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Philosophy and Public Affairs, Vol. 1, No. 2 (Winter, 1972), 166-181.

Stable URL:
http://links.jstor.org/sici?sici=0048-3915%28197224%291%3A2%3C166%3AROWAMR%3E2.0.CO%3B2-Z

Philosophy and Public Affairs is currently published by Princeton University Press.

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I shall be content to add a few methodological notes to this consideration of the rules of war.[1] My reason for wishing to do so is that I find the contrast between the methods of the two writers both striking and instructive, and am convinced that a decision between the two methods is of immense practical importance, because what philosophy has to contribute to practical questions *is* simply a method of discussing them rationally; and on the soundness of the method will depend the rationality of the discussion.

I have the same difficulty as Brandt evidently had in believing that Nagel is really wedded to the "absolutism" that he expounds in his article; but since it is a kind of position which undoubtedly has adherents, and indeed has superficial attractions, it is worthwhile trying to be clear what is wrong with it. For brevity, I shall be referring to the "absolutist" whose views are set out in Nagel's paper as "Nagel." But before I start doing this, some remarks about what I take to be the predicament of the real Nagel may be in place.

This real person seems to be torn between two ways of moral thinking which he dubs "utilitarian" and "absolutist." That is to say, he wants sometimes to use utilitarian arguments, with all their consid-

1. When I formed the intention of replying to Professor Nagel's paper, I had not seen Professor Brandt's. The basis of Brandt's argument is so like that which I should have adopted, and his conclusions coincide with my own with so few exceptions that it would be pointless for me to go over the argument again, even if I could rival Brandt's clarity.

eration of the consequences for good or ill of alternative courses of action; but sometimes he wants to override such considerations with an absolute ban, founded upon simple general rules, on certain kinds of actions. We must note that Brandt also wishes to operate both with simple general rules and with calculations about consequences; both the real Nagel and he, therefore, have on their hands the problem of reconciling the two ways of thinking (which might, it seems, come into conflict). My verdict will be that, whereas Brandt has a way of dealing with this problem, the real Nagel has conspicuously failed to provide one. That is why, although halfway through his paper, when flirting with the law of double effect, he claims it as a merit of that device that it avoids the problem that in certain cases "nothing one could do would be morally permissible," at the end of the paper he admits that his own position has this same consequence. Absolutism, or an impure absolutism which tries to incorporate utilitarian elements without coherently relating them to its own absolutist structure, is bound to have this trouble.

IT MAY help to clarify these obscure remarks if I start by summarizing five theories about the basis of moral thought which have been current recently, one of which I have advocated myself. I shall argue that *for practical purposes* there is no important difference between these theories as regards the method of moral thinking which they generate—that they are, if I may be allowed to use a deplorably vague expression, practically equivalent. If, as I think, the version which I have advocated can be shown to have a basis in the logic of the moral concepts themselves,[2] and if this basis needs the addition of no substantial *moral* assumptions, this will provide equally strong support for all the other versions, since they do not differ from it in any respect which would deprive them of this support. I hope to show that the conclusions which Brandt has reached could be that much more firmly based if they were to rest on this foundation.

I shall call the five positions: (1) the ideal observer theory; (2) the rational contractor theory; (3) specific rule-utilitarianism; (4) universalistic act-utilitarianism; (5) universal prescriptivism. My bald summaries of these positions will be far from representing accurately

2. See my *Freedom and Reason* (Oxford, 1963), chaps. 6ff.

the views of any particular thinkers (even Brandt's and my own). (1), (2), and (3), as I shall summarize them, bear a certain relation (which is not one of identity) to theories which Brandt has advocated in the past or in this symposium, and (4) is, as I have argued elsewhere, and as Professor David Lyons has argued more rigorously, equivalent to (3). Mr. David Richards has expounded a theory of type (2), and he, in turn, is heavily influenced by Professor Rawls's views, although I hesitate even to summarize the latter until I have read *A Theory of Justice*, which at the time of writing is still unpublished.[3] Many other writers both in the past and recently have put forward theories which approximate to one or another of these types. A clear display of their practical equivalence would therefore be of some significance for moral philosophy, and have practical moral implications far beyond the issue of war and massacre raised by Nagel.

