



What is Wrong with Slavery

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Philosophy and Public Affairs, Vol. 8, No. 2 (Winter, 1979), 103-121.

Stable URL:

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Nearly everybody would agree that slavery is wrong; and I can say this perhaps with greater feeling than most, having in a manner of speaking *been* a slave. However, there are dangers in just taking for granted that something is wrong; for we may then assume that it is obvious that it is wrong and indeed obvious why it is wrong; and this leads to a prevalence of very bad arguments with quite silly conclusions, all based on the so-called absolute value of human freedom. If we could see more clearly what *is* valuable about freedom, and why it is valuable, then we might be protected against the rhetoric of those who, the moment anything happens that is disadvantageous or distasteful to them, start complaining loudly about some supposed infringement of their liberty, without telling us why it is wrong that they should be prevented from doing what they would like to do. It may well *be* wrong in many such cases; but until we have some way of judging when it is and when it is not, we shall be at the mercy of every kind of demagogy.

This is but one example of the widespread abuse of the appeal to human rights. We may even be tempted to think that our politics would be more healthy if rights had never been heard of; but that would be going too far. It is the unthinking appeal to ill-defined rights, unsupported by argument, that does the harm. There is no doubt that arguments justifying some of these appeals are possible; but since the forms of such arguments are seldom understood even by philosophers, it is not surprising that many quite unjustified claims of this sort go unquestioned, and thus in the end bring any sort of appeal to human rights into disrepute. It is a tragedy that this happens, because there

really are rights that ought to be defended with all the devotion we can command. Things are being done the world over which can properly be condemned as infringements of human rights; but so long as rights are used so loosely as an all-purpose political weapon, often in support of very questionable causes, our protests against such infringements will be deprived of most of their force.

Another hazard of the appeal to rights is that it is seldom that such an appeal by one side cannot be countered with an appeal to some conflicting right by the opposite side. The controversies which led finally to the abolition of slavery provide an excellent example of this, with one side appealing to rights of liberty and the other to rights of property. But we do not have to go so far back in history to find examples of this sort of thing. We have only to think of the disputes about distributive justice between the defenders of equality and of individual liberty; or of similar arguments about education. I have written about both these disputes elsewhere, in the attempt to substitute for intuitions some more solid basis for argument.¹ I have the same general motive in raising the topic of slavery, and also a more particular motive. Being a utilitarian, I need to be able to answer the following attack frequently advanced by opponents of utilitarianism. It is often said that utilitarianism must be an objectionable creed because it could in certain circumstances condone or even commend slavery, given that circumstances can be envisaged in which utility would be maximized by preserving a slave-owning society and not abolishing slavery. The objectors thus seek to smear utilitarians with the taint of all the atrocious things that were done by slave-traders and slave-owners. The objection, as I hope to show, does not stand up; but in order to see through this rhetoric we shall have to achieve a quite deep understanding of some rather difficult issues in moral philosophy; and this, too, adds to the importance and interest of the topic.

First, we have to ask what this thing, slavery, is, about whose wrongness we are arguing. As soon as we ask this question we see at once,

1. 'Justice and Equality', in J. Arthur and W. H. Shaw, eds., *Justice and Economic Distribution* (Englewood Cliffs: Prentice-Hall, 1978); 'Opportunity for What?: Some Remarks on Current Disputes about Equality in Education', *Oxford Review of Education* 3 (1977).

if we have any knowledge of history, that it is, in common use, an extremely ill-defined concept. Even if we leave out of account such admittedly extended uses as 'wage-slave' in the writings of Marxists, it is clear that the word 'slave' and its near-equivalents such as '*servus*' and '*doulos*' have meant slightly different things in different cultures; for slavery is, primarily, a *legal* status, defined by the disabilities or the liabilities which are imposed by the law on those called slaves; and obviously these may vary from one jurisdiction to another. Familiar logical difficulties arise about how we are to decide, of a word in a foreign language, that it means the same as the English word 'slave'. Do the relevant laws in the country where the language is spoken have to be identical with those which held in English-speaking countries before slavery was abolished? Obviously not; because it would be impossible for them to be identical with the laws of all such countries at all periods, since these did not remain the same. Probably we have a rough idea of the kind of laws which have to hold in a country before we can say that that country has an institution properly called 'slavery'; but it is pretty rough.

