Henry Sidgwick's Practical Ethics: A Defense

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Henry Sidgwick's *Practical Ethics* offers a novel approach to practical moral issues. In this article, I defend Sidgwick's approach against recent objections advanced by Sissela Bok, Karen Hanson, Michael S. Pritchard, and Michael Davis. In the first section, I provide some context within which to situate Sidgwick's view. In the second, I outline the main features of Sidgwick's methodology and the powerful rationale that lies behind it. I emphasize elements of the view that help to defend it, noting some affinities it has with those of the later Rawls. In the third section, I indicate how it promises to help alleviate some difficulties facing modern practical ethics. In the fourth, I respond to Bok's objections. I argue that her own work on practical ethics has some similarities to Sidgwick's which should make them friends, not enemies. In the fifth section, I respond to Hanson, Pritchard and Davis.

Henry Sidgwick's *The Methods of Ethics* is widely regarded as a philosophical masterpiece.[1] His other works, however, have a dubious reputation. Remarking on the latter, J. B. Schneewind wrote: 'although interesting for the light they throw on his moral philosophy, [they are] too slight, too occasional, or too little original to be of independent significance'.[2] This is not true of them all. Sidgwick's *Practical Ethics* offers a novel approach to practical moral issues, and therefore its reputation is undeserved.[3]

In this article, I defend Sidgwick's approach against recent objections advanced by Sissela Bok, Karen Hanson, Michael S. Pritchard, and Michael Davis.[4] In the second section, I outline the main features of Sidgwick's methodology and the powerful rationale that lies behind it. I emphasize elements of the view that help to defend it, noting some affinities it has with those of the later Rawls. In the third section,

[1] Henry Sidgwick, *The Methods of Ethics*, 7th edn. (London, 1907). Hereinafter referred to as ME. References to the first edition (London, 1874) take the form 'ME1'.

[2] J. B. Schneewind, 'Henry Sidgwick (1838–1900)', *Encyclopedia of Philosophy*, vol. 6, ed. Paul Edwards (New York, 1967), pp. 434–6 (p. 434).

[3] Henry Sidgwick, *Practical Ethics: A Collection of Essays and Addresses* (New York, 1998), edited with an Introduction by Sissela Bok. Hereinafter referred to as PE. All page references in the text refer to this edition. *Practical Ethics* was first published in 1898; a second edition was published in 1909.

[4] Sissela Bok, 'Henry Sidgwick's Practical Ethics', *Utilitas* 12 (2000), pp. 361–78 (hereafter referred to as HSP); Karen Hanson, 'Bridging the Gap Between Theory and Practice – in Theory', *International Journal of Applied Philosophy* 12 (1998), pp. 137–46; Michael Pritchard, 'Sidgwick's *Practical Ethics*: From Practice to Theory, *International Journal of Applied Philosophy* 12 (1998), pp. 147–51; and Michael Davis, 'Sidgwick's Impractical Ethics', *International Journal of Applied Philosophy* 12 (1998), pp. 153–9.

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I indicate how it promises to help alleviate some difficulties facing modern practical ethics. In the fourth, I argue that Bok's objections to the view are flawed. In addition, I argue that her own work on practical ethics has some similarities to Sidgwick's which should make them friends, not enemies. In the fifth section, I respond to Hanson, Pritchard and Davis. But first I provide some context within which to situate Sidgwick's view.

I

Sidgwick began dealing with practical moral matters almost as soon as he began thinking seriously about philosophical issues. In the mid-1860s he became increasingly concerned with the ethics of conformity and subscription to the Thirty-Nine Articles of faith of the Church of England (which contained, among other things, belief in the resurrection of Jesus and the virgin birth). At the time, Sidgwick held a Fellowship at Trinity College Cambridge,[5] a requirement of which was subscription to the Thirty-Nine Articles. He grew skeptical about some of the Articles and his skepticism turned into an ethical crisis. Was it permissible to retain his Fellowship despite his doubts? In the end he decided that the value of retaining his Fellowship was outweighed by dishonest subscription. He resigned the Fellowship in June of 1869. It was while grappling with this issue that Sidgwick wrote one of his first major publications, *The Ethics of Conformity and Subscription*, in which he argued for the relaxation of the requirements of conformity and subscription to the Thirty-Nine Articles.[6] In particular he argued that both clergymen and others who are legally required to subscribe to the Articles should not be required to adhere to a strict policy of honesty with respect to conformity or subscription.

By the late 1860s he was thinking about developing various schemes for providing higher education to women. He continued throughout his life to advocate the higher education of women, co-founding Newnham College at Cambridge in the early 1870s. His efforts helped women to get admitted to lectures and examinations and receive certificates when they passed, but he was unable to get them admitted to degrees at Cambridge. Sidgwick was also involved throughout his life in various other practical moral endeavors, including various philanthropic associations. In the early 1870s he was involved in a charitable organization called the Mendicity Society and was later involved with the Cambridge Charity Organization Society, as well as various royal commissions, university extension and finance schemes and taxation policies. His

[5] Sidgwick was awarded the Fellowship in 1859 upon graduation from Cambridge.
[6] Henry Sidgwick, *The Ethics of Conformity and Subscription* (London, 1970).

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lifelong engagement with practical matters culminated in his participation in various discussion groups and societies, including The Cambridge Ethical Society and the London Ethical Society, before which some of the papers in PE were initially read.

Sidgwick subscribes to a particular view of the relationship between practical ethics and philosophy proper. In his view, philosophy is the attempt to unify completely and systematize 'the partially systematized aggregates of knowledge which we call the sciences' as well as 'the principles and methods of rationally determining "what ought to be," as distinct from the principles and methods of ascertaining what is, has been, and will be'.[7] That is, philosophy is the attempt to unify 'not only the systems of knowledge commonly called "sciences" or "positive sciences," but also the systems of knowledge or reasoned thought distinguished as Ethics, Politics, and Jurisprudence' (PSR 23).

