

This raises the deep and difficult issue of specifying just what sense liberalism is to make of moral, and more generally value, conflicts. Some, most obviously some religious conflicts, cannot be resolved, because their justification seems to be internal all the way down: what is to count as good or overriding reasons remains to the end internal to the opposed parties and not susceptible to common or public argument.<sup>43</sup> Others—and these are what Rawls has in mind in the passage quoted—are so susceptible but are nevertheless irresolvable because there is no prospect of publicly available evidence and argument yielding uniquely determinate solutions rationally compelling upon all.<sup>44</sup> For the state to impose any single solution on some of its citizens is thus (not only from their standpoint) unreasonable. Hence the liberal's commitment to impartiality, at the level of social and political institutions, among such conflicting conceptions of the good—and the right—as are compatible with the survival of a liberal order. The question of how far that commitment is a merely strategic one (as a means to securing a *modus vivendi*) and how far, and in what ways, itself a substantive moral one (appealing, for instance, to an interpretation of the Kantian categorical imperative) is one I cannot explore further here.

This, then, is how moral conflict bears on the proper defence of liberalism. That defence cannot, for the reasons I have sought to develop, rely on the gleaming of ineffable truths from ancient texts or on the elaboration of comprehensive moral theories. It cannot be based on either a return to or a contemporary restatement of Plato or Aristotle or Natural Law or Kantianism or utilitarianism; or on a resort to relativism or subjectivism or an appeal to theodicy or moral utopianism. It can rest only on taking moral conflict seriously and making sense of it.

<sup>43</sup> For a sophisticated argument that these exhaust the field, see MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, Ind.: Univ. of Notre Dame Press, 1988), for example: 'There is no standing ground, no place for enquiry, no way to engage in the practice of advancing, evaluating, accepting, and rejecting reasoned argument apart from that which is provided by some particular tradition or other' (p. 350), and 'Progress in rationality is achieved only from a point of view' (p. 144). See Chap. 13, Sect. II, below.

<sup>44</sup> See Nagel, 'Moral Conflict and Political Legitimacy', *Philosophy and Public Affairs* 16 (1987), pp. 215–40.

## 2

## Taking Morality Seriously

'Protagoras, Hobbes, Hume and Warnock', writes John Mackie,

are all at least broadly in agreement about the problem that morality is needed to solve: limited resources and limited sympathies together generate both competition leading to conflict and an absence of what would be mutually beneficial cooperation.<sup>1</sup>

Mackie endorses this view, meaning by 'morality' what he calls morality 'in the narrow sense', namely, 'a system of a particular sort of constraints on conduct—ones whose central task is to protect the interests of persons other than the agent and which present themselves to an agent as checks on his natural inclinations or spontaneous tendencies to act'.<sup>2</sup> In this chapter, I shall seek to establish three conclusions: first, that Mackie's account of morality 'in the narrow sense' is useful and important, and denotes a central domain within morality more widely construed; second, that his account of the problem to which morality, thus conceived, is a solution is inadequate and misleading; and third, that is importantly so.

## Morality in the Narrow Sense

The broad sense of morality with which the narrow sense contrasts is 'a general, all-inclusive theory of conduct: the morality to which someone subscribed would be whatever body of principles he allowed ultimately to guide or determine his choices of action'.<sup>3</sup> So, in the narrow sense, 'moral considerations would be considerations

This chapter was first published in 1985. I am grateful to Ted Honderich and Jo Raz for comments that have helped improve it.

<sup>1</sup> J. L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth: Penguin, 1977), p. 111.

<sup>2</sup> *Ibid.* 106.

<sup>3</sup> *Ibid.*

from some limited range, and would not necessarily include everything that a man allowed to determine what he did'.<sup>4</sup>

This contrast between senses of 'morality' is already useful, given the cacophony of senses in which the term is used, ranging from the 'moral majority' to the 'moral sciences'. But it does not, in itself, enable us to denote a specific object of reference as 'morality in the narrow sense'. What *is* the limited range of considerations that present themselves as constraints on conduct and protect interests in the manner indicated?