It would be possible to pursue at some length, with the aid of legal, historical and anthropological books on slavery in different cultures and jurisdictions, the different shades of meaning of the word 'slave'. But since my purpose is philosophical, I shall limit myself to asking what is essential to the notion of slavery in common use. The essential features are, I think, to be divided under two heads: slavery is, first, a *status* in society, and secondly, a *relation* to a master. The slave is so called first of all because he occupies a certain place in society, lacking certain rights and privileges secured by the law to others, and subject to certain liabilities from which others are free. And secondly, he is the slave of another person or body (which might be the state itself). The first head is not enough to distinguish slavery from other legal disabilities; for example the lowest castes in some societies are as lacking in legal rights as slaves in some others, or more so, but are not called slaves because they are not the slaves of anybody.

The *status* of a slave was defined quite early by the Greeks in terms of four freedoms which the slave lacks. These are: a legally recognized position in the community, conferring a right of access to the courts; protection from illegal seizure and detention and other personal vio-

lence; the privilege of going where he wants to go; and that of working as he pleases. The first three of these features are present in a manumission document from Macedonia dated about 235 B.C.; the last is added in the series of manumission documents from Delphi which begins about thirty years later.² The state could to some extent regulate by law the treatment of slaves without making us want to stop calling them slaves, so that the last three features are a bit wobbly at the edges. But we are seeking only a rough characterization of slavery, and shall have to put up with this indefiniteness of the concept.

The *relation* of the slave to a master is also to some extent indefinite. It might seem that we could tie it up tight by saying that a slave has to be the *property* of an *owner*; but a moment's reflection will show what unsafe ground this is. So-called property-owners do not need to be reminded that legal restrictions upon the use and enjoyment of property can become so onerous as to make it almost a joke to call it property at all. I am referring not only to such recent inventions as zoning and other planning laws (though actually they are not so recent, having been anticipated even in ancient times), and to rent acts, building regulations, clean air acts and the like, but also to the ancient restrictions placed by the common law on uses of one's property which might be offensive to one's neighbours. In relation to slavery, it is also instructive to think of the cruelty-to-animals legislation which now rightly forbids one to do what one likes to one's own dog or cow which one has legally purchased. Legislation of just this kind was passed in the days before abolition, and was even to some extent enforced, though not always effectively. The laws forbidding the slave trade were, of course, the outstanding example of such legislation preventing people from doing what they wanted with their own property.

However, as before, we are seeking only a general and rough characterization of slavery, and shall therefore have to put up with the open texture of the concept of property. This, like slavery itself, is defined by the particular rights and obligations which are conferred or imposed by a particular legal system, and these may vary from one

2. See W. L. Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia: American Philosophical Society, 1955), p. 35.

such system to another. It will be enough to have a general idea of what would stop us calling a person the slave of another—how far the law would have to go in assigning rights to slaves before we stopped using that word of them. I have gone into these difficulties in such detail as space has allowed only because I am now going on to describe, for the purposes of our moral discussion, certain conditions of life about which I shall invite the reader's judgement, and I do not want anybody to say that what I am describing is not really slavery. The case I shall sketch is admittedly to some extent fantastic; and this, as we shall later see, is very important when we come to assess the philosophical arguments that have been based on similar cases. But although it is extremely unlikely that what I describe should actually occur, I wish to maintain that *if* it occurred, we should still call it slavery, so that *if* imaginary cases are allowed to be brought into the arguments, this case will have to be admitted.

It may be helpful if, before leaving the question of what slavery is, I list a few conditions of life which have to be *distinguished* from slavery proper. The first of these is *serfdom* (a term which, like 'slavery' itself, has a wide range of meaning). A serf is normally tied, not directly to a master, but to a certain area of land; the rights to his services pass with the land if it changes hands. This very distinction, however, separates the English villein in gross, who approximates to a slave although enjoying certain legal rights, from the villein regardant, whose serfdom arises through his feudal tenure of land. Those who unsuccessfully tried to persuade Lord Mansfield in *Sommerset's case* that slavery could exist in England attempted to show that the defendant was a villein in gross.³ Secondly, one is not a slave merely because one belongs to a *caste* which has an inferior legal status, even if it has pretty well no rights; as I have said, the slave has to be the slave of some owner. Thirdly, slavery has to be distinguished from *indenture*, which is a form of contract. Apprentices in former times, and football players even now, are bound by contract, entered into by themselves or, in the case of children, by their parents, to serve