Moral or ethical philosophy is naturally, for Sidgwick, a branch of philosophy, the concern of which is the 'general principles and methods of moral reasoning, and only with details of conduct so far as the discussion of them affords instructive examples of general principles and method' (PSR 25). What Sidgwick calls ethics, on the other hand, attempts to supply 'an answer to questions as to details of duty or right conduct' (PSR 25), which is not the 'business of Moral or Ethical *Philosophy*' (PSR 25).[8] Indeed, Sidgwick thinks that ethics would 'inevitably lead us out of Philosophy and into Casuistry', and 'whether Casuistry is a good thing or a bad thing, it certainly is not Philosophy' (PSR 26). Whether or not this is plausible is irrelevant to me here. What is relevant is that Sidgwick sees moral or ethical philosophy (practical philosophy) and large aspects of practical ethics as distinct undertakings, relying perhaps on different strategies and different skills (PSR 26). In so far as his concern is with certain principles and methods for reasoning about practical moral matters what he is doing counts it seems as moral philosophy; however, when he is working out the details of what is required of us he is doing ethics but not moral or ethical philosophy. Again, whether or not this is plausible will not concern me here. Instead, the questions that interest me here include: Does he advocate the direct application of the utilitarianism that he argued for in ME to practical issues in order to determine the details of duty or right conduct? Or does he have some other method or strategy or set of principles for doing so? Is Sidgwick doing what philosophers now call practical ethics? Is his approach to practical moral problems of use to us now? Thus far we know where to locate practical ethics in

[7] Henry Sidgwick, *Philosophy, its Scope and Relations* (London, 1902), p. 21 and 22. Hereafter referred to as PSR.

[8] Italics in original.

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Sidgwick's thinking. In order to answer the above questions we must turn to the essays in PE, all the while keeping in mind the various practical activities to which Sidgwick devoted his time and energy throughout his life.

II

Sidgwick's practical ethic does not proceed by reference to a specific moral theory or framework. Resolving practical moral issues seems possible only if we 'give up altogether the idea of getting to the bottom of things, arriving at agreement on the first principles of duty or the Summum Bonum' (PE 5). In particular we need to refrain from appealing to positions that remain mired in 'fundamental disagreements' (PE 24; see also PE 6, 10, 25), such as 'the meaning of human life, the relation of the individual to the universe, of the finite to the infinite, the ultimate ground of duty and essence of virtue' (PE 4).[9] He advocates beginning with what those who disagree on fundamentals can agree on, namely, 'the particulars of morality' (PE 7; see also PE 25–6). The point of departure is the 'broad agreement in the details of morality which we actually find both among thoughtful persons who profoundly disagree on first principles, and among plain men who do not seriously trouble themselves about first principles' (PE 6; see also PE 26). The object of the broad agreement is referred to as the 'region of middle axioms' (PE 7), and this is where practical moral debate is to begin. The so-called axioms are, roughly speaking, the rules of common-sense morality surveyed in Book III of ME, including rules regarding benevolence, veracity, good faith and just treatment, among others (PE 33, 42–3).

In order to make the case for this approach we need to articulate the powerful rationale lying behind it. In part, Sidgwick's move away from appeal to controversial or disputed elements of moral theories or outlooks is driven by the recognition that astute, well-meaning, impartial inquirers can be led to fundamentally different conclusions about what we have most reason to do (PE 6, 25).[10] These constitute 'fundamental controversies' (PE 10) or 'fundamental disagreements' (PE 24). His very own attempt to 'frame a perfect ideal of rational conduct' he concluded was 'foredoomed to inevitable failure' (ME1,

[9] Sidgwick also counsels, in attempting to arrive at practical norms, against discussion of the free will controversy, of the genealogy of our moral concepts and sentiments and of the dualism of practical reason (see PE 7–8).

[10] Sidgwick is not it seems advocating that we abandon moral theories or fundamentals altogether. He seems to advocate that we refrain from appealing only to the elements upon which people do not converge. So, for example, if appeal to utilitarian considerations is agreed upon then the appeal is uncontroversial.

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473).[11] The failure results from the fact that he finds both rational egoism and utilitarianism to be equally plausible (but ultimately conflicting) claims about the ultimate demand of reason. He thinks it is 'reasonable' to hold either view.[12] His remarks in PE make it plausible to hold that he thought this of many other views as well. In the essay 'The Morality of Strife', for instance, he contends that

> the complexity of human relations, and the imperfection of our intellectual methods of dealing with them, precludes the hope that we can ever solve a problem of rights with the demonstrative clearness and certainty with which we can solve a problem of mathematics. The practical question therefore is, how we can attain a tolerable approximation to such a solution. (PE 53)

What constitutes a 'tolerable' practical solution? No specific solution follows from the recognition of fundamental and seemingly intractable disagreements. One option, of course, is to engage in a war of attrition. But this is not Sidgwick's route. He notes that to employ a moral theory or outlook in light of disagreement about it would be to invite 'the grave drawbacks of sectarian rivalries and conflicts' (PE 25). To remain fixed in one's favoured moral theory means impeding progress in solving important practical moral questions and refusing to cooperate (PE 24–6 and 59). It is clear that he does not think that this is a 'tolerable' manner by which to continue.