Mackie gives hints as to how to answer this question<sup>5</sup> by focusing attention on rights and obligations, rules and prohibitions, and, following Hume, on the notion of justice. We can consolidate these hints by drawing on some observations of H. L. A. Hart, John Stuart Mill, and R. M. Hare. According to Hart, the German '*Recht*', like the French '*droit*' and the Italian '*diritto*', is a term used by continental jurists for which there is no direct English translation: these expressions

seen to English jurists to hover uncertainly between law and morals, but they do in fact mark off an area of morality (the morality of law) which has special characteristics. It is occupied by the concepts of justice, fairness, rights and obligation (if the last is not used as it is by many moral philosophers as an obscuring general label to cover every action that morally we ought to do or forbear from doing).<sup>6</sup>

Hart adds that there are four factors that distinguish morality from law itself; namely, importance, immunity from deliberate change, the voluntary character of moral offences, and the distinctive form of moral pressure.<sup>7</sup>

It is doubtless this area of morality that Mill had in mind when he observed that justice is 'the chief part, and incomparably the most sacred and binding part, of all morality',<sup>8</sup> meaning by 'justice' 'certain classes of moral rules' which protect rights that 'reside in persons' and which

<sup>4</sup> Mackie, *Ethics*.

<sup>5</sup> Mackie, *Ethics: Inventing Right and Wrong*, and 'Can there be a Right-based Moral Theory?' *Midwest Studies in Philosophy*, iii. *Studies in Ethical Theory*, 1978 (Univ. of Minnesota Press, Minneapolis, Minn., 1980).

<sup>6</sup> H. L. A. Hart, 'Are There any Natural Rights?' *Philosophical Review* 64 (1955), 177-8.

<sup>7</sup> *Ibid.*, *The Concept of Law* (Oxford: Clarendon Press, 1961).

<sup>8</sup> J. S. Mill, *Utilitarianism* (1861) (London: Fontana Library, Collins, 1962), p. 315.

concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life. . . . The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any other maxims, however important, which only point out the best mode of managing some department of human affairs.<sup>9</sup>

And consider finally R. M. Hare's suggestion that

within the general area of morality marked out by the use of 'ought' and 'must' (which is not the whole of morality, because the word 'good' and the virtues have been left out of this picture), there is a smaller field of obligation and rights, distinguished by being person-related and by being, unlike 'must', overridable, but not so easily as 'ought'.<sup>10</sup>

And Hare, significantly, goes on to discuss, within the same chapter, 'the parallel problem of justice',<sup>11</sup> which he divides into judicial and quasi-judicial justice on the one hand and distributive or social and economic justice on the other—that is, 'justice in the distribution of the various benefits and harms which arise from membership in a society and its economy, including small societies such as families and partnerships and groups of friends'.<sup>12</sup>

From these various suggestions we may conclude that the narrow sense of morality serves to demarcate a distinct and central *domain* of morality which has a certain distinctive form and function. It is the domain of the Right rather than the Good, or at least it bears on the Good only indirectly, by setting limits (which may be more or less narrow) to what actions conceptions of the good may legitimately advocate or encourage. It does not directly address the pursuit of virtue or happiness or perfection, but purports to protect individuals' pursuit of these, as they severally conceive them. It is the domain of principles of justice, and of rights and obligations; these present themselves as constraints on conduct, that are powerful but overridable, and serve to protect vital interests of persons, touching on 'the essentials of their well-being', including their freedom; and they have, taken together, a distinctive function or purpose in human life. It is to Mackie's account of that function that we now turn.

<sup>9</sup> *Ibid.* 316.

<sup>10</sup> Hare, *Moral Thinking: Its Levels, Methods and Point* (Oxford: Oxford Univ. Press, 1981), p. 153.

<sup>11</sup> *Ibid.* 156.

<sup>12</sup> *Ibid.* 161.