The ideal observer theory (as I shall summarize it) holds that in considering what we ought to do, we have to conform our thought to what would be said by a person who had access to complete knowledge of all the facts, was absolutely clear in his thinking, was impartial between all the parties affected by the action, and yet equally benevolent to them all. That is to say, we are to think like a person who gives equal, and positive, weight to the interests of all the parties and to nothing else, and in serving these makes no factual or conceptual errors.

The rational contractor theory (in the version I shall discuss) holds that what we ought to do is to follow those principles which would be adopted by a set of rational people, each prudently considering his own interest, who were seeking agreement with each other on the principles which should govern their conduct in a society of which they were to be members; these rational contractors are presumed to have complete knowledge of all facts about the society and the environment in which they are to live, *except* the particular role which is to be played by each individual one of them.

3. R. B. Brandt, "The Definition of an 'Ideal Observer' Theory in Ethics," *Philosophy and Phenomenological Research* 15, no. 3 (1955): 407-413, and *Ethical Theory* (Englewood Cliffs, N.J., 1959); David Lyons, *Forms and Limits of Utilitarianism* (Oxford, 1965), chaps. 3-4; D.A.J. Richards, *A Theory of Reasons for Action* (Oxford, 1971); John Rawls, *A Theory of Justice* (Cambridge, Mass., 1971).

It is easy to see that these two theories are practically equivalent. For, firstly, the requirement of knowledge of the facts is common to both theories. The ideal observer, it is true, has access to one sort of fact of which the rational contractors have to be ignorant—namely the role which each individual plays. But this will make no difference, because the ideal observer, being required to be impartial between individuals, can make no use of this extra piece of knowledge in his moral thinking. Secondly, we may presume that the rational contractors, being rational, will, like the ideal observer, make no conceptual errors. Thirdly, the requirement that the ideal observer be impartial between individuals is exactly matched by the requirement that the rational contractors be ignorant of the individual roles which they are to play. For to be impartial (in the sense in which I shall be using the term) is to take no account of individuals qua those individuals; and it makes no difference whether this is done because of a direct requirement that no account be taken, or because no account *can* be taken owing to ignorance of which individual is to play which role. And lastly, the requirement that the ideal observer be benevolent is matched by the requirement that the rational contractors be prudent. We have already seen that both will give equal weight to the interests of all parties; that this equal weight will be positive is guaranteed in the one case by express stipulation, and in the other by the requirement that the rational contractors be prudent, i.e., consider their own interests. This, in conjunction with equality of weight, entails impartial *benevolence*.

It might be objected that the rational contractor theory introduces the notion of *principles* to be followed, whereas the ideal observer theory does not. But it does by implication. If no account is to be taken of individual (as opposed to qualitative) differences, the ideal observer will have to make his moral judgments in the form of principles expressed in purely universal terms; any individual name that occurred in them would have to be excluded as an irrelevancy. We see here how the feature of moral judgments which position (5) makes explicit, namely universalizability, is implicitly, but essentially, a feature of (1) and (2). As we shall see in a moment, it is also a feature of (3) and (4), which we must consider next.

I mean by *specific* rule-utilitarianism a type of rule-utilitarianism

whose rules (or principles, as I prefer to call them) are allowed to be of unlimited specificity provided that they do not cease to be universal.[4] It is thus the practical equivalent of (4), namely an act-utilitarianism which accepts the meta-ethical view that moral judgments are universalizable. Positions (3) and (4) are practically equivalent, because (4), in accepting universalizability, admits that moral judgments made (on a utilitarian basis) about individual acts commit their maker also to principles applying to all precisely similar acts; and this is tantamount to accepting *specific* rule-utilitarianism. I shall therefore not deal with (4) separately. (3) holds that we ought on any occasion to do that act which is required by the set of principles whose universal observance would best serve the interests of all. For reasons given by Lyons, it will be possible for an act-utilitarian to force such a rule-utilitarian, since his principles *can* be as specific as he pleases, to *make* them specific enough to suit the particularities of each individual case; thus, again, (3) collapses into (4), as well as vice versa.