3. Summing up for defence and judgement of Lord Mansfield in *Sommerset's case*, King's Bench, 12 George III, 1771-1772, *Howells' State Trials* 20, pp. 1 ff.

employers for a fixed term under fixed conditions, which were in some cases extremely harsh (so that the actual sufferings of indentured people could be as bad as those of slaves).⁴ The difference lies in the voluntariness of the contract and in its fixed term. We must note however that in some societies (Athens before Solon for example) one could *choose* to become a slave by selling one's person to escape debt;⁵ and it might be possible to sell one's children as well, as the Greeks sometimes did, so that even the heritability of the slave status does not serve to make definite the rather fuzzy boundary between slavery and indenture.

We ought perhaps to notice two other conditions which approximate to slavery but are not called slavery. The first is compulsory *military or naval service* and, indeed, other forced labour. The impressed sailors of Nelson's navy no doubt endured conditions as bad as many slaves; Dr. Johnson remarked that nobody would choose to be a sailor if he had the alternative of being put in prison.⁶ But they were not called slaves, because their status as free men was only in abeyance and returned to them on discharge. By contrast, the galley slaves of the Mediterranean powers in earlier times really were slaves. Secondly, although the term 'penal servitude' was once in use, *imprisonment* for crime is not usually called slavery. This is another fuzzy boundary, because in ancient times it was possible for a person to lose his rights as a citizen and become a slave by sentence of a court for some crime;⁷ though when something very like this happened recently in South Africa, it was not *called* slavery, officially.⁸ Again, prisoners of war and other captives and bondsmen are not always called slaves, however grim their conditions, although in ancient times capture in war was a way of becoming a slave, if one was not fortunate enough to be ransomed.⁹ I have myself, as a prisoner of war, worked on the Burma

4. See O. Patterson, *The Sociology of Slavery* (London: MacGibbon and Kee, 1967), p. 74; A. Sampson, *Drum* (London: Collins, 1956), chap. 3.

5. See Westermann, *Slave Systems*, p. 4.

6. Boswell, *Life of Johnson*, ed. G. B. Hill and L. F. Powell (Oxford: Oxford University Press, 1934), vol. 1, p. 348, 16 March 1759.

7. See Westermann, *Slave Systems*, p. 81. In pre-revolutionary France one could be sentenced to the galleys.

8. See Sampson, *Drum*, p. 241.

9. See Westermann, *Slave Systems*, pp. 2, 5-7, 29.

railway in conditions not *at the time* distinguishable from slavery; but because my status was temporary I can claim to have been a slave only 'in a manner of speaking'.

I shall put my philosophical argument, to which we have now come, in terms of an imaginary example, to which I shall give as much verisimilitude as I can. It will be seen, however, that quite unreal assumptions have to be made in order to get the example going—and this is very important for the argument between the utilitarians and their opponents. It must also be noted that to play its role in the argument the example will have to meet certain requirements. It is intended as a fleshed-out substitute for the rather jejune examples often to be found in anti-utilitarian writers. To serve its purpose it will have to be a case in which to abolish slavery really and clearly would diminish utility. This means, first, that the slavery to be abolished must really be slavery, and, secondly, that it must have a total utility clearly, but not enormously, greater than the total utility of the kind of regime which would be, in that situation, a practical alternative to slavery.

If it were not *clearly* greater, utilitarians could argue that, since all judgements of this sort are only probable, caution would require them to stick to a well-tryed principle favouring liberty, the principle itself being justified on utilitarian grounds (see below); and thus the example would cease to divide them from their opponents, and would become inapposite.

If, on the other hand, the utility of slavery were *enormously* greater, anti-utilitarians might complain that their own view was being made too strong; for many anti-utilitarians are pluralists and hold that among the principles of morality a principle requiring beneficence is to be included. Therefore, if the advantages of retaining slavery are made sufficiently great, a non-utilitarian with a principle of beneficence in his repertory could agree that it ought to be retained—that is, that *in this case* the principle of beneficence has greater weight than that favouring liberty. Thus there would again be no difference, in this case, between the verdicts of the utilitarians and their opponents, and the example would be inapposite.