Indeed, he maintains that appeal to controversial fundamentals is a problematic way to approach practical ethics, since it is expressive of 'onesidedness' (PE 53).[13] The mark of a 'thoughtful' or 'moral' person – or a person embodying the 'spirit of justice' (PE 58, 59) – is a willingness to take an impartial stance to cooperate and forge lasting practical policies, 'to compromise . . . even when the adjustment [policy] thus attainted can only be rough, and far removed from what either party regards as ideally equitable' (PE 61). The spirit requires 'reciprocal admissions' (PE 60), making any practical ethic that unfairly benefits some at the expense of others objectionable. 'If the accepted [practical] moral rules and sentiments of any such social class are seen to tend to the benefit of the part at the expense of the whole they stand condemned' (PE 29). He holds that in cases of disagreement thoughtful people should seek compromise, not enforcement of their own principles (PE 59–60). Even 'if we have no doubt that our opponent is in the wrong,

[11] See also ME 496–509.

[12] Henry Sidgwick, 'Some Fundamental Ethical Controversies', *Mind* 14 (1889), pp. 473–87 (p. 486).

[13] The remarks in this paragraph are drawn from the essay 'The Morality of Strife'. Although Sidgwick's main concern in the essay is to deal with the issue of war, he says that the principles for dealing with war are applicable to 'milder conflicts' (PE 49). My suggestion is that included among these milder conflicts are disagreements about which practical policies to adopt.

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according to principles of right that we sincerely hold, we still have to ask ourselves whether we apply these principles not merely in claiming our rights, but also in practically determining the performance of our duties. For if there has been divergence between our actions and our principles, though it may not always be reason for abandoning a present claim – for two wrongs do not make a right – it is an argument for mildness and for a spirit of compromise, adequate for practical needs' (PE 59). The spirit of justice requires 'sympathy, and the readiness to imagine oneself in another's place and look at things from his point of view; and . . . the intelligent apprehension of common interests . . . in this way we may hope to produce a disposition to compromise' (PE 61).

It is clear, then, that Sidgwick thinks that the appropriate basis for practical policies in light of certain fundamental disagreements is consensus or agreement among people exhibiting the 'spirit of justice'. The importance of cooperation and agreement is emphasized throughout PE. His practical ethics endeavors to have a 'broad and comprehensive basis' (PE 20), drawing on the reflections of philosophers (PE 23–4), 'the moral judgements of persons with less philosophy but more special experience' (PE 20), and the 'spontaneous unreflected [sic] judgements on particular cases . . . of those persons, to be found in all walks and stations of life, whose earnest and predominant aim is to do their duty' (PE 22). Sidgwick maintains the need to start practical discussions with values (of some sort) that are the object of (some sort of) agreement among the people who are affected by the policies (PE 25–6). What he has in mind with the object of agreement resembles in many ways what John Rawls calls a 'political conception of justice',[14] namely, a 'freestanding' doctrine that applies only to a specific problem and must be justified in terms of those political values or ideas on which there exists an overlapping consensus among all reasonable comprehensive doctrines in society. The object of agreement, or a freestanding 'practical conception of ethics', to coin a phrase, is employed in determining, as far as this is possible, what to do in practice.[15]

As I noted above, Sidgwick seems at times to think that the morality of common sense would be the object of agreement amongst those who

[14] John Rawls, *Political Liberalism* (New York, 1993), pp. 11–15. Hereafter referred to as PL.

[15] Unlike Rawls, Sidgwick does not have a well worked out conception, thus there is no analogue to Rawls's 'justice as fairness'. Sidgwick is content to articulate the machinery that is to be used in the construction of a practical conception of ethics. Rawls articulates and defends justice as fairness in *Theory of Justice* (Cambridge, MA, 1971). For a more recent articulation see John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA, 2001).

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disagree on fundamentals.[16] He appears to think that the rules of common-sense morality would be the object of an agreement amongst 'thoughtful' or 'moral' people or people exhibiting the spirit of justice. PE is not the only place where he makes this suggestion. In ME, for example, he contends that (in some measure) the rational egoist (ME 199), the utilitarian (ME 413, 460–95) and the dogmatic intuitionist (ME 361) could all agree on (some of) the rules of common sense as a decision-procedure. But we might find that these views and many other secular and religious moral views would not agree on these rules. Sidgwick thus might well be wrong to think that the middle axioms he puts forward would be the object of agreement amongst those disagreeing on fundamental ethical questions. It might be thought that this makes his overall approach untenable. But this conclusion would be unwarranted. It is important to note the distinction between the *object* of agreement of moral and thoughtful people who disagree on fundamentals and the methodological directive that encourages *appeal* to what thoughtful and moral people agree on as a way of determining the terms of cooperation in practical ethics. One could be wrong about the former despite being quite correct about the latter. Indeed, this might well be the case with Sidgwick. Yet even if he was wrong about the *object* of agreement his methodological directive that we should search for some form of agreement amongst people exhibiting the spirit of justice as a basis of practical policies remains a viable and plausible method for doing practical ethics. Once we recognize the powerful rationale lying behind Sidgwick's practical ethic, we notice that many of the objections that critics raise about conflicts amongst and the meaning of the various middle axioms or rules of common sense fail to impugn the methodology underlying the view.

For almost a quarter of a century, Rawls has emphasized that the aim of political philosophy is not to justify or ground political arrangements by reference to a specific 'comprehensive moral doctrine', such as utilitarianism, Kantianism, or some non-Kantian form of deontology.[17] Rather, the aim is an 'overlapping consensus' amongst 'reasonable' comprehensive doctrines, where 'reasonable' is understood to include an acceptance of the fact that there are a host of plausible but conflicting

[16] I say 'at times' because he does not mention the middle axioms in the second essay on practical method. See PE 15–30. He mentions only agreement in 'the practical ideal of the good life' (PE 26).