It now looks plausible to say that (3) and (4) come for practical purposes to the same thing as (1) and (2). I think that this is so, although the problem of distributive justice, to be mentioned shortly, might make me qualify this claim. The similarities, in any case, are obvious. The requirements of factual knowledge and of conceptual clarity are there as before; for one cannot successfully undertake utilitarian calculations without both of these. This is not to say that it is no use *trying* to do them unless one is perfect in these respects; here, as in the case of the first two theories, we are told what moral thought would be if done correctly, and enjoined to aim at this (though, as we shall see, a big practical qualification is needed here). The requirement of impartiality has been a part of utilitarianism at least since Bentham's "Everybody to count as one and nobody as more than one"; and these varieties are no exception, since impartiality is guaranteed by the stipulation that the principles must be universal. They cannot even mention individuals. The requirement of benevolence is secured by the reference to serving the interests of all.

4. For the distinction between generality (the opposite of specificity) and universality, see *Freedom and Reason*, pp. 38f., and my paper "Reasons of State" in my *Applications of Moral Philosophy* (forthcoming).

Coming now to the universal prescriptivist theory, we can see that it exhibits, in perhaps the clearest form of all, the essential features of the other four theories. It holds, on the basis of its analysis of the moral concepts, that when I am making up my mind what I ought to do, I am making up my mind what to prescribe for all cases exactly like this one in their universal properties. It should be evident that if this is what I am doing, I shall have to find out, first of all, just what I *am*, in effect, prescribing. This entails arming myself with the factual knowledge of what I should be bringing about if I acted upon one or another of the prescriptions between which I am deciding. It is part of this theory, too, that conceptual clarity is a necessary condition of rational moral thought.[5] Impartiality is guaranteed by the fact that my prescription has to apply to all cases resembling this one in their universal properties; since these will include cases (hypothetical or actual) in which I myself play the roles of each of the other parties affected, I am put by this theory in exactly the same position as the rational contractors. And benevolence is secured by the element of prescriptivity. Since I am prescribing actions which will affect the interests of myself and of others, and am bound to treat the interests of others as of equal weight to my own, we may presume that this weight will be at least positive. I shall not inquire here whether this last presumption could be defended a priori.

THIS IS hardly the place to elaborate and defend the five theories that I have been trying to merge with one another. Nor shall I even ask what other theories might also be merged with them, though it is obviously tempting to suggest that by making God the ideal observer (as in effect Butler does) some varieties of theological ethics could be brought in. It is worth mentioning, however, that there are at least four difficulties which all five of these theories have to face, and that this lends some support to my proposed merger. Three of these difficulties I shall simply list; but I shall deal at greater length with the fourth, since it has a close bearing on the dispute between Brandt and Nagel.

The first difficulty is that presented by the problem of distributive justice. So far, we do not know what the ideal observer, or the rational

5. See *Freedom and Reason*, esp. p. 185.

contractors, or I when I am universally prescribing will do when we are faced with a choice between maximizing benefits and distributing them in other ways which, though reducing their total, might be thought preferable for other reasons (for example, on grounds of fairness). Various such ways have been suggested—e.g., equality, the Pareto principle, and the maximin principle. Mr. Richards has not convinced me that there is a unique answer to the question of what the rational contractors would do when faced with such a choice (it might depend on how much gambling instinct they had); and the ideal observer is in the same trouble, as is the universal prescriber.[6]

It has been traditional among utilitarians to say that benefits should be maximized whatever their distribution; and this puts them at variance not only with common opinion, but with some exponents of the other kinds of theory—(1), (2), and (5)—that I have been summarizing. It might therefore be objected to my proposed merger that the five theories are not even practically equivalent, since (3) and (4)—the utilitarian theories—are committed to a particular answer to the question about distributive justice, whereas for the other theories the question at least remains open. My own tentative view is that it will not remain open once the implications of the three nonutilitarian theories have been fully understood, but that they too will be bound to accept the answer which requires maximization of benefits, though this answer will be qualified, and at the same time brought more into accord with received opinion, by the moves which I shall shortly make in discussing the fourth difficulty. I shall not try to defend this view here.

