion of the maximum happiness of all its citizens. Again, by enacting wise laws, the legislator can narrow the range of alternative actions open to individuals to achieve their own maximum happiness so that internecine strife is prevented and clashes of interest are minimised.

The admission of values other than pleasure as the ends sought by the ideal utilitarian means that although both private citizen and statesman base their morality on the principle of utility, there may be different ends sought - thus, either the state or the individual, or different individuals, might seek to maximise beauty or friendship or knowledge (vide the scientific community). Indeed, even if both or all seek to maximise beauty (in a community of artists and aesthetes), each might make different aesthetic judgements as regards the beautiful objects to promote. The unity and single-mindedness of classical utilitarianism is sacrificed in order to account for motives other than Bentham's pleasures and pains. The possible differences in ends sought both as between individuals and as between the state and its citizens, or between different associations within the state, are multiplied.

Another interesting difference between the state and the individual arises when we come to consider how we judge the moral performance of an agent in relation to the consequences of his action. As has been noted previously, one can take into account intended consequences, rationally expected consequences or actual consequences realised ex post, in determining the morality of a particular action. The performance of a statesman or politician is usually judged ex post by the actual consequence
of his action. On the other hand, we tend to judge the actions (and the virtue) of a private individual by his intentions in acting. True, we expect both the individual in his private life and when he is performing in his role as a statesman to think and behave in a rational manner i.e. to put his good intentions into practice wisely. Machiavelli does not appear to have doubted that Soderini had good intentions, but he criticized him for his foolishness in not ensuring that he could give effect to them by taking the right steps to maintain himself in power (Machiavelli 1965a, pp 425 & 497). In effect, we judge the moral integrity of both the private person and the statesman by assessing their intentions (if we can); if we hold these to be good, we then judge their wisdom or skill by the success with which they put them into effect. As utilitarians, we can judge the disposition of an agent in whatever role as good or bad, yet hold him foolish if his actions do not succeed in promoting the end towards which his intentions are directed. A politician, we can say, means well, but has been negligent or perhaps too weak to be able to carry out successfully the policies he advocates.

The classical utilitarians based their moral theory on the factual premise, as they saw it, that all men seek happiness. This would appear to accord with the theory of the ideal utilitarians for whom happiness is achieved not merely by pursuit of pleasure and avoidance of pain, but by the pursuit of other ends - beauty, friendship and so on. Implicit is the value judgement that happiness is the only end worth seeking. If human nature is such that, factually, this is the end human beings seek, then it is up to them to act rationally so as to achieve it. If to act in this way is worthy of commendation, then it would seem to be on account of its appeal to rationality that utilitarianism carries prescriptive force. To act rationally is to act morally and it is this which unites the private morality of the individual with that of the statesman or politician, regardless of their differing responsibilities or the different ends they pursue. Kant and the utilitarians at least have this reification of rationality in common.

Like Hobbes and Locke, Bentham was certain that the development of the physical sciences, the methodology of Bacon and its application by Newton, showed the way in which all human knowledge could be expanded. His
felicific calculus (an early form of cost benefit analysis) was a tool which could measure precisely the success or failure of any action in furthering the happiness of the community. As others had before him, Bentham found in happiness the source of all human values, based as it was on the fundamental axiom that human beings were psychological hedonists. If this notion is not simply to be reduced to the tautology that human beings want what they want, then it must imply that they are left with either no choice to act morally, or, if a soft form of psychological hedonism is adopted, with only a minimal space in which to exercise moral choice. As a theory based on empirical observation, psychological hedonism does not stand up any better than does rational egoism. Not all actions can be reduced to those of the rational being, motivated solely by self interest, intent only on maximising his or her own happiness. Bentham's attempt to marry the principle that governments ought to promote the greatest happiness of the greatest number of their subjects, or at least the happiness of those to whom their laws are addressed, to the supposed 'fact' that the nature of the individual human being is such that he or she will invariably seek to promote his or her own interests, simply does not work as a theory of morality. Governments must force their subjects to promote the community's happiness and governments themselves, composed likewise of self-seeking individuals, must also be compelled to do the same, by punishment and reward, in the case of officials, and by fear of the ballot box in the case of politicians. In these conditions, public and private moralities can only be discerned by an outside observer using non-Benthamic principles to judge what is right and what is wrong. How can a psychological hedonist construct an objective moral theory?

John Stuart Mill's attempt to grade pleasures qualitatively destroyed at a stroke the viability of a standard measurement of utility; later utilitarians like Rashdall and Broad introduced values other than pleasure which made for happiness but fatally complicated the theory. However many adaptions were made in an effort to keep the utilitarian theory feasible, the difficulties remained of how far any value, including happiness, is commensurate for all individuals and of how such important notions as desert and justice can be fitted into the utilitarian framework. Above all, the basic consequentialist problem is still that any act can
be justified, logically, if not contingently in most cases, if the end sought is considered important enough. An act is good or bad in proportion to its ability to attain its end, the maximisation of pleasure or happiness or of whatever is sought.

It is ironic that the arch individualist Bentham, successor to Hobbes and Locke, should yet be the instigator of a theory of social engineering which would, in time, give rise to movements which set no limit to the subjugation of the subject by the state. It is less surprising, but no less sad, that a man so devoted to improving the lot of his fellow creatures should, by his contemptuous rejection of natural law and natural rights, pave the way for the dominance of legal positivism, which removed from the subject the right of appeal to laws or principles transcending the state and which, however feebly, restrained the actions of the sovereign power. This has been a high price to pay for the reform of the law and institutions of England, and of those of other countries which looked to Bentham for guidance in the late eighteenth and early nineteenth centuries.
In the appendix to 'Perpetual Peace' Kant (1957,p.35) defined morality as 'the totality of unconditionally mandatory laws according to which we ought to act'. The discovery of these laws is the task of 'practical reason'. Just as theoretical reason seeks to discover how things are, practical reason seeks to discover how men ought to behave. Like Socrates, Kant's starting point is 'the moral understanding of ordinary men' which Kant proceeds to analyse in order to uncover the principles behind moral judgements which render them coherent and intelligible. The task a moral philosopher sets himself is to isolate and thereby reveal the a priori elements in moral judgements by purging out contingent and empirical elements in them so as to arrive at the necessity and universality latent in such judgements both of which are the hallmarks of the a priori proposition. In so doing Kant sought to reveal how a fully rational creature would behave. Kant's principle of morality is purely formal and takes no regard of either the context or the consequences of actions - it is based entirely on laws, or rules, determined by reason. For Kant, reason has two tasks - to impose order and intelligibility on the chaos of sensibilia by discovering laws of nature, and to create laws of morality for, and to apply these to, the behaviour of rational beings. This must not be taken to imply that morality is the preserve only of the fully rational being; in the 'Metaphysics of Morals' Kant applies these formal principles to the special needs of human beings who, at best, are only partially rational in that their behaviour is influenced by passions and instincts as well as by reason. Such partially rational beings need rules expressed in the form of commands to motivate them to behave in a fully rational (and therefore moral) manner. These rules are encapsulated in the categorical imperatives which form the basis of Kantian morality.

As for the question of public and private morality no political thinker stands further from Machiavelli than Kant, for whom there was no doubt that all political action should be subordinate to morality. Merely to pretend to act morally, whilst in reality behaving immorally (as does Machiavelli's ideal prince), would be anathema to Kant. Equally anathema to him would be Hobbes' subordination of morality to the sovereign's command, although, like Hobbes, Kant saw the establishment and maintenance
of the state as essential to civilisation (and to the moral life) and, like him, abhorred the anarchical state of nature. Like Hobbes, too, Kant's moral and political theories cannot be understood easily without a knowledge of his epistemological stance and the particular relationship he detected between man's knowledge and experience.

In his analysis of the nature of man's understanding of the physical world Kant recognized the potentially misleading and deceptive nature of man's sensory input. In seeking to discover how experience of the world of phenomena is to be acquired Kant concluded that the objects of sense perception are constructs in which the activity of the mind plays an essential role.

When applied to experience reason is able to superimpose order and make coherent the multiplicity of phenomena by its a priori knowledge of the categories possessed, in so far as they are rational, by all minds - such notions as singularity and plurality, causality, appreciation of space, time and so on. Although they apply to the empirical world of nature, these categories do not stem from it. They transcend experience and yet are the necessary conditions for rational beings to apprehend the world. Whilst these categories describe and classify phenomena, they cannot describe what lies behind them, the 'objects-in-themselves', the 'real world' that gives rise to the sense data of which the phenomenal world is composed. These 'objects' or 'things-in-themselves' are the noumena, and this sharp distinction between the noumenal and phenomenal world forms the basis of Kant's philosophy of the natural and moral order.

Investigation of the phenomenal world makes clear that it is subject to predictable regularities explicated by the web of causes and effects such that it appears that all events are predetermined by their causes. Strict determinism prevails in the phenomenal world and correspondingly an absence of freedom. Kant's fundamental thesis is that we are dealing with two sorts of reality - the phenomenal and the noumenal - each with different criteria of meaning and truth. Morality necessarily implies 'freedom to choose' - 'ought' is meaningless in the world of physics. If the human 'self' is embedded solely in the phenomenal world then its actions will be entirely determined by physical and psychological causes. However,
if Kant's epistemology is an accurate description and a true explanation of 'how things are' then space, time, substance and causality are forms that the mind imposes on experience and on the 'self' itself as an object of such experience. The rational self with its a priori knowledge of the categories, is the self about which moral judgements are made. It is not a substance and is not causally embedded in the spatio-temporal world. This self is a noumenon and cannot therefore be apprehended by theoretical reasoning but when such reasoning is applied to morality as 'practical reason', it creates its own commands. It both makes and seeks to obey moral laws.

The noumenal world is thus necessary for grounding both our understanding of the phenomenal world and our morality. Without postulating its existence then the freedom necessary for both theoretical and practical reasoning and for the very possibility of morality itself cannot be conceived. Rationality and morality only make sense if we accept the posit of a noumenal world which exists apart from the world of natural phenomena. Kant does not suggest that this noumenal freedom can be proved to exist - only that to hold that it exists is not self-contradictory and that it is a concept which man must hold to be instantiated if he is to be able to act morally (Ward 1972, p.75). 'If appearances are things in themselves, freedom cannot be upheld' but 'if ... appearances are not taken for more than they actually are; if they are viewed not as things-in-themselves, but merely as representations, connected according to empirical laws, they must themselves have grounds which are not appearances' (Kant 1970 pp 466-7). Obstinately to insist 'upon the reality of appearances is to destroy all freedom. Those who follow the common view have never been able to reconcile nature and freedom'(Ward 1972, p.76). So 'man must regard himself as both empirically determined and intelligibly free in so far as he regards himself as a moral agent'. 'Man must conceive of himself to be a noumenally free determining ground of empirical nature in order to render his experience of moral obligation intelligible to himself'(Ward 1972, p.77).

Kant holds that an ethical proposition can be both a priori and synthetic - it can add to our knowledge but yet is not dependent on empirical facts. In this way, Kant avoids the objections he raised to a priori arguments
in theoretical metaphysics. It is quite in order to apply the categories to noumena in the context of practical reasoning where the purpose is to know how to act. Both the phenomenal world and the world of morality are subject to laws but the laws of the latter are themselves made by man, the rational being. Man's rationality gives him in effect two kinds of freedom - the freedom to do whatever he wills (so long as it is physically possible for him to do so) and the freedom to make universally applicable moral laws so as to maximize this freedom by constraining him to act in a purely rational way. As Beck (1960, p.176) points out Kant's doctrine of freedom of the will involves two different concepts of freedom, and two different interpretations of 'the will' and it is unfortunate that Kant seldom makes it clear to which particular concept of 'freedom' or of 'the will' he is referring when he uses the terms. In the 'Critique of Pure Reason' Kant sees freedom as spontaneity and as the power to initiate a new causal series in time. This freedom is negative in the sense that it allows a rational being to act of his own volition and not out of obedience to the laws of nature. He creates by his act of willing the cause that determines the effect he seeks. To use this freedom, even to recognize its existence, man must be aware of it, must be rational enough to appreciate his ability to choose how to act. He is free to act morally, immorally or amorally (Paton 1965, p.275). This freedom makes him responsible for his actions and makes possible the imposition of a categorical imperative which man is free either to obey or to disregard. Kant does not claim that a rational agent must be free (Kant 1952a, p.280), but that he can act as a rational agent only when such freedom is pre-supposed, for the laws which would hold for a rational being known theoretically to be free must, for the purposes of action, also hold for a being who must act on this presupposition of freedom. This freedom therefore applies to a rational being, man, because he can be seen as a member of two different worlds - the noumenal, whence his freedom is derived, and the phenomenal, whence arise those natural impulses that can motivate such a being to act irrationally, immorally. In a rational being in such a world there must be an undying struggle between the dictates of reason and the gratification of those other desires that reason from time to time decrees should not be yielded to. To guide such a being as man's actions in this world there needs to be worked out a 'pure ethics (which) when applied to man, does not borrow the least thing
from the knowledge of man himself, but gives laws a priori to him as a rational being' (Kant 1952a, p.254). Kant remains true to his pietist upbringing - man qua phenomenon is basically sinful and for Kant sinfulness and irrationality go together. To be a fully moral, virtuous and autonomous being is to be fully rational. What an imperfectly rational being, like man, ought to do is to try and behave in a fully rational way. It should be noted that man is said to be rational, not because he is completely so, but because he has the freedom to will to act in accordance with the requirements of the moral law given to him by his reason. In the 'Metaphysics of Morals' Kant distinguishes pure ethics (which apply to all rational beings) from applied ethics which apply to human beings and take account of their empirically known human nature, or as Kant terms it, 'practical anthropology'. Moral laws for mankind cannot simply be deduced from the concept of pure practical reason; the contingencies of man's involvement in the phenomenal world must be taken into account. There is a sense of achievement in this aspect of Kant's morality - of man's struggle to identify himself more and more as a rational being and to leave behind his animal nature. It is this identification of a struggle between two elements within human nature that Hegel and Marx projected onto the wider screen of human progress through history.

In the 'Foundations of Metaphysics of Morals' Kant produces a second concept of freedom - freedom as autonomy - freedom to promulgate moral laws (categorical imperatives) based on reason alone (Beck 1960, p.177), giving 'independence from any pregiven law'. These laws are promulgated by man qua noumenon i.e. when he is thinking and willing to act in a perfectly rational way. The more rationally governed one's action is, the less one acts from blind inclination and the more one creates a theoretical 'background' which explains and justifies one's actions. The more theoretical the grounds on which one's actions are based, the less particular and subjective, the more universal and objective one's reasons for action become. These two concepts of freedom are mirrored in two aspects of man's will - first, the freedom to act (whether morally or not) and second, the freedom to will moral laws to which one owes obedience and to which, indeed, all rational beings in the same circumstances owe obedience. This latter freedom is autonomy - the freedom to legislate.
one's own laws. Kant refers (or sometimes does - at other times he is less discriminate) to 'freewill' as 'willkur' and to the fully rational legislating autonomous will as 'villé'. These concepts will be explored later in this chapter. It is the central problem of Kant's ethics how the self which is the author of the moral law is the self that accepts or rejects it - i.e. the relationship between WILLKUR and WILLE. As members of the noumenal world, the world of reason, we make laws; we obey (or disobey) them as members of the phenomenal world (Aune 1979, p.97). Only WILLE is the same for all rational agents - it is open to them all to obey its commands; a good or rational WILLKUR which freely assents to this obedience must be developed and is, in fact, developed differently in different human beings (Jones 1971, p.58).

It has been suggested that Kant postulates no less than three selves - the phenomenal, the noumenal and the 'transcendental ego' (this latter being the locus of the synthesis of the categories with phenomena or, in Kant's term, 'the transcendental unity of apperception') (Copleston 1968, p.273,fn 1). However, if this is a device to account for the interplay between the noumenal self and the phenomenal world it can, for present purposes, be subsumed under the noumenal self. If Descartes' postulate of 'mind' and 'body' provoked Ryle to talk of 'the ghost in the machine' as an epitome of the problems of interaction between the two thus raised, the daunting prospect of two selves competing for the dominance of man's will is an even more unlikely postulate. The concept of a world of reason distinct from a world of phenomena is a more tenable notion and if this posit is accepted there seems little objectionable in regarding the self as participating in both. Equally, it seems at least as tenable a proposition as membership of a noumenal world to hold that the very possession of the faculty of (or ability to) reason conveys with it a freedom to man or to any rational being which is denied to him as a creature subject only to instinct and inclination.

To use reason is to obey the laws of rationality - to think logically, to use valid arguments in determining whether or not to do 'x'. Kant, not surprisingly, held that to will a wrong action is to will a contradiction. Does man, then, by means of his reason, escape the determinism of the world of phenomena, only to be determined by the mental
determinism of, for example, the laws of logic? Paton points out that it is a common assumption that reason is to be regarded only as a power of inferring or reasoning (Paton 1965, p.79). Rationality is, however, wider than, though it contains, the ability to derive logical arguments. It is the 'faculty of cognition' (as contrasted with sense and imagination) which gives to the rational being the power to create concepts, to apply these to given objects and, of course, to draw valid inferences - in Kant's terms understanding, judgement and, more narrowly, reason. This wider notion of rationality encompasses the Aristotelian concept of 'nous' - it would contain the idea of 'lateral thinking', for example, and of the more mundane notion of 'commonsense'.

Nevertheless, it is the case that, for Kant, in this wider sense, to behave immorally is to behave irrationally and to behave not autonomously but heteronomously, for if he behaves in any way other than in accordance with the dictates of his reason, he must do so at the prompting of some other motive, of passion or of inclination - both of which stem from his nature as a member of the phenomenal world.

Thus we can see that man can be free to be unfree - he can voluntarily subject himself to phenomenal causation; he can choose to be, or not to be, determined by factors or even wills other than his own. If he acts in accordance with his will he acts by means of his pure practical reason; if he does not then, in so far as he has chosen freely, he acts rationally; in so far as he is swayed by passion, he acts irrationally. Man is a partly rational being (not a fully rational being with a 'holy will'). This means that he can on one occasion act in a fully rational way and on another irrationally. It also means that on occasion he can act partly from reason and partly from heteronomous desire. To the question - can one act rationally but immorally one must answer that one cannot act fully rationally and immorally but one can act partly rationally and yet act immorally. In man, in so far as he is rational, reason produces reverence for the moral law; it produces the ability to legislate the moral law and to determine how best to act to accord with that law. Man is, however, only partly rational and can choose to be governed by desire. It is perhaps possible to visualize a scale of rationality applicable to any living being. At the bottom of the scale there is an absence of
rationality - such beings in this world behave from instinct - i.e. their actions are causally determined by the laws of nature. At some point further up the scale there is a sufficient ability to reason in accordance with a decision of willkur - i.e. to stand independent of the chains of natural causes and effects and to choose to act morally or otherwise. It is here that the concept of 'akrasia', of 'weak will' needs to be considered - i.e. the lack of power to follow reason's commands. Undoubtedly Kant's theory wavered between the orthodox Lutheran view of man as a battleground between reason and desire moderated by the strength of man's will either to follow the former or the latter and the more coherent position (if less tenable) that akrasia is simply a reflection of a lack of rationality and what we see as 'strong' and 'weak' wills simply demonstrates how far the persons we are appraising are rational - i.e. have the ability to reason; in Plato's graphic analogy, how strong is the charioteer (reason) and thus how able is he to control the spirited and passion driven horses?

For the moment we can note that, just as in theoretical reasoning man reduces the chaos of phenomena to an ordered and systematic cosmos, so, in practical reasoning, he can create a system of laws by willing every action of his to be in accordance with universal laws which he himself decrees and which would be decreed in turn by every fully rational being. It is the essence of reason to abstract from practical phenomenal propositions all elements that are particular and empirical so that what remains is a precept which is universally valid. Such a precept Kant terms a categorical imperative - a universal law or rule which every fully rational creature would wish both to promulgate and to obey.

These categorical imperatives are unconditional commands that certain actions be performed - or not performed - regardless of ends - they refer only to the will and not to what the will might achieve. Applied to man's own behaviour they are maxims; applied to all rational beings, laws. If a rational being can think of its maxims as practical universal laws which contain the determining grounds of the will because of their form and not because of their matter (Kant 1952a, p.301). Kant is not saying that the value of ends is irrelevant in determining duty but that their value bears no relationship to the degree to which they are desired by
the agent (Kant 1952a, p.259). Categorical imperatives are both formulated by, and recognized by reason and hence originate in the noumenal world. They are not discoverable empirically but are necessarily true and command obedience from rational beings in all possible worlds. Hence man can only know them a priori for his empirical knowledge is only true contingently – i.e. in this world. The acid test to distinguish between a categorical and a hypothetical imperative is to ascertain if it binds even if its end is not desired by the agent.

Kant's first formulation of the categorical imperative 'act only on that maxim through which you can at the same time will that it should become a universal law' (Kant 1952a, p.268) provides the form of morality. It is not the basic premise from which all moral rules can be deduced. Rather it is a litmus paper for testing the validity of such rules. It has been criticised for its formality and lack of content but clearly such criticism is not well founded if it be regarded not as a source of morality but as a canon of judgement. Indeed, it seems that Kant saw this formula as inadequate and in other formulations he gave it both applications to the phenomenal world and an objective end. 'Act as though the maxim of your action were by your will to become a Universal law of nature' (Paton 1965, p.146) firmly embeds this imperative in the phenomenal world. The law of nature to which Kant refers is not the law of causation but the teleological laws which Kant works out in Part II of his 'Critique of Judgement' (Kant 1952, p.3 et seq.) and in 'The Idea for a Universal History with a Cosmopolitan Purpose' (Kant 1970a, pp.41-44). Kant detects a 'hidden plan of nature' which is manifested in the actions of the human race as a whole: like all creatures man is destined by the forces of nature to develop completely in conformity with his end – i.e. to evolve into a fully rational and fully moral being. If this is not the case then not reason but chance alone reigns and for Kant this is unthinkable. Men very often act selfishly and in a manner necessary to their self preservation. This Hobbesian premise however leads to an un-Hobbesian conclusion. The conflict and competition between men serve to develop their faculties including their reason and this of course in the long run leads to the development of ethical reasoning and with it an increasing desire to seek moral perfection. Side by side with this comes the development of the state necessary to curb men's antisocial behaviour
and itself a sine qua non of moral development. Thus 'men may wish concord
but nature knowing better what is good for this species, wished discord'
(Kant 1970a, p.45). Man's competitiveness, sharpness and intolerance
of others are not, as Hobbes thought, animal passions simply requiring
the permanent straight jacket of the Leviathan but are the evidence 'of
the design of a wise creator'. Ultimately the nation state will be
succeeded by the world state governed in accordance with the Principle
of Right. As analogically the fear of God is, for the Christian, the
beginning of wisdom so, in the world of phenomena, the fear of increasingly
savage wars supports and urges man to develop his rationality and ipso
facto his moral sense. As Williams points out (1983, pp.21-22), Kant's
teleological view lacks theoretical justification; it is or can be seen
as 'merely a heuristic device, not an explanatory principle'. His view
of purpose in History is simply a 'subjective device' to order our
thoughts, to make sense of the world in the only way reason knows how
(Walsh 1951, p.129). Reason dictates that man should see nature as having
a purpose - it reinforces, as has been said, the development of his
morality towards perfection. To raise man out of his state of nature
and keep him in 'an arena within which competitiveness can be achieved
without anarchy so that the individual can have the greatest possible
freedom consistent with that of others, Civil Society and universal laws
are essential' (Kant 1970a, pp.45-46).

Of course Kant's view that nature reinforces the moral law cannot be proved
analytically or empirically. It is perfectly feasible to hold that the
competitiveness and inventiveness (the latter born out of the former)
produce material progress and a type of prudential morality more akin
to Hobbes than to Kant. The concept of a supreme and benevolent Being
overseeing this development, if proved, would substantially support the
thesis. If reason is simply a by-product of nature which has arisen
because of a genetic fluke then all talk of purposiveness in nature is
empty of content, just as the evolutionary theory of Teilhard de Chardin
is vacuous without the posit of God-with-a-purpose.

Nevertheless, as Kant proceeds to define further formulations of the
categorical imperative it becomes less and less convincing to criticize
his morality as empty or as a morality within which it is possible to
will morally neutral imperatives (such as 'all hirsute men should part their hair in the middle')

Virtue itself must have some end (or why be virtuous?); hence Kant develops his thesis that rational beings are ends-in-themselves and must never be treated merely as means to another's end. 'Rational nature exists as an end in itself' (Kant 1952a, p.272). In their everyday life men, because of the exigencies of nature, have to be treated at times as means (e.g. means of production) but Kant insists that 'they must at the same time be treated as ends' (Kant 1929, p.47). Later on, he puts it slightly differently - i.e. that as a rational being 'man may always have a place in thy maxim as an end in himself' (Kant 1929, p.56). As rational beings already existent, they are ends already existent, that is, they are not willed by men as subjective ends (as are the ends contained in hypothetical imperatives) but are truly objective ends. As an end-in-himself man can be regarded in two ways. As a negative objective end he is the supreme limiting condition restricting his adoption as a subjective end (viz: a means to an end); a positive objective end is the development of human potentiality and rationality which is also in line with Kant's teleological laws of Nature (Kant 1952a, pp272-3).

A further formulation of the categorical imperative is that action should always accord with the principle that 'the laws to which you are subject are those of your own giving though at the same time they are universal' (Kant 1929, p.51). As a lawgiver of and as a subject to these same laws, as an objective end obliged by moral law to treat other rational beings in the same way, man must legislate as a member of a 'kingdom of ends'. 'By a KINGDOM I understand the union of different rational beings in a system by common laws' (Kant 1929, p.51) to which they belong both as subjects and legislators. In such a kingdom the fully rational being will pursue his own ends in such a way that all other rational beings are left free to pursue theirs. In the kingdom of ends we thus have a self governing community with universally applicable moral laws which fully accord with the dictates of reason - a community of fully autonomous beings enjoying a harmony of purpose. The purpose of all moral willing and the aim of all moral action is to seek to behave as a member of this kingdom. To the extent that human beings will this kingdom, it does in
fact exist and can be known qua noumena as it is-in-itself (for Kant a demonstration of the superiority of practical over theoretical reasoning).

Were it possible for the kingdom of ends to be realised, a theory of right would be superfluous as would the practice of politics and the institutions of the state. In such a kingdom men would no longer be subject to the heteronomy of their own, or other persons' desires. Kant distinguishes between a good and a holy will - the former wills to lead a moral life but is still subject to temptation arising from human inclinations and passions - the latter is not. The anarchical society of the kingdom of ends is not on the face of it possible in the phenomenal world though as will be discussed later Kant at times wrote as if it were.

As long as man is subject to the possibility of heteronomy, the kingdom of ends remains a myth the purpose of which is to guide men's conduct (Passmore 1970, p.220). For Kant, the political analogue of this kingdom is a republic where all laws are self imposed and government is by consent of the governed. It must, however, be evident that in the phenomenal world the most Kantian of republics is but a shadow of the kingdom of ends in the same way that an earthly man is but a shadow of the Platonic form of man.