[17] PL 12–13. According to Rawls, a doctrine is comprehensive when 'it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and familial and association relationships and much else that is to inform our conduct, and in the limit to our life as a whole' (13). Utilitarianism, Kantianism, and Marxism are comprehensive moral doctrines. As Rawls points out, a doctrine can be more or less comprehensive (13).

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comprehensive doctrines as well as a willingness to cooperate with others who disagree on fundamentals. The terms of cooperation for a society of free and equals should be 'freestanding'. To attempt to arrange a society by reference to a disputed comprehensive doctrine entails unfairly coercing people by means of a doctrine that they do not accept.

Like Rawls, Sidgwick emphasizes that there are many competing moral outlooks, each with a measure of plausibility inherent in them. He thinks it is problematic to appeal in practical ethics to a disputed moral outlook and invite social strife. Rather, the appropriate way to proceed in practical theorizing is by appeal to what people who disagree on fundamentals can agree on when they adopt the 'spirit of justice'.[18] Just as Rawls's later work stands as a corrective to the follies of political philosophy, so too does Sidgwick's practical ethics stand as a corrective to the follies of practical ethics.[19]

III

Sidgwick's corrective is not superfluous, for all is not well with contemporary practical ethics. Noted bio-ethicist Daniel Callahan, for example, recently lamented the fact that bio-ethicists too often rely on their own values in making decisions about ethical problems in medicine, foisting on others their 'own broader way of looking at ethics and life, individual and political'.[20] Frequently bio-ethicists lapse into 'subservience to the interests of class and tribe, to our crowd and the passions of the moment'.[21] More recently, Wesley J. Smith has charged that 'the bio-ethicists have set themselves up, almost like Napoleon crowning himself emperor, as the arbiters of what is moral and ethical in health care'.[22] Speaking more generally, Dale Jamieson has maintained that 'although practical ethics continues to be a growth area in terms of job opportunities, it has lost much of its energy and direction'.[23] Practical ethicists, he maintains, have become too comfortable with the status quo and all too willing to toe the line, and thus no longer represent a critical corrective. In other cases, they

[18] This is the Sidgwickian analogue to Rawls's notion of reasonable.

[19] It is ironic then that Rawls repeatedly claims that Sidgwick ignores the social role of morality, i.e. the importance of political (or practical) justification. See John Rawls, 'Kantian Constructivism in Moral Theory', *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge, MA, 1999), pp. 303–58 (pp. 341–2).

[20] Daniel Callahan, 'Bioethics and the Culture Wars', *The Nation*, April 14, 1997, pp. 23–4 (p. 24).

[21] Callahan, p. 24.

[22] Quoted in *The New York Times* of August 2, 2001, p. A14.

[23] Dale Jamieson, 'Introduction', *Singer and his Critics*, ed. Dale Jamieson (Oxford, 1999), pp. 1–17 (p. 15).

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have lent their ethical expertise to corporations that 'shop around for an ethicist that suits them' so they can 'dress up . . . [a] decision so that it sounded good'.[24] In short, practical ethics is in a 'crisis'.[25]

Sidgwick's practical methodology helps us to see why practical ethics is said (in some respects) to be in a 'crisis' situation. The difficulty is not that practical ethicists have failed to recognize that there are reasonable disagreements about the nature of value and the requirements of duty. There could not be healthy argument if they did not believe this. The problem is rather that contemporary practical ethicists have not fully come to grips with what to do about this disagreement.[26] They have not fully appreciated the difficulty associated with appeal to a moral theory or outlook in practical ethics and so are unable to avoid 'the dangers of sectarianism' and 'the bewildering discord of counsels' (PE 25). This is where Sidgwick's recommendations seem most apposite. It appears that the most plausible way to avoid the sectarian strife and the bewildering ethical counsels is to recognize as he did more than one hundred years ago that in practical ethics we must seek to establish practical conceptions of ethics by appeal to what people disagreeing on fundamentals but exhibiting the 'spirit of justice' and 'compromise' can agree on. In other words, the aim is to reach agreement among the class of 'thoughtful' people whose lives will be regulated by whatever practical policy they arrive at, 'even when the adjustment thus attained can only be rough, and far removed from what either party regards as ideally equitable' (PE 61). This suggestion may seem trite. But while many have taken the initiative to wax tragic about the malaise of modern practical ethics, few have attempted to work toward solutions in the way that Sidgwick suggested.

IV

Until more recently Sidgwick's practical methodology was ignored, even by those studying Sidgwick. The attention that it has received has not recognized its virtues. In the next two sections I address objections to the view.

[24] Ruth Shalit, 'When We Were Philosopher Kings', *The New Republic*, April 28, 1997, pp. 24–8 (p. 28).

[25] Edmund Pellegrino, 'The Metamorphosis of Medical Ethics: A 30-year Retrospective', *Journal of the American Medical Association* 169 (3 March 1993), pp. 1158–62.

[26] Notable exceptions include Donald Ainslie, 'Bioethics and the Problem of Pluralism', *Social Philosophy and Policy* 19 (2002), pp. 1–28, and Will Kymlicka, 'Moral Philosophy and Public Policy: The Case of New Reproductive Technologies', *Philosophical Perspectives on Bioethics*, ed. L. Wayne Sumner and Joseph Boyle (Toronto, 1996), pp. 244–70.