The second difficulty is that of justifying the enterprise of moral thought in the first place: What are we to say to the amoralist who just will not use the language whose logic requires him to reason in this way? The third difficulty is that presented by the fanatic who is prepared to prescribe universally that some particular ideal or goal of his should be realized at the expense of all other interests of himself and others. Both these difficulties affect all five theories—the second difficulty obviously, the third less obviously. But we can see that the third does affect the other four as much as it affects universal prescriptivism, if we consider that to have a fanatical ideal is to have

6. See *Freedom and Reason*, pp. 121f.

an interest in its realization. If the fanatic's interest in the realization of his ideal is great enough to trouble the universal prescriptivist, it will be great enough to claim a preponderant weight in the calculations of all the other four theories. All five theories will have to be content to say that fanatics of such heroic stature are unlikely ever to be encountered.[7] But I shall not pursue this argument here.

THE fourth difficulty, however, is one which must be dealt with at greater length, although an adequate treatment of it will have to wait for another occasion. All these theories, unless they take precautions, will appear to have consequences which run counter to the intuitions of the ordinary man. Nagel is the latest of many thinkers to try to take advantage of this apparent weakness in utilitarianism and related theories. It is easy for him to think up cases in which a utilitarian calculation would seem to justify actions contrary to principles which most of us, at least when we are not philosophizing, hold sacred. On careful inspection it will turn out that these cases are either fictitious or at least highly unusual, or else that the utilitarian calculations are very sketchily done, leaving out considerations which in practice would be most important. Nagel himself refers to "the abyss of utilitarian apologetics," and a utilitarian can readily admit that it is possible by a too superficial or facile application of utilitarian arguments to justify courses of action which a more thoroughgoing utilitarianism would condemn. But all the same, many have been put off utilitarianism by this move, which takes a good deal of methodological sophistication to counter.

Brandt, with his "two-level" approach, has given a clear indication of the way in which a utilitarian can defend himself against this attack. I wish, however, to set this defense within a more general framework of ethical theory, without claiming that Brandt would agree with all that I say. The "sacred principles" of the ordinary man, and the rules of war which are a crude attempt to apply them to a particular practical sphere, have an established place in any complete utilitarian theory; unfortunately utilitarians have not sufficiently emphasized this, and therefore "absolutists" have some excuse for ignor-

7. See the end of my paper in *Jowett Papers, 1968-1969*, ed. B. Y. Khanbhai et al. (Oxford, 1970), pp. 44-52.

ing it. Confusion has resulted on both sides from a failure to make clear what this established place is. The best *name* for it is that chosen by the deontologist Ross: "prima facie." Indeed, it would have been better for Nagel to use, to describe the view which he expounds, the old name "deontologist," instead of adopting the term "absolutist," which invites confusion with the kind of absolutist who is the opponent of relativism (whatever that may be). I trust that Nagel does not think that his utilitarian opponents are relativists. But although "prima facie" is a good name for these principles, it does not do much to explain their nature.

The defect in most deontological theories (and this would seem to apply to Ross, Anscombe, and Nagel) is that they have no coherent rational account to give of any level of moral thought above that of the man who knows some good simple moral principles and sticks to them. He is a very admirable person; and to question his principles (at any rate in situations of stress and temptation) is indeed to "show a corrupt mind."[8] But if philosophers do no more thinking than he is capable of, they will be able to give no account, either of how we are to come by these admirable principles, or of what we are to do when they conflict.

To achieve such an account, we have to adopt a "two-level" approach.[9] We have, that is to say, to recognize that the simple principles of the deontologist, important as they are, have their place at the level of character-formation (moral education and self-education). They are what we should be trying to inculcate into ourselves and our children if we want to stand the best chance, amid the stresses and temptations of the moral life, of doing what is for the best. Moore (who was a utilitarian) perhaps exaggerates when he says that we should *never* break principles which we know to be in general sound;[10] but a utilitarian who takes his utilitarianism seriously is likely to recommend that we form in ourselves, and continue in all our actions to foster, a firm disposition to abide by the principles whose general inculcation will have, all in all, the best consequences.

8. This phrase is used in a slightly different context by Professor G.E.M. Anscombe, "Modern Moral Philosophy," *Philosophy* 33, no. 124 (1958): 17 (reprinted in *The Is/Ought Question*, ed. W. D. Hudson [New York, 1970], p. 192).

9. See *Freedom and Reason*, pp. 42-44.

10. *Principia Ethica* (Cambridge, Eng., 1903), pp. 162ff.

