

# One Thing after Another?

## §22. Mere Change?

Pragmatic naturalism aims to understand the character of the ethical project by exposing major features of its evolution. Probing the deeper past is difficult, for clues are fragmentary. The invention of writing, however, enhances the opportunities to investigate the evolution of ethics: the records of the past five thousand years might reveal how contemporary societies have come to their present practices. More specifically, historical investigation promises to address challenging questions, issues of immediate concern.

Is the evolution of ethics a matter of *mere change*? Is it analogous to a Darwinian picture of the history of life, revealing only local adaptations without any overall upward trend? Do ethical codes diffuse and metamorphose through processes having no connection with truth or knowledge or progress? Is it just one damn thing after another?

These worries express in a temporal context concerns much bruited with respect to cultural variation. As anthropologists documented the diversity of cultural practices (often framed only with difficulty by using the concepts of Western ethical thought), and as they argued for understanding these practices on their own terms, rather than dismissing

them as primitive, ethical relativism began to be taken seriously.<sup>1</sup> The core relativist idea denies any standard, or measure, independent of the ethical practices of different societies, against which the code of one society can be judged as superior to the code of another. The idea provokes an obvious reaction. Consider groups of people you view as having done horrible things. Familiar examples: the Nazi attempt to purge Europe (and potentially the world) of “vermin” or the killing fields of the Khmer Rouge. Many people feel a powerful urge to protest the behavior and whatever ethical prescriptions are brought forward in its defense, to say there is something *objectively wrong* about what was done, to deny that condemnation only expresses a local perspective, to protest that those condemned cannot, with equal justice, criticize their critics. There must be some external standard to which ethics is answerable.

Exploring ethical variation across time avoids some of the tangles figuring in cross-cultural debates about relativism. Historical study promises examples of societies, not merely distantly related, but actively engaged with rival options for ethical transition. It might show the “mere change view” to be correct or, by disclosing how people make “objective” decisions, provide clues about the constraints ethical deliberators sense. As we shall learn, the task is harder than it might initially seem, but two useful conclusions emerge. First, there are compelling examples of transitions that look progressive—the mere-change view is hard to sustain. Second, to the extent that decisions made by the pioneers who first took progressive steps can be scrutinized, they are not readily viewed as responses to external constraints. These points generate the predicament Part II addresses.

The crucial episodes are those in which a society makes an ethical innovation that appears not simply to articulate ideas already in place, and that also seems to represent ethical progress. Initially, I shall look

1. Characterizing what relativism actually claims, and assessing its credentials, turns out to be a complex matter. For perceptive discussions of the cluster of problems here, see Gilbert Harman, *The Nature of Morality* (New York, Oxford University Press, 1977); Michele Moody-Adams, *Fieldwork in Familiar Places* (Cambridge, MA: Harvard University Press, 1997); and Carol Rovane, “Relativism Requires Alternatives, Not Disagreement or Relative Truth” *Blackwell Companion to Relativism*, ed. S. Hales (Blackwell, 2011); Rovane’s views about the claims of relativism are developed further in a forthcoming book.

briefly at three examples challenging the mere-change view, but not providing insight into the processes underlying the apparently progressive transitions: the transformation of the *lex talionis* in the ancient world, the change from a heroic ethos in ancient Greece to the ideal of the citizen of the polis, the emphasis on compassion introduced by Christianity. For clearer ideas about how the participants made their decisions, we shall need more recent cases.

### §23. Three Ancient Examples

In the earliest legal codes, the idea of exact retribution—eye for eye, tooth for tooth, life for life—is construed in an oddly literal (and, by our lights, repugnant) fashion. If someone causes the death of “the daughter of a senior,” “that man’s daughter” is to be put to death.<sup>2</sup> Although the surviving references more often concern daughters, the law does not appear to rest upon the invisibility of *women* as independent people—there are similar formulations about sons.<sup>3</sup> Analogous laws sometimes do embody conceptions of women as property, whose lives and bodies are controlled by male relatives: a law on rape declares that the *wife* of the rapist is to be raped by whomsoever the *father* of the victim chooses.<sup>4</sup>

A few centuries later, this literal construal of exact retribution has vanished. Now it is the perpetrator of the deed who must pay in the manner, and to the extent, of the damage inflicted: his or her life must be exacted to pay for the life of the victim.<sup>5</sup> A transition in ethical practice (not only in law) has occurred: where it was previously supposed that, when harm has been done to a member of one family, it is right to inflict the same injury on the corresponding relative in the family of the perpetrator, it is now the doer of the deed who should suffer. More than two mil-

2. James Pritchard, ed., *Ancient Near-Eastern Texts* (Princeton, NJ: Princeton University Press, 1950), 170, 175.

3. *Ibid.*, 176.

4. *Ibid.*, 185.

5. Of course, not all relatively ancient societies maintained the *lex talionis*. Nordic and Saxon groups developed the notion of “*wergeld*,” a monetary payment compensating for lives taken. In the ancient Near East, however, the idea that murderers must forfeit their lives remained central. Witness the Hebrew Bible.

lennia on, we may demur at the thought that this is the final word on the matter, but it is hard to resist seeing the change as an improvement. We envisage cases (the overwhelming majority?) in which the corresponding relative knew nothing of the crime, cases where he or she was a child or even a friend who mourns the victim. However that may be, if the relative was not involved in the killing, justice miscarries if the relative loses his or her own life while the murderous relation goes free. Even if the perpetrator is punished “through him or her,” that fails to support the practice, for the relative cannot be treated as part of the machinery of punishment, as if his or her life were not important to him or her as well as to the perpetrator. When societies go after the criminal directly, how can it not be a progressive step?

Great myths and poetry of early civilizations celebrate figures whose recorded deeds express their devotion to an ideal of honor and greatness overriding considerations that move later ethicists. Prominent examples are Homeric heroes.<sup>6</sup> We do not need to know if the *Iliad* has a historical basis; the crucial question is whether the ethical attitudes expressed are those prevalent in some Homeric past. One basis for supposing they are is the improbability of oral presentations of a clearly defined ethical perspective, popular across many generations, if the ethical ideas failed to reflect the actual outlook of the audience (or an audience hearers could identify as part of their history).

One shift in the period between Homer and Solon replaced the emphasis on personal honor as the principal ethical end with the idea of a contribution to the common good.<sup>7</sup> The Homeric hero’s wartime life was directed toward acquiring personal glory; his prowess might be embodied in trophies (often given away in acts that simultaneously marked the hero’s generosity and his previous exploits).<sup>8</sup> To appreciate

6. Others include the noble warriors from German, Norse, and Japanese traditions.

7. This is by no means the end of the idea of honor in Western ethical traditions. The concept recurs again and again, in chivalric codes in the Middle Ages, in illuminating passages in Shakespearean plays, in standards for eighteenth-century gentlemen and ladies, in the military ideals of affluent nations in the nineteenth and early twentieth centuries.

8. For clear presentations of the central features of the heroic code, see Walter Donlan, *The Aristocratic Ideal in Ancient Greece* (Lawrence, KS: Coronado Press, 1980), chap. 1; Moses Finley, *World of Odysseus* (Harmondsworth, UK: Penguin, 1980); chap. 5; and Joseph

the transition, juxtapose a passage from the *Iliad* with Thucydides' later "account" of Pericles' funeral oration.<sup>9</sup> Hector responds to various pleas not to engage Achilles in single combat by affirming the demands of honor. He knows his death would spell disaster for his city (and his family), but he cannot accept the dishonor resulting from refusing the challenge.<sup>10</sup> By contrast, when we read Thucydides' "Pericles," the common good comes first. "Pericles" says of the fallen:

Some of them, no doubt, had their faults; but what we ought to remember is their gallant conduct against the enemy in defence of their native land. They have blotted out evil with good, and done more service to the commonwealth than they ever did harm in their private lives.<sup>11</sup>

These words are meant to honor a group, not an individual, and they do so by highlighting individual devotion to the good of the group.