The Principle of Right is concerned with the phenomenal world - with men some of whom are of good will most of the time and some very little of the time. To allege that 'the vital difference between the rules generated by the categorial imperative and those governed by the Principle of Right is that the former are concerned with establishing a good will in the mind of the individual, whereas in the latter the individual is legislating as a member of the kingdom of ends' (Wylie 1983, p 196 ) is misleading. To legislate in accordance with the principle of right is to legislate for substantive laws in the phenomenal world to set the stage for the possibility of providing individuals with the autonomy thereafter to legislate as members of a kingdom of ends. The kingdom of ends must, by its very constitution, stand outside the world of phenomena. The Principle of Right then, is simply a means to an end.

In 'Religion within the limits of Reason Alone' (Kant 1960, p.86), Kant
seems to recognize this when he distinguishes between a juridico-civil society, in which men are governed by coercive laws, and a superior ethico-civil society where men are governed by laws of virtue - i.e. where the commonwealth is an ethical as distinct from a political one. Human beings cannot achieve the ethico-civil society which is a 'City of God' - governed by God and which only God can bring into being.

Were a kingdom of ends possible, not merely would there be no distinction between public and private morality but, in this context, there would be no distinction between the terms 'public' and 'private'. We would have a community of beings, perfectly rational, behaving in an identical way not only morally but in all other ways in which reason dictates one should behave. Apart from their different locations in the spatio-temporal world and accidents of their physique (male/female, handsome/ugly etc) they would be indistinguishable. Perfection in any form attributable to human beings raises just the sort of epistemological difficulty that Kant saw in the application of theoretical reasoning to noumena - it is beyond our understanding. If we regard human beings as noumenal selves - i.e. beyond the spatio-temporal web - as beings perfectly rational - then the identity crisis becomes acute - they become non-individuated - absorbed in a Parmenidean 'one'.

Reverting, then, to the concept of the kingdom of ends as an ideal which mankind should strive to attain, it can be seen that just as ethical actions should be based on maxims formulated as universal laws, so politics should also be subject to universal laws as the only way to attain universal justice. The theory of virtue is concerned with the rightness and wrongness of motives and maxims whilst the theory of right is concerned with the rightness or wrongness of acts and of positive laws. The theoretical doctrine of right is ethics; the practical doctrine of right, politics, and no conflict should arise between the two. Public and private morality co-exist as the two profiles of the same face. Kant's stricture is clear. 'Right ought never to be adapted to politics but politics ought always to be adapted to Right' (Kant 1970a, p.21). There is no intrinsic good in politics - politics is extrinsically good since it provides the means whereby morality can exist in the phenomenal world. In this sense the state has moral value. Politicians and statesmen, as
state servants, also serve morality (and this yields another aspect to 'public morality') but only insofar as the state's laws approximate to those engendered by the Principle of Right.

The statesman and citizen can, therefore, obey both biblical injunctions to be 'as wise as serpents' yet 'as guileless as doves' (Kant 1970a, p.116). The moral politician seeks to obey both injunctions; he sees political expediency co-existing with morality. Kant contrasts him with the 'political moralist', the Machiavellian or Hobbesian ruler, who 'fashions morality to suit the statesman' (Kant 1970a, p.118).

The moral politician seeks to promote the true ethical interests of humanity - he seeks to introduce legislation fully in accord with the Principle of Right, so that both he and those whom his activities in politics and legislation affect, can themselves legislate for and govern their moral lives as if already members of the kingdom of ends (Williams 1983, p.42). He will, however, as a practical politician not jeopardize his ends by behaving as if all his colleagues and rivals shared his ends. He will be circumspect (Kant 1970a, p.118). Thus, for example, it would be contrary to all political sense, which in this case agrees with morality, to destroy any of the existing bonds of political or cosmopolitan union before a better constitution has been prepared to take its place (Kant 1970a, p.118). In other words, he must make haste slowly, put up with injustices, if in this way he advances the ethical betterment of his fellow citizens in the long run. He will be assisted in this because of his assumption (discussed above) that he is in harmony with a nature which is progressing towards the same high end as he is. He will make use of the driving ambition of the political moralist to further this end (he will perhaps appoint an ambitious and ruthless careerist to an office where dedication to the work in hand is essential) but he will nevertheless set his face against any derogation of men's rights - 'The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right ...' (Kant 1970a, p. 125).
Thus the moral politician is constrained as to the means he can adopt to achieve his moral ends. Such restrictions on his freedom to manoeuvre are to some extent offset by the clarity of his vision. The political moralist, we shall then see, suffers a clouding of vision because of the confusion of seeking a number of contingent aims even though no moral laws constrain his use of any means sufficient for his purposes.

Kant recognized that politics must by their nature be consequentialist — they must serve a purpose whether this is the attainment of an ethical objective, the happiness of the political subjects or the aggrandizement of the state. The moral politician will make use of political arguments to convince his colleagues and fellow citizens because he will hold that he serves an objective truth, a truth demonstrable by reasoning and supported by valid argument. The political moralist is much more likely to rely on persuasion, on propaganda (seen as a way of appealing not to reason but to passions). The propagandist may not accept the objectivity of the truth of his argument — he is simply anxious that we go along with him.

For the most theoretical of ethicists, Kant is clearly no innocent in the political wilderness.

It is morally necessary to be externally free (i.e. from the heteronomy of other beings) and for this reason man may be compelled to enter and remain in civil society, but he need not be morally good to do so. Kant holds that political problems should be so solved that 'even a nation of devils (so long as they possess understanding) can solve them' (Kant 1970a, p.23). Man cannot be coerced into morality but he can be forced to be free — i.e. to behave rationally towards his fellows — hence Kant's Universal Principle of Right — 'every action which by itself or its maxim enables the freedom of each individual's will to coexist with the freedom of everyone else in accordance with a universal law is RIGHT' (Kant 1970a, p.23). This application of the universal principle of morality to law and to politics is the duty of the ruler, statesman and politician — indeed of everyone playing a political role. To apply it successfully in the phenomenal world one must be prudent and worldly wise; thus Kant's insistence on prudent, even on slow and cautious reform, to nudge an earthy
kingdom towards compliance with Right. At all costs (and in this he agrees with Hobbes) anarchy must be avoided and hostile reactions to hasty reforms must not be provoked. To impose a perfect theory of right would be possible for a being of holy will (no problem for God) but could a will any less than perfect do so? One questions here whether, in the world of phenomena, there exists a perfectly moral politician able enough (rational and willing enough) to frame legislation in perfect accord with the principle of Right. Kant thinks so. The Kantian state could be peopled by evil men but, if rational enough, they could make just laws and abide by them as good citizens, even though they were morally depraved. The distinction here is between internal freedom (from heteronomy in willing) and external freedom (from heteronomy to other beings). Given the framework of legislation protecting the external freedom of all, it is up to the individual to choose whether to act morally or no in those ways left open to him. Several questions are raised here - if, by definition, a rational being is morally good, how can a devil, or a morally depraved man, be rational enough to will the Principle of Right? If a being is dominated by heteronomous inclinations he is ipso facto a slave to his passions - not free and therefore irrational. There is an antinomy here that will be explored later.

Several problems arise when applying Kant's ethics to political activity not least those which appear to expose inconsistencies in the ethical theory itself. These can now be explored under six headings.

1. Kant's concept of Duty
2. Kant's concept of the Will
3. Kant's concept of Rationallity
4. Kant's concept of Freedom
5. The nature of ends and of human being as ends in themselves
6. The practicability of Kant's ethical system and its relation to political activity in the world as we know it

DUTY

Duty is the necessity of acting out of respect for the law - such is Kant's definition (Kant 1929,p.16). He was the first philosopher to make duty
the central concept of morality - to have a good will is always to act from a sense of duty and a sense of duty is distinctive of conscience. It involves recognition of and submission to the moral law. The will of the agent is determined subjectively by respect for the moral law and objectively by the moral law he/she wills. Kant is adamant that it is not enough to act in accordance with duty (one may for instance be compelled to do so by another will, or by the force of one's passions or for some other, for Kant, nonmoral motive), one should act from a sense of duty - this alone gives an action moral merit. The sense of duty is simply the recognition by man that his reason tells him, by means of the categorical imperative to adopt a maxim in such and such a case to act in a certain way. 'Duty' is what should be done - the 'sense of duty' is one's recognition of it. To act from a sense of duty is not to act heteronomously since the duty stems from the obligation to obey the moral law which, as a rational being, one has oneself enacted. To obey such a law is to act autonomously.

Kant adopts the usual distinction between duties to self and duties to others and between perfect and imperfect duties. Kant defines a perfect duty as one which admits of no exception - one which must always be obeyed and can never be overridden. (Kant 1952a, p.269,fn 1). He does not define imperfect duties as such - we are left to infer from his examples that such duties can be overridden by other duties or even by inclination (Paton, for instance, maintains that imperfect duties allow the limitations of the maxim of duty by another; Singer that imperfect duties are those conditioned by or dependent upon the desires or purposes of another) (Williams 1968, pp.43-4). An example of an imperfect duty would be the duty of generosity - we might well have a duty to give to charity but not to all charities that beg us to do so. This leads us to distinguish between where the state can and should legislate e.g. to enforce contracts where the signatories have perfect and recognised duties, and where it cannot e.g. to legislate for its subjects to give to charities.

It is worth noting here the distinction between obeying the law of the state - as long as it is obeyed the state does not enquire into its subjects' motives - and obeying the moral law where motives are of the essence of morality.
Perfect duties are correlative to the rights of others (who can demand the performance of the duty) whilst imperfect duties are those for which no one can demand performance as of right. Thus man has a right to pursue happiness but no right to happiness. He has an imperfect duty to promote others' happiness but they have no right to demand that he does so.

Kant certainly denies the moral worth of any act not done from a sense of duty (Copleston 1968, p.316). It is possible to read him as saying that he would not refuse merit to an action done, for instance, out of love but only provided that the agent's sense of duty would, in any case, in the absence of love, have motivated him so to act. Insofar as love is a feeling of affection prompted by natural inclinations, it is a purely phenomenal entity, and, as such, is a heteronomous motivation of the will. It does not spring from man's autonomous reason but arises from his subjection to his inclinations. But the Christian view of love, to love man for what he is and on account of his relationship with God and his fellow man, does not fit this mould. Because of these relationships man is seen as an end-in-himself, not, as for Kant, simply on account of his rationality. Indeed, Kant seems to imply that the less we are inclined to do a good deed the greater the moral worth of our doing it out of a sense of duty (Copleston 1968, p.317). This suggests that the baser our inclinations, provided we act from a sense of duty, the morally better we are. This notion flies in the face of our everyday intuition that the morally better person is the one whose inclinations and sense of duty are more in harmony. Yet most of us would agree that, in Christian terms, the greater the temptation the better we are for not yielding to it. Schiller's criticism of Kant (Williams 1968, pp.59-60; Allison 1990, p.110), that he wanted and liked to help his friends in distress but that, for Kant, such action would be of no moral value unless done from the sense of duty, carries weight only if Schiller's motives in helping his friends were truly agapist and not, for instance, simply the promotion of his own happiness through the happiness of people he just happened to like. It is because man is subject to the contingent passions of the phenomenal world that the categorical imperative is addressed to him as an imperative, as a law which must be obeyed regardless of his (phenomenal) feelings. The holy will, not subject to such pressures, does not have
to be commanded to obedience. Kant's austere devotion to duty at least has the merit of preventing our confusing love for others with love of ourselves. The weakness in his concept of duty is that it subsumes moral worth under just one aspect of moral goodness - there is more to Mother Theresa than a merely abstract devotion to duty. It is difficult to pin down exactly what this difference is. That Mother Theresa does her duty as a Christian is beyond doubt and this duty could be said to encompass, for instance, doing good to all without distinction and responding readily to people's needs. Perhaps the essential difference between Kant's view of duty and that of such a person as Mother Teresa is that the one springs from reason the other from a commitment to the service of others which transcends the merely rational. I think the distinction can perhaps be highlighted by the soldier in the trench. When the grenade lands in front of him his duty, rationally, is to save himself and not impede his comrades saving themselves; it could never be to immolate himself by throwing himself on the grenade in order to save the others.

WILL

In the 'Foundations of the Metaphysic of Morals' Kant asserts the primacy of the good will in morality. He maintains that the principles of morality bind not because we desire the ends attained by them but because they are the sort of principles that a being with good will would hold.

Moral value, if we are to speak strictly, is assigned only to willing. The moral value of an act is determined entirely by the agent's motive - the maxim which prompted his action. 'If nature is niggardly and the will wholly lacking in power to carry out its intentions so that it accomplishes nothing, and only goodwill is left ... even then it would still shine like a jewel for its own sake as something that has full value in itself.'( Kant 1929, p.10).

Rationality is accorded full value by Kant and therefore goodwill and rationality are inseparable. Indeed, Kant sometimes speaks as if practical reason is identical with the will. However, this will must therefore be a thoroughly good (i.e.holy) will which can only belong to a fully rational being. It is, of course, not essential to Kant's theory that
fully rational beings actually exist – in the phenomenal world they do not. Perhaps Kant employs this concept of a fully rational being to differentiate, as emphatically as he can, his deontological ethics from ethical empiricism.

Kant uses two terms for the will, Wille – the fully rational will and Willkur – the active or decision making will (i.e. that to which most of us refer when we speak of will in everyday terms). Wille wills its own moral laws which are the same for all fully rational beings which, qua noumena, stand outside the space-time continuum. The aim of every partially rational being, like man, is to bring Willkur into line with Wille. Practical reason is therefore identical to Wille (Beck 1960, p.123). Wille is a holy will, Willkur may or may not be a good will. Wille is the source of moral autonomy, whose ends are objective – the treatment of all rational beings as ends. Willkur wills subjective ends which may accord with the objective ends of Wille in beings of good will (Beck 1960, p.178).

Now Wille is the same for all purely rational beings – it is, in effect, one will – closely akin to Rousseau's General Will. Willkur is different for and unique to each human being – it varies according to the psychological and empirical factors impinging on it in the phenomenal world.

The complete assimilation of Willkur to Wille is not possible in this world for, qua noumena, Wille cannot be subject to the inclinations and passions nor to the law of causation in the phenomenal world. The concepts of 'duty' and 'ought' do not apply to Wille – they are only meaningful if there is a choice available to the agent to act, or not to act, morally. A being with Wille lacks choice, and this antimony between full rationality and freedom creates a problem for Kantian ethics which will be considered under the subsequent heading of 'Freedom'. It can be noted here that the actions of Wille have no moral worth since they are not promoted by the motive of duty ('duty' is a meaningless term for Wille). Only acts originated by Willkur have moral worth because, if they accord with the acts that, in the same situation, Wille would have originated, they are done freely and from duty.
It is impossible for us to envisage what it means for a perfectly rational being, a being of holy will, to take any sort of action. By definition, such a being is in the noumenal, and not in the phenomenal, world. In the latter world only can acts be instantiated and located by means of spatial and temporal markers. We are in danger here of applying theoretical reasoning to noumena with the contradictions and fallacies that invariably result from such an application. There is no sense in which a person can be said to possess two wills. Wille can be seen as simply a theoretical posit - a standard of perfection whereby we can judge acts precipitated by Willekur. Willekur acts from a rule of reason taken as a maxim - it is the will in action. Wille formulates the laws that may or may not govern these maxims (Kant 1952, p.393) - they will not if, for instance, the maxim in question represents a conscious choice to follow one's passions.

Kant puts it more succinctly, (Kant 1952b, p.392) - laws determine what ought to happen originating in man's will qua lawgiver; maxims determine what does in fact happen and originate in man's will as a free subject, able to obey, disobey or disregard these laws. Both the state and the private individual ought to act in accordance with Wille; in the case of the individual this is to act in accordance with the commands of the categorical imperatives as applied to individual conduct; in the case of the state to legislate and to govern in accordance with the Principle of Right.

RATIONALITY

The supreme principle of morality, the principle of autonomy and the supreme principle of practical reason all spring from the same source. In effect, they are three aspects of rationality, or so Kant tells us. They are only possible because man can act rationally. In this sense morality rests on the bedrock of reason. This paramountcy of reason is justified by Kant on the grounds that it is the distinguishing feature of a rational, or partly rational, being to be free, insofar as he is rational, from the determinism of causal laws. As discussed earlier Kant detects in the phenomenal world teleological laws. All things in nature
have a purpose - 'nothing in nature is in vain' (Kant 1952e, Pt.II, p.25). Hence, Reason must also have a purpose and for Kant this is not the obvious one (preservation of life or of the species) for this could be better done through instinct (which is less liable to error). Kant sees the end of reason in the cultivation of the will (Willkur) not merely as an instrument of good, but as good-in-itself (Kant 1952a, p282). Thus Kant equates moral goodness with rationality and reason becomes the motivation to act. It can be objected that this ascribes to reason more power than it possesses. Reason, so this argument runs, enables us to determine what is the case and to make valid deductions from a given premise. It cannot itself be a motive for action. It is certainly true that in many cases reason is used hypothetically - i.e. to serve the purposes of inclinations - thus, I can reason that if I do 'x' I will, in situation 'y', preserve my life; the motive here is not my reason but my instinct for self-preservation. But if Kant is justified in saying that my reason enables me to ascertain that there are rules of conduct which I should obey because it is, literally, reasonable for me to do so, then it is my reason which motivates my will.

The difficulty in fitting in Kant's view of rationality within the framework of his moral theory becomes evident when we examine his concept of autonomy and the way in which he equates the one to the other.

**FREEDOM**

The moral agent judges that he can perform a certain action 'x' because:

1. his conscience tells him he ought to do 'x'.
2. he intuits that he is free either to do 'x' or not.

He acts from various motives - from inclination or to obey the dictates of reason but he is aware that he can choose to act in one way or another or indeed not to act at all in any given instance. He thus appreciates freedom which, without the moral law, he would never have known. The practice of morality forces us to be free.

This freedom gives us a perspective on the empirical world of which it
is not a part, but our knowledge of it is part of the apperception by which we appreciate this perspective.

The freedom we are looking at here is 'internal' - the freedom of will, of Willkur. External freedom (from coercive restraints) is readily apprehended but the internal freedom posited by Kant is less easy to grasp. It cannot be subject to constraints put on it by others. A human being, in obeying the moral law for its own sake, in imposing the law on himself, is truly autonomous. Internal freedom stems from man's participation in the noumenal world and conveys to him the possibility of independence from the determinism of the world of phenomena. This is Kant's 'transcendental freedom' (Beck 1960, p.179). A human being's actions are therefore free to the extent that they can be shown to be motivated by reason and by reason not used instrumentally to further the ends of inclinations. These actions, though, take place in the phenomenal world and so the problem arises as to how this freedom fits in with the deterministic world of nature. How free is reason? The very concepts we use to reason by are imposed on phenomena by reason and the phenomenal world must play some role in their creation. We may follow in any particular instance the dictates of reason but in making synthetic judgements how can we know that our reasoning may not be reducible to causal laws - that is, not subtly coloured by our psychological make-up? This is not just stating the obvious case that, in practice, most of our actions (whether open to moral judgement or not) are made from habit, from reasons unanalysed and not evaluated. Is Kant implying (or can he be made to imply) that freedom is a 'myth' in which it is essential to believe in order that mankind will act in certain (not anti-social) ways? Voltaire's observation that if God did not exist it would be necessary to invent him is mirrored in a like observation about freedom. Kant, however, cannot be read in this way. For him, the primacy of practical reason is rooted in his assertion that thinking is free - the ability to think coherently, to create and structure theories, depends on this freedom. Man's ability to create universal laws of conduct is a measure of his freedom as a rational being, but of what does this freedom consist? As partially rational beings existing in the phenomenal world our will (Willkur) enables us to choose to behave or not to behave rationally. To behave rationally in the sphere of morality means to behave in...
accordance with the precepts motivating Wille. This may be termed categorical rationality. Willkur can will to pursue some end prompted by inclination and then pursue this end rationally - we can call this hypothetical rationality. This hypothetical rationality is clearly at the service of the agent - to pursue what he wills (via Willkur) good or bad. It is true that all rationality, hypothetical or categorical, must obey the laws of logic to be considered as rational at all but this is no more to inhibit freedom to attain a given end than the necessity of balancing a bicycle inhibits one's freedom to arrive on a cycle at the intended destination. Categorical rationality, however, imposes a far stronger restraint. A being with a holy will lacks both the freedom and, in Kantian theory, the dignity of a moral being because it lacks the essential ability to choose which is forced on Willkur by reason of its involvement in the phenomenal world. The nearer a partially rational being succeeds in correlating Willkur with Wille, the more inhibited he is by the dictates of rationality. In the same way that Rousseau's General Will can force the recalcitrant citizen to be free (and not in a way he might readily recognize as 'free') so Wille can impose a similar restraint on Willkur. Man then becomes a slave to his reason rather than a slave to his passions - he becomes controlled by a sort of mental determinism. So long as man feels free to obey Willkur then we might perhaps set aside this 'dictatorship of the mind' but if conformity to Wille is the supreme principle of morality then autonomy itself must be a lesser value than rationality, and dignity less worthy than obedience.

Kant, however, regards the restrictions put on Willkur by Wille not as restrictions on freedom but, because Willkur is itself autonomous and makes its own laws, as a product of freedom (Beck 1960, p179). Law is a product of the freedom of Wille as pure practical reason, as the legislator freely enacting and freely obeying its own laws. Willkur's freedom is freedom in the psychological sense, but this arbitrary freedom is inadequate for ethics which demands transcendental freedom through laws demanding absolute, not contingent, obedience by reason of their form and not because of their phenomenal content. The freedom of Willkur is negative (non-restricted) but becomes positive (maximized) when it submits to Wille (Kant 1952b, p.393).
Kant makes much of the point that the Principle of Right can create conditions of inner freedom within which a nation of devils (if they have understanding) can live together in harmony — if that is the right word to use for a coercive society which prevents, by sanctions, one devil from restricting the freedom of others (Kant 1957, p.30). Understanding, and ipso facto rationality are essential if the Principle of Right is to be apprehended. If devils are rational enough to do this, will they not equally be rational enough to see the desirability of shaping their inner lives in accordance with Wille? They will then cease to be devils if by this we mean beings addicted to evil. One reading of the biblical account of devils suggests they became so by seeking freedom from 'Holy Will' (the sin of pride?). Be that as it may, the equation of rationality to morality does not sit easily with such empirical evidence as we have or would Kant necessarily expect it to. Kant's attempt to ground rationality in the noumenal world is based on a priori reasoning but even so there are, to say the least, irregularities which disrupt the coherence of this hypothesis.

THE NATURE OF ENDS AND HUMAN BEINGS AS ENDS.

In order to give the Categorical Imperative a purpose or end, and an objective, not subjective end (i.e. one valid for all rational beings and not dependent on particular events or valid for only some rational beings) Kant postulated rational nature from which also it must be possible to derive all laws from the will and provide all human beings, as partly rational creatures, reason for regarding themselves, and others, as ends-in-themselves (Kant 1952a, pp.270-1). Human beings, insofar as they are rational, must share in the ends each rationally wills (i.e. those ends which a human being would of necessity will were it not for his natural inclinations). The grounds of this principle are, firstly, 'Rational nature exists as an end in itself' and secondly, 'always to treat humanity ... never simply as a means but always at the same time as an End'. Never should a human being intend to make use of another man merely as a means to an end which he does not share (Kant 1952a, p.272). In the 'Critique of Practical Reason' Kant insists that not even God Himself can use a rational being merely as a means (Kant 1927, p.181). This is, for Kant, the bedrock of political morality on which his Principle of Right stands.
We have already noted the clash between autonomy, as a supreme moral principle, and rationality and this conflict re-emerges when considering Kant's doctrine of ends.

If rational nature is an end-in-itself then anything less than rational nature presumably is not. Men and women are, at best, rational on some occasions and not on others and it is fair and accurate in this sense to describe them as only partially rational. Rational nature is endowed with Wille. To hold that only beings with Wille should always be treated as ends-in-themselves is, as a practical guide to political or ethical behaviour, vacuous, because, in the phenomenal world, the world of practical morality and politics, there aren't any.

Eleswhere Kant would seem to ground 'end-ship' (and absolute worth) in all beings insofar as they are rational (Kant 1952a, p.273). This would appear to mean that in seeking to equate the dictates of Willkur with those of Wille human beings should be treated as ends but not otherwise. This ties in with Kant's view that the ambitions of a political moralist (say a careerist taking up politics as a means of self-aggrandizement) may be used, by a moral politician, for instance, to put through legislation which will bring the state's laws more in line with the Principle of Right - i.e. to use him or her as a means and not an end (Williams 1983, p.49). This guideline could, not uncomfortably, be extended to the moral politician using the heteronomous desires of other subjects to further a noble end, that is, a furtherance of the Principle of Right. It suffices to point out that the weakness in this approach is that the rational will itself is a noumenal disposition and cannot be empirically observed. All sorts of mistakes and injustices can be committed in differentiating between the rational ends of the politician and the good will of the subjects and both his and their heteronomous inclinations. It must be remembered that no moral politician is in possession of Wille - at best, like the curate's egg, he is good in parts (if we are very fortunate, with very few bad parts) but we can never be sure that he will always align Willkur to Wille.

The third interpretation which Kant applies to this problem of ends is that human beings are ends-in-themselves because they possess Willkur
- potentially autonomous wills which are potentially rational in the sense that Wille is rational. In this sense, 'die Wille' are not ends of supreme moral worth because beings fully possessed of them (i.e. beings of holy will) lack autonomy. Moral worth is therefore equated to moral responsibility (Allison 1990, pp.131-136). The necessary and sufficient conditions for holding a person to be accountable for his or her actions is a free will (Willkur). Thus all human beings of good or bad will have supreme moral worth as ends-in-themselves so long as they can choose to align Willkur to Wille or not. Clearly this interpretation widens the scope of the Principle of Right - it now applies to all beings who, in a court of law, would be judged rational - everyone over 'the age of reason', not insane or mentally defective. This does not save Kant from enunciating contradictory views (the three interpretations apply to different beings) but one can hold, I suppose, the third interpretation which rephrases the first quotation to 'Rational or potentially rational nature' is an end-in-itself and is of supreme worth. In a way that is echoed in the current controversy over abortion, one might, at a pinch, stretch this to include, as potentially rational, children destined, ceteris paribus, to grow up into partly rational adults. It seems far removed from Kantian liberalism to adopt any other interpretation. The only perfectly rational being arguably is God, which somewhat restricts the politician's application of the Principle of Right. But even this generous view of the relationship between rationality, potential and existent, that sees as ends in themselves beings that are potentially rational now, or in the future, leaves us with the determination of the value as ends-in-themselves of mentally defectives and the incurably insane. Not only the National Socialists of the 1930s have seen these human beings as disposable albeit in the kindest possible way. If the root of respect for another being is rationality alone then no value can be placed, for instance, on the gentle kindness of the child with severe Down's syndrome. How can one in practice judge the rationality or potential rationality of a psychopath or a chronic schizophrenic? Given that a chronic and severe depressive is judged irrational - given that, for instance, he or she believes (irrationally) that he or she is a being of no worth, utterly bad (a common symptom of depressive illness) then all his or her behaviour thereafter can be rationally explained given the erroneous premise (and this is how the depressive will explain it).
In the last analysis, rationality does not equate to conformity to classical logic - many clinically insane patients can produce logically valid arguments.

Despite misgivings, however, it is logical and reasonable to hold that moral worth, end value and rationality are closely inter-connected. Unless some other principle is brought into play (e.g. the Christian notion of the Fatherhood of God and the brotherhood of man) it can be argued that the incurably irrational occupy a lower place in the scale of values than a philosopher or a scientist.