The inculcation of these general principles has always been a prime concern of churches and other moral "authorities"; but in the present context it is more relevant to point out that this is equally true of armies. In the case of the typical military virtues this is obvious. Courage in attack and stubbornness in defense are strenuously cultivated; and the duty to obey orders and not to run away in battle is the center of all military training. These are not moral duties in the narrow sense (though their cultivation is instrumental to the performance of our moral duty when we are fighting in just wars, if any). If armies were to say to soldiers when training them, "On the battlefield, always do what is most conducive to the general good of mankind," or even "of your countrymen," nearly all the soldiers would easily convince themselves (battles being what they are) that the course most conducive to these desirable ends was headlong flight. Instead they say, "Leave those calculations to your superiors; they are probably in some bunker somewhere out of immediate personal danger, and therefore can consider more rationally and dispassionately, and with better information than you have, the question of whether to withdraw. Your job is to get on with the fighting." Only in this way can wars be won; and *if* the wars are just, the training was for the best. It is beyond the scope of this paper to discuss whether there are any just wars; I am inclined to think that there have been such in the past, though whether there could be just wars under modern conditions (except perhaps minor ones) is a hard question into which I shall not enter.[11]

The same is true of the more narrowly moral virtues. Let us assume for the sake of argument that it is for the greatest good that marital fidelity should be generally practiced. I could produce good arguments, concerned especially with the welfare of children, to show that this is so; but this is not the place for them. To say this is consistent with admitting that there may be cases in which adultery would be for the greatest good—for I said "generally" and not "universally." But fidelity will not be even generally practiced if people who are contemplating adultery ask themselves on each occasion whether their own might not be one of these cases; they will persuade themselves all too often that it is, when it is not. It is for the greatest good that statesmen

11. See my lecture "Peace," in *Applications of Moral Philosophy.*

should in general not tell lies in their public utterances—we have recently had an example of the troubles that ensue when they do, and Suez was another. It is true, admittedly, that situations can arise (say, when a currency is in trouble) in which it is quite obvious to a statesman that he ought to tell a lie; and this sort of thing can happen in private life too (which is why the ordinary man does not, for the most part, accept the duty of truthtelling as one without exceptions). But if statesmen and other men too do not cultivate the firm disposition to tell the truth and to hate lying, they will, both in this failure itself and in their particular acts, be most probably not acting for the best.

For the same reasons, as Brandt has indicated, military training should (and in all civilized armies does) include instruction in the laws and usages of war; and this training should be backed up by legal enforcement where possible. It looks as if the failure adequately to do this, and not any particular massacres and atrocities, ought to be the main target of critics of the United States Army in the present war (though it must be said in fairness that wars against guerrillas present peculiarly difficult problems). Even when armies are fighting wars which can be morally justified (if any), the individual soldier ought to be enabled to have as clear an idea of what he can legitimately do to the enemy as he has of when he can legitimately turn his back on the enemy. Neither kind of instruction is easy, but both are possible.

THE crucial question remains of what principles are to be the basis of this training. Brandt has sketched in a most illuminating way the kind of method by which this can be rationally determined; it amounts to an application of the five methods of moral reasoning which I was trying to merge at the beginning of this paper. He has also reached some provisional conclusions by this method; with these in the main I agree, though much more discussion is obviously needed.

A stumbling block to the understanding of the method may possibly be removed if I point out that there are in play here, in different parts of the reasoning, two quite distinct things which might both be called rule-utilitarianism. The failure to distinguish between them, and to see that they are quite compatible with each other provided

that their spheres are kept separate, has caused havoc in this part of moral philosophy. There is first of all what may be called *general* rule-utilitarianism. This is the doctrine, supported in the last section, which says that we ought to inculcate and foster in ourselves and others, and in our actions cleave to, general principles whose cultivation is for the greatest good. In terms of a distinction which has been used in discussions of this subject, the utility appealed to by general rule-utilitarianism is an *acceptance*-utility—i.e., the utility of the general acceptance of certain principles, even if it falls short of universal observance. Such an insistence on having good general, fairly simple, teachable principles is essential to any view which takes the task of moral education (including self-education) seriously.