Between the time recorded in the *Iliad* and the events commemorated by Thucydides, Greek warfare had changed profoundly. Military actions were now dominated by the organization of armed troops into the phalanx. (Men bearing heavy armor and a large shield were arrayed shoulder to shoulder and marched forward together, presenting long spears.) Success in battle depended no longer on the strength, endurance, and skill of an outstanding individual—an Achilles, a Hector—but on disciplined maintenance of one's place in the line. Conduct routine in the *Iliad*—Achilles' refusal to participate, Hector's rejection of the counsels of prudence, Diomedes' private treaty with his guest-relative Glaukus—now appears selfish, irresponsible, capricious, and quirky. The predominance of honor gave way to the virtues of moderation, self-discipline, and loyalty.

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Bryant, *Moral Codes and Social Structure in Ancient Greece* (Albany: State University of New York Press, 1996), chap. 2.

9. Thucydides clearly warns that he reconstructs speeches by combining the sense of what was said with the thrust of what it would have been appropriate to say (*Peloponnesian War* [Harmondsworth, UK: Penguin Classics, 1972], 47).

10. See Finley, *World of Odysseus*, 115–17, for an excellent discussion of this episode.

11. Thucydides, *Peloponnesian War*, 148.

Pace Nietzsche, the substitution of solidarity in pursuit of a common project for individual ventures dominated by the thirst for honor is, at least in some respects, a step forward. Sacrifices undertaken in pursuit of honor often appear irresponsible, even absurd—Hector’s decision has foreseeable consequences dreadful for him and for those about whom he cares. The transition can be viewed as restoring a healthier type of normative guidance, one closer to the early stages of egalitarian deliberation about the character and promotion of shared ends, even a correction of spectacularly destructive altruism failures.<sup>12</sup>

Many people conceive Christianity as transforming the ethical framework of the Greco-Roman world. What they probably intend is: some features of the ethical attitudes of most social groups identifying themselves as inspired by Jesus were absent from most other groups living under the aegis of Rome. What might these features be?

Obvious answer: the growth of Christian belief increased compassion in the ancient world. Jesus enjoined his followers to forgive their enemies and love their fellows. His influence reformed brutish Roman institutions. According to an eminent Victorian:

No discussions, I conceive, can be more idle than whether slavery, or the slaughter of prisoners in war, or gladiatorial shows, or polygamy, are essentially wrong. They may be wrong now—they were not so once—and when an ancient countenanced by his example one or other of these, he was not committing a crime.<sup>13</sup>

There was no simple impact of Christianity on the ancient world, even with respect to the conduct of war, the abolition of slavery, the

12. Here it is worth recalling Mill’s insight that attention to the consequences does not rule out self-sacrifice but simply demands that the sacrifice be worth something (John Stuart Mill, *Works*, Vol. 10 (Toronto: University of Toronto Press, 1970), 217).

13. W. E. H. Lecky, *History of European Morals from Augustus to Charlemagne* (New York: Braziller, 1955), 1:110. For Lecky’s advocacy of the idea of ethical progress, see also vol. 1, 100–103, 147–50; vol. 2, 8–11, 73–75. The apparent relativism of Lecky’s formulation is misleading rhetoric: he does not literally think that what is right (or wrong) has changed, but that what is *taken to be* right (or wrong) is altered. This is plain from his confidence in the Victorian values that have emerged.

character of public spectacles, or views about marriage. The decades and centuries after Constantine were marked by frequent acts of violence carried out by Christians and commended by their leaders (the savagery of the Crusades is prefigured in quarrels about orthodoxy erupting from the fourth century onward); nor did Christianity play any straightforward role in replacing chattel slavery with serfdom and villenage.<sup>14</sup> Nor is the priority of love and forgiveness consistently upheld in all canonical Christian writings.<sup>15</sup> The evangelists attribute to Jesus such dicta as “I came not to bring peace but a sword” and also describe the disciple commanded to forgive others a very large number of times (490), causing the death of members of the movement who failed to contribute all their goods.<sup>16</sup>

On Lecky’s account, Christianity introduced a progressive shift, centered on adopting a new ideal of altruism. Recall the dimensions of altruism: intensity, range, scope, recognition of consequences, and empathetic understanding (§5). Even without taking into account further complexities (those noted in §21), the ideal can be formulated in several ways. In the extreme version, one commending “golden-rule altruism” with respect to every person and every context, and demanding complete accuracy about people’s preferences,<sup>17</sup> it would be quite impossible to follow. Any community trying to adopt it would face difficulties when individuals’ initial preferences for indivisible goods are incompatible (and in widespread “Alphonse-Gaston” situations where both parties are moved by the wish to abnegate their desires in favor of the other). Any

14. For an insightful discussion of issues about slavery, see Moses Finley, *Ancient Slavery and Modern Ideology* (London: Chatto and Windus, 1980). Historians from Gibbon on have noted the savagery of the conflicts among early Christian sects. A lucid account of the Crusades is offered by Steven Runciman, *A History of the Crusades*, 3 vols. (New York: Harper and Row, 1964–1967), see esp. his narrative of the massacres that attended the “triumph of the cross” in Jerusalem, 1:286ff.).

15. As §18 noted, this theme is anticipated in Mesopotamian texts predating the Gospels (see n. 20).

16. See Matthew 10:34–39 (also Luke 12:49–53), Matthew 18:21, and Acts 5:1–11.

17. I characterize the ideal in terms of preferences rather than interests because a Christian formulation in terms of interests would adopt a very special notion of the interests of individuals, one that does not obviously translate into a judgment that the ideal would mark a direction of ethical progress.

viable version requires a system of principles explaining when the needs of one individual are more urgent than those of another, thus assigning the roles of altruist and beneficiary. We can conceive the appealing parts of Jesus's message as articulating a part of this system, by identifying the urgent needs of those often excluded from consideration—those beyond the range of altruistic dispositions.

The popular thesis that Christianity represents an ethical advance is most plausible when the movement is viewed as promoting altruistic responses to marginalized people whose most basic desires have previously not been met. Victorian confidence about the ethical progress made by Christianizing the Roman Empire supposes that sort of expansion. It should allow for variation across regions and across periods in the newly Christian world, for different advances made by groups whose altruism was extended to different targets and to different extents.<sup>18</sup> Instead of thinking of a definite Christian ideal, we would do better to conceive of a general trend, for which Christianity provides a forceful expression.

In none of these instances do we have any sources revealing how and why people made the apparently progressive shifts. For them we need to move closer to the present.

## §24. Second-Sex Citizens

During the last two centuries, in the countries of Western Europe and North America, there have been important changes in the civil status of women and in women's abilities to gain access to positions and privileges, previously viewed as an exclusively masculine domain. This shift has not proceeded at the same pace across all sectors of the societies in question, nor has it eradicated earlier attitudes opposing women's entry into spheres from which they were previously blocked, nor has the movement finally attained the goals for which many of those involved in it

18. The expansion of altruism in this way is hardly the exclusive province of Christianity. As noted, the injunction to love and forgiveness, even toward enemies, appears in Babylonian literature several centuries before Jesus, and the ancient world contained groups of non-Christians (for example, Jews and Stoics) whose ethical codes extended the altruism of prior traditions.



have striven.<sup>19</sup> Nevertheless, things have changed: it no longer seems appropriate for the leading English jurist to strip his daughter naked, to tie her to a bedpost, and to whip her until she will agree to marry the psychologically disturbed nobleman whom he has selected as her husband; or for a widow to give up her children to her husband's family, even though, by the lights of the surrounding community, the mother, not her in-laws, belongs to the orthodox church; or for women to be denied any education; or, when education is grudgingly allowed, for them to be debarred from receiving degrees, despite the fact that one of their number shows herself superior to her male contemporaries on the most prestigious mathematical exam of the day.<sup>20</sup> The list of horror stories from the past could be enormously extended. The plausibility of ethical progress in this domain is signaled by the reactions of many citizens of contemporary democracies, who not only firmly believe these practices were utterly unjustified, but also cannot conceive how reflective people could ever have permitted them.