There is also another dimension in which the example has to be carefully placed. An anti-utilitarian might claim that the example I shall give makes the difference between the conditions of the slaves and those of the free in the supposed society too small, and the number of slaves too great. If, he might claim, I had made the number of slaves small and the difference between the miseries of the slaves and the pleasures of the slave-owners much greater, then the society might have the same total utility as mine (that is, greater than that of the free society with which I compare it), but it would be less plausible for me to maintain that if such a comparison had to be made in real life, we ought to follow the utilitarians and prefer the slave society.¹⁰

I cannot yet answer this objection without anticipating my argument; I shall merely indicate briefly how I would answer it. The answer is that the objection rests on an appeal to our ordinary intuitions; but that these are designed to deal with ordinary cases. They give no reliable guide to what we ought to say in highly unusual cases. But, further, the case desiderated is never likely to occur. How could it come about that the existence of a small number of slaves was necessary in order to preserve the happiness of the rest? I find it impossible to think of any technological factors (say, in agriculture or in transport by land or sea) which would make the preservation of slavery for a small class necessary to satisfy the interests of the majority. It is quite true that in the past there have been *large* slave populations supporting the higher standard of living of *small* minorities. But in that case it is hard to argue that slavery has more utility than its abolition, if the difference in happiness between slaves and slave-owners is great. Yet if, in order to produce a case in which the retention of slavery really would be optimal, we reduce the number of slaves relative to slave-owners, it becomes hard to say how the existence of this relatively small number of slaves is necessary for the happiness

10. I am grateful to the Editors for pressing this objection. I deal with it only so far as it concerns slavery such as might occur in the world as we know it. Brave New World situations in which people are conditioned from birth to be obedient slaves and given disagreeable or dangerous tasks require separate treatment which is beyond the scope of this paper, though anti-utilitarian arguments based on them meet the same defence, namely the requirement to assess realistically what the consequences of such practises would actually be.

of the large number of free men. What on earth are the slaves doing that could not be more efficiently done by paid labour? And is not the abolition (perhaps not too abrupt) of slavery likely to promote those very technical changes which are necessary to enable the society to do without it?

The crux of the matter, as we shall see, is that in order to use an appeal to our ordinary intuitions as an argument, the opponents of utilitarianism have to produce cases which are not too far removed from the sort of cases with which our intuitions are designed to deal, namely the ordinary run of cases. If the cases they use fall outside this class, then the fact that our common intuitions give a different verdict from utilitarianism has no bearing on the argument; our intuitions could well be wrong about such cases, and be none the worse for that, because they will never have to deal with them in practise.

We may also notice, while we are sifting possible examples, that cases of *individual* slave-owners who are kind to their slaves will not do. The issue is one of whether slavery as an institution protected by law should be preserved; and if it is preserved, though there may be individuals who do not take advantage of it to maltreat their slaves, there will no doubt be many others who do.

Let us imagine, then, that the battle of Waterloo, that 'damned nice thing, the nearest run thing you ever saw in your life',¹¹ as Wellington called it, went differently from the way it actually did go, in two respects. The first was that the British and Prussians lost the battle; the last attack of the French Guard proved too much for them, the Guard's morale having been restored by Napoleon who in person led the advance instead of handing it over to Ney. But secondly, having exposed himself to fire as Wellington habitually did, but lacking Wellington's amazing good fortune, Napoleon was struck by a cannon ball and killed instantly. This so disorganized the French, who had no other commanders of such ability, that Wellington was able to rally his forces and conduct one of those holding operations at which he

11. For references, see E. Longford, *Wellington: The Years of the Sword* (London: Weidenfeld and Nicholson, 1969), p. 489.

was so adept, basing himself on the Channel ports and their intricate surrounding waterways; the result was a cross between the Lines of Torres Vedras and the trench warfare of the first World War. After a year or two of this, with Napoleon out of the way and the war party discredited in England, liberal (that is, neither revolutionary nor reactionary) regimes came into power in both countries, and the Congress of Vienna reconvened in a very different spirit, with the French represented on equal terms.

We have to consider these events only as they affected two adjacent islands in the Caribbean which I am going to call Juba and Camaica. I need not relate what happened in the rest of the world, because the combined European powers could at that time command absolute supremacy at sea, and the Caribbean could therefore be effectively isolated from world politics by the agreement which they reached to take that area out of the imperial war game. All naval and other forces were withdrawn from it except for a couple of bases on small islands for the suppression of the slave trade, which, in keeping with their liberal principles, the parties agreed to prohibit (those that had not already done so). The islands were declared independent and their white inhabitants, very naturally, all departed in a hurry, leaving the government in the hands of local black leaders, some of whom were of the calibre of Toussaint l'Ouverture and others of whom were very much the reverse.