Secondly, there is what I have called *specific* rule-utilitarianism, one of the five mergeable theories which I listed at the beginning. This provides a kind of microscope wherewith we can, when we are in doubt about the general principles, examine particular cases in as minute specificity as we require, though always ending up with universal judgments, however specific. When using specific rule-utilitarianism we judge the morality of a particular act by assessing the utility of universal *observance* of the highly specific principle which requires acts of just this sort in just this sort of circumstances. By thus assessing particular acts in terms of the *observance*-utility of the highly specific universal principles enjoining them, we can assess the *acceptance*-utility of the general principles to be used in moral education. Once general principles are questioned, they can only be examined thus in the light of the particular results of their general adoption (of whether the policy of inculcating these principles is conducive *in general* to actions which can be thus minutely justified). Specific rule-utilitarianism thus has its place in higher-level discussions as to what the "good general principles" ought to be, and what should be done in cases where they conflict, or where there is a strong indication that the situation is so peculiar that the application of the general principle is unlikely to be for the best.

How are we to decide which cases these are? This is a matter for practical judgment rather than for theoretical reasoning (for the question is "Ought we to reason theoretically? Have we time? Are we likely to indulge in special pleading if we do?"). It might be objected

to what I have said that although I have in theory allotted separate spheres to these two kinds of utilitarian reasoning, so that in principle they do not conflict, I have failed to say how we are to determine into which sphere any particular piece of reasoning is to fall. But the objection is not a real one. When faced with a choice between sticking to one of the simple general principles we have learnt and engaging in more specific reasoning, we have to ask ourselves which procedure is likely to approximate to the result which would be achieved by a reasoner not hampered by our human frailties. On the one side, there is the danger that a too rigid adherence to the standard general principles will lead us to disregard special features of the situation which ought to make a difference to our appraisal of it. On the other side, there is the danger that, if we once allow ourselves to question the general principle, our lack of knowledge and our partiality to our own interests may distort our reasoning. Which of these dangers is likely to be greater in a particular case for a particular person is not a philosophical question, and it is therefore no objection to a philosophical position that it does not answer it. My own inclination, in the light of my assessment of my own limitations, is to think that the occasions on which I should be safe in departing from my firm general principles (which are not of *extreme* generality) are very rare.

It is worth pointing out that when, by the employment of specific rule-utilitarianism at the higher level, we are seeking to select the best general principles for our general rule-utilitarianism of the lower level, we ought to consider those cases which are likely to occur. The use of hypothetical examples in philosophy, even fanciful ones, is perfectly legitimate; but in this particular field it can lead us astray. For we are seeking to discover principles which will be the most reliable in cases which are likely to preponderate in our actual experience; it would be out of place, therefore, to base our selection of the principles on a consideration of fanciful cases.

MY AIM has been to convince the reader that a sound theoretical foundation can in principle be provided for moral thinking about war, and that this foundation is available to Brandt and to those who seek to put his conclusions into practice. They are much more likely on this basis than on an "absolutist" one to secure an improvement in our present customs, either by new international conventions or simply

by the preservation and spread of right attitudes in soldiers and their commanders and governments. A great deal has been achieved in the past along these lines (do Nagel and those who write like him about the present war ever read what the wars of earlier centuries were like?). Although the invention of new weapons brings with it new temptations, which are often succumbed to, especially by those who have a temporary monopoly of these weapons, it is not impossible to bring their use under control, provided that their potential users are willing to adopt rational procedures in discussing the matter with one another. This is asking a lot; but the history of such negotiations is not exclusively a history of failure. In World War II poison gas was not, after all, used, though many expected that it would be. In both the world wars the Red Cross was for the most part respected. Without some background of written or unwritten international convention, neither of these restraints might have been exercised; and the conventions owed more to rational thought than to emotion, even if the reasoning had more of prudence in it than of morality.

Against these modest gains, I do not think that Nagel has much to offer. He is trying to justify the very same kind of rules as Brandt has, in my view, succeeded in justifying. But whereas Brandt is able to fit these rules into a rational system which also provides means for their selection and justification, Nagel, who is confined to one level of moral thinking, predictably finds himself torn between utilitarian arguments and absolutist ones, and thinks that in difficult cases he may be in "a moral blind alley," in which "there is no honorable or moral course for a man to take, no course free of guilt and responsibility for evil." It is dangerous to talk like this, because many people will think that, if there is no way of escaping guilt, only the neurotic will worry about it.