KANT IN PRACTICE

In 'Perpetual Peace' Kant held that the development of reason in the progress of the Enlightenment would ultimately result in a world federation of states and perhaps in a world state (Williams 1983, p14); presumably this state would be a republic governed by its own citizens in accordance with the Principle of Right.

Men of necessity work towards this ideal commonwealth because nowhere else can the demands of their reason be satisfied. Kant foreshadows Teilhard de Chardin's view that men must believe mankind is perfectible otherwise human efforts to ameliorate the lot of mankind would collapse.

In 'Perpetual Peace' and in the 'Idea of a Universal History' (Kant 1970a, p.51 & Passmore 1970, p.217) Kant predicts that men will some day find perfection in the perfect state. This does not accord with the theoretical perception that perfect beings (and therefore perfect states) are not realisable in the phenomenal world. If we lower our sights to the establishment of the best possible state in a world of contingencies then this becomes the sensible and realisable aim for all worthwhile political activity.

For Kant, the moral law is not in contradistinction to the law of nature - the latter is the model of phenomenal activity presented to us by reason. Even man's natural instincts of acquisitiveness and rapacity are mobilised by nature towards this fulfillment of man's political activity. 'Thanks
be then to Nature for this (man's) unsociableness, for this envious jealousy and vanity, for this insatiable desire of possession, or even of power. Were it not from them all the excellent capacities implanted in mankind by nature would slumber eternally undeveloped' (Passmore 1970, p.218). This striving for possessions and power brings men to realise that the best way of attaining their ends and meeting the requirements of their hypothetical imperatives, is to come together (like the devils) under the umbrella of the Principle of Right. 'One purpose shines manifestly through all her (Nature's) mechanical order, to use the discord of men for producing concord among them against their own will' (Passmore 1970, p.118; Kant 1970a, p56), (presumably, Willkur overpowered by inclination and passions). Thus, Nature teleologically and Reason by its very nature strive for the same end. Interestingly enough, this seems to portray as the only element working against the dominion of reason, not the blind forces of nature (for they are not seen by Kant as 'blind') but Willkur, when it is not in alignment with Wille. In thus turning Hobbes' view of natural forces on its head there is some excuse for thinking that in Kant's teleology of nature, as in de Chardin's, there is more than an element of Doctor Pangloss' groundless optimism. Yet, in the political world of the German states, Kant's contacts with administrators and men of affairs led him to support his thesis by sometimes shrewd and worldly insights into the machinations of politicians and statesmen. In an interesting commentary on the duties of a civil servant Kant enunciated his view that the civil servant's duty was to obey his political masters. Not for him or her the autonomy to act freely, if clandestinely, to promote the Principle of Right and the closer approximation of the state existent to the kingdom of ends (Willkur 1983, pp46-49). Both as citizen and civil servant his task was to obey the law, criminal, civil and administrative, even if these were seen, clearly and unequivocally, to militate against the kingdom of ends and the moral autonomy of the citizens. 'The public use of man's reason must always be free, and it alone can bring about enlightenment among men, and the private use of reason may quite often be very narrowly restricted, however, without undue hindrance to the progress of enlightenment' (Kant 1970a, p.55). What Kant maintained as essential was freedom of speech - both citizen and public servant could publish and argue in public the case for not doing 'x' even though the existing law required that 'x' be done
and they obeyed it (Kant 1970a, p.56). This Kant saw, not as a suppression of conscience, but as a restriction of the use to which the dictates of conscience can be put. In the recent case of Mr. Clive Ponting, the public servant would, surprisingly perhaps, not have been condoned by Kant for publishing his views because, incidental to this publication, was the breach of confidentiality enjoined on all civil servants in their relationship to their political masters.

There is a further reason why Kant supports freedom of speech and thought (even though laws must, in all cases, be obeyed). The application of the Categorical Imperatives to the contingent conditions extant in the phenomenal world may well give rise to more detailed sets of rules which differ from place to place and from time to time giving rise, perhaps, to differing sets of moral rules. To enable these rules to be fully rational they must be openly debated and eventually justified by valid arguments such that set of rules '1' is superceded by set of rules '2' (Williams 1968, p.241).

A further instance of Kant's attempt to equate what should (morally) be done with what (prudently) ought to be done is contained in his discussion of the contrast between the moral politician and the political moralist. Not only is the former morally justified but in prudential terms he is better off. The political moralist, apeing Machiavelli's prince, must yet pay lip service, and therefore some attention, to morality for attention to morality is what ordinary citizens expect of him. Furthermore, his task is more difficult and even more intellectually demanding than the moral politician's for he has too many ends to pursue, many of them possibly conflicting (Williams 1968, p.47). However, even if he pursues one end only heteronomously, and even if it be an altruistic end (the happiness of his subjects) the natural world is such that the attainment of this end is risky and uncertain. On the other hand, the moral politician has only one end - to provide conditions necessary for the individual freedom of those for whom he is responsible and so allow for their moral autonomy. This is a clear and objective purpose and, Kant thinks, can so be seen by the citizens. Furthermore, the moral politician is less confused - his actions simply have to be guided by his rationality (i.e. categorical rationality). He does not have to expend
his energy in disguising either his ends or his actions (Williams 1968, p.47). If, because of the contingency of nature, the moral politician fails, then so Kant thinks, he will not fail so badly as the political moralist. It is not possible, in the welter of historical events, to pass a sensible empirical judgement as to whether or not Kant's observations are true. Is failure judged if the sought-after end is not achieved in the short run? Or maintained in the long run? Is failure the considered judgement of History on the character as well as on the achievements of the statesman? That the villain's machinations often come to nought is true and Kant is right to point out that the Machiavellian prince has to work very hard to stay in power. But then, so did Soderini, without success. One would like to think that Kant's views were justified but this must remain an open question.

SUMMUM DONUM

The good will may be the only thing morally-good-in-itself but it may not be the only thing-in-itself which is of absolute worth. Is not the Holy Will? As we have seen, so far as Kant's equation of freedom to dignity and worth is concerned, probably not. If freedom is the value good-in-itself this is arguably not synonymous with pure rationality (Wille is not identical to Willkurf).

In the 'Critique of Practical Reason' Kant defines the 'summum bonum' as 'the whole, the perfect good, in which, however, virtue as the condition is always the supreme good, because it has no condition above it; whereas happiness ... is not of itself absolutely and in every respect good, but always presupposes morally right behaviour as its condition' (Kant 1952a, p.339). In other words, happiness is good-in-itself but not unconditionally so. This is because happiness, in the phenomenal world, is the object of inclination and passions and, insofar as he is rational, man seeks freedom from these. Kant holds that happiness is achieved by a good will but not necessarily in this world - not even by those who consistently seek to live a virtuous life (Kant 1952a, pp.378-9). Permanent happiness is a perfection of which no human being is capable in the phenomenal world. Man rightly seeks happiness, no virtuous man avoids it, but heteronomy in the phenomenal world makes its achievement unlikely. This may be a
reflection of the existence of change in the phenomenal world - were perfect happiness achieved then any change would be a change for the worse. Only in the noumenal world is happiness obtained by those worthy enough to attain it - i.e. those whose wills have attained perfection.

Superficially, it would seem that Kant's ethical theory and doctrine of Right lay down rigid markers between public and private morality. If one is happy to assign the performance of duty as the necessary and sufficient condition for moral behaviour then perhaps the politician has firm criteria for judging his own and others' actions. There are, however, numerous inconsistencies in Kant's ethical and political theory which are not overcome by his Panglossian desire that the world of nature should come to the support of the attainment of the kingdom of ends in a world where this attainment is impossible to achieve. It is greatly to his credit that Kant provides us with a deontological theory in stark contrast to the consequentialism of Bentham or the state sponsored morality of Hobbes. But, like their theories, this does not stand up to close examination on its own. In the work of the Hegelian idealists an attempt is made to bring Kant down to earth.
6 THE IDEALIST STATE

It is the error of Kant and of a certain sort of liberalism (which sees in him the supreme defender of individual rights and liberties) to attempt to construct a society based on rational decisions and choices of individual human beings divorced from their history, their place in society and their culture. An individual is posited who can as it were, stand outside and apart from the society in which he lives, pass judgement on it and construct a network of beliefs and relationships uninfluenced by those handed down to him by his forebears. At the heart of the idealist's view of political life is the belief that no individual can so divorce himself from society and its institutions and the belief that the liberal concept of the individual as logically and historically prior to society is misguided. It is society that shapes and forms the individual. Kant's attempt to base human freedom on the existence of unknowable noumena is likewise denied - these 'things-in-themselves' are expressions of one spiritual reality manifested in one's own and in other human minds and they are, in essence, intelligible and knowable (Copleston 1966, p.146). The corollary of this view of reality is, of course, that the foundation of human autonomy and freedom lies in the 'here and now', in the society in which the particular individual is placed.

Kant can be seen as the ultimate defender of Lutheran freedom. In the sixteenth and seventeenth centuries the authority of the Church was challenged by the conscience of the individual and, in the later seventeenth and eighteenth centuries, the authority of law and of governments came to be challenged by the doctrine of natural rights (Hobhouse 1918, p.26). The idea developed that laws and institutions should and could be judged by reference to one's conscience or natural right, and encapsulated in the latter was an implicit valuation of the happiness of the individual. Inevitably, these beliefs carried the danger of a depreciation of social life and of the value of a common heritage and good, and implied that, were only the individual freed from the established order then his good would follow, and, indeed, he would be morally good. As Hobhouse pointed out, the reaction to these ideas came from those who set up 'the state as a greater being, a spirit, a super personal entity, in which individuals with their private consciences or claims of right,
their happiness or their misery, are merely subordinate elements' (Hobhouse 1918, p.27). Society is an organism greater than the sum of the individuals composing it. Failure to realise this, according to Hegel, resulted in a society from which the individual was alienated and this could be seen in the fragmented existence of the modern European compared, say, to the integrated harmony of the Greek living in the (idealised) Greek polis (Doniela 1986, p.162). Indeed, Hegel saw his contemporary fellow Europeans as possessed of two distinct tendencies – particularity (with stress on private and group interests inherited from the concepts of Roman and Natural Law) and subjectivity (that is, men seeing themselves as moral agents with no authority greater than their own conscience or rationality). Both these attitudes are at the root of Civil Society, which Hegel saw in terms of an economic order of free enterprise. Particularity and subjectivity are in essence bourgeois traits and bourgeois interests (Pelczynski 1971, pp.145-7). This society is a long way removed from the tightly knit fabric of the polis. It is to the idealised concept of the latter and to the theories of Plato and Aristotle that the roots of the Idealist state can be traced. Bosanquet's debt to Plato is plain – there can be 'no sound political philosophy which is not an embodiment of Plato's conception' (Bosanquet 1923, p.6). In the 'Republic' Plato sees society as a moral entity, with each citizen carrying out his duties in accordance with his station in life (an idea on which Bradley, Green and Bosanquet were to lay great stress). Outside of society, human beings lacked a position or station so, for Plato, society (or the state – for these terms were, for him, interchangeable) was logically prior to the individual. Aristotle's dictum that out of society, man is but a beast, is a reflection of his belief that only in society can a person mature and lead a fully human life (Aristotle 1946, p.6 para.14). For both Plato and Aristotle, the purpose and use of the state was to make its citizens virtuous in the Greek sense of the term – i.e. to be 'efficient as human beings', to be perfect men and women rather than to be morally virtuous in the Christian and post Christian meaning of virtue. For the Greeks, efficiency took pride of place, not right living.

In the development of his moral and political thinking Hegel drew heavily on Greek tradition as did the three most prominent British idealists to succeed him whose views will be taken to illustrate the moral and political
theories of objective idealism - Green, Bradley and Bosanquet. All three shared common roots in Plato, Aristotle and Hegel (and, via Hegel, Kant). All three expounded theories showing a large measure of agreement with, however, differing emphasis on one or other of their philosophical forebears. All three secured the foundations of their thought in metaphysical systems based on Hegel which 'claim completely to embrace the actual and the possible and to unite them in a total vision of man's becoming, and to explain and justify everything that is, was and will be ...' (Scruton 1988, p.135). This is not to say that English idealist philosophers all stood their theories four square on a Hegelian base. Green, in particular, was critical of Hegel's metaphysics 'it is all very well for the Sundays of speculation, but it is more difficult to accept on the weekdays of ordinary thought', (Copleston 1966, p.166), when we must reconcile the conclusions of our philosophical speculations with our ordinary judgements of matters of fact and with the discoveries of science. Green felt Hegelian metaphysics lacking in this respect whereas, by and large, Bosanquet did not. On occasion Green may be criticised for inherent contradictions arising out of the dichotomy implicit in his reasoning in that he does not always seem sure whether to accept the conclusions of idealist speculations (e.g. in regard to the status of the individual vis-a-vis the state) when these clash with his deeply felt beliefs or seemed to contradict his empirical observations (Thomson 1969, pp.199-200). It is to Bosanquet's credit that he attempts to 'see things through' and to subsume his detailed observations on the facts of life to his overall idealist theory. Of the three philosophers we are looking at, Bosanquet is the most thoroughly Hegelian. He himself cites his philosophical mentors as Plato, Aristotle, Hegel, Green, Bradley and Wallace (Bosanquet 1923, p.viii), though he distances himself from Green on the importance of the state's enshrinement of the General Will and of its importance in ensuring the happiness of its citizens (Bosanquet 1923, p.ix).

Furthermore Bosanquet supported his philosophical argument with sociological and psychological theories current in his time and in particular with the notion of the psychical unity of a group. He was undoubtedly in sympathy with McDougall's contrast between the psyche of a crowd and the group mind (Pfannenstill 1936, p.16).
Whilst Hegel's analysis of the state in 'The Principle of Right' starts from a consideration of law and Bosanquet's analysis from consideration of the community (i.e. from jurisprudential and sociological considerations respectively) the thinking of both philosophers culminates in the determination of the state as the realization of the moral good (Pfannenstil 1936, p.21).

In considering the metaphysical basis of idealist political and ethical thought it seems legitimate and certainly clearer to look at Bosanquet, filling out his ideas where necessary by reverting to Hegel.

Bosanquet was convinced of Hegel's fundamental principle that the rational is the real and the real is the rational (Barker 1928, p.70; Copleston 1966, p.220). The clue to the interpretation of the world lies in logic. 'Logic, or the spirit of Totality, is the clue to reality, value and freedom' (Bosanquet 1912, p.23). Man comes to know the world and approaches the truth by the application of logic in argument and reasoning. All his concepts are partial and one sided and give rise to concepts which oppose them. Both concepts can only be reconciled by the enunciation of a third concept which embraces and reconciles them both. This process in human thinking is mirrored in the development of the world - this dialectic operates in History and hence is intelligible to us. Thus, in the development of morality, private morality is too subjective, individualistic and divorced from the needs of others. To take account of these needs and to harmonize them, laws are enacted as concrete expressions of morality. These laws are objective and universal - the same for all - but stand apart from each individual. They are 'petrified deposits' of morality which, insofar as they constrain individuals' freedom to act, detract from their morality (for moral actions stem from moral freedom). The synthesis of these two opposites occurs when individuals adopt the mores of their society and see the law as an expression of their own moral beliefs and not only the positive laws but the moral customs of the society to which they belong. This synthesis is Hegel's *sittlichkeit* which Aveni translates as 'ethical life' (Aveni 1974, p.84) and Bosanquet as 'social righteousness' (Bosanquet 1923, p.246).
Hegel's philosophy of history combined with his recognition of the dialectic progression from partial to less partial concepts and realities is explained by him as the Absolute Spirit working through history and by the clash and resolution of opposites towards an end point which is the final synthesis where all contradictions and conflicts are eliminated in the attainment of complete perfection and wholeness. Note that the Absolute in its progression to complete self-knowledge contains in itself all previous theses and antitheses. 'It is not the absolute that is implicated in opposition and combat, and that is exposed to danger. It remains in the background, untouched and uninjured. This may be called the cunning of reason - that it sets passions to work for itself, while that which develops its existence through such impulsion pays the penalty and suffers loss' (Hegel 1899, p.33). The Absolute encompasses good and evil but the Latter is 'weeded out' as the universe evolves.

Before Hegel, philosophers generally held that there were two views of the world - the 'world as it is' and 'the world as it ought to be'. The insight that Hegel gives us is that the real world, at any point in time, is as it ought to be. The social world, then, is seen to be the incarnation or expression of the Absolute (or the Ideal) which is the 'true ethical substance' (Hegel 1899, p.38); the actualisation of reason which works in the world, which co-ordinates and systematizes it. A far cry from the abstract world of Kantian noumena. 'The world of intelligence and freedom cannot be different from the world of nature and necessity; it can only be the same world seen in a new light or subjected to a further interpretation' (Caird, Hegel 1883, p.125, quoted in Richter 1964, p.172).

The objects of knowledge are merely ways of thinking about the same thing and to synthesise these views is the task of the philosophers - i.e. to provide an interpretation of the world as they find it (Bosanquet 1923, pp.1-2). Philosophy trails behind developing reality and merely interprets it. It can never grasp the whole truth (or truth of the whole) because the whole has not yet been realized. In his memorable phrase in the preface to his 'Philosophy of Right' Hegel expresses it thus - 'When philosophy paints its grey in grey, then has a form of life grown old. By philosophy's grey in grey it cannot be rejuvenated but only understood. The owl of Minerva spreads its wings only with the gathering of the dusk'
Marx was fundamentally at odds with Hegel when he gave the function of the philosopher as 'to change the world'. If the philosopher can only interpret the world as he finds it, then, for instance, if there is no good in the world, he cannot postulate it. Certainly it is possible to envisage a community in which the concept of good (in the sense of morally good, as we understand it) is absent. The Greeks of the polis held a concept of good radically different from our own expressed in terms of efficiency with, for example, no great stress laid on truth telling or humility - quite the reverse. In Kantian terms it was always open for the individual Greek to become aware of his noumenal self and to express via the categorical imperative the universal precept 'never lie'. In Hegel's world only the negation of the benefits of being economical with the truth would mark the march of the Absolute with a synthetic appreciation of the virtue of truth telling. But for this to happen the seed of the notion must be in the community already. In the total absence of 'good' in a community of devils, it is hard to see how a notion of 'good' could ever come about. However, Hegel is dealing with a world of men in whom at least the potentiality of good and of a notion thereof exists.

Bosanquet held that the existence and movement of the Absolute can be intuited as 'an external power prima facie too strong for us, and yet responding to our destinies and passing on to us an inward power now more and now less than equal to the external surroundings' (Bosanquet 1912, p.28). Its existence is not subject to proof but it is, said Bosanquet, reasonable to hold that the empirically observed movement by human reason from partial and contradictory conclusions to less partial and initially non-contradictory theses can find no end point save in the resolution of all such conflicts in a perfect, all encompassing knowledge of all that is - i.e. the whole truth which is the Absolute (Bosanquet 1912, pp.267-8). We all have some experience of it in making judgements in science, art and religion (Bosanquet 1912, p.276). In science and morality, for instance, we cannot attain to knowledge of the Absolute by our own efforts since we are restricted by our finitude. We can get closer to the Absolute through religion and through art (Pfannenstil 1936, p.166). As Copleston points out 'We each begin with our private world but the more the constructive process of building up a systematic
world of objects is developed, so much more do these several worlds correspond with one another and tend to merge into a common world' (Copleston 1966, p.221). Finite minds can only partly comprehend reality but no judgement is entirely out of touch with it - 'the ideal ultimate judgement is a goal which transcends the capacity of any given finite mind' (Bosanquet 1895, p.166). 'We cannot determine the Absolute more nearly. It rests primarily on a belief that the world can be arranged into a harmonious whole so that we can apprehend it by our mental activity' (Pfannenstil1936, p.38). This belief is the basis both of science and religion. In the contingent world different minds apprehend different experiences which 'merge, more or less, into one another. At times a single individual can be capable of what would otherwise take twenty individuals to do. It is inability, not any mystic boundary' (Pfannenstil1936, p.169) that causes the separation between individuals and between individuals and the Absolute.

What Bosanquet attempts is a synthesis of monism and pluralism which he calls 'multiplicism' (Bosanquet 1912, p.373).

Kant's noumenal/phenomenal distinction has been eliminated - 'things-in-themselves' can be at least partially known and understood, and increasingly so as the world unfolds, but errors always remain. Concepts such as 'truth', 'goodness' and 'pleasure' lose their meaning if 'falsity' and 'badness' are not at their side - 'if you will have a pure heaven you must add a pure hell to complete it' (Bosanquet 1912, p.19). Where is truth if all error is swept aside? 'Our ideal of truth ... must not be to sustain our own beliefs and simply make a clean sweep of what seems to us other people's error ... it must be ... that our little grain of truth should expand, and leaven the lump, and unite itself with the whole enormous mass of what we believe to be error. It must include the error, but include it by transmutation' (Bosanquet 1917, p.101). Truth and error are not, then, absolute magnitudes - as knowledge develops (i.e. the Absolute reveals itself) the more comprehensive truths arrived at confirm or deny priorly conceived truths. One can argue that to say this is to confound truth with its criteria - i.e. that p is either true or not true and that it is our knowledge of whether p is, or is not, true that changes and develops. It is, however important to remember that
for Bosanquet all facts are included in the totality of the whole - no single truth stands in isolation from the rest - the more comprehensive the theory, the more truth a judgement based upon it contains (Pfannenstil 1936, p.172). 'A true ideal must unite opposites in itself' (Bosanquet 1917, p.104) - the ideal is 'a perfection that includes imperfection' (Bosanquet 1917, p.105).

In discussing the paradox of ideals (e.g that the ideal of charity is meaningless without there existing want or that the idea of good presupposes the existence of evil) Bosanquet points out that 'prima facie (ideals) ... present you with a dilemma'. Either the ideal includes 'the imperfections which it hopes to transcend, or it omits it'. If the former then the ideal seems to 'sustain and maintain (the imperfection)'; if the latter, then the ideal loses its very raison d'être (Bosanquet 1917, p.98). 'The ideal must not sustain the evil, but it must not ignore the evil. It must include it ... by transmutation ... this is ... the clue to what an ideal must be if it is not to be destroyed by the paradox of its own nature' (Bosanquet 1917, p.100).

In idealist metaphysics as in ethics and even as in political institutions the supremacy of the whole to the part is explicitly recognized. Butressing this conception is the theory of internal relations. Green sees, as the presupposition of all knowledge, the existence of one single world of interwoven relationships no part of which can be explicated without reference to the rest (Green 1924, p.17). An entity is defined as the totality of all such relationships (which equate to all the true propositions that can be predicated of it). It is neatly reflected in the concept of change known as Cambridge change, which sees change in an object as a change in its relationships to others (for instance the celebrated example of the collapse of a seaside sandcastle effecting a change in the Great Pyramid). No part is complete or can be without the whole on whose existence it is entirely dependent. To appreciate 'x' we must know the whole in which 'x' is embedded. 'In an aesthetic impression there is always a meaning that we cannot retain unless we have some object for our authentic perception' (Pfannenstil, p.127). Thus, the meaning of each note in a symphony is brought out by its relation to other notes. Our perception of the value of each note is progressively
deepened as we relate it to the notes in the bar, the phrase, the movement
and finally to the whole work.

Before setting out the political and moral thinking of the idealists which
they saw as stemming from these metaphysical foundations, it is opportune
to observe that these foundations have been subject to severe criticism
from empiricists such as Russell and Broad and nowhere more so than in
their theory of internal relations. Russell (Richter 1964, pp.188-9)
held that it is wrong to affirm that whatever exists is incomplete in
itself for to do so, in the first place, presupposes the existence of
other things, and in the second place, to define the nature of 'x' as
'all truths about 'x'' is simply wrong. A truth about an entity is not
part of the entity itself. An object or entity can be known without
knowing all, most or even some of its possibly true predicates. There
is no scope here for a detailed review of the controversy between idealists
and their opponents which is generally held to have been resolved in favour
of the latter. One should perhaps note that Hegel would agree that, in
the light of his theory of truth, his own theory (and this applies equally
to the theories of other Hegelians) is very far from the Last word in
man's apprehension thereof. It is simply a milestone en route to the
absolute knowledge of the whole which may never in fact be attained, though
in principle it could be.

For Hobhouse the basic fallacy in idealist theory consists in 'identifying
the system of our thought with the reality to which it refers' (Hobhouse
1918, p.65). In like manner, Hegel's doctrine of the concrete universal
(the synthesis of the particular entities with the abstract universal
comprising and defining them) is seen by Hobhouse as attributing the unity
which belongs to the universal concept 'as contained in the act of thinking
to the mass of objects to which the concept refers' (Hobhouse 1918,
p.66). Hobhouse here stresses the individuality of entities as they exist
in the objective world and their relationship to the unity imposed on
them by the human mind. But it is at least arguable that, were the unity
not 'there' in the first place, the mind would be unable to impose it.
It is the strength, not the weakness, of idealist metaphysics that mind
and object are seen as two aspects of the same reality and that this
accounts for the way in which human reasoning can 'fit the world' and
thus, for instance, be able to predict future events.

Bosanquet regards thought not merely as discursive and rational but as creative. Abstract thought - thought without content - does not exist. 'Thought ... is not a separate faculty of something known as intelligence ... It is the active form of totality, present in all and every experience of a rational being (Bosanquet 1912, p.59). It always contains an element of volition and immediate sensory experience. Judgement therefore is not merely analytic but synthetic - it extends reality' (Pfannenstill 1936, p.126).

Will and thought presuppose each other - by will alone we would be 'carried from problem to problem without coherence' and 'by thought alone we would simply remain inert' (Pfannenstill 1936, p.127).

Freedom is ascribed to both the will and to thought and arises from the 'openess' of the latter. It necessarily so arises and is the basis on which we attribute freedom to the mind and without which we cannot attribute freedom to the will.

However, idealist morality and political theory, though supported by idealist metaphysical theory, need not of necessity stand or fall by the truth or falsity of the latter - they can stand in their own right and be judged on their own merits.

Hegel's concept of human history makes an effort to fill the place left empty by Hume whose destructive criticism of the concept of causality and reduction of religion, art and morality to purely human utilities opened up a great gap in scientific, aesthetic and moral judgements. Hegel's view of the development of the world, of the progress of mankind to greater and greater awareness scientifically, aesthetically and morally gave meaning, purpose and raison d'etre for the actual progress being made. This development could less convincingly be seen as sculptured by chance or by the Christian as 'divine tactics' but in the last analysis its validity still remains open to debate. The basic structure of reality might just as well be 'becoming' as 'being'. Philosophers cannot stand back from the society into which they are born and in which they are
reared. Hegel saw this clearly - there is no 'philosophia perennis' that, once enunciated, will stand the test of time in all its completeness. Hegel, Green, Bradley and even Bosanquet (up to 1914, and perhaps to some extent even after) all saw western civilisation developing - progress, materially and spiritually was, in their view, there for all to see. There is perhaps a tragic sense that, for them, the owl of Minerva flew at dusk.

Idealist morality cannot be properly understood without a knowledge of the way in which the idealist understood the concept of personhood and individuality. By definition, the whole is greater than the part and this truism is applied to the relationship between society and the individual. In 'My Station and Its Duties' Bradley continually emphasizes that individuals are products of society and not vice versa. 'If one looks at history and society as it is now it does not establish 'the fact' that the individual is one really and communities mere collections' (Bradley 1962, p.165). Individuals are products of societies - strip them of all social influences and nothing is left (Bradley 1962, p.166). 'No child's mind is tabula rasa' (Bradley 1962, p.168). 'The individual apart from the community is an abstraction. It is not anything real and hence not anything we can realize'. (Bradley 1962, p.173). 'The child is not fallen from heaven (but is) ... born ... into a living whole ... into an organism' (Bradley 1962, p.169).