The character of the advance is twofold. First, rules preventing women from playing coveted roles in their societies, from having access to particular institutions, from possessing things men around them wanted to acquire, and from exercising certain kinds of choice were rejected as ethically wrong. Second, the presence of women in roles and institutions traditionally held as male preserves has led to improvements in those roles and institutions.<sup>21</sup> The first type of change was consolidated earlier,

19. The writings of Catherine MacKinnon serve as important reminders of what a significant number of women (as well as some men) think remains to be done; see her *Feminism Unmodified* (Cambridge, MA: Harvard University Press, 1987) and *Towards a Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989).

20. See J. Morrill, ed., *The Oxford Illustrated History of Tudor and Stuart Britain* (New York: Oxford University Press, 2001), 97, for the account of Sir Edward Coke's coercion of his daughter; George Walker, although a Quaker, was given custody of his children, despite the fact that his ex-wife, Ann, was Anglican—the law of Virginia ranked patriarchy ahead of orthodoxy (see Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* [New York: Norton, 1972], 345); in 1889, Charlotte Angas Scott, a student at Girton, obtained the highest score in the Mathematics Tripos at Cambridge, although she was not able officially to register for a degree.

21. Many people would view the impact of women on life in the professions from which they were so long excluded as a good thing. Within academic discussions, for example, in-

and some view the second as more controversial. I take both as instances of ethical progress.

How were the advances made? In the ancient examples it is impossible to identify psychological processes through which individuals, or groups, made ethical discoveries. Here, however, there is material to which investigators can turn in hopes of picking out the new perception or new piece of reasoning that fueled ethical evolution. A sequence of texts, retrospectively inspiring, leads from the writings of Mary Wollstonecraft at the end of the eighteenth century, to the documents of the nineteenth-century American feminist movement, to the classic essay co-authored by John Stuart Mill and Harriet Taylor, to the fiction of Charlotte Perkins Gilman and the social commentary of Virginia Woolf, to Simone de Beauvoir, to Betty Friedan, Catherine MacKinnon, and their successors.<sup>22</sup>

As with scientific revolutions, the triumph of a radically different perspective proves far more complex than might have been supposed.<sup>23</sup> Once the revolution is over, the confident insistence on male privilege seems monstrous in its blindness. How could Sir Edward Coke have tied his daughter to that bedpost, or Sophie Jex-Blake's father have hampered

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clusion of women has sometimes fostered a more cooperative approach to research, and established this as a rival model for the aggression of male-male competition.

22. Wollstonecraft, *A Vindication of the Rights of Woman* (New York: Modern Library, 2001); Alice Rossi, ed., *The Feminist Papers* (New York: Bantam, 1977); John Stuart Mill (and Harriet Taylor, whom I include as coauthor here), *On The Subjection of Women* in Mill *On Liberty and Other Essays* [Oxford: Oxford University Press (World's Classics), 1998]; Charlotte Perkins Gilman, *Herland* (New York: Pantheon, 1979), and *The Yellow Wallpaper* (New York: Routledge, 2004); Virginia Woolf, *A Room of One's Own* (New York: Harcourt, 1957); Simone de Beauvoir, *The Second Sex* (New York: Vintage, 1974); Betty Friedan, *The Feminine Mystique* (New York: Norton, 1963); Germaine Greer, *The Female Eunuch* (New York: Bantam, 1972); Catherine MacKinnon, *Feminism Unmodified* (Cambridge, MA: Harvard University Press, 1987), and *Towards a Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989); Donna Haraway, *Simians, Cyborgs and Women* (New York: Routledge, 1991); and bell hooks, *Ain't I a Woman* (Boston: South End Press, 1981). Although I mainly focus on Anglophone texts, there are many other important sources—for example, the response of Olympe de Gouges to the Declaration of the Rights of Man and the Citizen, produced by the (male) leaders of the French Revolution.

23. The intricacies Kuhn discerned in major scientific debates (*The Structure of Scientific Revolutions* [Chicago: University of Chicago Press, 1962]) are even more apparent in the ethical case.

her energetic wish to engage in medical practice? The autocratic men in these stories resemble the cartoon figures of old narratives in the history of science, the simple-minded Aristotelians who do not understand the brilliance of Galileo's arguments, and who maybe even refuse to look through his telescope. Investigating more closely, we find not one sequence of texts, with a compelling set of insights demolishing unsupported prejudice, but two—and each connects with particular parts of past ethical practice.

The heart of the feminist insight is a *factual* claim: the social practices prevalent in society (that is, the society in which the feminist author writes) confine the desires of women to a narrower range than would be achieved under different forms of socialization. Later, that claim is expanded—"and the same goes for men, too." The claim strikes directly at the conservative case. In many societies, from the ancient world to the present, women are assumed not to want certain kinds of possessions and positions, supposed to be incapable of particular kinds of choices. If they occasionally do, by some quirk, express a desire for the goods or offices, or want to make the choices, these preferences diverge from their interests. Conservatives see no sense in which society fails to respond to the wishes—or to the *proper* wishes—of its female members. To the extent that the society is good at socializing young girls, the "deviant" wishes will not arise with any serious frequency, and the theses about lack of desire and lack of ability will rarely be challenged. Sometimes the theses are buttressed further by assertions about the divine will.

Once entrenched, attitudes that certain types of female desires are deviant, and thus not to be endorsed, are difficult to displace in societies skilled at socializing the young. The rare girls and women who voice "deviant" wishes can be dismissed as in need of correction; they rarely have the chance to challenge common views about their incapacities. Under such conditions, initially inexplicable attitudes no longer appear monstrous—although the extreme case of whipping a young woman into submission is hard to view as anything but pathology. Fathers who discourage their daughters from public life are profoundly wrong about the aspirations they check, but their society has not only drummed into them the impropriety of those aspirations but also made it hard for them to acquire evidence about what would happen if the wishes were fulfilled.

One way to counter paternalism is to show that hopes expressed occasionally by a small number of women would be far more widespread if society did not so efficiently smother them. How can that be done? Wollstonecraft's *Vindication of the Rights of Woman* often seems timid to contemporary readers, who misread its clever rhetorical strategy. Wollstonecraft argues for a limited goal—allow the education of women—precisely because she can connect that goal with improved fulfillment of roles traditionally assigned to women. Her conservative opponents, whether they maintain that the tasks of bearing and raising children, and supporting husbands, are divine provisions for women, or whether, like Rousseau, her principal foil, they emphasize proper nurturing of the (male) citizen, are committed to allowing women access to whatever bests fit them for the roles of wife and mother. Hence, Wollstonecraft can argue for her proposed change by showing the superior ability of educated women to discharge “their” roles. She highlights the point in a passage, often embarrassing to contemporary readers: the fates of uneducated and educated wives, and of their children, are contrasted; the comparison culminates in a vision of the educated widow; having successfully raised her family (“her work is done”), she ascends to rejoin her husband in heaven. Because her opponents are committed to take the conventional role seriously, the rhetorical effect is devastating. How much does this gain? Surely the educated woman will be confined to the domestic sphere?<sup>24</sup> Opening the door to education, as Wollstonecraft probably saw, weakens the power of traditional systems of socializing girls and young women and thus increases the chance women will express desires for broader roles in society. It is a crucial first step in normalizing those desires.