Is "guilt," in any case, the most appropriate concept in terms of which to discuss these problems? A man with good moral principles will be very likely to *feel* guilty whatever he does in cases such as Nagel is speaking of. If he did not, he would not be such a good man. For a person, on the other hand, who is mainly concerned to avoid feelings of guilt, the best advice is to grow a thick skin. If he finds this impossible, a *pis aller* would be to get himself a set of not too exacting principles of an absolutist sort, and think that he has done all that is required of him if he has not broken any of them—no matter

how disastrous the consequences of his actions for other people. Though Nagel is perfectly right in saying that it is incoherent to suggest that one might "sacrifice one's moral integrity justifiably, in the service of a sufficiently worthy end," it is not incoherent to suggest that one might so sacrifice one's peace of mind. And moral integrity and peace of mind are easily confused if one equates having sinned with having a sense of having sinned. If, say, we are theists and can convince ourselves that God has laid down some relatively simple rules and that by observing these we can keep ourselves unspotted and safe from hellfire, this may seem a good way of avoiding the agony of mind which comes, in difficult cases, from calculation of the consequences of alternative actions. This may explain the undoubted attractions of absolutism.

The real Nagel, to his credit, avoids this kind of pharisaism; for he remains enough of a utilitarian to see that the implications of consistent absolutism are unacceptable. That is how he gets into his "moral blind alley"; but there is an obvious way out of it: to treat the general principles of the absolutist as indispensable practical guides, but not as epistemologically sacrosanct, and to admit a level of thought at which they can be criticized, justified, or even on occasion rejected in their particular applications when conflicts arise or when a case is sufficiently out of the ordinary to call for special consideration.

BUT EVEN if there were not this defect in Nagel's absolutism—that of trying to give his principles a higher status than they can have, and thus locking them in irresoluble conflict, on the same level, with the utilitarian principle in which he also believes—it would be defective for another reason: indeterminacy. He attempts to systematize and justify his intuitions by subsuming them under a more general principle: "whatever one does to another person intentionally must be aimed at him as a subject, with the intention that he receive it as a subject. It should manifest an attitude to *him* rather than just to the situation, and he should be able to recognize it and identify himself as its object." It is difficult to think that a principle as vague and obscure as this could be of much use in practical dilemmas. One would be likely to find rival parties justifying opposite courses of action on the basis of this same principle. We have grown accustomed to moral

philosophers telling us that we can ascertain our duties to other people by appeal to an a priori principle that we ought to treat people as people.[12] But Nagel's is an unexpected use of the method, which displays how accommodating it can be. He has done nothing to show that one could not treat people as people just as well by hating them as by loving them. The simplest way, in dealing with the enemy and his friends and relations, of "manifesting an attitude to *them*," would be to learn to hate them. Then we can manifest this attitude by any barbarity that takes our fancy, in the assurance that we are not doing what Nagel's principle forbids. This would seem as good a way as any of avoiding being "bureaucratic," and of securing the "maintenance of a direct interpersonal response to the people one deals with."

In the days before wars became even as humane as they *sometimes* are now, this was an almost universal attitude. Anyone who reads the Bible, or Herodotus and Thucydides, can find massacres of *already defeated* peoples accepted as normal; and Priam in the *Iliad*, when he describes the horrors that await him at the "kill," when Troy is sacked, does not imply that the actions of the victors will be wicked—only unpleasant.[13]

I have probably got Nagel all wrong. Brandt interprets him more charitably; and maybe all he is saying is that moral judgments have to to universalizable. That is to say, we are to think of those affected by our actions, including the enemy, as people like ourselves, and do to them only what is permitted by a set of universal principles that we are prepared to see adopted for cases in which we are at the receiving end.[14] If this is what he is saying, his position is not so very different from my own. The difference is that I would include more people in the class of those whose sufferings are relevant to our moral decisions (for example, in the Hiroshima case, those that will die if the war is not ended quickly, as well as those actually killed by the bombing). I cannot find in Nagel's argument any justification for leaving the former class out; but if they are included, this version of the method he advocates will join the list of mergeable positions set out at the beginning of this paper. Only further clarification will reveal whether our views can be reconciled in this way.

12. See *Freedom and Reason*, pp. 211-213.
13. *Iliad* 22. 60ff.
14. See *Freedom and Reason*, esp. chap. 6.