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In her timely reissue of Sidgwick's *Practical Ethics*, Sissela Bok claims that the work 'deserves to count as a classic in the field of practical and professional ethics, bringing uncommon succinctness, wit, and cogency to many of the issues of ethics in private and in public life still debated a century later' (PE v). Further, she contends that it has the potential to 'contribute to our own debates about the many questions of practical ethics that he took up and the numerous new issues that have arisen since' (PE xvi). Despite these words of praise, Bok's evaluation of Sidgwick's view is sharply critical. Her general problem is that Sidgwick 'failed to take into sufficient account the role that distortion of judgement and weaknesses and vices of character play in vitiating so many efforts to put ethics to practical use'.[27]

Her first worry regards the appeal to middle axioms or common-sense morality.[28] She suggests that Sidgwick ignores many of the complexities involved in this appeal, including those he pointed out in Book III of ME. How are we to adjudicate conflicts between judgements and rules? What sort of procedure is required for this undertaking?[29] His problems are compounded by the fact that he provides us with no indication as to how we should construe the middle axioms of justice and promise keeping, among others. How are we to choose between the different interpretations? How are we to clarify these notions?[30]

In addition, he relies on assumptions about what 'thoughtful' or 'moral' people would agree on, a claim that requires scrutiny 'in order to cut down on well-meaning intuitionist assumptions about what "moral" or "thoughtful" persons are bound to agree upon'.[31] He also at times appeals to utilitarianism,[32] leading him to endorse dubious

[27] Bok, HSP, p. 365.

[28] Bok, HSP, pp. 367–8.

[29] Bok claims that Sidgwick appeals to intuition for this task (p. 368). Her claim is overstated to the point of being uncharitable. Her ascription of this view to him is based on a letter he wrote to Bishop Creighton in which he suggests that in conflict cases the decision is based not on any 'ratio of exchange . . . but because one or other of the values compared . . . seems to me much more certain than the other in a particular case' (p. 368). See Arthur Sidgwick and Eleanor M. Sidgwick, *Henry Sidgwick: A Memoir* (London, 1906), p. 569. Even a very cursory glance at PE reveals that this is not his considered view. Furthermore, even if this were his view this would make Sidgwick's view no more or less problematic than any other view of practical ethics, including Bok's own view. See more on this below.

[30] Some of these problems are discussed in ME. See 337–61 for worries about the clarity of common sense, 315ff. for different interpretations of promise-keeping, and 264ff. for different interpretations of justice.

[31] Bok, HSP, p. 367.

[32] See PE 36–7, 73–4. In the former case, it must be noted, Sidgwick appears not to be endorsing utilitarianism for the purposes of practical ethics. He is merely arguing that the view 'the ends justifies the means' is not obviously anti-moral, since it is embedded in utilitarianism. He could have made the point without appeal to utilitarianism.

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views on lying,[33] colonial expansion,[34] and the use of force.[35] Combined with these contentious appeals, he evinces a commitment to certain paternalist theses, making unsavory distinctions between civilized and uncivilized peoples.[36] These elements of his approach should make us chary of endorsing it.

I think many of Bok's complaints are exaggerated.[37] I leave some of them behind for now. My main concern is with her objection to Sidgwick's claim that appeal to disputed elements of moral theories or other contentious fundamentals is illegitimate in practical ethics, for she maintains that Sidgwick's mistakes can be traced to this prohibition. Two quotations are relevant:

> By asking members of the ethical societies. . .to bracket not only metaphysical views such as whether or not God exists but also basic ethical premises such as those postulating the moral intuitionism and the utilitarianism that he espoused, Sidgwick also deflects challenges to such premises.[38]

However laudable his aim to keep the practical debates from foundering in disputations about 'ultimate grounds', such bracketing turns out to open

[33] Bok exaggerates Sidgwick's views on lying. He affirms the wrongness of lying on at least two occasions in PE. See PE 43–4, 77. In the former case he says some lies are justified, but only in cases of 'urgent need' (PE 44). Bok does not dissent from justified lies. See her *Lying*: *Moral Choice in Public and Private Life* (New York, 1978). See also ME 315–19, 448–50 for Sidgwick's views on lying.

[34] Bok again exaggerates Sidgwick's remarks on colonial expansion. He mentions in passing that the tendency 'for the nations most advanced in civilization . . . to absorb semicivilized states in their neighborhood . . . cannot altogether be condemned' (PE 57). True, the remark is dubious, but as I go on to explain, it is not a basis for rejecting Sidgwick's practical ethic.

[35] Bok, HSP, pp. 365, 369, 372, 374–7.

[36] Bok, HSP, pp. 372–3. Bok does not consider that perhaps Sidgwick's views on colonial expansion, the use of force and the distinction between civilized and uncivilized were not so much a consequence of his utilitarianism as they were a consequence of his appeal to 'common opinion' or agreement. After all, many of his views on these topics were widely shared by his contemporaries.

[37] This is especially true of the worries about common-sense morality or middle axioms. In part the aim in practical ethics is to 'bring into a more clear and consistent form the broad and general agreement as to the particulars of morality' (PE 7). It is important to 'make this general agreement somewhat more explicit and clear than it is in ordinary thought . . . without trying to penetrate to the ultimate grounds, the first principles on which duty may be constructed as a rational system' (PE 6). Sidgwick does not remain with that which is simply customary, since we ought not 'to acquiesce in "mere tradition" when recognized as such, for which indeed we can hardly feel, or hope to inspire, an enthusiasm' (PE 27–8). Numerous suggestions are made for the specification of the middle axioms. For example, 'by reflective analysis, removing vagueness and ambiguity, solving apparent contradictions, correcting lapses and supplying omissions, [we should attempt] to reduce this body of current opinions, so far as possible, to a rational and coherent system' (PE 31). He notes that we should change our practical moral view if we find inconsistencies, elements that cannot be reconciled with each other, 'arbitrary inequality . . . based on no rational grounds', and failures to universalize (PE 28–9). These remarks cast doubt on Bok's claim that Sidgwick left many difficulties aside.

[38] Bok, HSP, p. 368.