*On the Subjection of Women* goes further, replacing the argument that women's education is needed to develop better wives and mothers with an appeal to individual freedom. Education can be viewed, as it is by Mill and Taylor, as a crucial device for men and women to formulate what is

24. Late in *Vindication*, in chap. 9, Wollstonecraft does venture a little further, advertising to the possibility that women may do some kinds of work (“keeping a little shop,” participating in medical care). I read this as a clever signal to sympathetic readers (the ones who have come this far with her), to the effect that the changes for which she officially campaigns are only beginnings.

central to their lives, to “find their own good in their own way.”<sup>25</sup> They call for social experimentation, both as a means for providing the young with potential models from which they can assemble their individual conceptions of how to live, and as the proper expression of what people want, not to be confined unless it does harm to others.<sup>26</sup> Later, when the desires of educated women to participate in public life—and, in some cases, to change the character of public life—have become even more widespread, Woolf documents the ways in which those desires continue to be resisted.<sup>27</sup>

Why does confinement continue? Woolf’s own quotations from the oppressive men who rein in their daughters reveal the structure of conservative thought. Suppose the step recommended by Wollstonecraft is taken: a society of educated women contains wives and mothers who discharge their roles with unprecedented success. Not only would broadening the activities of educated women require new arguments, but, *according to the case already made for educating women*, it would likely be counterproductive. If the emphasis is firmly on improving the conduct of wives and mothers, pitching women into the public world appears a bad idea, one likely to produce weakened marriages and neglected children. Conservatives protest the Millian insistence on the primary value of individual development, on formulating freely one’s own plan of life—by appealing to higher, divinely prescribed, goals for human existence, by emphasizing the health and flourishing of individuals or of society—but *they can even adapt their reasoning to the framework their opponents take for granted*. Desires are to be honored only if they do no harm to others. If women are given access to public life, they will do harm—their husbands and children will suffer. Women’s desires for time-consuming careers, for prominent positions in society, are viewed as altruism failures.

25. See John Stuart Mill, *On Liberty* [Oxford: Oxford University Press (World’s Classics), 1998], chap. 1.

26. John Stuart Mill, *On the Subject*; plainly the essay reinforces and is reinforced by the central ideas of *On Liberty*.

27. Virginia Woolf, *A Room of One’s Own* (New York: Harcourt, 1957), and especially *Three Guineas* (San Diego: Harcourt Brace Jovanovich, 1966). A crucial move in the latter is the suggestion that public life be transformed by the pressure of women who form a “society of outsiders.”

Married women without children engage less frequently in such failures, but female pursuit of a career can be fully exempt from them only if the woman is free of family commitments. Since the desire for a family is central for women, the Mill-Taylor recipe will produce wrongdoing or unhappiness.<sup>28</sup>

So begins a (new) round of catch-22. From the reformers' perspective, once the public aspirations of women are no longer viewed as pathological, the lack of response to *them* constitutes a class of altruism failures; the counterpart desires of husbands and fathers are endorsed at the cost of suppressing women's wishes. Principles of fairness, shared by conservatives and reformers, oppose constant sacrifices by one spouse to benefit the other. Conservatives see asymmetries here—women have special talents and abilities expressed in nurturing the family; their happiness is centrally bound up with the family's flourishing. The obvious counter: this is a product of existing conditions of socialization, of the particular way the institution of marriage has been framed, and things could be done differently. We should experiment. But, conservatives insist, experiments are properly canceled if they risk great damage. Framing the roles of husbands and wives differently would, given "the natural desires of the sexes," damage a valued institution (marriage) and cause frustration and unhappiness for parents and children alike. An obvious charge: conservatives beg the question. The charge is met with a countercharge: *tu quoque*. To assume the experiments will not rub against human nature is already to presuppose the desires of men and women to be adaptable, and that is equally to beg the question. Each side must argue from its preferred ideas about the plasticity of human preferences.<sup>29</sup>

28. Arguments of this kind survive into the present. Their persistence is a product of the continued inability to solve broader problems about the provision of public goods and the education of the young. Resolution is hard because the issues are so entangled. See Chapter 10 (§60).

29. The line of reasoning attributed to conservatives here is still present in many societies, and in many corners of societies that officially endorse women's entitlement to seek demanding careers. Because the problem of combining work and family life remains unsolved, for a large number of women and for a smaller number of men, issues about reframing the institution of marriage remain. These combine with other questions about the forms of the division of labor in contemporary societies, about the pressures that division of labor exerts, about the distribution of resources, and about the provision of public

Brief rehearsal of this dialectic exposes important aspects of the ethical transition. The Mill-Taylor point, that women's capacities are unknown because potentially revealing experiments in socialization have never been tried, is indisputable; the conclusion that those experiments *should be tried* is the locus of controversy, yielding the subsequent impasse. How then was this revolution actually resolved?

Through demonstrations and demonstration. The protests of suffrage movements, including the willingness of women to sacrifice their lives to reveal how strongly they wanted full participation in society, made their aspirations impossible to ignore. Female labor during the Great War demonstrated women's capacities, and also the possibility of combining work with the nurture of children. It is no accident that the United States and the United Kingdom both granted rights to vote after the end of the war. Later contributions of women in the Second World War, and their withdrawal into a more traditional domesticity in the immediate postwar period, provided the background against which the women's movements of the 1960s could uncover suppressed and unsatisfied yearnings. The centrality of consciousness raising to feminism recalls the advance already made by Wollstonecraft: the first step is to reveal that certain wishes are widespread, not therefore easily dismissed as pathological, and that they remain unexpressed because of the smothering effects of social expectations. The women of the 1960s who attended group meetings, sharing aspirations and experiences, could look both to the demonstrated capacities of their predecessors at times of national need, and to the partial fulfillment of desires they recognized in themselves. Their voices could not be ignored. The impasse was broken. Ethical progress was made.

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goods. The resultant entanglements make debates among conservatives and reformers even harder to resolve. Where women's lives are able to combine demanding work and family most smoothly, this is frequently achieved at the cost of deferring the burden to other women whose choices are far more restricted (women of lower socioeconomic status who serve as caregivers or housekeepers). Wollstonecraft's assumption of the presence of servants in the domestic arrangements she envisages is not quite the anachronism it initially appears—nor is Woolf's reliance on the idea that someone else will do the shopping and the cooking. (I am indebted to Martha Howell for presentations on Wollstonecraft that have helped me to see these aspects of her problem more clearly.)



What was discovered? Factual knowledge advanced: people learned that, under different conditions of socialization, women wanted things traditionally denied to them; that they found satisfaction in attaining some of these things; that fulfillment of the wishes did not thwart desires previously seen as central to female nature—public life combined more or less satisfactorily with family life.<sup>30</sup> Increased factual knowledge proliferated desires for access to public life, fostering acceptance of the desires as prevalent and no longer pathological. Recognition of the suppression or frustration of those desires aroused sympathy, recruiting male as well as female allies for the reform movement. Like the early elaboration of normative guidance, in which particular altruism failures cause too much trouble, the increase of sexual egalitarianism occurred partly because, in the end, traditionalists wanted a quieter life.

### §25. Repudiating Chattel Slavery

If there is one example in which the attribution of progress is almost incontrovertible, it is the abolition of the “peculiar” institution, chattel slavery.<sup>31</sup> Opposition to slavery intensified in Britain in the late eighteenth century and in America in the first half of the nineteenth, culminating in the Emancipation Proclamation and the Civil War. Ultimately the view that slavery is ethically permissible was replaced by the denial of that claim. How was that advance accomplished?

Seventeenth- and eighteenth-century northern Europeans, whether resident in the ancestral countries or dispersed among the colonies, attempted to embed slavery within their ethical codes. Apologists drew concepts and distinctions formulated centuries earlier in efforts to justify ownership of human beings. One traditional defense distinguished between people who are permissibly enslaved and those who are

30. The “more or less” enters here as a reminder of the difficulties already remarked (n. 29), of the fact that special social circumstances are needed for the combination to work smoothly. See §60.