### The Object of Morality

What, Mackie asks, gives morality in the narrow sense its point? His answer, not surprisingly, is Humean. He cites with approval Hume's statement that it is 'only from the selfishness and confined generosity of men, along with the scanty provision nature has made for his wants, that justice derives its origin',<sup>13</sup> and comments, interpreting Hume, that 'if men had been overwhelmingly benevolent, if each had aimed only at the happiness of all, if everyone had loved his neighbour as himself, there would have been no need for the rules that constitute justice.'<sup>14</sup> In this section, I shall seek to show that this view is radically mistaken, both with regard to justice in particular, and, in general, to the area of morality we have identified as morality in the narrow sense.

Mackie's developed Humean view is that morality in the narrow sense (which we shall henceforth call morality<sub>n</sub>) is a device for solving a problem that he identifies as follows:

We must think of a 'game' in which most, perhaps all, of the 'players' are largely selfish, or have limited sympathies, in a situation where scarce resources and the like tend to produce conflicts of interest; further, it is important for most of the 'players' that certain roughly specifiable evils (which, other things being equal, would result from the basic situation) should be prevented or reduced.<sup>15</sup>

Morality<sub>n</sub> provides

acceptable principles of constraint on action the general encouragement of and widespread respect for which will do most to counter these evils, subject to the assumption that these constraints will not be respected by all the 'players' all the time.<sup>16</sup>

The point of morality<sub>n</sub> is 'that it is necessary for the well-being of people in general that they should act to some extent in ways that they cannot see to be (egotistically) prudential and also in ways that in fact are not prudential.' The function of morality<sub>n</sub> is of 'checking what would be the natural result of prudence alone'.<sup>17</sup>

In criticizing this thesis of Mackie's, I shall argue (1) that it is unsatisfactory in itself, and (2) that it is an inadequate response to the

question asked: that it takes far too narrow a view of the problem to which morality in the narrow sense is a solution.

(1) Consider the two key elements of the Hume-Mackie account of the conditions calling forth morality<sub>n</sub>: scarcity and limited sympathies.

What, in the first place, is scarcity? Hume and Mackie present it as a matter of nature's 'scanty provision' for man's wants and of 'limited resources'. But scarcity is a more complex notion than either of these formulations suggest. Consider the following four forms of scarcity: (i) insufficiency of production inputs (e.g. raw materials) relative to production requirements; (ii) insufficiency of produced goods relative to consumption requirements; (iii) limits upon the possibility of the joint realization of individual goals, resulting from external conditions (e.g. limitations of space or time); and (iv) limits upon the possibility of the joint realization of individual goals resulting from the nature of those goals (e.g. 'positional goods': we cannot all enjoy high status, or the quiet solitude of our neighbourhood park). Plainly these possibilities bring into view a range of determinants of scarcity, of which the niggardliness of nature and men's wants are only two (and these are themselves dependent variables, in turn determined by a range of social, cultural, scientific, and technological factors). Scarcity (ii) can exist without scarcity (i); it may result entirely from the existing system of production and distribution. Scarcity (ii) can be absent despite 'limited resources'. And scarcity (iii) and (iv) may result from social, organizational and cultural factors and exist without scarcity (i) or (ii). All these forms of scarcity can generate interest conflicts. Furthermore, overcoming them all would involve an immense growth in the productive forces of society, changes in social organization and appropriate preference changes, eliminating all non-compatible desires. I shall call this (unrealizable) state of affairs 'co-operative abundance'. The point being made here is that both the nature and the sources of scarcity are more complex and diverse than Hume and Mackie indicate.

Consider next what Hume calls 'selfishness and confined generosity' and Mackie 'egoism and self-referential altruism'<sup>18</sup> or 'limited sympathies'. Are these notions, as they say, perspicuous? I doubt it. For what counts, in any particular case, as 'egoism' or 'selfishness' depends on context and, in particular, on how the 'self' and its

<sup>13</sup> Hume, *A Treatise of Human Nature* (1739), ed. L. A. Selby-Bigge, (Oxford: Clarendon Press, 1951), p. 495.

<sup>14</sup> Mackie, *Ethics: Inventing Right and Wrong*, p. 110.

<sup>15</sup> *Ibid.* 165.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.* 190.