On Juba, a former Spanish colony, at the end of the colonial period there had been formed, under pressure of military need, a militia composed of slaves under white officers, with conditions of service much preferable to those of the plantation slaves, and forming a kind of elite. The senior serjeant-major of this force found himself, after the white officers fled, in a position of unassailable power, and, being a man of great political intelligence and ability, shaped the new regime in a way that made Juba the envy of its neighbours.

What he did was to retain the institution of slavery but to remedy its evils. The plantations were split up into smaller units, still under overseers, responsible to the state instead of to the former owners. The slaves were given rights to improved conditions of work; the wage

they had already received as a concession in colonial times was secured to them and increased; all cruel punishments were prohibited. However, it is still right to call them slaves, because the state retained the power to direct their labour and their place of residence and to enforce these directions by sanctions no more severe than are customary in countries without slavery, such as fines and imprisonment. The Juban government, influenced by early communist ideas (though Marx had not yet come on the scene) kept the plantations in its own hands; but private persons were also allowed to own a limited number of slaves under conditions at least as protective to the slaves as on the state-owned plantations.

The island became very prosperous, and the slaves in it enjoyed a life far preferable in every way to that of the free inhabitants of the neighbouring island of Camaica. In Camaica there had been no such focus of power in the early days. The slaves threw off their bonds and each seized what land he could get hold of. Though law and order were restored after a fashion, and democracy of a sort prevailed, the economy was chaotic, and this, coupled with a population explosion, led to widespread starvation and misery. Camaica lacked what Juba had: a government with the will *and the instrument, in the shape of the institution of slavery*, to control the economy and the population, and so make its slave-citizens, as I said, the envy of their neighbours. The flood of people in fishing boats seeking to emigrate from free Camaica and insinuate themselves as slaves into the plantations of Juba became so great that the Juban government had to employ large numbers of coastguards (slaves of course) to stop it.

That, perhaps, will do for our imaginary example. Now for the philosophical argument. It is commonly alleged that utilitarianism could condone or commend slavery. In the situation described, utility would have been lessened and not increased if the Juban government had abolished slavery and if as a result the economy of Juba had deteriorated to the level of that of Camaica. So, it might be argued, a utilitarian would have had to oppose the abolition. But everyone agrees, it

might be held, that slavery is wrong; so the utilitarians are convicted of maintaining a thesis which has consequences repugnant to universally accepted moral convictions.

What could they reply to this attack? There are, basically, two lines they could take. These lines are not incompatible but complementary; indeed, the defence of utilitarianism could be put in the form of a dilemma. Either the defender of utilitarianism is allowed to question the imagined facts of the example, or he is not. First let us suppose that he is not. He might then try, as a first move, saying that in the situation *as portrayed* it would indeed be wrong to abolish slavery. If the argument descends to details, the anti-utilitarians may be permitted to insert any amount of extra details (barring the actual abolition of slavery itself) in order to make sure that its retention really does maximize utility. But then the utilitarian sticks to his guns and maintains that in that case it *would* be wrong to abolish slavery, and that, further, most ordinary people, if they could be got to consider the case on its merits and not allow their judgement to be confused by association with more detestable forms of slavery, would agree with this verdict. The principle of liberty which forbids slavery is a *prima facie* principle admitting of exceptions, and this imaginary case is one of the exceptions. If the utilitarians could sustain this line of defence, they would win the case; but perhaps not everyone would agree that it is sustainable.

So let us allow the utilitarian another slightly more sophisticated move, still staying, however, perched on the first horn of the dilemma. He might admit that not everyone would agree on the merits of this case, but explain this by pointing to the fantastic and unusual nature of the case, which, he might claim, would be unlikely to occur in real life. If he is not allowed to question the facts of the case, he has to admit that abolition would be wrong; but ordinary people, he might say, cannot see this because the principles of political and social morality which we have all of us *now* absorbed (as contrasted with our eighteenth-century ancestors), and with which we are deeply imbued, prevent us from considering the case on its merits. The principles are framed to cope with the cases of slavery which actually occur (all of which are to a greater or less degree harmful). Though