31. I think it can be opposed only by arguing that the notion of ethical progress cannot be given a clear sense. I am grateful to Edie Jeffrey for reinforcing my conviction that this example is indispensable for any account of ethical progress, and for giving me good advice about how to investigate it.



not—formulated in the Hebrew Bible by differentiating the chosen people from their captives in war, by Aristotle in terms of variants in individual nature, and by the medieval church through separating the faithful from infidels. Colonial Christians added further support from the scriptures. The Pentateuch testifies that the patriarchs had slaves (and had sexual relations with female slaves); the letter to Philemon endorses slavery; further, the particular people enslaved in North America (people of African descent) are descendants of Ham (or, in some versions, Canaan), inheritors of a biblical curse. Protestant Christianity also contrasted the liberty of the soul to attain to God’s grace with mere bodily liberty. On this basis, some claimed, slave traders were doing their captives a favor.<sup>32</sup>

The slave-owning cause constructed its own account of the trade. The slaves’ native situation in Africa was portrayed as a state of Hobbesian nature, dominated by strife, bestial practices, and utter ignorance. After transporting the unfortunate people across the Atlantic, kindly slave owners provided food and shelter (as well as paternal affection) in exchange for toil. Even more important, slaves were given the opportunity to hear the true religion and gain spiritual salvation.

All this is rubbish, but it is impossible to understand Christian acceptance of slavery without recognizing the self-serving interpretation. In 1700, Samuel Sewall published a pamphlet proposing an analogy between the slavery of the colonies and the (unlawful) servitude of Joseph. His tract drew a response from John Saffin, who, in 1701, addressed Sewall’s suggestion that “we may not do evil that good may come of it” by writing, “It is no Evil thing to bring them out of their own Heathenish Country, where they may have the Knowledge of the True God, be Converted and Eternally saved.”<sup>33</sup> Five years later, Cotton Mather saw African slaves as providing religious opportunities for colonists:

32. In *The Problem of Slavery in Western Culture* (Ithaca, NY: Cornell University Press, 1966), David Brion Davis provides an illuminating account of all these apologist strategies and their relationship to ancient and medieval thought.

33. John Saffin, “A Brief Candid Answer to a Late Printed Sheet Entitled *The Selling of Joseph*” (1701), in *Against Slavery: An Abolitionist Reader*, ed., M. Lowance (New York: Penguin, 2000), 16.

The State of your *Negroes* in the World, must be low, and mean, and abject; a State of servitude. No *Great Things* in this World, can be done for them. Something, then, let there be done, towards their welfare in the *World to Come*. . . . *Every one of us shall give account of himself to God*<sup>34</sup>

In the middle eighteenth century, the influence of the argument diminished because the efforts to propagate the Gospel were so obviously unsuccessful. Slaves preferred to spend their Sundays dancing, trading, and resting—and, as David Brion Davis notes, they did not flock to a religion “which sanctioned their masters’ authority, which enjoined them to avoid idleness and to toil more diligently, and which promised to deprive them of their few pleasures and liberties.”<sup>35</sup> Colonists concluded, however, that slaves were incorrigible. The collapse of one line of proslavery argument buttressed another.

Saffin’s response to Sewall already claimed that Africans and Europeans were distinguished in moral and intellectual temperament: his tract closes with a piece of doggerel attributing innate vices (cowardice, cruelty, libidinousness, etc.) to the black races.<sup>36</sup> The judgment survived into the nineteenth century. As late as 1852, Mary Eastman could write a response to *Uncle Tom’s Cabin* in which she assembled all the main parts of the “difference” argument: Africans are descendants of Ham, cursed by God, with traits of character requiring firm discipline by wiser (and benevolent) people of European ancestry; slaves are no more appropriate bearers of freedom and self-government than wayward children.<sup>37</sup> Ideas like these were current, not only among literalist Christians but also in Enlightenment circles. Although Montesquieu, the most insightful early critic of slavery, punctured the appeal to innate differences,<sup>38</sup>

34. Cotton Mather, “The Negro Christianized: An Essay to Excite and Assist That Good Work, Instruction of Negro-Servants in Christianity,” in Lowance, *Against Slavery*, 19.

35. Davis, *Problem of Slavery*, 218; see also 211–22.

36. Lowance, *Against Slavery*, 17.

37. See Mary Eastman, *Aunt Phillis’ Cabin: Or Southern Life As It Is*, excerpted in Lowance, *Against Slavery*, 296–300.

38. See Charles Montesquieu, *Spirit of the Laws* (Cambridge, UK: Cambridge University Press, 1989), for Montesquieu’s famous remark that Africans cannot be humans

eighteenth-century speculative anthropology inspired Voltaire, Hume, Buffon, and their intellectual descendants to advocate African inferiority. Adam Smith was a rare dissenter, but he was soundly rebuked by the Virginian Arthur Lee, who drew on his extensive experience of black slaves to set Smith straight.<sup>39</sup>

General considerations about racial hierarchy were coupled with claims about the behavior of Africans, both in their native countries and in their state of servitude. A body of literary attempts to depict the nobility of enslaved Africans (Aphra Behn's *Orinooko* is a prominent representative) was countered by a far larger volume of writings from the people (slave owners) who claimed to know the subject best. Achievements of individual slaves were systematically undervalued. Expressions of a conviction that black people are doomed to lesser accomplishments (also unpleasing, if not disgusting) are even found in the words of two of America's most high-minded presidents. Jefferson wrote:

Whether the black of the negro resides in the reticular membrane between the skin and the scarf-skin, or in the scarf-skin itself; whether it proceeds from the colour of the blood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or lesser suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenance, that immoveable veil of black which covers all the emotions of the other race? Add to these, flowing hair, a more elegant symmetry of form, their own judgment

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because if they were it would follow that we (Europeans) are not Christians. His ironies were unappreciated. For some uncomprehending reactions to Montesquieu, see Davis, *Problem of Slavery*, 403. It is also worth noting that one of Montesquieu's most important arguments against slavery imagines that the roles of slaves and masters are determined by lot; for what seems to be an anticipation of Rawlsian appeals to ignorance of social position, see the addenda to *Spirit of the Laws*.

39. Arthur Lee, *An Essay in Vindication of the Continental Colonies in America, from a Censure of Mr. Adam Smith in his "Theory of Moral Sentiments"* ("Printed for the author" London, 1764).

in favour of the whites, declared by their preference of them as uniformly as is the preference of the Oranootan for the black women over those of his own species.<sup>40</sup>

Jefferson goes on to assess the character and accomplishments of the slaves he knew: their passions are transient and instinctual, they have scant power of reason, little imagination, virtually no artistic skill; Jefferson allows that their moral lapses (lying, stealing, and so forth) can sometimes be traced to the difficulties of their situation, but even virtues are transmuted into defects—the courage of African blacks is seen as absence of forethought. Although he concludes that “the opinion that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence,” his preceding catalog reveals Jefferson not only hazarding it but showing little diffidence about the constituent claims. Decades later, Lincoln echoed Jefferson’s judgment, averring a “physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality.”<sup>41</sup>

The transition from an ethical practice that permits slavery—either as unproblematic or as problematic but, on balance, acceptable—to one identifying it as a patent ethical wrong surely looks progressive. How was it accomplished? A collection of counterarguments systematically dismantled the justificatory attempts of apologists. They dissect the evidence for taking black Africans to have inherited some biblical curse; they note other ways of bringing the African soul to grace than subjecting the African body to the middle passage, the slave auction, unremitting toil, sexual, abuse and the lash; they display the accomplishments of individual slaves, or ex-slaves, whose words and works refute theses of innate racial difference.<sup>42</sup> The overall abolitionist campaign consisted in

40. Thomas Jefferson, *Notes on the State of Virginia*, in *The Portable Thomas Jefferson*, ed. Merrill D. Peterson (New York: Penguin, 1975), 186ff. It is interesting to ask how the man who wrote these words conceived his relationship with Sally Hemmings.

41. Cited in the “General Introduction,” to Lowance, *Against Slavery*, xxiv. Perhaps, as the editor notes (xxv), Lincoln was simply bowing to political pressure.