<sup>18</sup> *Ibid.* 170.

'interests' are understood. Assume a world in which, over certain ranges of human interaction, a so-called zero-sum relation holds, such that if A gains B loses, and the self is seen as typically having interests which conflict with those of others, and with the public or common interest. Then, of course, 'egoism' and 'selfishness', or the pursuit of self-interest, will result in conflicts of interest. But imagine a world in which the Golden Rule always applied or the Buddhist notion of the self was widely shared. Then 'egoism' or 'selfishness' or 'self-interest' would result in, or at least be compatible with, social harmony, even under conditions of scarcity. In short, 'egoism' and 'selfishness', as we ordinarily understand them, presuppose, and are not themselves the source of, conflicting interests.

The same argument applies, *pari passu*, to 'confined generosity' and 'self-referential altruism'. Whether the limits upon and self-referential character of altruistic sentiments result in conflicts of interest will depend on the social relations that prevail and on what pursuing the happiness or interests of those for whom one cares is taken to involve. From the mere fact that sympathies are limited nothing follows: only if specific ways of acting on them means acting against those beyond the limits do conflicts of interest result.

Mackie himself sees this when he asks: 'what action will be the most prudent or the most egoistically rational?' and answers that 'that depends partly on what sort of a person you are, and consequently on what sort of a person you want to be'.<sup>19</sup> If someone, he writes,

from whatever causes, has at least fairly strong moral tendencies, the prudent course, for him, will almost certainly coincide with what he sees as the moral one, simply because he will have to live with his conscience. What is prudent is then not the same as what would be prudent if he did not have moral feelings.<sup>20</sup>

But Mackie's account of what is moral<sub>n</sub> relies on a contrast between constraints on an agent's conduct and 'his natural inclinations and spontaneous tendencies to act'.<sup>21</sup> Yet what these are will depend on what sort of a person he is and whether they harm the interests of others will depend on this and on the sort of society in which he and they live. From all of which I conclude that the second element of the Hume-Mackie account—egoism and limited sympathies—

<sup>19</sup> Mackie, *Ethics*, 192.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.* 106.

presupposes rather than explains the conflicting interests it adduces morality to resolve.

(2) That the Hume-Mackie account of the conditions that call forth morality<sub>n</sub> is too narrow can be seen clearly if we ask whether the conditions so far (albeit unsatisfactorily) specified exhaustively explain the bases of interest conflicts in social life. Plainly, scarcity, in its several forms, combined with various familiar forms of egoism and limited sympathies among competing individuals and groups—such as 'possessive individualism', acquisitiveness, status striving, wage-bargaining, etc.—will generate conflicting claims and thus the need to adjudicate upon which claims are valid and of these which have priority.

There are, however, roots of interest conflict that lie deeper than this—that are less tied to a particular type of society and its social relations. Rawls gives a clue to what these might be in his account of the 'circumstances of justice': these are 'the normal conditions under which human co-operation is both possible and necessary' and they 'obtain whenever mutually disinterested persons put forward conflicting claims to the division of social advantages under conditions of moderate scarcity'.<sup>22</sup> Rawls's point here is (I take it) that the conflicting claims result not, or not only, from the attitudes and activities mentioned above but from the diversity of human ends: as he writes, 'the plurality of distinct persons with distinct systems of ends is an essential feature of human societies'.<sup>23</sup> In other words, it is the conflict of interests resulting from different individuals' and groups' different and conflicting conceptions of the good, that in turn define those interests, that render adjudication and interest-protecting constraints necessary.

Notice that this condition is independent of the Hume-Mackie conditions (though of course it may coexist with them). Hume mistakenly thought that if you increase 'to a sufficient degree the benevolence of men or the bounty of nature . . . you render justice useless by supplying its place with much nobler virtues, and more favourable blessings'.<sup>24</sup> But even under conditions of co-operative abundance and altruism, there will, if conceptions of the good conflict, be a need for the fair allocation of benefits and burdens, for the assigning of obligations and the protection of rights; but we should then need them in the face of the benevolence rather than the

<sup>22</sup> J. Rawls, *A Theory of Justice* (Oxford: Clarendon Press, 1972), p. 128.