they are the best principles for us to have when confronting the actual world, they give the wrong answer when presented with this fantastic case. But all the same, the world being as it is, we should be morally worse people if we did not have these principles; for then we might be tempted, whether through ignorance or by self-interest, to condone slavery in cases in which, though actually harmful, it could be colourably represented as being beneficial. Suppose, it might be argued, that an example of this sort had been used in anti-abolitionist writings in, say, 1830 or thereabouts. Might it not have persuaded many people that slavery *could* be an admirable thing, and thus have secured their votes against abolition; and would this not have been very harmful? For the miseries caused by the *actual* institution of slavery in the Caribbean and elsewhere were so great that it was desirable from a utilitarian point of view that people should hold and act on moral convictions which condemned slavery as such and without qualification, because this would lead them to vote for its abolition.

If utilitarians take this slightly more sophisticated line, they are left saying at one and the same time that it would have been wrong to abolish slavery in the imagined circumstances, *and* that it is a good thing that nearly everyone, if asked about it, would say that it was right. Is this paradoxical? Not, I think, to anybody who understands the realities of the human situation. What resolves the paradox is that the example *is* imaginary and that therefore people are not going to have to pronounce, as a practical issue, on what the laws of Juba are to be. In deciding what principles it is good that people have, it is not necessary or even desirable to take into account such imaginary cases. It does not really matter, from a practical point of view, what judgements people reach about imaginary cases, provided that this does not have an adverse effect upon their judgements about real cases. From a practical point of view, the principles which it is best for them to have are those which will lead them to make the highest proportion of right decisions in actual cases where their decisions make a difference to what happens—weighted, of course, for the importance of the cases, that is, the amount of difference the decisions make to the resulting good or harm.

It is therefore perfectly acceptable that we should at one and the

same time feel a strong moral conviction that even the Jubah slave system, however beneficial, is wrong, and confess, when we reflect on the features of this imagined system, that we cannot see anything specifically wrong about it, but rather a great deal to commend. This is bound to be the experience of anybody who has acquired the sort of moral convictions that one ought to acquire, and at the same time is able to reflect rationally on the features of some unusual imagined situation. I have myself constantly had this experience when confronted with the sort of anti-utilitarian examples which are the stock-in-trade of philosophers like Bernard Williams. One is led to think, on reflection, that *if* such cases were to occur, one ought to do what is for the best in the circumstances (as even Williams himself appears to contemplate in one of his cases);¹² but one is bound also to find this conclusion repugnant to one's deepest convictions; if it is not, one's convictions are not the best convictions one could have.

Against this, it might be objected that if one's deep moral convictions yield the wrong answer even in imaginary or unusual cases, they are *not* the best one could have. Could we not succeed, it might be asked, in inculcating into ourselves convictions of a more accommodating sort? Could we not, that is to say, absorb principles which had written into them either exceptions to deal with awkward cases like that in my example, or even provision for writing in exceptions *ad hoc* when the awkward cases arose? Up to a point this is a sensible suggestion; but beyond that point (a point which will vary with the temperament of the person whose principles they are to be) it becomes psychologically unsound. There are some simple souls, no doubt, who really cannot keep themselves in the straight and narrow way unless they cling fanatically and in the face of what most of us would call reason to extremely simple and narrow principles. And there are others who manage to have very complicated principles with many exceptions written into them (only 'written' is the wrong word, because the principles of such people defy formulation). Most of us come somewhere in between. It is also possible to have fairly simple prin-

12. See Williams, 'A Critique of Utilitarianism', in J.J.C. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), p. 99.

ciples but to attach to them a rubric which allows us to depart from them, either when one conflicts with another in a particular case, or where the case is such an unusual one that we find ourselves doubting whether the principles were designed to deal with it. In these cases we may apply utilitarian reasoning directly; but it is most unwise to do this in more normal cases, for those are precisely the cases (the great majority) which our principles *are* designed to deal with, since they were chosen to give the best results in the general run of cases. In normal cases, therefore, we are more likely to achieve the right decision (even from the utilitarian point of view) by sticking to these principles than by engaging in utilitarian reasoning about the particular case, with all its temptations to special pleading.

I have dealt with these issues at length elsewhere.¹³ Here all I need to say is that there is a psychological limit to the complexity and to the flexibility of the moral principles that we can wisely seek to build deeply, as moral convictions, into our character; and the person who tries to go beyond this limit will end up as (what he will be called) an unprincipled person, and will not in fact do the best he could with his life, even by the test of utility. This may explain why I would always vote for the abolition of slavery, even though I can admit that cases could be *imagined* in which slavery would do more good than harm, and even though I am a utilitarian.