42. The writings and speeches of Frederick Douglass are notable examples of this last strategy. In his “General Introduction” to *Against Slavery*, Mason Lowance tells an

destroying all the devices deployed to avoid applying to people of African descent the same attitudes and principles routinely accepted as governing peaceful interactions among the civilized—it tore down the distortions allowing Europeans to view Africans as utensils rather than people.

Besides the negative side of the campaign, there were also positive discoveries. A few courageous visitors to the parts of the African interior from which slaves were drawn were surprised to discover communities with different customs, but with stable social relations and, above all, familiar human needs and feelings. As more was learned about slave recruitment and the character of transatlantic voyages, many of the vaunted benefits conferred by enslavement were disclosed as a farrago of nonsense. Factual discoveries, integrated with strenuous readings of the scriptures, allowed slaves at last to be seen and to become targets of sympathy. Audiences eventually responded to the eloquence of Douglass and others, black and white, who cataloged slave suffering, but their applause depended on earlier advances, made on a more abstract theological basis.

Although they did not consistently condemn slavery, American Quakers were often especially concerned with the problem and sometimes moved to argue for abolition of the institution. Arguably, *the* pioneering abolitionist was John Woolman, whose *Journal* records how he reached his position. Woolman's public campaign culminates in his *Some Considerations on the Keeping of Negroes* (first published in 1754), in which he argues that "*Negroes* are our Fellow Creatures." Woolman's defense linked slave suffering to that experienced by the outcasts who excited Jesus's sympathy.<sup>43</sup> His spiritual odyssey depended as much on his reflections on the New Testament as on his experiences of slavery. There

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interesting story of one of Douglass's presentations: "Once during the opening moments of a lecture in London, an audience expressed hostile disbelief in his past as a chattel slave because his oratory and elocution were so powerful. (It was well-known that slaves were held in illiteracy and ignorance as a means of control.) Without speaking another word, Douglass promptly stripped off his shirt and turned his flayed back to the incredulous audience to show the scars of his floggings" (*Against Slavery*, xxx).

43. Excerpts from *Some Considerations* appear in Lowance, *Against Slavery*, 22–24; see also John Woolman's *Journal* (New York: Citadel, 1961).

never seems to have been some perception of the ethical standing, the worth of the slaves; what troubled Woolman was the conflict between the institution and his Christian duty.

The early pages of the *Journal* explain how the sixteen-year-old Woolman “began to love wanton company,” how a period of self-indulgence was punctuated by ever-longer intervals of remorse, and how eventually he “recovered” and came back to “live under the cross”.<sup>44</sup> As his own ability to resist temptations increased, he began to be troubled by the backslidings of others, and to be “uneasy” when he did not remonstrate with them; uncharitably, we might describe the twenty-three-year-old as a bit of a busybody. The first (mentioned) concern about slavery arose when he was asked to perform a task:

My employer, having a negro woman, sold her, and desired me to write a bill of sale, the man being waiting who bought her. The thing was sudden; and though I felt uneasy at the thoughts of writing an instrument of slavery for one of my fellow-creatures, yet I remembered that I was hired by the year, that it was my master who directed me to do it, and that it was an elderly man, a member of our Society, who bought her; so through weakness I gave way, and wrote it; but at the executing of it I was so afflicted in my mind, that I said before my master and the Friend that I believed slave-keeping to be a practice inconsistent with the Christian religion.<sup>45</sup>

Shortly afterward, Woolman refused to sign a similar document for a young acquaintance, also “of our Society.”<sup>46</sup>

The language of this passage is telling. The woman sold remains anonymous. Perhaps Woolman did not know her—he kept his master’s shop, and lived there alone, at a distance from his employer’s house. Yet this bare characterization (“a negro woman”) typifies the entire *Journal*. Slaves appear in it only under the most abstract descriptions, never perceived as individuals. Woolman provides no extended portrait of their

44. Woolman, *Journal*, chap. 1; quotes from 4, 5, 8.

45. *Ibid.*, 14–15.

46. *Ibid.*, 15.

behavior and capacities, one that might persuade others to see them as people. Similarly, the concern with his own spiritual standing, evident in the hesitations over the bill of sale, is omnipresent. When he discloses his discomfort, to his master and the purchaser (and to his readers), he claims an inconsistency between Christianity and slavery. The nature of that inconsistency is alluded to by the characterization of the woman as a “fellow *creature*.”

What led Woolman to draw up the document? He clearly saw it as an action commended by his duty of obedience (the Christian servant obeys his Christian master), and yet he knew slaves often suffer (that was surely the initial cause of his “trouble”). He temporarily suppressed doubts—the buyer was elderly and a Friend, qualities likely to prevent sexual and other forms of abuse. As he reflected, however, he recognized his participation in an institution prone to inflict suffering on “fellow-creatures,” and, although the chances of serious abuse in this case seemed remote, they were not zero. Once the document had been signed and the woman “conveyed,” there was no guarantee she would not be maltreated. He would have been partly responsible.

Perhaps I overinterpret the passage. But this reading accords with Woolman’s subsequent discussions of his growing opposition to slavery. He is constantly concerned that he is infected by living among those who support themselves by slavery—interested, too, in saving them from corruption.<sup>47</sup> At times the spiritual plight of slave owners troubles him, and his reprimands have the character of the sober young man who intervened to save his acquaintances from “wantonness.” Moreover, more thoroughly than his predecessors, he takes seriously the Christian apology for slavery, quoting scripture to rebut the characterization of slaves as inheriting the curse laid upon Ham, and urging priority for the official aim of redeeming these “lost people”:

If compassion for the Africans, on account of their domestic troubles, was the real motive of our purchasing them, that spirit of tenderness being attended to, would incite us to use them kindly, that, as strangers brought out of affliction, their lives might be happy among us.

47. Ibid., 22, 39, 53.

And as they are human creatures, whose souls are as precious as ours, and who may receive the same help and comfort from the Holy Scriptures as we do, we could not omit suitable endeavors to instruct them therein.<sup>48</sup>

The case Woolman makes to his slave-owning interlocutors, and to his readers, lies within the abstract framework of Christian duty. His goal is to remove the blemishes from the Christian community, whether they are individual propensities to “wantonness,” the “burdensome stone” of slave ownership, or the traffic in “impure channels,” which distresses him during his visit to England.<sup>49</sup>

Woolman made a large and important progressive step. It is hard not to admire his rejection of slavery, or the courage and perseverance displayed in his many attempts to persuade others. *His reasons, however, are not those of any contemporary secular ethical framework.* As in earlier instances, progress is not achieved through some clear new ethical insight. To be sure, there are genuine cognitive accomplishments, consisting in the recognition of previously masked facts; Woolman and his successors appreciate that the view of the African lineage as cursed is groundless, that conditions in “savage Africa” are hardly ameliorated by shackling and confining human beings, separating them from their kin, and beating and raping them; his successors come to see that slaves (and ex-slaves), with little opportunity and virtually no motivation, can do remarkable things. Later abolitionists, building on Woolman’s advance, recognize how altruistic dispositions, shaped in the prevailing ethical practice, are confined from any extension to black Africans only because the pertinent people are kept out of sight, portrayed from a distance as brutish and incapable of “superior” feelings. The course of the change in attitude, and the consequent growth of sympathy for slaves, is unsteady and incomplete, even in the late eighteenth and nineteenth centuries (witness Jefferson, and perhaps Lincoln). It comes about at all only because profoundly devout men and women wrestle with problems of scriptural interpretation, eventually producing the possibility of seeing the sufferings

48. *Ibid.*, 54; see also 53–56.

49. *Ibid.*, 54, 212.



as inflicted on *real people*. Finally, the men and women routinely bought and sold are no longer anonymous, no longer undifferentiated “fellow creatures,” but fully, individually, and equally, human.