Bosanquet undoubtedly shared this view - 'the individual only has individuality through the social consciousness. The nearer he approaches to being himself the more he approaches identification with the communal view' (Bosanquet 1917, p.281). As Barker puts it, Bosanquet in his psychology drew no abrupt division between our conscious mind and the social system of suggestions, customs and force (Barker 1928, p.73). 'The individual is indeed a microcosm of society - for every element in the make up of one there is a corresponding element in the make up of the other. Every social group is an external manifestation of corresponding mental systems in individual minds. A school is not merely a collection of buildings but a 'whole' of mental life, of a 'unity in differences'. Each pupil and each master makes his own, and different contribution to this mental whole' (Bosanquet 1923, p.159). Equally,
every individual mind is a system of such systems corresponding to the totality of social groups as seen from a particular position (Bosanquet 1923, p.159). Pfannenstill asks the question in Green's terminology - does 'the denizen of a London yard' share an appercipient system with the Duke of Westminster? Are both their 'Londons' the same? Pfannenstill's inference is that the connection is remote (Pfannenstill 1936, p.221) but Bosanquet would surely counter that, however tenuous, a connection there actually is. Of course, in the same polity, there can be totally opposed minds - Pfannenstill quotes Laski's comment that the will of a city banker has no relation to the will of a South Wales communist (Pfannenstill 1936, p.223). Indeed, if society consisted of two such polarised individuals there would be no 'social whole', no state. The march of history will, in due course, effect a synthesis of even these two opposing outlooks.

Individual members of society are reinforced and carried beyond their average immediate conscious selves by the knowledge, resources and energy which surround them in the social order. This concept of the individual person as a dependent part of a more comprehensive individual i.e. society is to some extent a regression to the primitive tribes whose members were regarded not as individuals distinct from the group but merely as members of it (Maine 1906, p.135).

Bosanquet is aware of the criticism that it is individual persons who experience events, not states or societies. Of course experience involves 'being lived' by some being. But to say this is quite different from saying that finite persons are ultimate values - 'To identify the conservation of values with the permanence or survival of given personality ... is an extraordinary assumption' (Bosanquet 1912, p.20,fn.2). And again 'the distinct and separate conservation of particular minds is of inferior importance' (Bosanquet 191, p.20) - it is merely instrumental in attaining the highest level of the communal mind.

This stress on the predominating influence of society over the individual might be seen as encouraging conformity - a criticism often levelled at idealists - but clearly the individual's power to criticize his society and to think for himself is just as much nourished by society as is a
habit of conformity (Sabine 1936, p.206).

To sum up, whilst individuality is the criterion of value, the ideal individual, the one that is totally self contained and is dependent on no other, is the Absolute which is the ultimate standard of value - 'the self or life which extends beyond our average private existence ... is more real than we are, and we only feel ourselves real in proportion as we identify ourselves with it' (Bosanquet 1923, p.118). Individuality is not a negative concept i.e. it does not consist in not being someone else. For the human being it consists in 'the richness and completeness of a self'(Bosanquet 1912, p.69), and this it achieves by surmounting the particularity of its own will and uniting itself with other wills without losing its distinctive identity. In other words membership of a society, belonging to a community, enables the individual to raise himself up, to become more human (and less of a brute) as he increasingly recognizes the universal, which he does the more he develops his reasoning powers. This is not to deny the power of empathy, of the instinctive recognition human beings have (and can strongly develop) that other human beings resemble them but it is through reason that they appreciate that this involves them in treating others as they would wish to be treated themselves. This belief in the transforming power of reason is shared by Kant and by his idealist successors. Individuality, for the single human being, is only attributable in a secondary sense (Copleston 1966, p.223) for to be individual in the fullest sense is to be independent and free of all other relations. Only the Absolute fulfills such criteria. By belonging to social groups (the family, the state, clubs, colleges etc) human beings enlarge (and do not confine) their individuality. As members of such groups they can be seen, not as individual beings as we normally observe them, but as spiritual beings or 'appercipient systems' (Rickaby 1902, p.126) - i.e. that part of their mind and will they share with the fellow members of their community. Individual persons are, at one and the same time, members of many such appercipient systems all or part of which are, in turn, part of the system of society as a whole. It is interesting to contrast Hobbes' view that corporations in the state are 'worms in the entrails' (Hobbes 1981, p.375) weakening the state, with Hegel's view that such bodies are essential parts of society and of the state; a view enthusiastically shared by the British idealists.
For them, of course, such institutions must be subordinate to and dependent on the state for their very recognition and rights but 'in a free and intelligent nation a very wide choice of methods and organs may and should be left open ... politicians must recognize that there are everywhere political or social functions ... external to the province of purely political machinery ... (which) ... determines the arrangements necessary on the whole to the functions, but the functions themselves it cannot perform' (Bosanquet 1917, pp.127-8). The state through its political machinery must exercise the minimum control necessary to prevent damage to society or to other institutions from the clash that arises if an institution sets itself against the General Will in much the same way as Kant's philosophy of Right allows individuals that maximum of freedom, provided the freedom of others is not thereby restricted. This outlook pervades Green's criticisms of overweening state power (Nicholson 1990, pp. 188-9), in marked contrast again to Hobbes who sees no limits to the sovereign's power over institutions and individuals - and necessarily so, since Leviathan is built on power.

All institutions, communities and associations are embodiments of the Absolute and the more encompassing and inclusive the community or organization the nearer it stands to the Absolute and therefore the more real it is. For Hegel only the state provided the most comprehensive whole which human development could attain (for Hegel, as for Bosanquet, 'the state' means 'organized society' and not merely the governmental machine) and only in the state can human being's real self approach full expression. The relation of a given person's mind to the mind of the society of which he/she is a part is comparable to the relation between our apprehension of a single object and our view of nature as a whole - i.e. the former is an individual case of the latter (Bosanquet 1923, p.275). Any given mind can be analyzed into features each of which is an individual case of a universal principle (Bosanquet 1923, p.276).

Clearly idealist metaphysics, if a true account of reality, lead inexorably to the idealist views of morality and of social and political institutions or, at least, they render considerable support to these views. If however, instead of starting, as it were, with the concept of the Absolute we start with the idealists' view of the individual, is it possible to present
a coherent theory of morality and politics which might stand on its own without excursions into the realm of metaphysics?

Like Kant, Hegel and his successors saw the essential characteristic of humanity as rationality. It is because he is, or potentially is rational that man is what he is. His rationality distinguishes him from other sentient beings in this world. It enables him to set for himself objectives which he can seek to attain. A brute seeks to satisfy an immediate appetite. A man, if rational, seeks to realize an image of himself, seeks consciously to perfect himself as a man (Richter 1964, p.196). This notion of selfhood and notion of self-perfection is, for Green, at the root of morality. If this is the spirit of the Absolute working through men, so be it. If we regard the concept of the Absolute as an unnecessary 'deus in machina' then we can still see sense in this view of man's striving for self-realization. Because man is as he is, a creature of society as well as a creator of it, his self-realization can only be obtained by the realization of a common self with others. But supposing a person's community is a tribe of brigands? How then does he perfect himself? The Hegelian must postulate that even in such a society the Absolute spirit is at work and that ultimately even such a community will develop along the same path as more enlightened communities. Alternatively, in historical terms, more enlightened communities will conquer, colonize and overthrow less enlightened ones in much the same way that the European powers and the United States wiped out the Barbary pirates. Even without postulating the Absolute one can logically hold that eventually, in such a community, reason will lead its members to adopt a more civilized society or neighbouring societies, more rationally organized and governed, will absorb them into a law abiding society. A community based on theft may be held to be innately contradictory – certainly if each member feels free to steal from his neighbour. If, however, we imagine a society whose ethics permit theft from those not its members, then a cynic may be forgiven for seeing in this society a close kinship with the nation state. Hegel would see history as rendering the verdict which, if the Absolute embodies beauty, truth and goodness, must in the long run go against a society of thieves.

The idealist, and not only the idealist, holds that man is most satisfied
in the satisfaction of his fellow men because he intuits that 'all men are one' (Carritt 1935, pp.133-4). 'The perfection of human character - a perfection of individuals which is also that of society, and of society, which is also that of individuals - is for men the only object of absolute and intrinsic value' (Green 1924, p.293, para.247). We may not know of what human perfection consists but history does give us some clues. From it we can recognize a thread of moral development, a movement towards perfection. Men do strive, albeit intermittently, to get better and they do aim at the best (Green 1924, p.293). Kant saw this perfection as the approximation of man's free will to an ideal will - i.e. in the development of a good will which, apart from its constant assault by the temptations arising from its phenomenal embodiment, should resemble a 'holy will'. The Hegelians saw this concept of will as an 'empty form'; pure will, or 'duty for duty's sake' is 'a mere form which, to be will, must be given a content'. Duties do on occasion clash, and if our morality is based on 'duty for duty's sake' then such clashes erode all duty (Bradley 1962, p.161). 'The contradiction here (is) to separate OUGHT from IS, to direct will towards good for the sake of good. Pure intentions ... may lead to hypocrisy or ethical vacuity and instability' (Bosanquet 1923, p.245).

We have seen above how morality develops from the thesis of personal morality, the antithesis of law to the synthesis of social righteousness - the common code of conduct and morality of society. This morality develops continuously (in the same way as the growth of knowledge) - 'there is no such fixed code or rule of right ... the morality of one time is not that of another time ... what could be right for us here might be mean and base in another country' (Bradley 1962, p.189). Now such moral relativity might seem to undermine morality itself but Bradley holds that it is the very essence of morality to vary from society to society and from one time to another within the same society - 'man evolves ... higher life develops by stages, morality is therefore relative but none the less real. There is an objective morality for each country and each generation' (Bradley 1962, p.190). There is, for the non-idealist, a distinct problem here. How does one, as a member of society at place (1) and time (1) judge that the morality of one's society at time (2) is better or worse than at time (1) or that the morality of one's society at place (1) is
better or worse than that of society at place (2)? One can only judge by the mores of one's own society. Crudely put, I think my morality is higher than the cannibal's; by eating me he clearly shows that he thinks his morality is better than mine. For Hegel, it depends on which society most accurately portrays the Geist. History in a hundred years will tell us. The more rational we are the more likely we are to recognize in which of our contemporary societies the Absolute is best portrayed. A knowledge of absolute right and wrong is denied us - when we do have it the Spirit will have fully realized itself and history and mankind will literally come to an end. We are thus denied the possibility of knowing what is perfectly good or even an approximation of it. History may, on a broad canvas, be seen as progressive but in the short run societies decline and regress and relapse into barbarism; hence we cannot automatically assume that society's mores at time (2) are 'higher than' or 'better than' society's mores at time (1). We must therefore rely on our own judgement as to the state of our own rationality which will enable us to value these different mores of time and place accurately. But how does one judge rationality? Was Hitler's I.Q. higher than Mother Theresa's. Clearly this is no guide. Without one's own idea of perfection one cannot judge one's own or anyone else's distance from it, and if this idea of perfection is rigorously confined to one's society's ideal, one simply cannot know. As a practical and helpful guide to moral perfection we are left with the uneasy feeling that, as idealists, we are groping in the dark.

So, for the idealist, to be moral one must identify oneself with the will of the moral organism. 'I have to fill my place - the place that waits for me to fill it' (Bradley 1962, p.180). By doing this the human being gets rid of the contradiction between his duty and his being unable to fulfill it - 'we are no nearer our goal at the end than at the beginning'. 'My station and its duties' teaches one to identify oneself and to judge both oneself and others by the way one fills one's station in life and others fill their stations (Bradley 1962, p.181). Thus, whilst agreeing with Kant that the end of morality is the realization of a good will, Bradley, like his fellow idealists, gives this empty formula a content. At the very least, follow and live up to the mores of your society. 'We feel a man who does his work in the world is good despite his faults as long as his faults do not prevent him from filling his station but he
can always do better' (Bradley 1962, pp.181-2).

This idea of 'filling one's place' or doing one's best to fill it certainly prevents the individual from feeling that he has failed if his place in society is not in the upper echelons thereof (judged by the standards of the particular society at a particular time). It also militates against a sense of failure when one fails to live up to a standard of perfection seen as being largely beyond our capabilities. As a merchant in Plato's Republic I might, on occasion, compare my avaricious accumulation of wealth and restless competitive spirit to the calm tranquility of my philosopher rulers, but, for Bradley, if I merchant well, and keep the laws, I am doing the best I can in my station and should be content with that. But supposing I think I should have been an architect, or a lower or higher echelon Guardian, that I am somehow in my wrong station? How do I know what precisely my station is? Should Napoleon have remained an artillery captain or Einstein a patent clerk? Is your station in life where you eventually end up? Is that therefore true of the brigand chief or the fraudster? To make sense of this notion we seem to have no choice but to fall back on the idea that society indicates your place in it by penalising you if you do not fulfil it and rewarding you in differing measures if you do.

This would be more likely to be the case the nearer your society approximates to the ideal. If it were so simple to equate 'filling your station' with moral goodness then we would be close to achieving a concept of private and public morality that would knit them together in a harmonious network of duties. The statesman and errand boy, the priest and the soldier, simply carry out conscientiously the duties assigned to their station in life.

The object of morality for the idealists studied here is 'self realization'. To realize oneself one has to be free to do so. If this quite simply and without qualification is the nub of idealist morality, it could be interpreted as a licence for hedonism. Self realization, however, is not to be identified with happiness though happiness might well be the result of achieving it. Nor is self realization, for the idealist as for others, a cypher for libertarianism. To be moral entails
freedom — the freedom to choose or not to choose the good, but, as Green defines it, moral liberty is that which makes man master of himself — 'for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty' (Richter 1964, p.202). For Green, the notion of freedom is the right of every individual to make the most of 'those powers admitted to be worth realizing by the moral consensus of the community' (Richter 1964, p.225). Freedom then is not just the mere liberty to choose but it depends on the objects willed. It is only really attained when the objects willed are such as to accord with those willed by society. This idea that one is free whenever one's higher self is asserted and that one's higher self is asserted in accordance with the will of society as expressed in its mores and in its laws, is the central argument of Bosanquet's 'Philosophical Theory of the State'. For Hegel the state expressed the General Will and manifested the Absolute at any given point in time. The British Hegelians did not so emphatically recognize the modern state as always and inevitably doing just that, as will become clearer later. Bosanquet refers slightly to the Lockean concept of liberty as 'a maximum of empty space to be preserved against all trespassers, round every unit of the social whole' (Bosanquet 1923, p.116) and 'the empty hexagon around each individual' 'an arrangement by which, at the sacrifice of some of its activities (the individual) is enabled to disport itself in vacuo with the remainder' (Bosanquet 1923, p.117). Liberty, then, is not the freedom of the 'status quo' but is procured as we strive to become our real selves (Bosanquet 1923, p.119). Freedom therefore constrains not only others but our own nature (Bosanquet 1923, pp.128–9) — (Liberty ... is the being ourselves and the fullest condition of liberty is that in which we are ourselves completely' (Bosanquet 1923, p.136) — i.e. our fully realized self. Hobhouse attacks this notion of 'positive freedom' but then he is himself tied to his assumption that freedom means simply freedom from external restraints (Hobhouse 1918, p.36). Presumably, he would see the compulsive gambler as free and not, as would Bosanquet, as a person enslaved by his obsession. For Bosanquet, freedom is not identical to freedom from external constraint — it depends on what is being contrained.

To use one's reason is to be free even when reason (as in Plato's analogy)
act as the charioteer reining in the passions. Hobhouse's view is that of the psychologist to whom all experience is equally real so long as it is experienced. For Bosanquet there are greater and lesser degrees of reality in our experience. Only the rational is real. In his concept of the 'Real Will' Bosanquet takes this will to express what we really are and not, as Hobhouse declares, 'holding a great part of us subdued, sullen and unsatisfied' (Hobhouse 1918, p.36).

The free will is the will that wills itself, that is, it wills an object that satisfies its whole want. If we were perfectly rational and strong willed this we would always do but, although we always want what we will, what we will is often not what our real selves, our rational selves, want at all (i.e. its satisfaction would not lead to the realization of our self - it would not help us to become a fully rational being).

Of all the idealist philosophers Bosanquet gives the clearest expression to the concept of 'the real will'. For him 'the greatest challenge is to explain how society is a unity (and) how there is a collective or social mind' (Nicholson 1990, p.200).

Rousseau first enunciated the concept of the 'General Will' but this was not, at least in his earlier works, coherent in the form he gave it (Bosanquet 1923, p.99), in that he thought it expressed in the universal vote of a city state, thereby confusing it with the aggregate of individual wills - the will of all. Later, Rousseau abandoned his earlier individualism (which gave rise to his attempt to tie the expression of the General Will to a simple universal vote) and developed the concept of the General Will (much as Bosanquet was to do) as a will always directed to what is right and for the common good if only men free themselves from their narrow particular interests.

Rousseau also made the mistake of holding that the individual can be moulded, once and for all, by the enactments of a legislature embodying the General Will - he 'fathers ... the whole labour of history and social logic in moulding the customs and institutions of mankind' (Bosanquet 1923, p.112).
Hegel, however, locates the General Will in sittlichkeit and in the pyramid of customs, institutions and laws which culminate in the state.

Bosanquet distinguished three wills - the actual will of the individual in which resides freedom of choice, the real will and the General Will. The actual will is capricious, and aims at satisfying immediate desires in an arbitrary fashion. It is one aspect of the human will seen when the latter is not attuned to the true interests of the individual. The other aspect of the human will is the 'real will' - the free will that wills itself, that wills an object which enables it to realize itself completely (Bosanquet 1923, p.136). The former is an imperfect, the latter a perfect will. Bosanquet quotes Mill's dictum, that a man is not free to sell himself into slavery, as an example of the contrast between the actual will (which wills enslavement, perhaps for some momentary satisfaction) and his real will which, if given rein, would not do so (Bosanquet 1923, pp. 110-111). Individuals live in society which both moulds and is moulded by them. Without society self realization is not possible, not only because Hobbesian in-fighting in the state of nature would prevent the self development of all but the most robust individuals (and inhibit even their self realization as fully as they would wish), but because to overcome their particular moral weaknesses individuals need the assistance of legal institutions and sanctions to restrain themselves as much as to restrain others and they need the objectivity of the social mores (the input of the thinking of others past and present) to develop their own morality. Their real wills, then, are wills in common with the wills of their fellow citizens - those wills which are shared in identity and which therefore form the General Will. The General Will legislates both positive laws and customs, shapes and forms social institutions and the state itself. Insofar as these laws, customs and institutions are rational, they are ipso facto the objects willed by the General Will. Note that the General Will is not the will of society or of the state in the same way that my actual will is mine - it is possible, but not necessary, to posit an entity ('state' or 'society' for example) that wills the General Will. For Bradley and for Bosanquet the moral organism is such an entity (Bradley 1962, p.177). However, if all members of a society will 'x' and 'x' is such that it is willed by their real wills (i.e. it is what, as rational beings, they ought to will) then 'x'
is also the General Will of society. However, it is willed by each individual and not by 'society', should you hold that society is merely a collective noun to describe its members. The idealists do not, clearly, hold this view. It is important to note that the General Will is identical to the will of all self-realized persons - it is not the 'generalised will' of every common purpose. One could envisage all members of a society willing an 'x' which did not reflect what their real wills would will (e.g. for immediate gain, but long term harm, to build a large polluting power station).

In 'Social and International Ideals' Bosanquet gives a simple and clear picture of the General Will. 'Once you have a virtually coherent community, intimately bound together by feeling and type of experience and allegiance to the same values and aspirations, then you possess the constituents of a true General Will and how you go to work to realize its aims becomes a purely practical matter' (Bosanquet 1917, p.312) (for Bosanquet the best state to realize a General Will is a democracy, for Hegel, a type of constitutional monarchy, but, in holding these beliefs, these philosophers represent the spirit of their age, as all Hegelians would agree). No doubt in his day Bosanquet could envisage the United Kingdom as a closely knit community sharing a wide spectrum of beliefs and values, such as Norway and Sweden, for instance, might today. It is, however, arguable that whilst the idealist's analysis of sovereignty expressed through the General Will fits such a community, it does not so well account for a society such as contemporary Britain any more than it did for the Austro-Hungarian Empire. The idealist, however, is describing the ideal, and in comparing the United Kingdom of 1911 with that of 1991 would see the actual state (i.e. society) degenerating as it moves further and further away, instead of nearer and nearer to the ideal state. Once the moral, social and political consensus begins to fade, so too does the state become less real.

From the standpoint of the individual the 'General Will' is the ineradicable impulse of an intelligent being towards a good extending beyond itself insofar as that good takes the form of a common good (Bosanquet 1923, p.102). 'It is this community of interest and the nature of the object willed, and not the number of assenting voices, that
distinguishes the General Will from the will of all' (Bosanquet 1923, p.106). This will is expressed by the state in a 'determinate system of Law' (Bosanquet 1923, p.263).

Pfannenstiel, however, makes the point that for Bosanquet, the General Will is reflected in individual minds not always fully consciously (Pfannenstil 1936, pp. 246-7). It engenders in individuals a feeling or tendency to wish to will more than their purely private interests (it is the source of altruism). This feeling makes possible a group unity which is akin to, but not the same as, the explicit consciousness of the individual of all the ends and purposes of the group or society to which he belongs. The individual's will, as it reflects or forms part of the General Will, is a logical system determined by one or more dominant ideas (or theories or 'systems of thought') distinguished by their logical format. These ideas engender what is frequently an unconscious or subconscious attitude which governs our approach to minor everyday questions of morality and indeed of behaviour, which enables us to take up and fulfil the duties of our station in life. As an example of how such dominant ideas come into being Bosanquet asks us to consider the effect if a great school of dramatists instilled their ideas in the bulk of the populace such that these ideas modified the dominant notions in society of the place of art in the national life. This would itself be a factor in the General Will of the Community (Bosanquet 1927, p.263).

It is interesting to note that, as a true democrat, Bosanquet bows in the direction of public opinion which he sees as a great civic educator - he even identifies the General Will with 'public opinion in a pregnant sense ... as the actual tendency of the whole process in which the necessary organizing ideas of all individual minds in the community are the factors' (Bosanquet 1927, p.263).

Hobhouse's criticism that the General Will is not a unity because it stems from a multitude of wills and not from one will would be significant if Bosanquet's argument were based on psychology. It is a contingent fact that there are many individual psychical wills. Bosanquet's case, however, rests on rational and logical arguments. The General Will, moreover, is not an abstraction but is concrete and embodied in art, morality,
religion and social institutions.

'For in the to-ing and fro-ing of public debate which itself moulds public opinion, insofar as it is rational, the falsity of some opinions is demonstrated. As PUBLIC, public opinion is sound and true and encapsulates the 'ethical spirit' of the State but as OPINION it is mere individual expression - full of falsehood and vanity' (Bosanquet 1923, p.266). Carlyle could not have put it better. Bosanquet qualifies this view by pointing out that it is not only from studying public opinion merely that the Real Will of the community can be found - rather, when it is found, public opinion will always come round to it (Bosanquet 1923, p.267). Public opinion is, in effect, the mind of society before it becomes embedded in law. It may not always perfectly mirror the real will - 'I neglect for the moment the difference between the mind of society and mind at its best. The difference is practically considerable but I shall attempt to make it appear ... a difference of progress and not of direction' (Bosanquet 1923, p.275 fn.) As we shall see this difference may be too great and fundamental to be so lightly set aside.

For Hegel and the British idealists the state is not a mere description of the political machinery that legislates and enforces compliance with its dictates. It includes the state as an apparatus and the society which is governed. 'The state is that society which is habitually recognized as a unit lawfully exercising force' (Bosanquet 1923, p.172). It was, in Bosanquet's day as it is in ours, the nation state. It is the entity to which the jingoist refers when he declares 'my country, right or wrong'. Broadly speaking, the limit of a country or nation is the limit of common experience, such that the people share the same mind and feeling and can understand each other's ways of living and make allowances for each other, so that the same laws and institutions are acceptable and workable for all of them. Even more clearly than in the case of the United Kingdom we see that the Soviet Union, until recently based on power tyrannically wielded, begins to disintegrate when power is no longer used to the same extent by the central government and where it is not replaced by the authority stemming from a General Will truly reflecting the aspirations of the different peoples composing it. A power based state is a mechanical state based on the machinery of oppression. The real state 'is not put
together but it lives; it is not a heap or a machine' (Bradley 1962, p.184). It is a being with a will and a morality (sittlichkeit), a body (its laws and institutions) and a soul, the latter being the common consciousness of its citizens, the General Will. Bosanquet approvingly points out that for Hegel the state is the incarnation of the objective mind as it is manifested in law, order and morality. It is related to Absolute Mind insofar as this is manifested in 'religion, art and the higher regions of thought' as a 'substructure or foundation, not exactly a means, because it is part of the same growth' (Bosanquet 1917, p.319).

There is a difference of emphasis between Hegel and his British disciples on one important aspect of the state - the relation between the ideal state and actual states. For Hegel, the laws of existing states encapsulate society's General Will. With inexorable dialectic states develop, laws are changed, morality gradually becomes more rational, and so it would be wrong to allege that Hegel saw perfection in existing states but he did see them as the best that could be at that particular point in their development. Bosanquet, who made much more of the difference between the ideal and the actual state nevertheless was not a mere utopian. 'We must show ... how man, the actual man of flesh and blood, demands to be governed; and how government, which puts real force in him, is essential, as he is aware, of his becoming what he has in him to be' (Bosanquet 1923, p.73). Although different aspects of the state are stressed, the rational, for Bosanquet and for his fellow Hegelians, is never identical to the intellectual but is always firmly anchored in 'what is'. Political philosophy must, therefore, study states as they are and not abstract states (intellectually conceived utopias). For the Hegelian, Pericles' Athens is more real and therefore more rational (in the idealists use of the term) than Plato's Republic. In Hegel this attitude is reflected in his opposition to the judgement of contemporary states by reference to the ideal. This does not, however, prevent his British successors from distilling out of contemporary states those faults which separate them from the ideal, real and rational state which is the teleological object towards which they are developing.

Green, on the other hand, laid more stress on the difference between the state as it is and how even at its time it should be. He makes a
distinction between 'de jure' sovereignty, which resides in the General Will and which is only particularly apparent in existing states, and 'de facto' sovereignty which is found alongside 'de jure' sovereignty in all existing states (Green 1911, pp.93 & 96). This latter is manifested in those remnants of laws which proceed from the particular actual will of the ruler(s) - based on force or fear and not an expression of the General Will. It is arguable that most states act from reasons of power rather than from the dictates of the General Will; it is certainly true of the Hobbesian sovereign.

It is, however, quite possible for the latter to issue commands which truly reflect the General Will, to act, as it were, as society's spokesman. He may do this because his will happily is his real will and thus coincides with the General Will or because, in taking certain measures, his particular will, on these occasions only, reflects his real will. This assumes that a Hobbesian sovereign has the real interests of his subjects at heart but since he is a Hobbesian sovereign and presumably understands and accepts the justification of his sovereignty, it can only be by chance that this is the case.