<sup>23</sup> *Ibid.* 28–9.

<sup>24</sup> Hume, *A Treatise of Human Nature*, pp. 494–5.

selfishness of others. Altruists, sincerely and conscientiously pursuing their respective conceptions of the good, can certainly cause injustice and violate rights. For every conception of the good will favour certain social relationships and ways of defining individuals' interests—or, more precisely, certain ways of conceiving and ranking the various interests that individuals have. It will also disfavour others, and in a world in which no such conception is fully realized, and universally accepted, even—perhaps especially—the non-egoistic practitioners of one threaten the adherents of others: hence the need for justice, rights, and obligations.

But what if divergent conceptions of the good, and of basic or vital interests, were to converge within a single moral and political consensus? Here a fourth set of conditions for morality<sub>n</sub> come into view: lack of perfect rationality, information, and understanding. Even under co-operative abundance, altruism, and the unification of interests within a common conception of the good, people may, after all, get it wrong: they may fail to act as they should toward others, because they do not know how to or make mistakes, with resulting misallocations of burdens and benefits, and damage to individuals' interests.

In seeking to supplement and deepen Mackie's account of the conditions of morality<sub>n</sub>, I have so far been arguing very much in the spirit of his account, seeking to explain the point, function, or object of morality<sub>n</sub> in terms of 'certain contingent features of the human condition'.<sup>25</sup> I shall now depart from that spirit and turn to fantasy, by asking whether *any* human society could dispense with morality<sub>n</sub>: is its dispensability conceivable?

Joseph Raz has suggested that the co-ordinating, dispute-resolving and damage-remedying functions of law would be needed even in 'a society of angels'.<sup>26</sup> Presumably by the same argument morality<sub>n</sub> would also be needed in such a society. On what grounds might one reject such a suggestion? Only on the ground that it takes too low a view of angels: that they would, in Hume's words, be endowed with 'much nobler virtues, and more favourable blessings', and in particular that the communal relations between them would be such as to render morality<sub>n</sub> unnecessary. But what could such communal relations be like?

<sup>25</sup> Mackie, *Ethics: Inventing Right and Wrongs*, p. 121.

<sup>26</sup> Raz, *Practical Reason and Norms* (London: Hutchinson, 1975), p. 159.

Here there seem to be only two alternatives. On the one hand, such angels (or rather perhaps saints?) could agree upon and live by shared moral principles, in a kind of communal *Sittlichkeit*. Such principles would guide what would otherwise be conflictual into harmonious and mutually advantageous behaviour, by mediating and reconciling claims on common resources, enforcing respect for others' interests and views, settling disagreements of interpretation and fact, and so on. But what could such principles be but principles of morality<sub>n</sub>?

The other alternative is that angels would be free of conflicting self-interests. The relations between them would be relations between individuals without any sense of a self-interest conflicting with that of others, or with the public or collective interest. There is good reason to think that this was indeed Marx's conception of communism. For he always tended to see self-interest as tied to civil society and private property, and characteristic of 'egoistic man, of man separated from other men and from the community'<sup>27</sup> and he envisaged communism, not as the 'love-imbued opposite of selfishness'<sup>28</sup> but as the end of 'a cleavage between the particular and the common interest', as a state in which 'the contradiction between the interest of the separate individual or the individual family and the common interest of all individuals who have intercourse with one another' has been abolished.<sup>29</sup>

It is difficult to get this image into clear focus, but it may help to imagine a range of possibilities from what we might call the minimum to the maximum picture. On the minimum picture, the diverse interests that individuals severally pursue are always overridden, when the need for choice arises, by the principle of preserving communal relations with others. The maintaining of the latter always takes priority over individuals' other desires and needs, wherever the two conflict. On the maximum picture, communal relations undercut rather than override individuals' conflicting interests: they enter into or help to constitute one's very conception of one's interests and one's self, and thus one's self-interest. The projects I value, the life-plans I pursue, the fulfillments I seek, and

<sup>27</sup> Marx, 'On the Jewish Question' (1843), in K. Marx and F. Engels, *Collected Works* (London: Lawrence and Wishart, 1975—), iii, p. 162.