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up a large loophole for unreflective responses . . . permitting him to make assumptions about what he takes moral persons to agree upon . . . [and making] him less critical when it comes to leaving out of account the problems with respect to intuitionism and utilitarianism that he had considered in *The Methods of Ethics*.[39]

Bok's explanation of Sidgwick's problems is puzzling. She contends that the difficulties with the approach follow directly from the prohibition against appeal to disputed fundamentals in reasoning about what to do in practice. The so-called 'bracketing' of controversial views explains the folly. But this cannot be correct. The requirement against referencing views mired in 'fundamental disagreements' prohibits appeal to, among other things, views about 'the first principles of duty and the Summum Bonum' (PE 5; see also PE 4, 25). Utilitarianism is a view about both the first principles of duty and the highest good.[40] Therefore, included among the claims that he counsels against appealing to must be the claim that what we have most reason to do is maximize aggregate well-being (PE 25). Hence, the bracketing of so-called disputed fundamentals cannot be the reason behind his appeal to various utilitarian, intuitionist and paternalist premisses.[41] After all, were he to have respected his prohibition fully he may well not have made such appeals.[42]

Sidgwick's appeal to utilitarianism and his putatively lax attitudes toward lying, the use of aggression and colonial expansion, among other things, are in conflict with his claims about the role of disputed fundamentals in practical ethics.[43] But what explains his appeal to these views is not his prohibition against reference to disputed fundamentals. Rather, it is his *disregard of the claim not to appeal to fundamentals* that explains his follies. The bracketing does not block criticism of the utilitarian, intuitionist and paternalist premisses; *instead it is intended to block appeal to these views as premisses in the first place*.[44] It is not clear that prohibiting appeal to disputed fundamentals entails anything like the views Sidgwick on occasion appeared to endorse. Were he to have conformed to his mature view of how to reason in practice, then he might well have arrived at very different conclusions. Indeed, he unwittingly demonstrates how hard it is to live up to his prohibition. Therefore it seems possible

[39] Bok, HSP, 368–9.
[40] See ME Book III, chs. XIII and XVI.
[41] I assume that the paternalist assumption is a 'disputed fundamental'.
[42] This claim is buttressed by the fact that he does not appeal to utilitarianism in either of the two essays on practical method. See PE, pp. 3–30.
[43] Since the views on lying, use of aggression and colonial expansion are (as far as Bok is concerned) a consequence of endorsing utilitarianism, I treat them as disputed fundamentals, too.
[44] Unless, of course, they are agreed upon.

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to think that we can adopt something resembling his approach to practical ethics that appeals to agreement between agents who disagree on fundamental ethical premisses without being pushed to some of the other views he on occasion advocates (e.g. utilitarianism and paternalism).

Bok's criticisms are surprising when the similarities between her own view of how to deal with practical moral problems and Sidgwick's view are noted. Like Sidgwick, Bok is concerned with the most pressing moral problems of her day, e.g. global warming, famine, the AIDs pandemic, war, the gap between the rich and the poor, and so on. To make resolution of these problems possible we require a 'common ground, some baseline consensus from which to undertake and facilitate debate'.[45] The common ground is represented by what she calls a 'minimal moral perspective' which includes 'positive duties of care and reciprocity; constraints on violence, deceit, and betrayal; and norms for procedures and standards for what is just'.[46] The main justification for relying on these values as a starting point is that they are widely shared by people who disagree about more maximal moral perspectives or the basis of these norms, e.g. utilitarianism, Kantianism, divine authority, and so on. That is, they are vital to promoting 'the possibility for good faith negotiations and cooperation'.[47]

Bok seems more open than Sidgwick is to appeals to disputed moral theories,[48] but this is no more than a surface disagreement, since Sidgwick need only block such appeals in cases where they are controversial. Furthermore, like Sidgwick, Bok is aware of the dangers of appeal to more than a minimalist view of ethics. She complains, for instance, that some attempts to arrive at shared values or consensus stray from this goal, and end up conveying 'intolerance toward those not capable of living up to its highest . . . ideals'.[49] She is especially critical of those not trying to 'enlist agreement'.[50] To solve our problems she says we 'need a starting point acceptable to holders of widely different political, religious and moral doctrines'.[51] Indeed, she favours something like Sidgwick's bracketing: we should adopt the minimalist approach because these values are shared, while 'bracketing particular

[45] Sissela Bok, *Common Values* (Columbia, MO, 1995), p. 21. Hereafter referred to as CV.
[46] Bok, CV, p. 26; see also p. 41.
[47] Bok, CV, p. 22.
[48] Bok, CV, p. 27.
[49] Bok, CV, p. 32.
[50] Bok, CV, p. 34.
[51] Bok, CV, p. 50.

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views regarding their foundation',[52] including metaphysical, meta-ethical, epistemological and theological views.[53]

It seems clear that this view faces the same kinds of challenges that Bok says that Sidgwick's view faces. The norms within the minimalist approach are vague and admit of several different interpretations.[54] Bok does not endorse a mechanism for adjudicating the conflicts between the norms.[55] In addition, she appeals to various experts on moral matters as well as well-known political and religious figures, which raises the possibility that she may have made well-meaning but dubious appeals to what is shared in common or agreed upon. Bok does not reject her position, however. This must be because (a) she has some mechanism for sorting them out which Sidgwick could rely on to respond to her objections or (b) she thinks that despite these problems we should proceed with the approach given the pressing nature of the problems that we face, making note of them and trying to ensure that we combat them as best we can, which is precisely what Sidgwick seems to have in mind. Certainly Sidgwick may adopt his methodology while taking care to guard against 'distortions of judgement and weaknesses and vices of character' that may play a deleterious role in practical ethics.