Bosanquet, in particular, has laid himself open to criticism (notably by Hobhouse) for not always clearly distinguishing between the ideal state and contingently existing states (Hobhouse 1918, p.22). He defends himself from this criticism by pointing out that it is possible to posit an 'ideal state' and talk of it as 'the state' without actualizing it. A textbook can describe 'the heart', or 'the steam engine', as if both function perfectly whereas no actual heart or steam engine is a perfect specimen. The idealised description is not at fault because all steam engines and hearts in the physical world suffer from contingent if minor imperfections and some indeed are manifestly inefficient engines and grossly diseased hearts (Bosanquet 1917, p.274).

The state comprises the 'entire hierarchy of institutions by which life is determined from the family to the state, and from trade to the Church and University' (Bosanquet 1923, p.140) '... the state (is) ... the ultimate power of adjustment ... an idea-force holding together a complex hierarchy of groups and (is) not itself a separate thing like the monarchy
or the government' (Bosanquet 1923, p. xxviii, intro. to 2nd.ed). The state (=society) is the framework within which all other institutions operate. Insofar as it approaches the ideal, this framework will allow these institutions to develop constructively (i.e. in accordance with the General Will) but insofar as the state is degenerate then its framework will restrict and distort the development of the institutions, and, of course, of its citizens.

The sovereignty of the state (insofar as it resembles the ideal) is not based on force but upon 'the will of the whole' - a marked contrast to Hobbes' and to Austin's conception of sovereignty (Bosanquet 1923, p.xxix). Bosanquet neglected that aspect of sovereignty which sees the sovereign as the supreme source of laws (Pfannenstil 1936, p.274). Green, on the other hand, pointed out that a fully developed state implies the existence of such a source (and he agrees here with Austin) but the duty of obedience still rests on the concept of the General Will (Green 1911, p.104, para 94). For Green, the sovereign is the expression of the General Will whereas Bosanquet sticks firmly to Rousseau's dictum that the General Will itself is the sovereign. He does, however, indicate very clearly that 'this sovereignty resides only in the organized whole acting qua organized whole' (Bosanquet 1923, p.iv).

In an actual state there are degrees of sovereignty depending on the degree to which the General Will is expressed - i.e. on the closeness or otherwise of the cohesion in society. If sovereignty is the exercise of the General Will then, in the ideal state, state power and sovereignty are identical. An actual state, however, possesses only partially realised sovereignty and some, if not most, of its power is exercised in enforcing the dictates of particular actual wills (the ruler's will or the will of all, for example). Green points out that the idea of a common good has never been the sole influence operating in the actual state (Green 1911, p.128, para.121).

The relationship between the state and institutions within its boundaries is that of a referee and regulator. There will be 'in a free and intelligent nation a very wide choice of methods and organs ... left open within the necessary safeguards against sinister and corrupt interests
... (these organs) ... may represent those higher activities which presuppose and make use of the community in achieving the ultimate human progress' (Bosanquet 1917, p.127). These institutions are 'continuous with the political fabric and grow into it by the same necessity by which they also grow out of it' (Bosanquet 1917, p.128).

This relationship between the state (a term which, from here on, will be used in the idealist's sense - i.e. coterminous with society - including government and political organs and possessed of coercive power) and institutions (and between the state and its individual members) involves rights. Bosanquet sees the system of rights as 'the organic whole of the outward conditions necessary to the rational life' (Bosanquet 1923, p.189), or, for Green, that which is really necessary to the maintenance of material conditions essential to the existence and perfection of human personality (Green 1911, pp.44-5,para 25). One may detect in the absence of 'material conditions' a less comprehensive view in the case of Green. Rights therefore are teleologically based and are rooted not in what man has been (as in the case of contract rights) but in what he has in him to become. A society governed by a tyrant based on force or ruled by a Hobbesian sovereign is unlikely to develop a system of rights for these can only be safeguarded in a community having a General Will (Bosanquet 1917, p.244). There can be no rights sustainable without a consciousness of common interest (Green 1911, p.124,para 116). The state's duty is clear - it must sustain, secure and complete this system of rights. Green in particular is anxious not to see the state as a creator of rights - it exists to 'give fully, reality to rights already existing' (Green 1911, p.138,par 132). But we must note that 'the individual is what he is (and has the rights he has) in virtue of a function which he has to fulfil in view of the society to which he belongs' (Green 1911, p.56, para 38). He has a right to be treated as a member of society but no right against his society for this is a contradiction in terms (Green 1911, p.100, para 99). Finally it is important (especially in view of the mistaken impression that idealist philosophers favour an overweening intervention by Government in the individual's affairs) to realise that the state's task is simply to provide a 'hindrance of hindrances' (Bosanquet 1923, p.178) to the individual's self development (an adaption of the scholastic adage 'removens prohibens').
Hobbhouse made much of an apparent contradiction in Green where he refers to rights both as remaining rights regardless of recognition by a particular state (or by any state) and as being rights only because they are so recognized by society (Scruton 1988, p.119). Green however is careful to distinguish between implicit rights and recognized rights, a distinction which is paralleled in that between recht - law as it stands - and naturrecht - law as it should be. In the ideal state recht and naturrecht would be indistinguishable and all implicit rights would be explicitly recognized.

It is very important, in considering the idealist's attitude to private and public morality, to be aware of their use of the term 'state' to encompass society as a whole. In the following discussion I shall restrict state to its more normal usage as political authority backed by sanctions - coterminous with government if the latter is taken to include legislative and executive functions.

From one point of view private morality can be seen as moralitat - the subjective morality of conscience - and public morality either as enshrined in the laws and customs of the land (recht) or as the publically accepted amalgum of both in sittlichkeit or social righteousness. For our purposes, however, these distinctions will not do for they do not respond to the specific problem of how to reconcile acts of government which prima facie seem to clash with the dictates of one's moral code. If we accept the possibility of the relative morality being yet objective within the bounds of the society bringing it forth, then the morally good individual will obey the prescriptions arising out of the norms of social righteousness and so will the statesmen and politician. To meet the former the individual need only perform the duties of his station in life and to meet the latter so also must the agent of the state. There still arises the problem of a conflict of these duties both between individual's holding different positions and within the conscience of the same individual playing different roles. It is not possible to define the conflicts between private and public morality in such a way as to rule out the very possibility of such conflicts for even a cursory investigation reveals that states act and justify their actions vis-a-vis their own citizens and vis-a-vis other states in terms not usually acceptable in considering
the morality of acts between their citizens.

Before embarking on a consideration of the problems arising out of state actions, it might first be well to look at the criticisms which have been levelled against the idealist position on the topics so far discussed.

A fundamental criticism is voiced by Hobhouse of Hegel's distinction between the real and the existent (Hobhouse 1918, pp. 96-9). In the 'Philosophy of Right' Hegel maintains that a bad state (i.e. one in which the interests of the whole are not realized in its aims) may exist but it is not a real state - 'A sick body also exists, but it is no true reality'. Given Hegel's definition of the state as the concrete expression of the General Will, then it is the case that the less it is such an expression, the less of a state, in his terms, that it is. Hobhouse here and elsewhere appears to overlook the distinction made by Hegel, Green and Bosanquet between the ideal state both as a concept and as the end towards which actual states evolve, and actual states themselves, as they now exist, empirically observed, 'warts and all'. It is true that Hegel in particular refers to the state in terms which are wildly extravagant if one does not accept the metaphysical basis of his concept of the state as the incarnation of the spirit of the Absolute - 'the divine idea as it exists on earth' (Hegel 1899, p.39), 'God's movement in the world' (Hegel 1953, p.279). The only state that could answer to this description, one might think, is the ideal state of which existing states-in-the-world are mere aberrations, until one recalls that the Absolute Spirit works in time and in history in states-in-the-world, labouring to bring them to perfection. The idea of a common good sought by the General Will has never been the sole influence operative in the formation or maintenance of states, hence the ideal state does not 'fit the facts' of empirically observed society nor may it ever do so because of the unalterable conditions of human nature. But any state is better than no state - 'the state is no work of Art, it exists in the world, and hence in the sphere of choice, accidence and error' (Hegel 1953, p.279). This does not dispose of the notion of an 'ideal state'. Hobhouse criticizes the concept because no 'ideal' states in fact exist and avers that if this is so, no state is an actual organized community tout court but is only one insofar as it is 'ideal' (Hobhouse 1918, p.22). He accuses Bosanquet
of confusing 'ideal' and 'actual' states, observing that the latter seem to relate to the former as objects and concepts relate to Plato's forms. But this is not so. Bosanquet points out that 'to say that the nature of the state is an ideal in the sense opposed to a fact and that we have no evidence what it is as distinct from the vices and narrowness of 'states' is really to say that you cannot distinguish a function from its derangements' (Bosanquet 1917, p.310). States differ because they reflect different aspects of the human spirit which are determined by, for instance, territorial limits, but as long as these states maintain the external conditions necessary to the best life, they reflect the ideal - if not, and to the degree they are not, then they are deranged' (Bosanquet 1917, pp.275-6). The very best states, indeed, reflect a will in harmony with that of mankind (as will be discussed later when considering the state's relations with other states). Nor does the idealist's conception of the state produce the ever-interfering bureaucracy it is sometimes alleged to promote. Green in particular held that state interference should be limited (at least with regard to legislation) only to what is essential to maintain the fabric of society. In this he echoed the strictures of Mill (Copleston 1966, p.177).

Where the state is so far deranged as to prevent the individual's self realization then it can certainly be opposed on moral grounds (this is Green's but not Hegel's position) provided that one or more of the following conditions are fulfilled:—

1. the legality of the law or command is doubtful
2. the government is so sectarian that even a temporary period of anarchy is preferable to its continuance
3. anarchy is not the most likely result of disobedience
4. the resistance is justified only on the grounds of the common good recognized by society.

When, on these grounds, the state is disobeyed or a rebellion begins, then the individual who wills it is 'certainly and liberally part of the communal will ... if he rejects the communal will in part, he rejects it on the basis of what it is in him, not from any will of his own which has a different source. This is the ground of the duty of rebellion'
(Bosanquet 1917, p.272). Quite simply, the state qua individual struggles within itself as the individual human subject does, setting his particular or actual will against his real will, or vice versa.

Not surprisingly, however, it is the paramountcy of the idealist's state that gives critics considerable cause for concern both as regards its dominance over institutions and over individuals.

Unlike, for example, Hobbes, Hegel sees institutions as playing an important, if subordinate, role in the state. It is by belonging to a family and by membership of corporations, associations and similar bodies that the citizen acquires 'a universal activity over and above his private end' which, in a modern and large state, he does not always have the opportunity to exercise in the running of the state, in the administration of public affairs. This introduces the individual to 'a conscious and thoughtful ethics' (Wood 1990, pp26-7). It is true that there are differences of emphasis between Green, who held that if the state does not preserve institutions it is not a true state, and Hegel, who held that if institutions do not lead up to and support the state, then they are not true associations at all. Every idealist in this tradition would, however, agree on the importance of institutions within the state as mediators between the state and the individual citizen. Equally, all would agree that institutions should be regulated by the state and must work lawfully within the framework created by it. Not surprisingly, this assertion comes under heavy fire. Hobhouse makes a number of criticisms. He agrees that the state does support the social fabric but that it does not comprise the entire social fabric. He even cites Bosanquet in support of this view for on page xxi of the Introduction to the second edition of 'The Philosophical Theory of the State' Bosanquet 'speaks of social cooperation which does not belong strictly to either the state or to private persons'. In fact, what Bosanquet does argue is that his theory 'does not place sovereignty in any determinate person or body of persons, but only in the working of the system of institutions as a whole' (Bosanquet 1923, p.xxix). What Hobhouse failed to appreciate is that for Bosanquet the state is the whole social fabric in that it comprises the social institutions of the nation it governs. The state to which Hobhouse refers comprises the government and the judiciary - the apparatus
which in normal parlance we refer to as 'the state'. In 'The Principle of Individuality and Value' Bosanquet specifically defines his use of the terms 'state' and 'society' - 'I use the term 'State' in the full sense of what it means as a living whole, not the mere legal and political fabric, but the complex of lives and activities, considered as the body of which that is the framework. 'Society' I take to mean the same body as the State, but minus the attribute of exercising what is in the last resort absolute physical compulsion' (Bosanquet 1912, p.311, fn.1). The General Will is embodied in the state, in Bosanquet's wide and inclusive sense of the term, in the mores and institutions of the whole of society and is not simply confined to the laws enacted by the state machine (or, more accurately, the political machine). It is interesting to consider what or where the sovereign is to be found in this version of the idealist state. Like Hobbes, Bosanquet insists that sovereignty must lie in a will - in his case in the General Will expressed not only in the laws of the state but in all other organs of society. The political machine, as we may call it, exercises the coercive power, the threat of sanctions, in those cases where it is appropriate to use them to enforce compliance with the General Will on the part of those whose actual wills fall short of or fail to accord with their real wills. But 'sovereignty is the exercise of the General Will' (Bosanquet 1923, p.216) and if this is so then the sovereign is the one who wills the General Will - not the political machine but society as a whole (i.e. Bosanquet's state). Sovereignty is exercised not merely by force or threat of force but by educational and social pressures. This notion of sovereignty is radically different from other theories, for example, from Austin's or Locke's.

Once understood, Bosanquet's notion of the state counters Hobhouse's objection that the state is not the sole regulator of institutions - institutions 'cooperate, interact and criticise each other' (Hobhouse 1918, p.77). Only at certain points does the state interfere by legislation or an act of government. But the mores of society, the play of public opinion within a society may well reflect the General Will of that society and reform institutions by criticism and informed comment; each of these factors might educate these institutions into reform. These are just as much tools of the state as legislative or administrative enactments. This riposte equally demolishes Hobhouse's point that
'operative criticism' of institutions by the state is, as it were, a contradiction in terms since 'operative criticism' is essentially spiritual, it 'belongs to the mind' whereas the state, for Bosanquet as for others, employs and is marked by the use of sanctions (Hobhouse 1918, p.77). As we have seen, the state (i.e. society) uses both. A much weightier criticism of all the idealists dealt with here is their apparent failure to deal with the problem of those institutions whose bounds transcend the frontiers of individual states. Hobhouse cites 'international science' and the Catholic Church as examples. The latter is perhaps an especially good example. It is worth noting here that Bosanquet feels it is no bad thing that 'worldwide relations or associations' should find themselves under the dominion of 'different sovereign powers in different regions of the earth'. Every such one (and he cites the Catholic Church) 'is better protected and developed by cooperation with a local power in every region, than it would be by a world wide political institution' (Bosanquet 1917, pp.295-6). In a footnote to this observation Bosanquet points out that the group mind is a species of the world mind, and the group is not its sole object. The argument here would seem to be that if the international institution is attuned to the spirit of the world mind, and if the state's mind is also so attuned, no problems would arise. Again, if we are considering an ideal state, then the state itself could not be wrong and the institution, if itself attuned to the ideal world, would ipso facto agree with it. If one accepts the idealist doctrine that the Absolute works through history and the development of states then this argument suffices. If one feels that the idealist state can be justified without positing it as an inevitable outcome of historical dialectic then, if one is, for instance, a Catholic one might place the General Will on a par with God's ordinance and regard Church doctrine as a truer reflection of the real will than the ordinances of individual states. Hobhouse says quite fairly that institutions other than the state might have a corporate morality better than that promoted by the state - so, indeed, might individuals. This is a matter for consideration when we look at the idealists' moral theory.

The idealist philosopher is commonly thought to hold the belief that the state is of itself the highest valued entity. If this is taken to mean
that the state is the sine qua non of man's self realization, then this is true. But it certainly does not mean that the state is the sole repository of value or its existence and flourishing the sole aim of the good citizen. Hegel explicitly recognizes that the state is not the whole end of life nor is it the only object of man's loyalty - it is an important part of the end as the embodiment of liberty (Hegel 1953, p.280; Wood 1990, p.219), - 'When Hegel speaks of the State as an end-in-itself he does not mean individuals are means to that end i.e. means to the end of an actual state, he means sittlichkeit is an end for individuals' (Pfannenstill 1936, p.88). For Bosanquet, too, the individual's actual will is a means to the realization of his real or rational will.

The state in Hegel's system belongs to the sphere of objective mind but this is only one element in the self realization of the Idea - it is transcended by the Absolute as it develops in philosophy, religion and art. The state is necessary for the preservation and growth of these areas - without the state their very existence is impossible, but they are ends-in-themselves. They rest on, but are not subordinate to, the state - 'Man is not man at all unless social' writes Bradley 'but ... (he) ... is not much above the beasts unless more than social' (Bradley 1962, p.223). Bosanquet also holds that 'by virtue of spirit man belongs to a higher order than civil and political society' (Bosanquet 1923, p.144) and 'neither the state ... nor the idea of humanity, nor the interests of mankind, are the last word of theory' (Bosanquet 1923, p.309). In 'Social and International Ideas' Bosanquet insists that both patriotism and politics need to be 'kept sweet and clean by a real and fundamental love for the things that are not diminished by being shared - such as kindness, beauty, truth' (Bosanquet 1917, p.12). He goes on to say that both the individual's and the nation's (i.e state's) mind is 'a system of ideas and purposes', and if these are 'false, narrow and bitter' then the mind of both individual and nation is 'necessarily poisoned and distorted' (Bosanquet 1917, p.12).

Pfannenstill points out that just as Bosanquet uses the term 'state' in a special way within the context of his philosophy, so too does he give the term 'religion' an unusually wide meaning. In 'What Religion is' he writes 'whenever a man is so carried away beyond himself whether for
any other being, or for a cause or for a nation ... there you have the universal basis and structure of religion' (Pfannenstill 1936, pp.189-90).

Clearly, this concept of religion sees it as including all other values which enable persons to transcend themselves. Hence, for Bosanquet, religion is not simply one value among many but the supreme value, the unifying value, which plays much the same role in his hierarchy of values as does the form of the Good in the philosophy of Plato.

However removed from the ideal an actual state is, the individual is still better in it than outside it, not least because the more he is able to develop his real will and thereby enmesh his will with the General Will of society then the more real is his individuality. Only as a member of society is the individual real and only by his membership thereof does he possess value. He must identify with his real will. 'I am not to consider the false self real. The organism sees it as a contradiction and therefore not real and therefore not existing for the organism. Hence it does not exist for me as a member of the organism, and only as a member thereof do I hold myself to be real' (Bradley 1962, p.182).

The individual thinks and acts as a result of the past and present influences of the community - his intellect is resourced by that collective intellect of the society in which he lives, by its language and by its culture. The individual profits from the state because on his own he could do materially and intellectually far less than he would with the community's resources to draw on for support, its accumulated knowledge and wisdom over the years. As Bosanquet explains, no single judge knows all the law nor any single official the 'whole logic and meaning of an institution' (Bosanquet 1923, p.142). For his development and perfection, man needs not less of but more of the state (Bosanquet 1917, p.293) but by this Bosanquet does not mean more laws or a greater bureaucracy but more participation of the individual in the group mind and General Will.

This domination of the individual by society and more especially by just that society which Bosanquet denotes by 'the state' is, perhaps understandably, a target for liberal criticism. One must accept the
The doctrine of the General Will in some form or other to justify it and this doctrine awaits examination. It should be noted that Green seems to place a different emphasis on the relation of the individual to society than Bosanquet or Bradley. Green saw individual persons and society equally dependent on each other and he did not deny personality to individual parts of the whole. We are instinctively more inclined to agree with Aquinas that 'man is not ordained to the body politic according to all that he is and has' (Aquinas 1927, p.276). The standard liberal objection to society's predominance is given by Hobhouse who argues that whilst the claims of society may well be more important than those of an individual member, this does not mean that such claims are more important than the sum total of all claims by all members of society. Society need not have any interests other than those of its members (Hobhouse 1918, pp.30-31). Provided the members' interests are centred on self realization, the idealist would agree - again, such agreement depends on the acceptance of the 'General Will'.

A more difficult charge to rebut is Hobhouse's allegation that the individual's boundaries of common experience do not in fact coincide with the boundaries of his state (Hobhouse 1918, p.104). The scientist, for instance, has a loyalty and interests co incidental with the world grouping of fellow scientists in his particular field, the Catholic in his universal Church and so on. Are these interests 'casual' or 'particular'? It would seem not. One can accept the concept of a general mind and even of a general will but one may have to allow that, for instance, one's society may have such a mind and will in common and one's church another. Do individuals even belong to more than one state? How does the idealist concept of the state relate, for example, to the European community? There is a common bond arguably between the inhabitants of France expressed in a distinctively French culture, and of Holland in a Dutch culture, but is there yet a European consensus strong enough to bind the European community together as a state? Sovereignty lies where the General Will is strongest and a state struggling to maintain its identity in a larger federation must await the verdict of history. If it ends up being absorbed, then we shall know, ex post, where the General Will truly lay (this, of course, will only be the case if the transition is willed by the citizens or ultimately comes to be so - when the U.S.S.R. in 1940
absorbed the Baltic states this was merely the expression and triumph of force, the evidence of the particular will of Stalin).

Hobhouse correctly pinpoints the three main principles of the idealist theory of the state as:

1. true individual freedom lies in conformity with one's real will
2. the real will is identical to the General Will
3. the General will is embodied more or less perfectly in the state.

More precisely, the General Will is or would be embodied in the ideal state but is less (and often much less) embodied in an actual state (Hobhouse 1918, p.71).

Hobhouse attacks this view first by pointing out that human nature is richer and more varied than the conscious and deliberate will - it is not merely as a rational creature that man realizes himself, and, secondly he avers that the real will is not a will at all but an ideal expressing 'the practical possibility of harmony in human nature' (Hobhouse 1918, p.71). The General Will can be dismissed for 'insofar as it is will it is not general and insofar as it is general it is not will' (Hobhouse 1918, p.126). An ideal is not a will but it does require a will to express it in terms of action. In Bosanquet's terminology once man's actual will willed 'x' and 'x' is fully in accord with his self realization which, ipso facto, includes that of his fellows, then 'x' is willed by his real will. In no way can this concept of a real will be equated with an ideal. An ideal may remain a wish - once put into action it is willed.

The more serious accusation is that the idealists truncate man's nature by omitting those aspects of it that do not comprise rationality. But it has been noted that, for instance, both Hegel and Bosanquet place art very high on the list of values men should seek to pursue. Art is not of its nature rational. What, perhaps, is more to the point is that society needs to be rationally organized if conflicts and anarchy are to be avoided - how can the real selves of people be expressed and developed other than by reason? 'A reason based society, like a reasoning individual, can allow the emotions their head only to the extent that,
like Plato's chariot, reason holds the reins. Reason develops all the time - a society irrationally based would very soon collapse. People's actions are rational because they admit, for the most part, of a rational explanation' (Barker 1928, p.83).

Nevertheless, as noted above, Bosanquet refuses to equate rationality with abstract reasoning - i.e. it is not based solely on intellect. Rationality contains, in the judgements it conditions, elements of feeling and volition.

The identification of precisely what the General Will is, or, more accurately, the question of how it can be identified is more difficult. For Hegel, it is the will of the state, for democrats like Green, the will of the people, for Marxists the interests of the working class, for Lenin the furtherance of the revolution and for Hitler the volksgeist. Perhaps it is simply a matter of conscience. It is always open to a particular group to claim a proprietorial right to the General Will. We can agree with Bradley that, so far as morality is concerned, 'the good will is meaningless if it be not the will of living finite beings whatever else it might be' (Bradley 1962, p.162), and the good will is the General Will. The idealist would, I suspect, in the last resort, appeal to their teleology - history will, in time, resolve the contradictions of usurpers falsely claiming to be interpreters of the General Will. Certainly, in politics, this is only possible in retrospect.

In his 'Two Concepts of Liberty' Berlin declaims against 'this monstrous impersonation which consists in equating what 'x' would choose if he were something he is not, or at least not yet, with what 'x' actually seeks and chooses, is at the heart of all political theories of self realization' (Berlin 1979, pp.132-4). To say, however, that ''x' is something he is not' is to assume that to state that ''x' is 'a'' and ''x' is 'b'' posits two different 'x's. It is however surely reasonable to say that 'x' is both 'a' and 'b', 'a' at some times and 'b' at others. If this is so, then why cannot we say that 'x' should be 'a' rather than 'b'? Berlin would not presumably deny that 'x' should respect life and not commit murder, and should be encouraged so to respect life by society. It is more legitimate to ask if men have only one purpose - self
realization. Are there not other purposes in their lives - a quest to know God, or to attain the truth or to appreciate beauty? Do all such purposes have self realization as their ultimate if hidden goal? This might be seen as a distortion of the term 'self realization' - as demeaning it to a form of egoism. The egoist places self interest 'au fond' of human actions on the grounds that we must take into account our own interests, among others, in judging how we should act. But in acting as we should, in acting ethically we are in fact realizing the best in us and it is highly tenable to hold that in seeking to know God or to appreciate a work of art, we are concomitantly doing just that. The argument is analogous to the one refuting the primitive utilitarian view that men seek only pleasure - men seek other things of which, perhaps, pleasure is a by-product.

To turn now to the practical problems of morality - it is all very well to assert that I have at least a solid moral foundation if I pay attention to the duties of my station but how can I be sure what they are? Bradley is uncharacteristically enigmatic - 'I should emulate those persons in society who set good example - not theorists but practically good people' (Bradley 1962, p. 196). I must 'take the best there is and live up to it' but, above all, I must not out of my own head set myself up as a moral arbiter - 'the moral world is real, our ideals are not real, our private ideal is but an abstraction - 'sheer self-conceit'" (Bradley 1962, p.200).

How do we recognize 'the best there is'? Bradley's answer would be to accept the mores of our world, with its hierarchy of duties and values, and emulate those persons in whom these values are best expressed and who carry out their duties to the letter and the spirit. This clearly applies in a cohesive society where values and aspirations are shared - in a multi-cultural society one may be more at sea (vide the problems of a young muslim trying to come to terms with western post-Christian morality).

Bradley admits, as every Hegelian should, that his ethical theory is not the last word and that it is open to 'serious objections' (Bradley 1962, p.202). Unless a man's position in society is such as to enable him to fulfil his duties, or if, despite his efforts, he labours under the weight
of past misdeeds (the would-be reformed alcoholic, for instance) then he will not be able to carry out the duties of his station. He must strive to do so, and not be discouraged by his failures in the same way as the Kantian must strive, and go on striving, to achieve a good will. Surely we must not label him immoral (it could be argued that he has to be free to be moral and his present plight inhibits his freedom). Equally, a moral man may not find himself realized in the world because 'his community is in a confused and rotten condition; he can only approximately fulfil his duty - not in every detail or 'he has an affliction' for which no moral organism has balm or physician' (acute depression, perhaps) or he may, (for instance in war) have to sacrifice himself for the community - 'in none of these cases can he see his realization' (Bradley 1962, p.204). He should not simply take his morality from the world he is in because the moral world is developing and will therefore show inconsistencies. Different societies have different moralities (at different stages of development) and growing awareness of this brings cosmopolitanism - a man compares the morality of his society unfavourably with that of another. Hegel himself allows for the 'superman' in history who is exempt from the moral demands of his society. As Taylor points out on occasion public life may be so 'emptied of spirit' that moralitas, and not sittlichkeit, expresses the Geist (Taylor 1979, p.84) - 'the man who can see and do what his age wills and demands is the great man of his age' (Bosanquet 1923, p.267).

It is of course not always easy at the time to identify the great man and very easy for the fallible human being to identify him wrongly. But it is not important to do so. History will, as it unrolls, show us the great man as it will show us the state which at any given time best represents the inexorable development of the world spirit. The great man himself is the one who recognizes the contradictions inherent in his society and shows the way to reconcile them - to push the dialectic forward, as it were. If he is right, history will justify him; if he is wrong it will either vilify him or cast him into oblivion.