<sup>28</sup> Marx and Engels, 'Circular against Kriege' (1846), *Collected Works*, vi, p. 41.

<sup>29</sup> Marx and Engels, *The German Ideology* (1845–6), *Collected Works*, v, p. 46–7.

indeed my view of myself are what they are only because of the relations in which I stand to others; indeed, they cannot be conceived apart from such relations. My 'natural inclinations and spontaneous tendencies to act' and also my considered and reflective purposes and projects are always such as to maintain and enhance the communal relations in which I stand. My inclinations are 'naturally' communal, in this sense, but should they 'unnaturally' deviate, for whatever reason, reflection will make them so. I suppose that on the maximal maximum picture there just would be no such deviation. (There seems little doubt that Marx inclined towards some version of the maximum picture.)

Supposing such a community of angels or saints to exist, we must ask: what *are* its distinctive social relations? Are they face-to-face relations or do they hold between strangers, are they intimate or anonymous, are they relations of love, friendship, comradeship, neighbourliness or kinship, or of class, ethnicity, nationality, citizenship, or common humanity, do they hold between producers, or between producers and consumers, or between citizens, are they relations of commitment and loyalty binding members to sub-communities or to the community as a whole? If the society in question is of any complexity, if indeed it is a *society*, then the only possible answer is: at least all of these. But then how are these various relations themselves related? Will not the interests dictated by these various social relations be likely to conflict with one another? If so, which should have priority and when? When, for example, should patriotism override friendship, or meeting the needs of one's family outweigh impersonal charity? How are we to balance the requirements of consumers and producers, of locality, citizenship, and internationalism, and of all the diverse groupings—ethnic, cultural, occupational, regional, and so on—into which our social or communal attachments inevitably divide us? Which of these sometimes conflicting requirements are more, and which less, fundamental to what J. S. Mill called 'the essentials of human well-being'? How can the individual, on whom all these relations bear, and who must interpret their import, avoid hard choices between their various requirements? And how could such choices be avoided in any community in which policy priorities have to be decided, public choices made and resources allocated? And how could such conflicts at the individual and at the collective level be resolved other than by appeal to agreed principles of justice and to rights and obligations? In

short, do not even high-level, communally related angels stand in need of morality<sub>n</sub>?

From all of which I draw three conclusions. First, that Mackie's account of the object of morality<sub>n</sub> is, with respect to scarcity, too simple, and, with respect to egoism and limited sympathies, question-begging. Second, that it is far too narrow, ignoring, in particular, the significance of conflicting conceptions of the good and limited rationality, information, and understanding. And third, that the conditions of morality<sub>n</sub> are nothing like as 'contingent' as Mackie suggests but appear to characterize all conceivable societies.

### Taking Morality Seriously

Why should the arguments just advanced matter? The reason is, I think, practical and, indeed, moral. It concerns the practical consequences of taking the Hume–Mackie view (though I hasten to add that the arguments stand or fall independently of such consequences; the consequences are not here intended as an argument against the view).

If morality<sub>n</sub>—the domain of justice, rights, and obligations—is seen as a 'device' for solving the problem of limited resources and limited sympathies, the question immediately arises: what impact does seeing it in this way have upon how one sees the constraints it imposes? What difference would taking the Hume–Mackie view make to our moral beliefs and attitudes?

In answering this, we should note that an interesting parallel exists, in the form of indirect utilitarianism. This is the view that there are two levels of moral thinking: ordinary everyday thinking guided by ordinary morality (including rights, obligations, virtues, etc.) and higher-level critical thinking, which is utilitarian, reflecting on, guiding, and testing judgements at the first level. Of this doctrine Mackie writes that the problem is

the practical difficulty, for someone who is for part of the time a critical moral philosopher in this utilitarian style, to keep this from infecting his everyday moral thought and conduct. It cannot be easy for him to retain practical dispositions of honesty, justice and loyalty if in his heart of hearts he feels that these don't really matter, and sees them merely as devices to compensate for the inability of everyone, himself included, to calculate reliably and without bias in terms of aggregate utility.<sup>30</sup>

<sup>30</sup> Mackie, 'Can There be a Right-based Moral Theory?', p. 353.