V

Karen Hanson mounts a different kind of attack against Sidgwick. She objects to the fact that he focuses almost exclusively on intellectual obstacles to ethical conduct, e.g. lack of knowledge regarding the nature and scope of one's duties, and so on. She accuses him of dwelling on only the epistemic barriers to right action, a consequence of which is that in Sidgwick's discussions the 'pressing practical questions of that time and place [are] . . . little evident'.[56] The aim of Sidgwick's practical ethics is not, for example, to 'relieve overcrowding and homelessness in London's slums' or improve 'emigration, education, labor conditions, and so on', which is the work of a charity organization or its like. Rather his focus is on knowledge of principles and related matters.[57]

Against this, it must be said that Sidgwick does discuss clerical engagements, luxury, what the social classes owe to each other, professional morality, culture, all deemed to be pressing practical questions of the day. Discussion of principles governing these matters is a necessary

[52] Bok, CV, p. 74.
[53] Bok, CV, p. 70.
[54] Bok, CV, pp. 57–8.
[55] Bok, CV, pp. 18–19.
[56] Hanson, p. 141.
[57] Hanson, p. 141.

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precondition for dealing with these problems, so naturally this should assume pride of place amongst a practical ethics society headed by a philosopher. It is also important to note that in his own life Sidgwick worked to promote the higher education of women, educational reform, various taxation and charity schemes, among others, all evidence that for him practical ethics did (*pace* Hanson) indeed require that we 'roll up . . . [our] sleeves and get . . . [our] hands dirty'.[58] This suggests that practical moral reform required knowledge of principles *and* action on them. It is a mistake to think that Sidgwick's discussion in PE exhausts his view on the matters he takes up there and is all he had to say or do on the matter.

A further consequence of Sidgwick's exclusive focus on intellectual impediments to right conduct, and so on, is that he does not deal enough with 'the issue of moral training, the education of the young, and the problem of moral motivation'.[59] On this, 'Sidgwick said *almost* nothing'.[60] But it is not clear how much he could do about this *qua* philosopher except engage in the sort of teaching and speaking and action that inspires and serves as an example for others. Moreover, even if he might have spent more time on this issue it is not at all clear that his failure to do so makes a difference to his philosophical account of how best to engage practical moral problems.

Michael Pritchard seems genuinely confused about Sidgwick's aim in PE. He rightly notes that Sidgwick does not begin his practical moral thinking by assuming utilitarianism. He seems to think instead that Sidgwick's ultimate aim is to convince the members of his society and others that utilitarianism is the most plausible moral framework. He asks: 'is it really the case that utilitarianism will show its practical (and theoretical) superiority over other, more pluralistic accounts?'[61] As should be clear from what I have said above, this misunderstands Sidgwick's ambitions in PE. He does not want to convince people of utilitarianism in PE; he does not want to get into questions regarding the basis of duty in so far as this is possible. His aim is 'in the Aristotelian phrase . . . not knowledge but action' (PE 5). Pritchard misses this point because he does not see that Sidgwick's reason for appealing to common-sense morality's so-called middle axioms turns on the fact that they are what Sidgwick thinks garner agreement amongst people exhibiting the spirit of justice and therefore function as a legitimate place to begin to engage in practical moral discussions

[58] Hanson, p. 138.
[59] Hanson, p. 144.
[60] Hanson, p. 142. Italics in original.
[61] Pritchard, p. 150.

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and certain forms of casuistry.[62] The aim is to forge consensus among people exhibiting the spirit of justice, for this is what makes dealing with our practical moral difficulties possible given deep disagreements.

Pritchard dissents from the use of the phrase middle axioms. 'Is the expression *middle axiom* misleading, if not question-begging – *middle* between what?'[63] This is question-begging against those who think that Sidgwick's middle axioms are actually basic, not middle between theory and particular moral judgements. The term might well be unfortunate but this is irrelevant to his claim that these axioms are what people happen to agree on despite their views about their ultimate basis. We might discard the term but still hold on to Sidgwick's view about the importance of reliance on agreement amongst those exhibiting the spirit of justice. Pritchard further contends that the usefulness of the middle axioms suggests that common sense-based intuitional theories (e.g. William Whewell's) are more plausible than Sidgwick lets on. However, this is far from clear, especially in light of Sidgwick's arguments against the view and the status he accords it in ME. Whatever the case may be, this is beside the point, since it is not part of Sidgwick's plan in PE to confirm or deny that the 'collaborative reflection by philosophers and non-philosophers who are, together, interested in making progress in understanding and resolving difficult ethical problems at a practical level . . . [is] the rational extension of the Morality of Common Sense'.[64]

Michael Davis claims that Sidgwick is not doing what 'we' call practical ethics.[65] He is not, that is, dealing with 'those special morally permissible standards of conduct binding on members of a group because of that membership'.[66] He is therefore not one of 'us' modern practical moralists. Davis relies on a number of arguments to establish this claim.[67]

First, Sidgwick does not speak of 'professional ethics' or 'medical ethics' or 'business ethics' or other such ethics. For Sidgwick, he continues, ethics is 'primarily a field of philosophy, not something practical people . . . do'.[68] Yet, this is not all that practical ethics is: it consists in 'formulating, evaluating, adopting, interpreting, and applying special

[62] Sidgwick holds that at least one form of casuistry is respectable, namely, the form that involves determining 'how far, in the particular circumstances of certain classes of persons, the common good demands a special interpretation or modification of some generally accepted moral rule' (PE 12).

[63] Pritchard, p. 151; italics in original.

[64] Pritchard, p. 151.

[65] Davis, p. 154.

[66] Davis, p. 153.

[67] Davis has three arguments, but I address only two of his arguments since he regards the ones I discuss as the most promising.