We should, however, also be aware that although there is a 'difference between the mind of society and mind at its best' which may be considerable, yet this difference is one of 'progress and not of direction'
Finally, it is to be noted that although self realization is the end to which man and society inexorably struggle, we cannot now appreciate just what that end will be like. We cannot say what, in advance of living it, it will be any more than we can specify in advance the details of all the knowledge which will satisfy an intelligent being 'the best in life is the life which ... so far as realized, satisfies the fundamental logic of man's capacities' (Bosanquet 1923, p.169). It is therefore one in which man's rational capacity is used to the full and in which he develops to the greatest extent possible his appreciation of those other values, religious, aesthetic and so on which accord with his nature. Unlike Kant, Bosanquet does not see moral good - the good will - as the highest good. 'When that point is passed ... there is room only for love and pity or again for faith and triumph ... good needs and includes the ethical struggle, but it is much more than it, or the struggle itself would be impossible' (Bosanquet 1912, p.17). The point Bosanquet is making is that morality is a means to an end, a sine qua non of man's self realization, and it is this striving to realize his true self that provides the motivation for man's struggle to lead a moral life, that is responsible for his living in society in the first place and that is the basis of moralitat and sittlichkeit.

In his distinction between the private morality of conscience (moralitat) and sittlichkeit, the state has pride of place as the embodiment of the Absolute spirit expressing itself through the social ethic of the community. 'The state is the self-certain absolute mind which acknowledges no abstract rules of good and bad, shameful and mean, craft and deception' (Hegel 1979, p241). Hegel's dialectic equates higher degrees of reality and of morality to greater degrees of wholeness. The more universal the whole, the higher the standard of its morality. The state is therefore a being with a higher morality than that of its citizens (although this is a clumsy way of expressing the relationship). The state is the greatest entity, the most complete and composite individual, in the world - it is the sum of all its members. To have a moral relation entails two individuals at least. Within the state's boundaries there is no comparable individual with whom the state can have a moral relationship. The state
is therefore exempt from moral obligation - it has a task to perform -
to promote the self realization of its citizens - but universal moral
laws do not apply to it. The state draws its strength from the universal
and objective ethical life (sittlichkeit) and reconciles civil society
with the ethical community. It can, however, give no recognition to
private conscience any more than objective scientific theory can submit
to subjective opinion (Hegel 1953, p.91, para.137). Hence when a
political act is alleged to clash with morality and therefore to be a
wrongful act, this condemnation of the state rests on a 'superficial
doctrine' which fundamentally misunderstands morality, the nature of the
state, and the proper relationship between the two (Hegel 1953, pp.214-
215, para.337). Morality, therefore, holds for the individual will but
not for the universal will of the state whose prime duty is self
preservation.

It is very difficult indeed to accept that the state can do no wrong.
Copleston points out that if the real world of the individual is always
right (and is identical with the General Will which is the state) then
the state cannot act immorally. 'A will which wills right always wills
what is right' - the statement is analytic and brooks no contradiction
(Copleston 1966, p.229). But we must always bear in mind that Hegel and
Bosanquet both clearly distinguished between ideal states and actual
states. Insofar as a state is not expressing the General Will then it
can do wrong and this wrong can be laid at the door not of the ideal state
(struggling within the actual state to realize itself) but at the door
of those statesmen, politicians and officials who have usurped the state
or used the state to further their own ends or the ends of a particular
section of their community. In other words, not real wills expressed
in the General Will (that is the state) but actual wills (that is the
will of all, or of some) are responsible for these actions. The practical
problem here is to know when the ideal state is being manifested and when
not in the actions of the actual state. The Pope may announce he is
speaking ex cathedra and therefore cannot err in such a pronouncement
on matters of faith or morals but there is no authority in the state so
to advise us. In extreme cases we can point, for instance, to partial
and biased laws and see them as representing sectional interests but in
many cases it must be a matter of fine judgement. But this is to say
no more than that the ascertainment of the General Will is always problematic and often unclear. Bosanquet's advice, no doubt, would be to do the best we can and leave the judgement to history.

State's actions have therefore to be distinguished from the personal actions of the state's agents. It is barely conceivable, says Bosanquet, that a state should actually order a theft or a murder. If an agent of the state is ordered to breach morality bona fide to pursue what he genuinely sees as an end for the state then he and his superiors can be blamed but not the state (Bosanquet 1923, p.300). Bosanquet goes on to say that a state cannot commit acts through selfishness or sensuality and cannot be guilty of personal immorality - the state remains pure because its will is the public interest. Whatever crimes its agents may commit we cannot impute these crimes to the state because it did not will them and they cannot indeed be the object of the General Will (Bosanquet 1923, pp.301 & 303). Is this, as Hobhouse alleges, an attempt to distinguish between the private morality of the state's agents and the good faith of the state to the detriment of the former? (Hobhouse 1918, pp.109-111). Is the idealist passing the buck? At the root of such objections is the idea that, for instance, Bosanquet is simply looking at, for example, the murder of a politician by a rival as a private crime even when, say, the latter is carrying out the wishes of the government. What Bosanquet alleges is that the murderer is advancing his own position or settling an old score. Manifestly, this is absurd. Let us suppose the cabinet decides to get rid of an opposition figure. Let us suppose Parliament approves of the act even by passing a special bill through the House. The opposition member is duly executed for no crime. How can the executioner be blamed? Has not the full panoply of the state been arrayed in support of the act? The answer has been hinted at above. In this measure the politicians in the cabinet and in Parliament (or those who voted for the bill) are not expressing their real wills. The General Will does not will the act and therefore the state qua state does not. The crime is a crime or more accurately a wrongful act which the General Will would never will as its object. The responsibility for the act rests with one or several particular actual wills. Bosanquet does not always make this defence clear. In 'Social and International Ideas' he makes the strange comment that 'a state cannot will immoral acts which a single
human being can ... a community simply cannot express its will directly, as a man or a woman can, in a bodily act' (Bosanquet 1917, pp.288-9). This appears to state that no bodily act can represent the will of the state. This is clearly nonsense. The execution of a proven traitor is clearly in accordance with the General Will (or punishment, at least, if not execution) and this order of the court is promulgated and put into effect by bodily acts. A little further on Bosanquet gets closer to the mark - 'the fundamental point is the defective individuality of human beings. If a man could be inspired by the whole living system of the communal mind, then the community as active - the state - might be fully responsible for what he does ... for as any man's or woman's mind is always but a fragment of the general mind and will, it is plain that the community which acts through them can only answer for as much of their act as represents the degree of its will which it can fairly be said to have succeeded in communicating to them' (Bosanquet 1917, pp.289-90).

Granted therefore that by definition the ideal state is the embodiment of the General Will, we are left with the problem of states as they are which, it is fair to say, would empirically appear to be less than ideal. Hegel maintains that in every historical epoch there is in fact only one state 'that really represents the world spirit and therefore has the right to rule the rest' (Hegel 1953, pp. 217-8, para 347). This has repercussions in international morality that will be discussed later but for the moment it shows that states vary in their approximation to the ideal. The ordinary mortal, surveying political life, would be justified in echoing Hobhouse's words when he points out that 'when one thinks of the actual inconsistencies of traditional social morality, the blindness and crudity of law ... selfishness and oppression ... the massive misery that has lain at the foundations of all historic civilisations' then 'only the social satirist could treat this conception (of the ideal state) ... as it deserves' (Hobhouse 1918, p.80). As we have seen, the idealist simply refutes this charge by in effect stating that we still await the arrival of the ideal state. To return to actual states, how can we judge them? 'The state has no function in a larger community but is itself the supreme community, the guardian of a whole moral world, not a factor within an organized moral world' (Bosanquet 1923, p.302). Morality then is ruled out? But perfection is not. The state's duty is 'to perfect
the form of life of which it is the guardian and if it fails to do so and public opinion agrees with it, the state may be said to act immorally because it has failed (Bosanquet 1923, p.304, fn.1). Immediately Bosanquet qualifies this by stating 'the state has not been given a chance to speak but has been defrauded by those who speak in its name' (Bosanquet 1923, p.305). We can, therefore, not judge the state immoral but simply imperfect. 'The nearest approach' writes Bosanquet 'we can imagine to public immorality would be when organs which act for the state, as such, exhibit in their public action on its behalf a narrow selfish or brutal conception of the interests of the state as a whole, in which, so far as can be judged, public opinion agrees' (Bosanquet 1923, p.304). Such acts are not therefore private but public acts and by so acting the state reveals its imperfection. Thus states are responsible for their actions and if this implies moral responsibility then so be it. But states are in the strange position of being unable to act immorally - only less than perfectly in that they can fall short of the ideal towards which the world spirit is guiding them. A state can be criticized as falling below 'par' insofar as this relates to the standard of life it offers its citizens (i.e the opportunity for them fully to realize themselves). The way one judges a state against the ideal is by no means clear - 'all we can use for our guide' says Bosanquet 'and all we really need is devotion to supreme values, common sense and bona fides' (Bosanquet 1923, pp i-iii, fn.2). Perhaps indeed we need these attributes to pass judgement on any work of art but it does not greatly help us to be told so. More to the point would be a firm grasp of what in any circumstance would be the ideal state's action or reaction. It could be that Bosanquet subsumes this knowledge under 'devotion to supreme values' but one can be devoted to truth without necessarily grasping or understanding it. Common sense seems all too pedestrian a virtue and is, in any case, notoriously liable to mislead us when the evidence is not clear cut. The fact of the matter is that as contingent beings enmeshed in our own particularity we have, at best, only a hazy notion of how the ideal state would act or of what, in any particular issue, the General Will would consist.

Necessarily, the state has relations with other states in the world. One would not be foolish to presume that so far as these states form a community they must, like the private individuals for whom they form the
framework of the community, participate in some form of international General Will embodied in a worldwide sittlichkeit from which the states themselves derive their moral obligations. A particular problem, if one does not accept this view, is the question of the state's dealings with the citizens of other countries - how should it deal with them? It cannot be that it has no obligations to them simply because they are not its own citizens. The Romans solved this problem theoretically and juridically by recognizing the jus gentium (and later natural law) as the legal basis for dealing with other nationals. Bosanquet does recognize (as to a limited extent does Hegel) 'an ethical family of nations ... at least in Europe, characterized by individual missions or functions which furnish for every state its distinctive contribution to human life' (Bosanquet 1917, p.275). Different states are therefore different representations of the human spirit (or manifestations of the world spirit or Absolute). It is by the struggle of these diverse aspects of the spirit that the progress of mankind comes about. Such conflicts - and wars - are for Hegel essential if such progress is to be made (Hegel 1953, pp. 213-5, paras.333-340). Indeed they cannot be avoided, for Hegel at least, since no 'perpetual peace' or 'league of nations' is possible. There is no General Will among different states. Not surprisingly, the later, English Hegelians sought to tone down this uncompromising view. Green, for instance, recognized, in the absence of anything approaching a world state, the common goodwill of humanity - the common consciousness of mankind from which he thought one could derive an ethical code by which to judge the morality of the state vis-a-vis other states. For Hegel, war was a good in itself (provided it was conducted according to the custom and rules of the eighteenth century). War was not 'an absolute evil' (Hegel 1953, p.209, para.324). If studied carefully, one could see good coming out of it, notably that it compels individuals to risk life and property in a cause greater than themselves. It inculcates discipline and moral steadfastness (Hegel 1953, pp.209-210, para.324). Green of course did not accept this justification of war nor, I think, did Bradley or Bosanquet. Green held war to be evil but justifiable if it prevented a greater evil such as the failure otherwise to maintain conditions necessary to allow moral development. War is a cruel necessity, not an essential attribute of a perfect state but of a particular state in its imperfect actuality (Barker 1928, p.45). States, as Bosanquet recognized,
are dangerous to each other because of 'biased consciences' - it is the imperfect element in them that gives rise to conflicts very often with each combatant believing they have the weight of moral righteousness on their side (Bosanquet 1917, pp. 308-9). Such conflicts arise, not because states qua states are responsible but because actual states are often 'ill organized biased and unenlightened' (Bosanquet 1917, p.279). 'A healthy state is not militant ... properly organized states would live in peace' (Bosanquet 1917, p.280). Bosanquet was convinced that 'the more perfect each state the easier for the others to be perfect and to cooperate' (Bosanquet 1917, pp.275-6). Clearly, as states become less imperfect they will grow to resemble each other and therefore be less likely to come into conflict. The difference diminishes between circumstances which condition the state and those which condition the individual so that international connections and obligations develop which lead eventually to the emergence of an international General Will expressing itself through a recognized authority as would appear to be happening with the increasing authority of the United Nations today. Hegel would not have countenanced this (for he was a prisoner of his age much more so than was Kant). Bosanquet appears to have looked forward to it. Like the family's attitude to the nation so the nation's attitude to mankind can be selfish or moral; it can either unite you with the rest of your citizens or of mankind or cut you off from them - 'it all depends on whether your love of country is penetrated with a just sense of what makes life worth living' (Bosanquet 1923, plxii; Bosanquet 1917, p.16).

The tolerable conduct of international affairs depends therefore, at least for the present, on each state's approximating as closely as possible to the ideal. If their internal relations are well organized and accord with the General Will and if the latter is sufficiently enlightened to take into account the community of mankind then the possibility of war is greatly reduced if not altogether eliminated.

Bosanquet in particular sought to transcend in his thinking the boundaries of the nation state. He recognized that 'the ideal of humanity must have a place in a tolerably complete philosophy' (Bosanquet 1923, p.305) and that 'there are cases of freemasonry going outside what is clearly a
nation - there is a freemasonry between, perhaps, the most prosperous classes of all countries, and again between the wage earners of all or many countries ... to make common cause ... and a very good thing too' (Bosanquet 1917, p.4). However, such links did not as yet provide the basis for an effective world community. Hegel was right - the state was not transcendable at least insofar as the business of government was concerned. The League of Nations certainly lacked the stiffening of a General Will - it was 'mere machinery' and no basis for a world state. Humanitarianism provided a poor basis for the conduct of international affairs - there was too big a difference between nations - some were more civilised than others - 'Most (of the human race) lead lives giving us no guidance as to what is desirable for mankind' (Bosanquet 1917, p.14).

'To realize the best life is not the same as recognizing a duty to humanity - our primary loyalty is to a quality not to a crowd' (Bosanquet 1917, p.291). Bosanquet has a problem in regarding humanity en bloc as an organism. It lacks a common consciousness and some states are more primitive than others (Hobhouse 1918, p.114). But to say this is not to rule out, surely, a common desire for peace, nor to fail to recognize the germ of a General Will in this universal hope of mankind. However, Bosanquet's objection seems more fundamental. His moving force in the development of mankind is the Absolute. Like Hegel he sees first one state and then another best expressing the mind of the Absolute. This historical process cannot be arrested in the interests of a nebulous humanitarianism seeking the welfare of humanity. In the long run, the more advanced civilisation will set the pattern for the rest of the world and the development of this civilisation expressed in that of a state must therefore not be impeded. To attempt its impediment is a waste of time as well as a great disservice to mankind.

Green (1924, p.238,para.206) looked forward to a gradual extension of 'who is my neighbour?' from the polis of the classical Greeks to the arrival of a society coextensive with mankind. Even Bosanquet admitted the possibility of a world state, even if he saw it in his time as a remote possibility. He saw no technical difficulty in the way of such a gigantic organism 'so long as it is made clear to what system of authority every separate human being is subject in respect to the ultimate adjustment
of claims upon him' (Bosanquet 1923, p.xxix). This authority is then a state. 'You may find several communities desiring peace and they may make a league to enforce it. But their General Wills taken together are not one will - i.e. they have not in common the same principle objects or views of life and therefore they are likely to diverge in their desire for peace under different conditions' (Bosanquet 1917, pp.314-5). Nevertheless unity may well come and with it a universal will and a world state.

The spheres of public and private morality in the idealists' conception of society are delineated according to the way 'public' and 'private' are defined. The individual has his conscience - this is his guide to what is right and wrong. Embodied in law and in common with his fellow citizens this conscience should reflect accurately the public morality of the community. In this sense of 'public', public and private morality should be one. This morality is not based on fixed and immutable rules but on the principle that it must encourage self realization. In its precepts, it is relative to a particular society at a particular time. Since it must change and develop, how does this change come about? It comes about because the elements of which this morality is composed - conscience, law and society's mores - clash. This can presumably only happen because one or more of them changes and this change must come from the individual conscience. Society's mores cannot change, nor will laws be altered, unless someone's conscience prompts proposals for change in either of them. Hegel and his followers recognized that the interplay of these components, one on the others, gives rise to changes in all and when moralitat outstrips sittlichkeit then a movement arises to synthesise the conflicting opposites which leads to a gradual or perhaps revolutionary change in the mores of society, i.e. in sittlichkeit. At such times there will be tension between public and private morality until the conflict is resolved dialectically.

There are, however, the concepts of public and private morality more in keeping with the present study and relating to the morality of the individual and that of the apparatus of the state. For the idealist, the state is supra-moral in the sense that no way can it stand in a moral relationship with its citizens. It is the arbiter of moral judgements
and not a party to them. But then, for the idealist, the state is the whole of society organized, its government, its political and other institutions, its morality and everything contained materially or mentally within its frontiers. It is not simply 'the government'. The act of a statesman or official must be judged in one of two ways - as an act truly representing the General Will, in which case it stands outside the moral sphere, or as an act carried out in a particular interest, either that of the agent, or of his superiors or of the government itself when it is ignoring the General Will and prostituting the state to serve merely a section of society or even the will of all. In fact, I think it dubious that any political decision is taken purely in conformity with the General Will for two reasons, even supposing for the sake of argument, we accept the existence of such an entity. Firstly, many of us in any decision-making situation might well have genuine but differing views about what the General Will might be willing - i.e. about the precept stemming from its content. This confusion is compounded because there may well be a number of General Wills, those of the state, of international associations and so on competing for our allegiance. The idealist would give to the General Will of the state an overriding precedence since it is the state that acts as arbiter between societies within its domain but this does not satisfactorily account for international bodies like the Catholic Church, for example, or the international Trade Union movement. Secondly even if we set aside these problems of allegiance, there remains the problem of identity and not merely the obvious one of 'who speaks for the General Will?'. The General Will must be pure and unalloyed by any element of partiality or particularism. I think it fair to say that almost every if not every political decision must contain such elements. In the contingent world it is inevitable. So virtually no state action is solely the result of an act of the General Will. Therefore virtually every such action is morally accountable and since it is the duty of the individual to act in accord with the mores of society as applied to his station in life, this, I suppose, for the idealist, represents public morality. Public morality, the morality of the state, is a function of the degree of derangement (to use Bosanquet's picturesque term) of the state. It applies to the individuals or groups of individuals who act for the state e.g. the civil service, the cabinet, the prime minister and so on. By definition, it cannot apply to the state for the state
is an ideal as yet not attained. Obviously, there are entities we call states which are sometimes referred to as 'actual' states; qua actual states their wills are amalgams of particular wills on each of which moral responsibility falls.

In a way, if this analysis is a valid way of explaining public morality, this accounts for the moral questions arising from both the state's dealings with its subjects and with its fellow states.

So far as its dealings with other states are concerned, even if the above conclusions were to be refuted by the idealist, many thorny problems remain. In the international sphere there is as yet no super state which can claim to reflect the General Will of humanity though one day the United Nations might develop into just such an organization. There is therefore no moral arbiter between states. Such conventions and treaties as exist, and even compliance with the judgements of the International Court of Justice are undertaken and obeyed on purely prudential grounds. We are tempted to accuse the idealists of inconsistency - if individual human beings are members of a society and subject to its moral rules then surely states, as more complete individuals, should be able to construct a moral world between them. However, as we have seen, between states there is a much wider divergence of views than between the subjects of any particular state; there is much less basis out of which a General Will might develop and without the concrete embodiment of such a will then there can be no universal sittlichkeit by which to regulate the state's behaviour. Until there is a universal General Will states will have to live in a Hobbesian state of nature, at best exercising a reciprocal ethic formulated on prudential grounds and which the state may abandon at will if it serves its purpose to do so. We are left with the problem of judging the merits of one actual state against another and of all actual states against the ideal state. In idealist theory it does not seem possible that these should be moral judgements. Perhaps in some way they could be aesthetic ones such that state 'A' is nearer to the ideal than state 'B'; it is nearer to perfection.

Pfannenstiel attempts to rescue Bosanquet from the predicament in which we find him - i.e. how can a state which is actual and not ideal not act
Immorally? Pfannenstill holds that the General Will can be self contradictory if based on a selfish and narrow public opinion as indeed Bosanquet implies (Pfannenstill 1936 pp.296-7). But, as discussed above, the General Will for Bosanquet is identical to the real wills of the subjects which seek only the common good. A defective General Will is not a General Will at all but is simply a 'will of all' or a 'will of the majority' - a mere sum or netting off of particular actual wills. However Pfannenstill also argues that we can judge a state in the same way that we can judge a scientific theory, that is, as being more or less coherent than the state or states with which it is being compared. This, in idealist theory, simply means more or less real.

The idealist morality as applied to public life clearly is, if not incoherent, then unhelpful in dealing with the problems that arise. The state would appear to have a duty to encourage the citizens' striving for self perfection and this has all the appearances of a moral duty which, by definition, the ideal state cannot have. Insofar as the state's agents have a duty, it is the same, but if they succeed in fulfilling it perfectly they are simply doing what the ideal state does. They themselves, acting as agents of their ideal state, are commendably filling their station in life and this is the moral duty of us all. If they are conscientiously carrying out the tasks set them by a state partially under the sway of actual and particular wills then it is a matter of fine judgement how far they are acting morally by performing the duties of their station. Clearly, the policy makers are not; the junior officials might be.

Is it possible to make a moral judgement about a supramoral entity like the state? I have suggested above that what is needed is an aesthetic judgement if one is an idealist. And yet a doubt remains. We can say that 'God is good' and perhaps we can say the same of His actions. If the state is God moving in the world (and this begs the question of whether God and the Absolute are one and the same) then perhaps we can extend to the state the same courtesy.
7 NATURAL LAW AND POSITIVE LAW.

None of the ethical and political systems so far considered seems to answer satisfactorily the questions raised by the apparent conflict between political expediency and private morality so clearly demonstrated by Machiavelli. To posit the existence of moral law encompassing political, public and private morality would be at the very least an hypothesis worth considering to bridge the gap between raison d'état and private conscience. Natural law theories attempt to do this, and if the temptation be resisted not to overdevelop them into detailed systems of rules (as did Grotius, for example) but rather to confine them to the enunciation of general principles to which all positive laws should adhere, they succeed in providing a link between the spheres of morality and politics. Grotius, and later Pufendorf, confused natural law with the Roman's 'jus gentium'; they elaborated upon it, producing detailed codes in an attempt to regulate everyday human affairs. More wisely, Aquinas recognised the jus gentium as an attempt to apply natural law to the contingencies of the world as it is - a sort of half-way house between natural and positive law. As it responds to changing situations the jus gentium adapts itself in order to do so. It seeks to apply the general principles of natural law to concrete situations. The notion of natural law has been under attack especially since Bentham attempted to demolish it as a reactionary bastion standing in the way of a wholesale reform of English law, although it was first undermined by Hobbes, whose sole natural law of survival sought to establish the primacy of state's laws and the subordination of morality to the rule of Leviathan. The positivist thesis that law means simply and solely the actual laws and legal institutions of the state must therefore be confronted if natural law is to be re-established in one form or another as the measure of justice and even of the validity of positive laws.

In his 'Commentaries on the Laws of England' Blackstone defined law as 'a rule of action dictated by some superior being' and, since man is a created being, he must 'necessarily be subject to the will of his creator' (Blackstone 1979, p.39). Now 'this will of his maker is called the law of nature. For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual
direction of that motion; so, when he created man, and endued him with free will to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that free will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purpose of those laws' (Blackstone 1979, pp 39-40). These laws 'being coeval with mankind and dictated by God himself' were 'superior in obligation to any other ... binding over all the globe, in all countries and at all times; no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, meditately or immediately, from this original' (Blackstone 1979, p.41). Thus Blackstone sought 'to sanctify English law by this appeal to God-given principles' (Wacks 1990, p.79), and thereby brought down upon himself the condemnation of Bentham and the reaction of Austin, and thus the foundation of legal positivism, whose adherents held that the proper objects of legal analysis were laws as enacted in empirically observed legal systems.

Legal positivists, though loosely classified as belonging to one school of thought, hold differing views. Summers lists no less than twelve tenets which can be described as positivist, some of which are held by one legal positivist and rejected by another (Summers 1970, p.15). All hold one view in common and that is that the law as it is can always be clearly differentiated from the law as it ought to be 'otherwise there is little warrant for labelling anyone a legal positivist' (Summers 1970, pp1617). Austin held that laws were the commands of the sovereign, Kelsen that they were a system of norms justified by a 'grundnorm', Hart that they were a system of rules whose validity is based on a 'rule of recognition'. A common thread running through all these theories is that law is entirely the product of human design and that there is no necessary connection between law and morality, between 'what is' and what 'ought to be'. Bentham, Austin, Kelsen and Hart all insist on the necessity of analytically separating enquiries by legal theorists into the nature of law from enquiries concerning its moral worth ( Cotterell 1989, p.120). The analysis of law, including the assessment of a law's validity, must be evaluatively neutral (Edwards 1967, p.419). Thus, a law may violate either the moral standards of society or of the individual but still remain a valid law in the same way that a proposed law might be morally desirable
yet not enacted as a positive law.

Morawetz distinguishes four types of judicial decision (1980, p.10) - two of which, that law is what the legislator sets it out to be, or that, in addition to this, law can be held to include legislative intent, are fully in line with legal positivist thinking. The other two, that limit judges' moral reference to those issues for which the legislator invites them to take account, or, more widely, that legal decisions necessarily embrace justice, both take account of morality and are therefore incompatible with the legal positivist's thesis.