## §26. The Withering of Vice

My final example represents an entire class of transitions occurring in the secularization of (some) ethical codes. In these episodes, conduct previously regarded as wicked, depraved, or sinful comes to be seen as ethically permissible, and perhaps appropriate for some people. Ethical concepts prominent in earlier discussions are abandoned or refined. So citizens of many affluent societies no longer condemn those who express sexual desires for people of the same sex. Sometimes the shift is only partial: homosexuality is no longer a vice, but still something regrettable—a sickness, a defect, an incomplete form of sexual fulfillment. When the transition is thoroughgoing, same-sex preference simply becomes the way in which some people give direction to their sexual desires, neither intrinsically better nor worse than heterosexuality. Terms previously used to characterize those drawn to their own sex are rejected as prejudiced, confused, and uncharitable; even broader notions—“vice,” “sin”—come to seem askew. A more egalitarian view prevails. Homosexual intercourse, like its heterosexual counterpart, can be loving or exploitative, tender or cruel, deeply expressive or a shallow pleasure. Homosexual relationships can vary along all the dimensions of heterosexual ones.

Ethics is not all about regulating sex. Nonetheless, probably from the beginning, ethical codes have appraised various sorts of sexual activity, allowing some, forbidding others. When homosexuality is no longer characterized as a vice, the framework of appraisal is modified. Instead of focusing on the sexes of the partners (or on the anatomical organs brought into contact), actions are judged on other grounds: whether they are coercive, exploitative, in violation of prior promises, and so forth. In consequence, people who had fought to curb desires that often arose with great violence within them, people who were compelled to seek transient expressions of their sexual passions in clandestine and unsatisfactory encounters, people who constantly feared exposure of their secret lives, people whose central love for someone else could never be fully developed in arrangements that openly expressed it, are succeeded by

similar people for whom all these problems are overcome. It is hard not to view that as ethical progress.

From an older perspective, one still surviving in some societies and in some groups even within countries that have made the transition, any tolerance of “deviant” sexuality is a sign of corruption, a mark of ethical decay. That perspective relies on two major claims, emphasized differently in different versions. First, homosexual desires are genuinely deviant, unhealthy eruptions within degenerate people, who should be encouraged to suppress them in favor of more salubrious (heterosexual) inclinations. Second, these desires—or, at least, the expression of them in homosexual behavior—are forbidden by divine command. Accepting same-sex preference rests upon establishing facts about the prevalence of homosexual desires and about the consequences of expressing them, as well as undermining the thought that satisfaction of these desires is forbidden by the deity.

As in the case of women’s aspirations, discussed in §24, the normality of the desires is difficult to recognize in a society where they are seen as deviant. When homosexual acts count as a form of vice, when those who engage in them are reviled, mocked, and even prosecuted, the society will lack reliable statistics about same-sex desires and their behavioral expression. There will be little public knowledge of the character and consequences of homosexual relationships. Finally, those relationships will be profoundly and adversely affected by pressures to keep them hidden: not only will men and women struggle to find ways of meeting potential partners, forced to seek love furtively in squalid places, but they are also likely to absorb the social condemnation of what they do, feeling shame and guilt even while they achieve some temporary satisfaction. All this supports a public image of homosexual activity as infrequent, deviant, insalubrious, and stripped of all positive traits associated with the expression of love.

In part, this picture was rectified through the scientific study of sexual behavior, from sexologists of the late nineteenth century to psychologists and sociologists of later decades.<sup>50</sup> Whether or not its methods and

50. Even studies of sexual behavior that regard homosexuality as defective can play a liberating role—just as Wollstonecraft’s apparently limited plea for female education opened the way to broader expression of women’s aspirations. Freud’s recognition of

data were completely reliable, Kinsey's famous report played a large part in undermining the repudiation of homosexuality as deviant.<sup>51</sup> If men and women were engaging in homosexual contact at the rates Kinsey claimed, the effects of the behavior could hardly be so terrible.

Also important was a related shift in ethical practice, acceptance of the wrongness of treating private consensual homosexual acts as criminal offenses. Against the background assumption that the law should intervene only to prevent conduct causing harm to others, increased understanding of facts about homosexuality induced many countries to repeal their (frequently harsh) statutes.<sup>52</sup> These legal steps neither modified the common evaluation of homosexual acts as immoral (as vice) nor removed the stigma associated with homosexuality.<sup>53</sup> To declare oneself a homosexual was an act of great bravery when same-sex acts were criminal, and it continued to require courage even after legalization, when "only" scorn and derision remained. Coming out was still hard to do.

Yet, just as consciousness-raising was crucial to full public recognition of the prevalence and extent of women's aspirations for public roles, so acts of coming out presented a different picture of homosexuality. Individuals who had previously seemed "normal" and "respectable" suddenly exposed the "darkness" and "squalor" of their private lives.

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widespread homosexual wishes, even though associating them with incomplete development, modified prevailing ideas about their frequency.

51. Alfred C. Kinsey, Wardell B. Pomeroy, and Clyde E. Martin, *Sexual Behavior in the Human Male* (Philadelphia: W.B. Saunders, 1948); Staff of the Institute for Sex Research, Indiana University, Alfred C. Kinsey, Wardell B. Pomeroy, Clyde E. Martin, and Paul H. Gebhard, *Sexual Behavior in the Human Female* (Philadelphia: W.B. Saunders, 1953); E. O. Laumann, John H. Gagnon, Robert T. Michael, and Stuart Michaels, *The Social Organization of Sexuality* (Chicago: University of Chicago Press, 1994).

52. This depends on a prior ethical shift, adoption of the Millian conception of law (classically expressed in *On Liberty*). During the 1960s and 1970s, that conception combined with increased factual knowledge to produce a cascade of liberalizing reforms in European countries and in some parts of North America (Canada and some states in the United States, with Illinois leading the way). Denmark (1933) had taken the step much earlier, and, interestingly, the focus on the private may have inspired France (which had no antihomosexuality law) to institute a law against *public* displays of homosexual affection.

53. As Mill so clearly sees (in *On Liberty*) the effects of social stigma can be just as confining as those of the criminal law.

There were so many of them that standard assumptions about normality and respectability had to shift. The varieties of homosexual relationships became visible, and so too did the ways in which social attitudes blocked attainment of positive features people, whatever their sexual preference, want in their connections with others. As homosexuals resisted invasion of their lives, at Stonewall and after, the initial reaction to “deviants” who opposed the forces of “law and order” gave way to sympathy for people prepared to fight for the right to love whom and how they chose.<sup>54</sup>

Making the realities of homosexual desire and homosexual life visible was one part of the revolution. The other consisted in weakening the force of the idea that this is a form of sexual behavior proscribed by God. As some societies, notably in Europe, experienced a large decrease in the proportion of their citizens who accepted the authority of particular religious texts (the Hebrew Bible, the Old and New Testaments), justifying injunctions against behavior by appeal to the authority of the scriptures became increasingly suspect. Even among the devout, however, emphasizing a ban on “men lying with one another” came to appear curiously selective. Socially liberal theologians pointed out that the prescription occurs in a lengthy catalog of rules, almost all of which are disregarded by Christians and many of which are neglected by Jews. They commended the central scriptural doctrines, the ones enunciated again and again, illustrated with famous parables. If the will of the deity is to be honored, we should focus on what is centrally on his mind.

As with the examples of the previous two sections, it would be folly to claim that progress has gone as far as it can. Purging evaluation of sexual activity from any consideration of the sex of the partners—attending to the relevant qualities of homosexual and heterosexual relations alike—remains incomplete. The withering of vice depends on achieving a more selective, and more sophisticated, view of divine commands. It might have been accelerated by a deeper skepticism about the whole idea.

54. This transition can be traced in newspaper responses to the nascent Gay Pride movement; see in particular the reports in the *New York Times*, in the immediate aftermath of Stonewall and in subsequent years.