[68] Davis, p. 155.

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morally permissible rules of conduct for professions, institutions (such as businesses), or indeed any other organized subset of moral agents. Practical ethics (in that sense) is something that practitioners do routinely and philosophers can only help with now and then.'[69]

In response, it is important to note that Sidgwick does mention working out an ethics for 'particular sections of the community' (PE 11–12), e.g. lawyers, clergymen, and so on. This seem to be a sign that he is at least aware of what Davis says 'we' would call business ethics or medical ethics or what have you. Sidgwick thinks that though such matters are not strictly speaking philosophical in so far as they concern working out specific duties, and so on, they are part of ethics, broadly construed, and in so far as the philosopher helps out here *qua* philosopher she is limited in what she can do (PSR 25–6). This makes it clear that Sidgwick holds that *qua* philosopher one can only help out with parts of practical ethics 'now and then', say, by helping to clarify key concepts or issues and to advance methodologies or methods or principles for reasoning about practical moral matters. Sidgwick completed his practical ethics by working for reform of higher education, in the Mendicity Society, the Cambridge Charity Organization Society, the Cabinet Makers Cooperative in Cambridge, and advancing university finance and taxation schemes, e.g. 'Memorandum to the Royal Commission on Local Taxation', proving that for him practical ethics is not just a field of philosophy. Finally, why should one rely on the above idiosyncratic definition of practical ethics to determine the extent to which Sidgwick is engaged in what we do? Why is this practical ethics? Not everyone agrees.[70] Furthermore, what we want to know is whether Sidgwick's method is plausible or fecund not whether it fits into some idiosyncratic definition that some 'we' espouses, the reference to which is unclear.

These are minor quibbles. Davis maintains that the main difficulty with Sidgwick's approach is that it 'in fact leads away from what we do now'.[71] The argument turns on the claim that, in part, Sidgwick's move to middle axioms relies on a 'Cartesian conception of ethics made practical, practical ethics as an essentially deductive enterprise'.[72] This follows from the fact that Sidgwick relies on middle axioms and he moves from these to systematic decisions about what to do in certain concrete situations.

But Sidgwick clearly rejects what Davis calls the Cartesian conception of practical ethics. He does want to engage in some kind of

[69] Davis, p. 155.
[70] See the papers cited in n. 26, especially Ainslie.
[71] Davis, p. 156.
[72] Davis, p. 156.

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systematizing, which is surely a good thing; he does not, however, want to systematize 'the whole way' down. He recognizes that we are precluded from ever solving a 'problem of rights with the demonstrative clearness and certainty with which we can solve a problem of mathematics' given 'the complexity of human relations' and 'the imperfection of our own intellectual methods' (PE 53). Moreover, Sidgwick need not even appeal to middle axioms, for he may simply just attempt to forge agreement amongst those with the spirit of justice on some 'practical moral choice' without them.[73]

Davis is most worried that what Sidgwick is doing in bracketing appeal to moral theories or aspects of moral theories that remain disputed is 'not . . . what most of us who do practical ethics do . . . we are more likely to treat them as practical instruments to be picked up and put down when needed'.[74] Putting aside the problematic appeal to the 'we' here, this misses Sidgwick's central point that by bracketing controversial theories or elements of theories we hold out the possibility of garnering agreement amongst those who disagree about fundamentals. The point is that by appealing to a disputed theory one ceases to be attempting to justify one's view or proposed policy to those with whom one disagrees and yet are bound by the policy. Furthermore, Sidgwick does not clearly reject reliance on the resources inherent in moral theory. He may appeal to them in so far as they are agreed to.

Of course, his view is no philosopher's stone, capable of turning disagreement into agreement. It is simply suggested as the most appropriate method for arriving at legitimate public policy in a society characterized by deep disagreements about moral fundamentals. We may find that we are unable to solve all our problems through compromise. However, in bracketing, the philosopher does not have to forgo other strategies, e.g. *ad hominem* arguments, for use in convincing others of their viewpoint or their policy recommendation. For example, there seem to be plausible positions that opponents of therapeutic cloning accept that may well force them to accept a policy permitting the procedure on pain of contradiction.[75] We might point out, for example, that if they reject this policy, then they have to reject the use of in-vitro fertilization practices where embryos are routinely destroyed in research and/or discarded when no longer used. They may also have to accept that when a fertilized egg dies because it fails to implant in

[73] This phrase appears in Davis at p. 157.

[74] Davis, p. 156.

[75] In the practice of therapeutic cloning the nucleus of a human egg is removed and then replaced with the nucleus from another cell (e.g. a skin cell). The egg is then stimulated to develop and divide as though it had been fertilized naturally, and when it is four or five days old stem cells can be harvested from it. In the process the embryo is destroyed.

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the uterus a great moral tragedy has occurred. Most will not accept this, and so may be moved to accept therapeutic cloning. Whatever the case may be, reliance on Sidgwick's method for practical ethics does not preclude reliance on such forms of argument.

Davis further faults Sidgwick with not paying attention to the case study, a primary focus of modern practical ethics. However, Sidgwick's experience of reforming higher education and his work promoting higher education and taxation reform provided him with ample experience in cases studies and perhaps, though we might never know, were a direct cause of his adopting the practical methodology that I have ascribed to him above.

VI

Sidgwick helps us to see our way out of certain problems plaguing contemporary practical ethics. He does so by supplying us with a defensible practical method that appeals to agreement among people exhibiting the 'spirit of justice' rather than a contentious moral theory that threatens to leave us 'hampered by the grave drawbacks of sectarian rivalries and conflicts' (PE 25). He offers us too a cautionary example of how difficult it is to achieve this ideal. Both of his lessons should be taken seriously.[76]

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