It is important to appreciate that the legal positivist need not be, and seldom is, unconcerned with moral issues, but he holds rather that law can only be understood by factual analysis and, until such analysis is completed, moral judgement must be suspended. In contrast, the argument of the upholder of natural law is that the very concept of law embraces a moral content. It is not simply a matter of moral considerations being introduced into law making or into judicial decisions if legislators or judges so wish. Austin and Bentham held that utilitarian considerations should guide the legislator (Austin 1904, p.29; Bentham 1911, Chapter I), whilst Hart agreed that laws 'must be submitted to moral scrutiny' even though 'legal ought' and 'moral ought' are distinct and separate concepts (Hart 1961, p.206). Bentham specifically recognised the role of 'censorial' as distinct from 'expositional' jurisprudence but both had to be kept distinct (Bentham 1970, p.294). Later legal positivists, such as Kelsen, Hart and Raz, were non-cognitivists, holding that moral judgements could never be established or justified by reason. Surprisingly, however, even a sceptic such as Lundstedt, in 'Legal Thinkers Revised' (Shuman 1963, p.19) stated that 'indeed it is obvious that even law in the legal positivistic meaning must be considered ultimately to be based on natural justice however anxious one may be to speak as silently as possible of it'. Hence, although legal positivist and natural law theories stand opposed one to the other, it is possible to trace connections between protagonists of both theories. Neither all natural lawyers nor all legal positivists hold identical sets of beliefs. Thus, while Austin holds that law is a command, Kelsen does not; Austin believes that morality is rationally justifiable whilst Kelsen does not. Both
agree on the separation of legal analysis from morality. Hart even sees scope for a 'minimum natural law theory' which places some limit on the free use of force in a legal system - this on account of the desirability of having a legal system with features embodied in it that are necessary for man's survival. Limitations to man's powers and ability require the protection of the law since man is vulnerable (open to attack), physically equal (even the strong man can be overcome when he is asleep or off guard). In addition, man has limited altruism (he is basically selfish), limited understanding, and is sometimes weakwilled (unreliable), and has perforce to compete for the limited resources available to him (Hart 1961, p.195). This background, out of which the necessity of law arises, does not form a moral basis for law. Hart's minimal natural law is more akin to Hobbes' natural law of survival and can be seen as non-moral and merely prudential - if man wishes to survive then he must devise social rules and sanctions to enable him to do so. What Hart acknowledges is that legal systems do not form self-subsistent entities which exist 'in vacuo', detached from the nature of man and his needs, which provide the very raisons d'être for their existence. Not for him are legal systems 'closed logical systems in which correct legal decisions can be deduced by logical means from predetermined legal rules without reference to social aims, policies ... (and) ... moral standards' (Friedman 1967, pp256-257). This is one of five meanings of positivism in jurisprudence which Hart identifies, the others being the contention that laws are commands of human beings, that there is no necessary connection between law and morals, that the analysis of legal concepts is not only a worthwhile pursuit but must be distinguished from sociological critiques or moral appraisals, and that moral judgements are not defensible by rational argument or supported by evidence (Friedman 1967, pp256-257). Not all legal positivists subscribe to all these notions. Indeed, Shuman in 'Legal Positivism', takes care to distinguish between legal positivism and analytical jurisprudence, seeing the latter as a method of studying jurisprudence and the former as embodying a theory as to the nature of law (Shuman 1963, p.12) - the two became confused as a result of Kelsen's analytical method the use of which gave him a theory of the nature of law clearly well within the confines of the legal positivist's camp. The one thread he finds running through all legal positivist thinking is the separation of law and morals. For Austin, law was the command
of the sovereign 'a determinate human superior' ... 'not in a habit of obedience to a like superior' who received 'habitual obedience from the bulk of a given society' (Austin 1954, p.194). Only those commands that are 'general', that bind the whole community or a whole section of it, are laws' (Austin 1954, p.194). Austin failed to distinguish authority from power - to note the distinctive feature that a law needs to be obeyed not only out of a fear of the consequences of disobedience (sanctions) but because it is recognised as authoritative, as imposing an obligation on the part of the subject to obey it. Kelsen sought to overcome this weakness in Austin's theory by taking into account the attitude of those addressed by laws who regard some source of law as duly authorised to enact laws and, because of this, deserving of their obedience. Kelsen, in addition, accounted for the institutional (or transpersonal) sovereign as well as the individual sovereign, for the continuity of sovereignty through time and for the fact that laws (e.g. constitutional laws) can limit the power of the sovereign as well as of the subject (Morawetz 1980, pp22-23). Austin's sovereign is replaced by Kelsen's 'grundnorm'. Kelsen still maintained that the legal norm remained firmly a creature of sanction - if 'x' is done then sanction 'y' follows - this is, for him, the 'pure theory of law'. The 'Grundnorm' is the foundation on which all legal norms rest and it exists if members of a society regard some source as authorised to make rules and therefore to be deserving of obedience. The validity of a law or a norm can only, says Kelsen, be the validity of another norm, of one higher up the scale. This scale of ascending norms 'must end with a norm, which, as the last and the highest, is presupposed. It must be presupposed because it cannot be posited, that is to say, created by an authority whose competence would have to rest on a still higher norm' (Wacks 1990, pp 193-195). This 'grundnorm' is therefore outside the system of laws - its epistemological parallel is the network of Kantian categories without which a rational understanding of the world cannot be attained. In like manner the grundnorm rationalizes the world of legal norms and is essential for the understanding and operation of a legal system. The weakness of Kelsen's theory lies in the difficulty of deciding just what the grundnorm in any legal system is. There are many sources of law existing side by side (e.g. custom and statute) no one of which takes precedence over another (Allen 1964, p.59). The grundnorm seen as an amalgam of sources is hardly
such as to bathe the roots of any legal system in the pure light of
science. Kelsen, incidentally, expressly excludes from his 'pure science
of law' any consideration of its efficacy - but this is surely important
for any legal system as a condition of the validity of its laws - an
unworkable law cannot be a valid law.

For Hart, law is a combination of primary and secondary rules derived
ultimately from a rule of recognition. Hart's approach, as distinct from
Kelsen's, is empirical - law is seen as part of the system of social rules
which are essential if society is to cohere and function. Social rules
are either obligatory (legal or moral) or non-obligatory (manners and
rules of games). Legal rules are either primary (which impose duties)
or secondary (which include rules for adjudication, for changing rules)
and rules of recognition which serve to identify 'the rules by which the
conduct of private persons is to be judged' (Summers 1970, p. 334), i.e.
the characteristics in terms of which the primary rules may be
authoritatively identified. Thus, for instance, those laws are valid
in the United Kingdom which are enacted by the Queen in Parliament. It
is pointless to ask whether it is 'valid' that the Queen in Parliament
makes laws - in the United Kingdom in 1991 she just did. Validity is
not appropriate for secondary rules, they simply have to be accepted as
authoritative by those to whom the laws are addressed.

Hart argues that an adequate theory of law must include in its description
an account of intentionality. In observing the behaviour of anyone
externally no account of intention need be taken but it is essential to
do so in the case of law (Morawetz 1980, pp.17-18). Social habits are
unintentional but social rules imply the intended obedience of the
recipient - of the recognition by those to whom the laws are addressed
that the law applies to them. Laws are valid if the primary rules are
promulgated in accordance with the secondary rules but a legal system
cannot flourish unless both primary and secondary rules are, in the main,
observed and are 'internalized' - i.e. accepted as valid and binding by
those to whom they are addressed. Hart's concept of attitude is not to
be confused with the question of motives - fear of sanctions or moral
approbation or disapprobation are motives and may provide reasons why
people obey the law - rather he sees attitude as how people regard the
law. For him, the internalization of the law both as a standard for one's own behaviour and for judging the behaviour of others is concerned only with the acceptance of laws as valid and has nothing to do with the law's morality. As a system of rules the legal system will have 'gaps' - areas where no rule exists or the rule is open to interpretation. Judicial discretion exercised in these cases may well be based on the judge's own morality, or on how he attempts to interpret and enforce the moral norms of society, or apply what he deems might have been the intention of the legislator or the social policy of the government.

Dworkin describes this as a weak sense of discretion (Dworkin 1977, p.32) - where the standards an official or judge must apply cannot be applied mechanically but where judgement must be used - precise information or instructions as to what is to be done are absent. Howsoever it is based, it is not law. In this sense the legal system is open-textured and many 'legal' pronouncements and decisions fall through the mesh. (It is interesting to note that both Bentham and Austin, supposedly hidebound by the Command theory, extended the notion of command to include customary (i.e. common) law and judicial decisions (as judge-made law) and thus implied a 'tacit' or 'indirect' command such that whatever the sovereign allows, he tacitly commands.

Hart's argument that in discretionary cases judges use other, non-legal resources, and these are not law was countered by Dworkin (1968, p.34) for whom law includes 'standards that do not function as rules but operate differently as principles policies and other sorts of standard'. Such standards would include the principle of fairness. Of course, judges may appeal to their own (emotively based) principles, or to principles specific to a particular legal system, but Dworkin makes it quite clear that, in his view, the principles appealed to transcend the system - in particular, the principle of fairness. For Dworkin, the legal system is one of rules and principles; hence Hart's analysis is lacking in that only the former, and not the latter, can be picked out by the rule of recognition.

In appealing to principles, the judge is exercising the strong sense of discretion and is not bound by an authoritative rule (Dworkin 1977, p.33).
If the decision is faulty, the judge is open to criticism but cannot be charged with disobedience. The judge, however, has no discretion in the matter of reaching a decision - this he is bound to do.

Nevertheless, Hart himself realises that legal positivists in their pursuit of legal science neglected the connection between law and the social life of the community - a neglect which he finds not only intellectually misleading but corrupting in practice (Hart 1961, p.4). Morality may not form part of the content of law but it does influence law (e.g. by the nature of the state's constitution - see the 5th amendment in the constitution of the U.S.A.) (Hart 1961, p.42). Sentencing policy and the question of rights are ignored if law is only a command and a study of the legal system is so narrowly confined (Hart 1961, p.44). However, Hart remains convinced that the analytical separation of law and morality is an aid to clear thinking and he feels it important to distinguish between legal and moral obligations. Valid laws are those judged by positive criteria (sovereign's command, authorised by a rule of recognition, imputed from a basic norm) and impose on the subject only a legal, and not a moral obligation to comply with them. In a celebrated controversy engendered by the abuse of the German legal system in the Nazi era (retroactive legislation, outrageous interpretation by Nazi courts of existing laws, etc) Hart firmly adhered to Austin's view that 'the most pernicious laws ... have been and are continually enforced as laws by judicial tribunals ... an exception, demurrer or plea founded on the Law of God was never heard in a court of justice' (Austin 1954, p.185). Nazi laws and the operation of the German legal system from 1933 to 1945 may have been reprehensible but the laws then passed and the judgements handed down were valid (Hart 1961, p.205). Lon Fuller denies this. He saw this dichotomy between legal and moral obligation as unreal. Legal obligation arises not only from correct procedures followed in the enactment of laws but from the legal system's claims and ability to command assent. This ability depends on a basic minimum of moral content in the system without which no legal system can be said to exist (Gotterell 1989, p.129). Fuller is no natural lawyer - he attacks natural law on the basis that modern law cannot be analysed in terms of moral absolutes but should be the object of a science which explicitly recognizes its human origins and its use as a political instrument. He further analyses the 'morality
of the law' into 'external morality' (extrinsic to the system) covering the moral aims and/or purposes of the law and 'internal morality' which applies to legal procedures. Legality is more complex than legal positivists assert - it demands for its fulfilment 'internal morality' - that is, that law-making complies with a number of conditions if a system of rules is to form a valid legal system. The rules have to be made public and they must also be understandable, non-contradictory, within the power of the law's addressees to comply. In addition, laws must not be changed so frequently that the addressees are thereby confused. Finally, there must be congruence between laws as promulgated and their actual administration. Retroactive legislation must not be so frequently used that this use is detrimental to the system (Fuller 1969, p.39). Fuller sees these eight conditions as moral requirements - he sees morality in procedure, in the way law is created, set out and applied. He does not look at the content of laws, and in this stands foursquare with the legal positivists. This, of course, has the curious result that even technical rules with no moral connotation (e.g. that two witnesses must attest a will) have a moral dimension; yet a law with a flagrantly immoral content can still be morally promulgated.

A legal positivist might argue that Fuller's eight conditions are rational rather than moral requirements; that whilst every human motivation contains some irrational or non-rational elements, a massive disregard of Fuller's requirements would replace the legal system with a series of merely arbitrary commands, unsystematized and haphazardly enforced, incomprehensible to those to whom they are addressed. At the very least, the legal machinery would be rendered unworkable through sheer inefficiency. Rationality may arguably be one of the bedrocks of morality but the two terms are not synonymous. Equally, however, they are not mutually exclusive. In the case, for instance, of frequently used retroactive legislation, this is seen to be not only irrational (for it renders it difficult for the law-abiding citizen to obey the law when he does not know its content) but as manifestly unfair when he or she is convicted of breaking the law when, at the time of the relevant action, the law was not in existence and the action was lawful. Punishment for such an 'offence' is seen to be unjustified and immoral and not simply harmful to the system insofar as it makes it unworkable because the law
loses respect. A legal system could be so irrational that it is manifestly unfair and the notion of unfairness is a moral and not merely a rational concept. Finnis points out that Fuller's eight desiderata are simply designed to form the law into an efficient instrument which can be used for good or evil since fair procedures can merely serve to expedite the production of an unjust verdict if the laws and institutions are themselves unjust. Nevertheless, Finnis argues that, for instance, the requirement that officials should conform to pre-announced and stable general rules at least tends to reduce the efficiency for evil of an evil government since it systemically restricts the government's freedom to manoeuvre (Finnis 1989, p.274).

A further curious outcome of Fuller's 'internal morality' is that a law which is (unintentionally) confusing (badly drafted) is adjudged immoral. There is surely a distinction between badly drafted and immoral legislation. A judge in any legal system worth the name would either not apply, or would bring to the attention of the proper authorities, a law which was demonstrably contradictory or incomprehensible.

A total failure to meet one or more of his criteria or what Fuller calls a 'pervasive failure' in all criteria, negates the existence of a legal system (Fuller 1969, p.39).

Fuller distinguishes two forms of morality - a morality of duty (which covers the basic moral needs of a community and is the sine qua non of the existence of an organised society) and a morality of aspiration (the morality of the good life) which is the striving for and the attainment of excellence. Not surprisingly, Fuller concludes that the law should only cater for the requirements of duty and not of aspiration. Hence, the problem facing all legislators is that of drawing the dividing line between 'duty' and 'aspiration'. Beyond the total or pervasive failure of a legal system to fulfil his eight conditions (which fall into the province of the morality of duty), the internal morality of the law is primarily a morality of aspiration in its search to maximise legality in a legal system. Fuller admits that these eight criteria cannot all be completely fulfilled - indeed, no legal system can even operate without some divergence from them. Retroactive laws, for instance, are
occasionally necessary for not all legal disputes can be solved by existing rules and the rules themselves cannot always be clarified until attempts are made to apply them to specific cases. For the proper resolution of each actual legal problem within the legal framework, as for making laws themselves, a judgement has to be made whether the proposed new law or judgement lies to the one side or to the other on the scale which has duty at one end and aspiration at the other. The precise position of the dividing line will vary from time to time according to circumstances. This fixing of the dividing line is 'the heart of the enterprise of subjecting human conduct to the governance of rules' (Fuller 1969, p.96). As Morawetz points out, this is the nearest Fuller gets to defining what law is (Morawetz 1980, p.138).

Fuller does not see law confined to state legislation or to the legal rulings of the state judiciary, but interprets it more widely as referring to the rule systems of all corporate bodies.

Fundamental to all these systems is the 'Principle of Reciprocity' which lies at the heart of the morality of duty, based as it is on the exchange of a promise for an action (Fuller 1969, p.19). Such reciprocal exchanges form the basis of all social interactions and are the raisons d'être of all social institutions. There is, in addition, 'a kind of reciprocity between government and the citizen' (Fuller 1969, p.39), for the government promises the citizen that if he follows the rules laid down then these are the rules that will be applied to his conduct (Fuller 1969, p.40). The most important function of the law is to keep open lines of communication between members of society. Different forms of society need different regulatory mechanisms and procedures to do so (e.g. legislation, contract law, custom and so on) (Fuller 1969, pp185-6). Fuller lays great stress on the common law tradition and on the understanding of the judicial process and the judicial development of case law (Morawetz 1980, pp138-9). This involves not only the imposition of law, the judicial fiat, but the exploration of and discovery of what law is. This is an activity demanding the use of reason as well as the imposition of will by fiat. The internal morality of the law, reason based, helps ensure reciprocity by expressing it as a moral relationship between ruler and ruled. Fuller is therefore in a similar position to
the natural lawyer insofar as he sees law as based on the necessity of human cooperation and as essentially having a moral content in its procedures if these are to be accepted by those to whom the law is addressed. He does, however, attack the classical lawyer's notion that it is the content of law in which the natural law is reflected (Fuller, pp96-105; 241).

It is a central weakness of the legal positivist's case that it finds difficulty in accommodating the notion of justice as a moral aspiration transcending particular political orders and legal systems. As Brunner puts it, 'If there is no divine standard of justice, there is no criterion for the legal system set up by a State. If there is no justice transcending the State, then the State can declare anything it likes to be law; there is no limit set to its arbitrariness save its actual power to give force to its will. If it does so in the form of a logically coherent system, it thereby fulfills the one condition to which the legality of law is bound in the formalistic view of law (Brunner 1949, pp15-16).

Every legal system is orientated towards certain purposes which it seeks to implement. The question is whether justice itself is the aim of the system? If it is, then there must be a standard of justice against which the enactments and operation of the legal system must be judged. Or is justice merely a by-product of the system which is orientated towards, perhaps, the creation of utopia or the purity of the aryan race? The particular objectives which society seeks are not relevant to this debate.

It is, perhaps, apposite at this stage to reflect on what it is that 'justice' means. Sidgwick points out that it may merely mean the correct application of the relevant rule of law. He then goes on to criticize this description by pointing out that not all violations of law are unjust (e.g. duellists are not aptly described as 'unjust') and yet some laws are spoken of as 'manifestly unjust'. Extra legally, we may make sense by speaking of a father's behaniour to his children as 'unjust' (Sidgwick 1962, p.265). In its wider sense of 'ideal justice' this notion is synonymous with fairness or equity. Hobbes would not quarrel with the narrower sense of justice but would not accept the wider sense for again
it represents an appeal beyond the legal system to natural justice. Fairness or equity may come into collision with justice in its narrow sense but not with ideal or natural justice (Sidgwick 1962, pp 273-4 & 285-6). Rawls also finds the concept of justice to be that of fairness – the heuristic postulate of the impartial observer is based on the idea of fairness (Feinberg 1975, p.276).

What the legal positivist seeks to do is to remove, as far as possible, any moral element in the concept of law and concurrently to remove political and moral choices as far as possible from the determination of rights and duties. On the other hand, upholders of natural law maintain that political decisions as to what rights and duties are must be governed by morally acceptable purposes. Legal positivists deny, either that there is a natural moral order, or that, if such there be, that it is accessible to human understanding. Most of all, they deny that the concept of law cannot be understood without a grasp of its moral content. For the legal positivist, the law has no moral content. His task is to construct an explanation and description of a legal system which will be 'self sufficient' once the highest authority in the system has been located and shown to be the source of legal duties, rights and obligations i.e. a sovereign, a basic norm or a rule of recognition or whatever. If the ultimate source of authority or the legitimacy of human laws rests on such foundations then it becomes clear that the only sure basis of legal obligation is either fear of sanctions or a form of enlightened self interest based on the principle of reciprocity. Law is not then justified by reference to an independent standard but is validated within the legal system itself. As Finnis points out 'law and the condition of its existence as an authoritative normative order cannot be treated in isolation from questions about its moral foundations' (Finnis 1989, p.363).

Moral reasoning, when applied to personal ethical dilemmas produces a coherent ethic; when applied to legal rules and institutions then it will give rise to political philosophical ideas about human rights, the power of the state and similar fundamental issues.

Legal positivists, when confronted by the question of the limits of legal authority, seek to answer it on technical grounds. They are content to
work out the connections between the empirically observed source of authority and the laws, institutions and practices of society on a purely technical basis. This method has obvious advantages, not least for professional lawyers. Agreement as to what ultimate values are or whether there are universal truths about the nature of mankind or human destiny or whether there is an underlying moral order in the universe is hard to come by. However, the fact that this is the case does not thereby demonstrate that they are not to be found. Detmold notes the confusion in Hart's attempted rescue of positivism between his analysis of sociological statements where their existence can be separated from their bindingness and his parallel analysis of normative statements where such separation is impossible (Detmold 1984, p.54). The positivist's analysis may answer satisfactorily the question as to what the law is but does not succeed in telling us what Law is. The natural lawyer argues that the essential character of the law must be explained in moral terms, that the concept of legal validity is not fully explicated by the application of technique - for legal positivists endeavour to render legal concepts as purely technological descriptions. 'Lex inusta non est lex' need not be held to exclude the notion that a law can be technically valid in terms of its pedigree or its position as a cog in the legal machine but that, insofar as validity includes the notion of bindingness, it remains non-binding and therefore invalid in the wider sense of obligating its addressees to obey it. Finnis does not go as far as this - he argues that the central tradition of natural law theory recognizes the strictly legal validity of unjust laws. He holds, along with Aquinas, that even if a law does not bind in conscience, the subject should try to avoid the corruption (e.g. civil disorder) that might be encouraged by breaking it (Finnis 1989, p.360). The existence of civil society needs to be preserved, and its preservation is worth the cost of accepting minor irregularities in, and divergences of, positive laws from natural law.

It can be argued that the notion of a valid law is based on its having been enacted by a legitimate authority (Messner 1964, p.272) - thus, for Kelsen, if the law emanates from an authorised person it is valid; for Hart, it is valid if it is enacted under the aegis of a rule of recognition. Such laws would be legally valid within the positivist theory, but a conflict might well arise between their legality and their
legitimacy. This latter is determined by one's theory of political obligation; if one accepts the authority of the state one accepts its legitimacy and therefore the legality of its edicts. Legitimacy puts the gloss of authority on power - an authoritative government implies one that has a right to be obeyed - an essential codicil to an act of will. Two interesting approaches to this problem of legitimacy and validity of laws are, firstly, the view that all laws passed by due process are valid and would only become invalid if due process were not observed. This could be the case if the government, for instance, were overthrown and the legal rules of succession were not complied with. Secondly, there is the view that the validity of laws depends on their broad agreement with natural law or with the principles emanating therefrom. This could encompass the view that a de facto but not de jure government may be empowered to pass laws which would be valid if in agreement with, or invalid if differing widely from, such principles.

As a description and analysis of what law is, legal positivism is less than complete - it fails to account for the moral nature of law. The supreme task of a properly conceived legal system and the basic principle on which it should be based is the ordering of social relations in such a way that man's essential nature should be realised, viz. that this physical, moral and spiritual development should all lead to the perfection of his nature. Man's freedom to seek his perfection or not to seek it gives rise to the concept of moral responsibility and indeed to the concept of morality itself. Man's reason enables him both to apprehend these goals and to seek out the best way of attaining them. Messner sees two self evident principles or guides to the conduct required if these ends are to be achieved. 'Avoid injustice' and 'do not do to others what you do not wish them to do to you' (Messner 1964, p.267). The fact that man's perfection depends on the establishment of a society governed by rules and based on principles entails further maxims or natural laws such as 'lawful authority must be obeyed and sanctions imposed for disobedience' and 'lawful contracts must be fulfilled' (Messner 1964, p.160 et seq.)

Natural law must be seen not as a series of changeless detailed rules. It is an empirical fact that positive laws are changed when they no longer reflect the mores and traditions of the society to which they are
addressed. For Stammler (Curzon 1988, pp83-4) only the formal elements of knowledge have universal validity and one of these elements is the concept of Law, but the content of laws is contingent on the state of society at a given time and place. But natural law goes further than this and establishes principles of justice and equity which are universally valid. Thus the principle of treating people equally in like cases is both rational (why do otherwise?) and moral. In the recognition of such principles rationality and morality merge. Natural law supporters maintain that certain principles such as those enunciated above are universally recognized by persons of goodwill whose ethical thinking has developed sufficiently for them potentially to be able to act and to plan rationally.

The moral relativist's view that absolute moral principles do not exist may be true insofar as men do not universally act in accordance with such principles but when men reach a certain level of understanding they recognize these principles as desirable guides to conduct. We are, at the very least, rationally committed to acting justly - 'men disagree about which principles should define the basic terms of their association. Yet ... despite this disagreement, they each have a conception of justice' (Rawls 1972, p.5). Such a conception is essential for law and for society. Laws and legal systems change - there is nothing immutable about them, but principles do not. We talk of repealing a law, but of abandoning a principle. Natural law encompasses the overlapping area distinguished by Kant between internal morality, rooted in intention, and external morality which is susceptible to legal enforcement (though it need not be legally enforced). Natural law is understood by reason but is not created by it. It is the rationalisation of moral experience by the intellect arising from the awareness of those ethical qualities which are contained in the disposition of human beings to move towards self perfection. Its object is to discover those principles implicit in human nature which tend to this end.

It cannot be overemphasised that 'fairness' or 'natural Justice' are concepts not explicable within the confines of a legal system, nor are they synonymous with efficiency or consistency. The legal positivist is perforce confined to using a weak sense of justice which relates in Hobbesian fashion to the correct application of positive laws. Procedural
fairness, which sets out to secure their efficient application, is justified, however, not only by the benefits of efficiency and rational consistency, but also by the moral rightness of such procedures. The positive lawyer's judge's discretion is limited to improving the fairness of the system given the existing rules - the sovereign is all-powerful. In natural law it is the sovereign's discretion that is limited by his obligation not to transgress against natural justice. It is possible, but not necessary, to extend the bounds of the natural lawyer's case further by claiming that consistency itself is a moral virtue stemming from the integrity, rational and moral, of the person who is consistent. Moral and intellectual virtues slide into one another in the same way as do the concepts of rationality and morality.

What, then, is a law? It is an enactment by proper authority which binds its addressees to obey it because it is so enacted, but to obey it only insofar as it does not seriously transgress against natural justice. If it does so transgress, it becomes merely a command which the addressee should obey only insofar as his political obligation is not outweighed by his moral objection. Thus, for example, a law that is trivially unfair might well be obeyed on the grounds that failure to do so might, in some small way, engender disrespect for laws in general and make the state that much less governable. For the same reason, laws with a minimum moral content should be obeyed, such as laws relating to banking hours or speed limits on safe roads.

Recognition of natural justice and of principles or laws transcending the laws of the state limit the binding power of positive laws. They act as safeguards against an overweening or corrupt use of power. As Brunner says 'The totalitarian state is simply and solely legal positivism in political practice' (Curzon, pp 83-84).
Hegel was careful to distinguish between private morality (moralität) and the established moral laws and customs of society (sittlichkeit) in which the former was encapsulated and objectified. We should now note a distinction between ethics - an attempt to base moral theory and behaviour on rational arguments - and morality, which is the overall description of what Butler called the moral institutions of society, in effect, the equivalent of Hegel's sittlichkeit. Ethical behaviour is therefore based on principles rationally convincing to the person behaving; moral behaviour on his acceptance of the mores of his time, place and situation in society. There is a close kinship between morality and manners - the rules of both are impressed upon the individual in every society from an early age, or need to be if the society is to remain coherent. Moral and ethical judgements, therefore, are not simply ideals (e.g. cherished beliefs on the nature of art) but are guides to conduct. This is not to argue that a person's moral or ethical beliefs are necessarily or invariably reflected in each and every one of his actions, even when these have a moral content. As commonly understood, virtue is not knowledge, or only knowledge. It is quite possible for a person to know that to do 'x' is wrong, but nevertheless to do it, as Ovid pointed out (Ovid, Metamorphoses, vii, 20). Akrasia, or weakness of will, is ever present, as is the temptation to sacrifice future greater benefits for present smaller ones.

Kant, of all moral philosophers, equated ethical behaviour with unfettered rationality, and it may be true that there is no contradiction between them. It is, however, the will that determines how we act and that is always subject to the influence of irrational impulses.