## §27. The Divine Commander

Several episodes of previous sections would have gone differently—advancing further or faster—if there had been another revolution. From Plato on, philosophers have scrutinized the idea of grounding ethical codes in the commands of a deity. Although the arguments presented are powerful, they have failed to dislodge the idea, still popular around the world.<sup>55</sup> I shall later consider why this might be. First, however, the arguments.

Plato offers a dilemma. Either there is an independent standard for assessing the commands issued by the deity<sup>56</sup>, or there is not. If there is, divine commands can be appraised as good or bad, so we can justify our following them if they are good; but creating this possibility simultaneously displaces the deity as the source of ethics; there is a fundamental measure of ethical goodness (rightness, virtue) prior to the divine acts of commandment. If, on the other hand, there is no prior source, we can no longer appraise the deity as good, nor see the commands as anything but arbitrary expressions of will; in consequence, the injunctions no longer have ethical force. Kant recapitulates the point succinctly, claiming there have to be prior sources for the moral law, because, without them, we could no longer recognize the “Holy One of the Gospels.”<sup>57</sup>

After the twentieth century’s spectacular organization of social machines for the brutalization and massacre of human beings, we should be sensitive to the ethical status of following orders. In Russia and Rwanda, Johannesburg and Jerusalem, defendants have sought to excuse themselves by claiming they were merely following orders issued by authorities. To judge them guilty, as courts and citizens do, presupposes that

55. I simplify. Some religions suppose transcendent beings are impersonal and lack wills. In these instances, one should speak of prescriptions to “align” oneself with the transcendent forces. Adopting more circumspect language here would be clumsy and obscure the lines of argument.

56. In Plato’s *Euthyphro*, the divine source is represented as plural—ethics is a matter of what the gods love—and Socrates has a preliminary bout with Euthyphro in which he takes advantage of the possibility of the gods having divergent tastes. This is a flourish on the main line of reasoning.

57. Kant, *Groundwork of the Metaphysics of Morals*, a good English translation is that of Mary Gregor (New York: Cambridge University Press, 1998) (Akademie pagination 408).

the ethical characteristics of commanders affect the ethical status of those who obey. You can follow orders issued by a wrongdoer without yourself doing wrong—your boss, who is, unbeknownst to you, an embezzler, tells you to type an apparently innocuous document; but if you are in a position to detect the commander's corruption, you should resist the command. Often, the order given should cause doubts about the character of the person who issued it, as when you are told to herd the prisoners into the gas chamber.

Suppose ethics is really founded on a divine command: there is no prior source of goodness and badness, rightness and wrongness, except the will of the deity. You hear orders enunciated by the deity's representative, or read them in a sacred text. Should you follow? There is no independent standard by which you can judge the command. Issuing a different set of prescriptions would be neither better nor worse—the actual list reflects an arbitrary choice. You might obey, in the way you drive on the right in many countries. Equally, you might resist. The deity has commanded obedience—but he might equally have ordered disobedience. Why comply with actual orders, rather than those he might have given? Nothing demands that, except another order, and following *that* order has no higher backing than the command to comply with it.

In fact, however, your situation is worse, for sometimes the deity commands people to harm others. He orders a man to kill his son, declares a geographical region must be taken by force from those who inhabit it and most of the residents slaughtered, and insists that we put to death (or at least expel from the community) any men among us who are found “lying together”.<sup>58</sup> You feel uncomfortable about following orders like these, but you find them in the sacred text and go along. In obeying are you so different from the functionaries who did their jobs in the machinery of death?

You have independent evidence about the will of this deity. Apparently he demands complete subordination and service: special places are to be erected for his worship and adoration; his will is to be carried out

58. Leviticus 18 and 20 suggest different punishments for the “lying together.” Similarly, there are variations in what Canaanites are to expect, although, at best, only the young women will survive.

in everyday life. Those not prepared to follow the commands are to be punished, and the punishment will be eternal and infinitely agonizing on all possible dimensions.<sup>59</sup> Knowing this, you might be cowed into submission, just as some of the underlings of twentieth-century dictators did what they did out of fear of retribution. The deity is very powerful, the author of the whole show. Sheer power, however, has no bearing on whether you ought to follow his caprices.

Consider your predicament more carefully. You recognize the deity has commanded a large number of things, some of them apparently wasteful and expressing his narcissism (demanding elaborate forms of worship), some of them apparently breathtakingly evil. You do not know if there is an independent ethical standard by which the commands and the commander himself can be measured. If there is, your own independent judgment suggests some of the actions are radically at odds with it. If there is not, you are simply being ordered to satisfy a caprice, one alienating you completely from your human sympathies. Compliance is, at best, ethically neutral and quite possibly ethically incorrect. Hence, you should surely not follow the order.

An obvious response: who are you to judge? You are a thoroughly finite being whose knowledge is puny. But you should be clear on just what sorts of knowledge are pertinent to your predicament. If there is no antecedent ethical standard, no sense can be given to the idea that the deity knows more about what ought to be done than you do. Moreover, there is no sense in which satisfying his caprices is better than responding to your own human sympathies. He is more powerful than you are and knows more facts (perhaps all the facts) about the universe he created. Nevertheless, without an independent standard, following the orders of the more powerful and factually knowledgeable cannot count as better than following the orders of the weaker and more factually ignorant. On the other hand, if there is an independent standard, perhaps the deity has an access to it that his finite creatures do not: he has greater

59. See a posthumous essay of David Lewis, "Divine Evil" (in *Philosophers without Gods*, ed. Louise Antony [New York: Oxford University Press, 2007]; I completed this essay from an outline left by Lewis at his untimely death). The essay considers various possible ways for Christians to avoid supposing their God causes suffering on an infinitely vaster scale than any of the world's most celebrated human evildoers.

*ethical* knowledge and transmits it to us in his decrees. When our own judgment suggests the commands are hideously evil, we should wonder if our ethical knowledge is partial, and if the deity sees things more clearly than we do. To follow the orders, however, requires more than the bare possibility of the deity's superior insight. We must either have evidence for thinking the commander has special access to the standards of ethical correctness, or we must simply take this on trust. The former option is not available unless we use our own judgment about what the standards are, and, if we do so, the fact that the deity commands things that are, by our lights, horrible tells against the hypothesis of special access. In the end, then, the suggestion must be that we simply have to have faith in the deity as a source of ethical insights.

This is the best way to think about the divine commander. According to it, ethical standards are not created by the deity's fiat, but the deity has superior knowledge of those standards and communicates the knowledge to us (or to a few of us); we should trust that this is so and consequently obey. *We are now exactly in the position of the functionaries who defended their participation in acts of massacre and genocide.* The defendant speaks: "My job was to follow the orders. Although I felt uneasy about some of these orders, it was not for me to question them. For I trusted they were given by a leader who saw the whole situation far more clearly than I could ever do. I had faith in the leader, faith in the superiority of his judgment to my own, and faith in the rightness of not letting my own doubts intrude. That's why I obeyed." The defense is no more adequate in the context of following divine commands than when the one in charge is a human dictator.

Conceiving an unseen enforcer is a useful technique for socializing members of the group in the ethical code, and thus valuable in cultural competition (§17). The intellectual problems of viewing ethics as an expression of the divine will have been articulated by Plato and his successors, but the arguments fail to dislodge the thesis that the precepts of the group articulate the commands of the local deity(ies). Why is that?

The answer returns us to a central question of this chapter: Is the mere-change view acceptable? Ordinary thought about ethics accepts the possibility of ethical progress and seeks an independent standard against which ethical practices can be appraised. *What could that be,*



*other than the will of some greater being?* Abstract philosophical substitutes are hard to grasp, or to fit to prominent examples of ethical advance.<sup>60</sup> So, for all its flaws, the picture of the divine commander survives.

Understanding the ethical project, its origins, its evolution, and the historical episodes supporting a conception of ethical progress can free us from the choice between unconvincing philosophical abstractions and problematic religious foundations. Showing that will be the work of the rest of this book.

60. The next chapter will defend this claim. I suspect that many people have an inchoate appreciation of it.