I suggest that there is an analogous infection at work in the Hume—Mackie view (though, as with indirect utilitarianism, one far from its authors' intentions). For an adherent of that view must be aware that the domain of morality<sub>n</sub> is only needed to counteract certain unfortunate and contingent features of social life, which it might, after all, be better to attack directly, in the hope of eliminating them, or at least reducing their significance. Increase 'to a sufficient degree the benevolence of men or the bounty of nature' and you can 'render justice useless'. (This thought, of course, can only be strengthened by the arguments advanced in part (1) of the previous section: scarcity can be attacked at a number of points, and 'egoism' will seem more contingent than ever.)

Hence the inclination to see justice as a merely 'remedial virtue'<sup>31</sup> and the tendency among both liberal-minded jurists and Marxist critics, to see 'rights' as linked to the 'individualism' of capitalist societies.<sup>32</sup> Hence the altogether disastrous tendency of Marxism, and certain other forms of socialist and communitarian thinking, to take a hostile view of 'justice', 'rights', and the morality of duty and to look forward to a withering away of this kind of morality—morality<sub>n</sub>—in a more communitarian society which has overcome, or greatly diminished, scarcity and egoism, and in which 'nobler virtues, and more favourable blessings' will prevail—a community beyond justice and rights.

If the arguments of this chapter are cogent, all of this is a deep and dangerous mistake (not that John Mackie made it; but his view encourages it). If they hold, then morality, in the narrow sense, is a fundamentally important part of morality as a whole, deeply rooted in every possible form of social life and inseparable therefore from every attainable social ideal. To think otherwise is not to take morality seriously.

### 3 Incommensurability in Science and Ethics

#### L'Addition

LE CLIENT. Garçon, l'addition!

LE GARÇON. Voilà. [Il sort son crayon et note.] Vous avez . . . deux œufs durs, un veau, un petit pois, une asperge, un fromage avec beurre, une amande verte, un café filtre, un téléphone.

LE CLIENT. . . . Et puis des cigarettes!

LE GARÇON. [Il commence à composer.] C'est ça même . . . des cigarettes . . . Alors ça fait . . .

LE CLIENT. N'insistez pas, mon ami, c'est inutile, vous ne réussirez jamais.

LE GARÇON. !!!

LE CLIENT. On ne vous a donc pas appris à l'école que c'est ma-thé-ma-tique-ment impossible d'additionner les choses d'espèce différente!

LE GARÇON. !!!

LE CLIENT. Enfin, tout de même, de qui se moque-t-on? . . . Il faut réellement être insensé pour oser essayer de tenter d'additionner<sup>1</sup> un veau avec des cigarettes, des cigarettes avec un café filtre, un café filtre avec une amande verte et des œufs durs avec des petits pois, des petits pois avec un téléphone. Pourquoi pas un petit pois avec un grand officier de la Légion d'Honneur, pendant que vous y êtes! [Il se lève.] Non, mon ami, croyez-moi, n'insistez pas, et vous fatiguez pas, ça ne donnerait rien, vous entendez, rien . . . pas même le pourboire.

[Et il sort en emportant le rond de serviette à titre gracieux.]

Jacques Prévert,  
*Histoires et d'autres Histoires*  
(Paris: Gallimard, 1963).

Incommensurability is not, in itself, a particularly exciting idea. At its simplest, it is the thought that, in some respect, certain things cannot

<sup>31</sup> M. Sandel, *Liberatism and the Limits of Justice* (Cambridge: Cambridge Univ. Press, 1982), pp. 31–2.

<sup>32</sup> See T. Campbell, *The Left and Rights: A Conceptual Analysis of the Socialist Idea of Rights* (London: Routledge & Kegan Paul, 1983).

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