Hinchliff (1982, pp87-88) sets out clearly the interplay that takes place between actions and the mind: -
1. the factual context out of which action develops
2. the factual state of affairs which the action produces
3. the state of mind and motive of the agent
4. the kind of person the agent is
5. the kind of person the agent tends to become because of his action.
(1) and (2) are properly the objects of knowledge about which (and especially about (2)) we may make a perceptual or judgemental mistake. Though self-deception is ever a possibility it is far less likely that we make a mistake about ourselves in judging (3), (4) and (5). In judging others, whilst we cannot with certainty know (3), we can have a shrewd view of (4) and (5). The point to grasp here is that in both judging our own moral and ethical actions, and in judging those of others, we cannot leave out of this judgement the character the agent has or the sort of character he is developing. It may be that Aristotle overstated the case in holding that a good action is that done by a good man — good men do not invariably act well any more than evil men invariably act badly; but if, for any reason, we desire to choose a man for a particular position, we do, as a matter of fact, attempt to judge his character, and on this judgement base our forecast of his future behaviour. Any ethical theory, therefore, must contain not only a theoretical basis for action but it must account for the agent's character by delineating those character traits which he needs to develop if, in the future, he is to produce morally good actions. In other words, an ethic of virtue must supplement an ethic of action.

Both politics and ethics need to have a general conception of man — to understand what invariant factors differentiate him from other organisms. G.K. Chesterton summed up the difference between man and the rest of the animal world — 'no one has ever found it necessary to slap a crocodile on the back and urge it to pull itself together and be a crocodile'. As Cupitt (1979, p.14) points out, crocodiles have no difficulty in being crocodiles for they are not aware of any gap between their performance and that of the 'ideal crocodile'. Human beings, on the other hand, perceive, interpret and order their experiences — they have purposes, can choose to pursue them, can supply and demand reasons for so doing, and can, subject to external exigencies, regulate their own lives by changing both themselves and, in some cases and to some extent, their environment. They can, with varying degrees of success, distinguish fact from fiction and good from bad actions, vices from virtues. So far as these characteristics are common to all human beings, different societies and cultures are interpenetrable and common cause can be made. Different concepts of man are at the root of different moral and political
philosophies - Kant's reification of rationality or Hobbes' pessimistic view of human nature, for example. Jacques Maritain expresses the Christian conception of the human being 'as a creature, as it were, placed between two magnetic poles - as an individual conditioned by his material environment by a 'material pole' and as a true personality by a 'spiritual pole' (Maritain 1948, p.24). In Hindu philosophy this tension is mirrored in the conflict between the Ego and the true self. For Christians, the Ego represents fallen man whose nature is corrupted by 'original sin' - his true or ideal self is a goal to be aimed at with the help of grace. 'Nothing', wrote Treitschke, 'is truer than the biblical doctrine of original sin which is not uprooted by civilisation ... in theory the ethical standard of mankind is raised by the progress of culture but this is not so because the will, not the intellect, controls man' (Treitschke 1916, p.xi). Christian ethics are, of course, rooted in Christian theology and metaphysics. The Christian believes in God and His commandments which, since God created man, ought to be obeyed. This obligation to obey is seen to devolve on the created being in that he should obey the will of his creator. Man is made in God's image and therefore has a duty so to mould himself, to become Christlike, insofar as he is able to do so. 'Imitatio Christi' is the ethical goal for the Christian. Christian life should 'fit in' with the nature of God and therefore with the rest of creation. The Christian life is not therefore simply a matter of obedience to God's commands. Christ brings harmony to a world sundered by, and integrity and wholeness to human personality split by, original sin. To fit in creation as God wills, human beings must strive to realize their potential and 'be made whole'. This wholeness involves not only a perfect relationship with God but also with other human beings and, indeed, with the whole of creation. It is worth noting here that Christian ethics are not altruistic in the sense of caring more for others than for oneself - the Christian is admonished to 'love your neighbour as yourself', neither more nor less.

The dissonance between public and private morality is as disturbing to the Christian as to everyone else. 'The problem for Niebuhr at every turn was that to engage with the realities of politics is to compromise eternal values; to assert those values uncompromisingly is to disengage from the actual needs of human society' (Hinchliff 1982, p.12). In his
'Principles of Moral and Political Philosophy' (Paley 1840, pp.1-160 passim), Paley makes a spirited defence of expediency, justifying it by moral considerations. It is possible to regard Christ's injunction to render unto Caesar the things that are Caesar's and to God, the things that are God's, as in some way indicating two spheres of behaviour, the sacred and the profane, to which two different moralities apply, or at least as advice to the Christian to ignore the world's values and to disassociate him or herself from the world of politics. Tertullian's interpretation of this passage is that one should 'render to Caesar a small coin but to God the whole man' (Hinchliff 1982, p.4). Christianity here makes an absolute claim as to how man is to behave, and this must therefore of necessity affect the interface between morality and politics.

In morality, faced with a choice of possible actions, there is always a better and a worse way to act. A ruler or politician may well have to choose between two evil actions (the yielding to an aggressor or a bloody war, for example) and there is no way in some cases in which a third course (with a good outcome) can be found. The important thing is that one should not seek to justify the action by disguising its evil (as Machiavelli would have his Prince do). There is all the difference in the world between 'it was wrong but I had to do it' and 'I had to do it so it was right to do it'. No wrong ever makes a right. In 'The Moral Issue in Statecraft' Thompson observes that 'societies discover the gulf separating norms and behaviour must be kept within limits if life is not to become intolerable. Historically man has most often tried to cope with this tension and contradiction in one of two ways. Either patterns of conduct are transformed to fit moral standards or standards are trimmed and adjusted to accord with behaviour' (Thompson 1966, p.146). History may bear this observation out, but the Christian should ask 'what kind of society presents me with this choice? What kind of society would enshrine Christian ideals?' It is for this latter society that Christians should strive. However, History shows that, in the past, Christians have, as a matter of fact, conscientiously sought to establish widely differing sorts of societies based on their interpretation of the Gospels, from the theocracy of Calvin's Geneva, the absolutist monarchy favoured by de Maistre, to the liberal democracy advocated by neo-Thomists such as Maritain. The philosophy of St. Thomas Aquinas, perhaps the most
thoroughgoing attempt to account for the human condition in Christian terms, gave rise to a political and ethical philosophy which gives cohesion to the Christian outlook on society and the polity. For St. Thomas, as for Aristotle, politics is a sub-division of ethics, but its rules are not identical in every respect to those of the latter. Politics is seen as an art, a technique, a way of governing men such that they are enabled to lead good lives in an imperfect world. There is no contradiction between religious beliefs and philosophy; revelation does not demand the forfeiture of rationality. Christian faith supports and augments reason but it does not supplant, let alone counteract, it. The political argument set out below is permeated by St. Thomas' thinking but it is not a detailed exposition of his thought nor does it conform in every respect to his teaching. It does not rely for its cogency, such that it has, on Christian doctrine.

In the first instance, the nature of man is such that he can thrive only in society. 'Cogito ergo sumus' - in order to think we need language for the development of which society is essential. There is, as the post-Hegelian idealists maintained, no such entity as an absolute individual in human form; a person is created, grows and matures, in the society of others. Man is a social and a political being; social, in that he is born and brought up in a social group (the family), forms other associations (including the state), and through their influence learns to survive and develop his potential. At the same time, man is also a competitive being whose irrational impulses lead him into conflict with his fellows. Therefore, he needs society both to protect himself and his property from the depredations of others and also to control his own irrational impulses. Society may be based on habits and custom but it is the knowledge that an agency will enforce compliance with them that holds society together. That agency is the state. The state is founded on human nature and is essential to human flourishing - man is indeed a political being. The state, therefore, has a high moral value but, in contradistinction to Hegel, it is not the moral universe. By sanctions, the state seeks to curb the irrational (or less human) elements in human nature. This is not, however, the sole reason for the state's existence. The state is not based merely on man's innate aggressive instincts (in Christian terms, it is not based on the Fall) but is a creation stemming
from man's rationality and his need to develop morally and intellectually within an ordered framework. The state is not simply an expedient; it has not merely evolved out of some non-rational psychic disposition inherited in man's nature. It is the expression of man's rationality in social and concrete terms and is as essential to him as his rationality, language and love. The state is therefore a natural growth shaped and conditioned by its historical and contingent past, and, where its citizens and ruler (if these be distinct) are developing their moral and ethical lives, so will the state develop rationally and approach the ideal. Politics and morality are intertwined - a moral society cannot for long exist within the confines of an immoral state, and a state whose citizens are at odds with the moral aims and actions of its rulers will either radically change so as to fall in line or dissolve into chaos (see recent examples in Lebanon, Liberia and perhaps the U.S.S.R.).

Positivists hold that all laws originate in a will and not in reason. They would, therefore, accept natural law as the will of God were they assured of a lawgiving Deity but not as a law based on reason. Hence, positivists face grave problems in coming to terms with international law which is based on treaty, and not on lawful and enforceable authority.

There seems no reason why the term 'natural law' (with its concomitant 'natural justice') should not be used to denote those general principles of law which would be agreed to by all men were they acting fully rationally, with the common good of their community and of humanity in their sights. Clearly, if such ideal laws can be posited, then they can be used as a standard for judging the actual laws of existing states. They can even be seen as the basis of legitimacy for positive laws. They represent the principles that span the gap between legal and moral obligation - they are the model or standard on which all laws depend and from which these laws derive their obligatoriness. St. Thomas saw natural law as the participation of rational creatures in the Eternal Law of God; (Aquinas 1978, p.121); others may see the natural law as inherent in man's rationality, as a logical outcome of man's rational nature. As the Romans recognised in their 'jus gentium', natural law is a way of attempting to bridge the divide between public and private morality in a plural society. This concept of a fundamental law - a Divine common
logos based on universal reason—can be traced back to Heraclitus, was developed by the Stoics and embedded by the Romans in their statutes. Indeed, it is essential that natural law be expressed through positive laws and not be seen merely as an ethical abstraction.

Although rational in itself natural law is not identical with the concept of rational law, for the former functions through human instincts and desires e.g. the desire and pursuit of happiness. For this reason, natural law stands opposed to Kantian ethics (for which no end is posited), for the Kantian obeys the moral law for its own sake. Hence, reason does not give us the natural moral law of itself but by the use of reason we recognize it as a law of rational nature. For Kant, the concept of good and evil is based on and follows from the moral law; it does not precede it. Natural law is founded on the morality of man's seeking eudaemonia, not in the sense of happiness per se but in the wider sense of human flourishing; it is the law of a human nature striving, by means of its instinct for happiness and fulfilment, for self-perfection. This instinct provides the motive for man's will to self determination by use of his rationality—it takes on for him the nature of moral obligation. Morality then is 'being true to man's real nature', the correspondence of human conduct with the ends programmed into man's nature. However, these ends man can either strive for, or not, as he wills. Actions are natural to man which make for the preservation of life and human development. This correspondence of human conduct with the ends in-built into human nature (conformity to instinct) is the same as Aristotle's 'right desire'—to seek the end for which man is designed by use of his 'right reason'. Good actions therefore are those which lead to this selffulfilment; bad actions those that, in the long run, detract from it. Evil is the lack of that self-perfection demanded by nature.

Morality and natural law both stem from the nature of man—in this sense ethics are naturalistic. Morality includes the notions of 'can' 'ought' and 'choice'. If morality ran counter to nature then the question of the possibility of being moral is brought into doubt and could logically be denied. Does this mean, then, as against Hume and Broad, 'ought' is derived from 'can'? Choice is the notion here, for insofar as a human being can freely choose how to act 'ought' derives from 'choice' i.e.
man ought to act in accordance with his nature truly expressed as tending to self-perfection, and not according to those defects in his nature that impel him to do otherwise. Kant's attempt to ground morality in the noumenal world must fail - 'naturam expellas fora, tamen usque recurrer' said Horace (epistle X, v.24). One cannot expel nature from human life or human environment. The urge to self-perfection is happiness - eudaemonia - but it is a happiness which is the outcome of self fulfilment and not a mere succession of pleasures. A pleasure can be satiated - one can enjoy a meal or a concert and that is that. Note the difference between such transient feelings and, for example, the wellbeing engendered by feeling fit and healthy. Happiness and pleasure are not identical.

What light does the ethical theory so far propounded throw on the question of public and private morality? It is first worth noting the distinction between the moral duties of the state and therefore of the statesman or politician and those of the individual. The latter ought to seek his perfection which, if it is to be attained, includes a concern for the common good. Virtue is hard to attain in a band of robbers. The individual must do everything he can to seek this end. Society, as represented by the state, need however only do that moral minimum necessary to ensure that social life, as the sine qua non of personal fulfilment, is possible. As a rational and freely willing individual, man cannot be compelled to be moral; morality depends on free choice, but man can be restrained by legal sanctions and by social pressure from doing immoral acts which militate against the self-development of himself and others.

The task of ordering and preserving society is one which gives rise to the problem with which we are concerned - that of 'raisons d'etat' or 'dirty hands'.

Aquinas laid down (Gilby 1958, pp81-2) what he considered to be the tasks of the ruler - first to ensure the continuity of the polity (e.g. by ensuring a law of succession), second to defend the realm and third, by laws and exhortation, to dissuade the subjects from evil and to induce them to do good. The individual subject had to act virtuously and in accordance with the attainment of the common good. For the attainment of these ends he distinguished between the virtues necessary for the good
individual and those necessary for the ruler (and 'ruler' can serve as a blanket term for politician, statesman, official and even the private citizen engaged in a public role, e.g. as an elector). The essential difference between these virtues lies in what Machiavelli called the 'necessita' of politics, the need to deal with human beings corrupted by evil whether they are subjects or rulers of other states. Raisons d'etat therefore must be permissible reasons for actions provided that they arise from the need to promote or preserve the common good in a particular situation. In the face of an unprovoked assault on one's country by a neighbouring power, war, though evil in itself, may be the right course of action to take. Certain knowledge of a planned terrorist attack may justify a pre-emptive strike. Such acts of state should not be cramped by moral rules such that they cannot be carried out. This is not to countenance a sort of political consequentialism where the ends, on balance, justify the means and where the moral law may be violated willynilly. The promotion or preservation of the common good may dictate the choice of an action which, though evil in itself, is considerably less so than the outcome of not taking it. This does not, however, promote the state as an entity above the moral order or exempt the ruler from the moral law. There is no question here of a special morality of politics above or outside of private morality. The same moral principles apply to both public and private actions but their application to the exigencies of a political situation where the common good is at stake may lead to practical consequences very different from those stemming from the individual's (private) application of these principles. There is no way in which the tension between the ideal situation and the material facts can easily be removed. The degree of tension or outright dissonance depends on the contingent state of society (meaning the society within the state or that of the world of states). The important thing is not to disguise evil as good (even Machiavelli never alleged that the evil a prince had to do was in itself good). The lesser of two evils is never good but it might rightly be chosen in a particular circumstance. The same dilemma faces the private individual (does he lie, despite Kant's injunction, to prevent the would be assassin from finding his victim?). The answer surely is to ask whether the action proposed is closer than the alternative action or actions (or lack of action) to the behaviour of the sort of person the agent wants to be, i.e. is it the action of
those actions open to him that least detracts from his own self perfection, bearing in mind that this also entails that it does least harm to the common good and hence indirectly to the self perfection of others?

Self perfection itself entails the encouragement of virtues. In 'The Good and the Realm of Values' Walhout (1978, p.1) analyses the concept of perfection along the lines set out in Charles Hartshorne's 'Man's Vision of God' viz. as unsurpassability. He sees perfection as either absolute or relative. The former pertains to God (where neither God Himself nor any other being can surpass Him) and relative perfection, appropriate to human beings, where an individual person cannot surpass himself but can be surpassed by others. Imperfection, which is the state of humankind in the contingent world, is one where the individual person can be surpassed by both himself and others. Perfection, then, for the human being or for any other creature, is simply the attainment of the possible latent within its own being.

This idea must not be confused with the notion that every form of self expression leads to self perfection - it does not do so where such expression impairs the perfection of others. In the case of human beings the preservation of society is essential to each individual's development towards both physical and moral perfection and those social virtues must therefore be encouraged whose presence enables society to cohere and develop.

As Garnett points out, what one ought to do ethically is what one is required to do to move towards perfection, for it is along this path to perfection that 'good' and 'ought' converge (1960, pp357-8).

Now any person seeking to lead a morally good (and therefore good) life will, from time to time, face the dilemma of a 'hard choice'. The heavier the person's responsibilities, the higher his office in any institution, the more times he will be so confronted. The ruler clearly bears the heaviest responsibility of all for his actions affect more people and he has the authority to use the weightiest sanctions. The ruler's responsibilities may be shared by many in an assembly or in a cabinet or may be delegated to officials. At election times or when a referendum
is held all enfranchised citizens partake of the ruler's responsibility. In one respect, the official stands apart in that it is a condition of his office that he obeys the instructions of his superiors. It can be argued that an elected delegate (as distinct from an elected representative) is also 'under orders' from the electors who voted for him (as in the American primary) but in reality the positions are different. If I am elected a delegate with instructions to vote for Bloggs then that is all I am delegated to do and I could resign or go sick to evade this task should it prove to be distasteful. However, as an official, I have, as a continuing and regular part of my job, to obey my superiors; in the last analysis the instructions of my political masters. I can, as Eichman did, plead that 'I was only obeying orders' and that therefore it is the giver and not the recipient of orders who bears the entire responsibility for the action ordained. There is, it seems, a difference between the 'necessita' facing the ruler and the direct order confronting the reluctant official, but it seems to me to be a matter of degree and not sufficient to absolve the official from all responsibility for his actions. In modern complex governments responsibility is diluted ('cabinet collectivity') and it is always open, for instance, to a cabinet minister to plead 'collective responsibility' for a hard or unpopular decision. The minister may have spoken out against a proposal but have been overruled. If he voted in favour of the proposal then clearly he is responsible for it in the same way as if he had initiated it on his own. If he spoke and voted against it then he is confronted with a hard choice himself. If the proposal is abhorrent to him, if it goes directly against a deeply held moral conviction, then he must weigh up the consequences of resigning (and abandoning the struggle within the cabinet) or remaining where he is in the hope that he can better further the common good in this way. He will, one hopes, be on his guard against the temptation to cling to office, to that common form of self deception that provides spurious reasons for doing one wants instead of what one ought to do. Closely connected with this self deception is the problem of ignorance -- ignorance not so much of the moral principles involved but of the material consequences of his action. Such ignorance may not be blameworthy -- the politician may have been deceived by his officials despite his having taken reasonable steps to ascertain the outcome. He may suffer from what moral theologians used to call 'invincible ignorance' (Aquinas
1991, p. 258, 76:2), for example, he may be unable to cope with statistical information (numerically illiterate). Of course, it can then be argued that such a man should not become a politician although, like many other defects of the intellect, he may genuinely not realise that he has this disability. In too many cases, however, he will close his eyes or avert his gaze from the evil effects of his action, either because he is lazily negligent or because he would prefer not to know. When Eichman so efficiently timetabled the trains to the death camps we wonder whether he simply closed his eyes to what happened to the deportees on arrival. Clearly, all moral agents need to assess the consequences of their actions, to compute the good or harm that may result as best they can, as well as to ask themselves if the action is intrinsically right (e.g. to tell the truth); to ask themselves whether the consequences of the intended action do not entail a greater evil, or whether a virtuous character trait is not thereby eroded.

It is sometimes said that a public action must be open to moral scrutiny - that, for example, Eichman should not have buried his head in the sand but should have sorted out criteria whereby he could have appraised his actions critically and objectively. Perhaps indeed he did just this. Perhaps his ethical system was incoherent, though it need not have been so. Everyone, including Eichman, has the duty to exercise his personal integrity in judging an issue or the morality of an action or of a particular course of conduct. Perhaps Eichman was a racialist consequentialist, a thoroughgoing utilitarian even. The Aryan race might have been for him the highest moral entity. For Lenin, all morality was subordinate to the Revolution. Many of us would question the premises upon which such ethical systems depend but the coherence of these systems may not be questionable. The Nietzschean superman, the Hegelian moral giant (or the Prussian state of his day which Hegel saw as the Absolute manifest) justified what would seem to many of us grossly immoral actions. No ruler or official, however, can carry out such actions indefinitely if the people do not approve or at least acquiesce in them, unless these actions are kept secret. In an open society, publicity at least ensures that no one in authority can get away with immoral actions unless these are approved or accepted by the people. Even Machiavelli and Hobbes realised that a government has to be trusted by its subjects. Confidence
in the government is perhaps as necessary as obedience, and those rulers
are most trusted where they respect and maintain a standard of conduct
not (pace the Hobbesian sovereign) of their own making.

Aristotle's question - is it better to be ruled by good men or by good
laws? - provokes the trite answer that good men make good laws but bad
men can interpret them as they wish. A judiciary can be packed, placemen
can be appointed. A good constitution, a tradition of open government,
a free press, a politically aware electorate can all act as a deterrent
to a ruler's disreputable behaviour, but the election of immoral or non
moral rulers can effect, at least in the short run, a remarkable
transformation for the worse.

In the 'Anatomy of Power' Margach (1979, p.1) sees three character traits
as essential for the successful politician, ambition, ruthlessness and
the pursuit of force (more accurately, the propensity to do so). Strangely, political prudence is omitted. This latter is surely a prime
requisite for any politician, the ability to grasp how the machine works,
a sense of timing, the ability to select the right means (and the right
men and women) to attain a given end.

It is sometimes alleged as a political if not a moral virtue that no
politician should commission an act that he would be unwilling to carry
out himself. Particularly, this has been used as an argument against
the institution of capital punishment. This axiom is not self evidently
true. A peace loving statesman (e.g. Neville Chamberlain) who goes to
war will do so for only the gravest of reasons; a bellicose jingoist may
be far less reticent. He may even cavort near the line of battle to
courage the troops. To allege that no one should vote for the death
penalty unless he would be prepared to be the hangman is an untenable
proposition. No one would refuse permission for a surgical operation
on the grounds that he himself would not be able to wield a scalpel.
It is by no means evident that a ruler or politician (for all politicians
are potential rulers) need possess the traits that Margach recognizes
as essential for homo politicus. Ambition, to some extent, is a necessary
spur to action for all of us and there is little evidence that politicians
qua politicians have more of it than the rest of us. Ruthlessness, meaning
a lack of pity and compassion, is obviously no bar to taking hard decisions involving pain and loss to others. One can see the advantage of this trait to the statesman faced with hard choices - hard on people, that is. It is, however, not logically impossible that a ruler should be successful, able to take a hard decision and yet retain compassion as a facet of his character. Both Disraeli and Gladstone appear to have been compassionate men yet both were capable of taking hard decisions. Pursuit of force for its own sake is a pointless attribute; it is, however, true that, where and when required, a ruler must be able to use force effectively.

The concentration of some writers on supposed character traits of 'typical politicians', invariably undesirable traits from the standpoint of private morality, seems centred on the use of means. Ruthlessness, use of force and duplicity are more attributable to means than to ends. Now a politician may be moved to compassion by the plight of the poor, and this may be the sole or principle reason for his taking up a political career; he may see the only way of improving their lot is by a ruthless attack on vested interests. Thus might Stalin have vindicated the liquidation of the kulaks so as to ensure sufficient food for the growing urban proletariat. The danger here is that virtue is easily eroded - a ruthlessness in means may well result ultimately in a callous disregard of ends. It is wiser to insist that no ruler, statesman, politician or official is exempt, by reason of his office, from the obligations of private morality. This is especially important where the impersonal development of the 'official function' in a modern state, where power and responsibility are diffused and delegated over a wide area, results in what Nagel terms 'moral cushioning' (Nagel 1978, p90), or more aptly, moral insulation. When government is personalised, as in an absolute monarchy, the ruler may apply his personal morality to his public actions if he wishes; the way he rules directly reflects and depends on the sort of man he is. In a modern state, however, much of the administration and interpretation of the ruler's wishes is carried out by a host of officials. The function of 'ruling' is depersonalised. It becomes impossible in any meaningful way to build up a corporate theory of character. Indeed, this depersonalisation is encouraged as a counter to graft, nepotism and corruption. Officials may behave in such-and-such
a way in their private lives, but, in office, they must act impersonally. This leads in all too many cases to treating the public disinterestedly in a sense rather different from that intended by, for instance, Bentham. The official must also obey orders -- an excuse for shuffling off responsibility to the top. Combine these two tendencies with the vicarious love of power and we see that modern states have created a moral machine of the Eichman variety. Rulers themselves are, strangely enough, less liable to the effects of this insulation since it is they who are giving the orders and, depending on how far the decision depends on them, it is less easy for them to evade responsibility for what happens.

What sort of rulers do we need? No doubt we would like to see the politician, statesman and official maintain a balance between a total disregard of morality in the pursuit of political ends, and an over-sensitive scrupulousness that inhibits any decisive action. But some scruples are necessary. A scrupulous man is less likely to act badly when ruthless action is unnecessary just as he is less likely to be corrupted by power and by his dealings with unscrupulous fellow politicians and statesmen. One is reminded of Keynes alleged description of an American official as 'a man with his ear so close to the ground that he cannot hear what an upright man says'.

Most people fulfil more than one role in the course of their lives. The thesis that different roles beget different moralities results in a fragmentation of human personality. If we go along with the idea that there is a morality for the statesman in his public life which differs from that in his private life, then why stop there? As the secretary of his golf club he fulfills a third role; perhaps as a deacon of his church a fourth, and so on. There is, as Figgis pointed out (Figgis 1913, lectures I and II passim) no logical reason to accept a persona for the state and not to accept it for any other association, be it a church, club, trade union or whatever. Equally, if we allow a separate morality for the state, ought we not to allow separate moralities for other associations? The managing director of an industrial conglomerate faces hard choices between actions all with less than desirable outcomes. These actions involve perhaps deceit (to deny that a plant will be closed after takeover so as to forstall a strike that might irrevocably harm the
company). True, his actions do not result in death, nor has he the power
to punish by fines or imprisonment but nevertheless his actions can have
grave repercussions on the lives of many people. The elders of the kirk
might excommunicate one of their members which both he and they might
see as the equivalent of a death sentence in spiritual terms. There seems
no reason to award the state a higher title than primus inter pares and
no reason, therefore, to postulate a separate or higher morality for it.

The concept of Natural Law and a natural moral law stemming from it, the
posit that adherence to norms derived therefrom must lead to the
integration of personalities and societies and to the self development
of both enables us to envisage one moral system, perhaps one moral code,
the application of which depends on the circumstances of each case and
the important factor in which is the notion of responsibility. The common
good takes preference over the individual's own good over a wide range
of actions which can be delineated as those having serious consequences
- there is little moral content to winning, losing or cheating at tiddlywinks. Different responsibilities weighing upon the same person
will inevitably mean having to make a choice. In a world where people,
one self and others, are swayed by irrational desires or tempted by
shortsighted interests, this choice will often be the lesser of two or
the least of three or more, for no good solution may be on offer. It
is contingently true that evil actions, even if necessarily and rightly
taken, tend to corrupt the agent - the executioner becomes callous, the
soldier battle-hardened, the detective cynical. To see the purpose and
foundation of our ethical system as self perfection comes to our
assistance, for, in seeking its attainment, there is entailed a notion
of virtues that ought to be encouraged and vices that ought to be eschewed.
A virtuous person is, at the very least, on the road to self perfection
and, because of this, is more likely to act morally than a less virtuous
or purposeful colleague. Faced with the choice of two evils he has more
chance, not only of making the right choice, but of recognizing the danger
of such a choice corrupting his own character. He will be a reluctant
evil-doer and less likely than less scrupulous fellows to encapsulate
himself in the moral insulation.

'It was wrong but I had to do it, and I shall carry the scars for the
rest of my life' is a far nobler sentiment than 'I had to do it so it was right to do it' or 'I was only obeying orders'. The utterer of the first statement is, I think, self evidently the better trusted with the responsibilities of high office.
BIBLIOGRAPHY