So much, then, for the first horn of the dilemma. Before we come to the second horn, on which the utilitarian is allowed to object to his opponents' argument on the ground that their example would not in the actual world be realized, I wish to make a methodological remark which may help us to find our bearings in this rather complex dispute. Utilitarianism, like any other theory of moral reasoning that gets anywhere near adequacy, consists of two parts, one formal and one substantial. The formal part is no more than a rephrasing of the requirement that moral prescriptions be universalizable; this has the

¹³. See my 'Ethical Theory and Utilitarianism', in H. D. Lewis, ed., *Contemporary British Philosophy* 4 (London: Allen and Unwin, 1976), and the references given there.

consequence that equal interests of all are to be given equal weight in our reasoning: everybody to count for one and nobody for more than one. One should not expect such a formal requirement to generate, by itself, any substantial conclusions even about the actual world, let alone about all logically possible worlds. But there is also a substantial element in the theory. This is contributed by factual beliefs about what interests people in the real world actually have (which depends on what they actually want or like or dislike, and on what they would want or like or dislike under given conditions); and also about the actual effects on these interests of different actions in the real world. Given the truth of these beliefs, we can reason morally and shall come to certain moral conclusions. But the conclusions are not generated by the formal part of the theory alone.

Utilitarianism therefore, unlike some other theories, is *exposed* to the facts. The utilitarian cannot reason a priori that *whatever* the facts about the world and human nature, slavery is wrong. He has to show that it is wrong by showing, through a study of history and other factual observation, that slavery does have the effects (namely the production of misery) which make it wrong. This, though it may at first sight appear a weakness in the doctrine, is in fact its strength. A doctrine, like some kinds of intuitionism, according to which we can think up examples as fantastic as we please and the doctrine will still come up with the same old answers, is really showing that it has lost contact with the actual world with which the intuitions it relies on were designed to cope. Intuitionists think they can face the world armed with nothing but their inbred intuitions; utilitarians know that they have to look at what actually goes on in the world and see if the intuitions are really the best ones to have in that sort of world.

I come now to the second horn of the dilemma, on which the utilitarian is allowed to say, 'Your example won't do: it would never happen that way'. He may admit that Waterloo and the Congress of Vienna could have turned out differently—after all it was a damned nice thing, and high commanders were in those days often killed on the battlefield (it was really a miracle that Wellington was not), and

there were liberal movements in both countries. But when we come to the Caribbean, things begin to look shakier. Is it really likely that there would have been such a contrast between the economies of Juba and Camaica? I do not believe that the influence of particular national leaders is ever so powerful, or that such perfectly wise leaders are ever forthcoming. And I do not believe that in the Caribbean or anywhere else a system of nationalized slavery could be made to run so smoothly. I should, rather, expect the system to deteriorate very rapidly. I base these expectations on general beliefs about human nature, and in particular upon the belief that people in the power of other people will be exploited, whatever the good intentions of those who founded the system.

Alternatively, if there really had been leaders of such amazing statesmanship, could they not have done better by abolishing slavery and substituting a free but disciplined society? In the example, they gave the slaves some legal rights; what was to prevent them giving others, such as the right to change residences and jobs, subject of course to an overall system of land-use and economic planning such as exists in many free countries? Did the retention of *slavery* in particular contribute very much to the prosperity of Juba that could not have been achieved by other means? And likewise, need the government of Camaica have been so incompetent? Could it not, without reintroducing slavery, have kept the economy on the rails by such controls as are compatible with a free society? In short, did not the optimum solution lie somewhere *between* the systems adopted in Juba and Camaica, but on the free side of the boundary between slavery and liberty?

These factual speculations, however, are rather more superficial than I can be content with. The facts that it is really important to draw attention to are rather deep facts about human nature which must always, or nearly always, make slavery an intolerable condition.¹⁴ I have mentioned already a fact about slave ownership: that ordinary, even good, human beings will nearly always exploit those over whom

14. For the effects of slavery on slaves and slave-owners, see O. Patterson, *Sociology of Slavery*; and S. M. Elkins, *Slavery* (Chicago: University of Chicago Press, 1959).

they have absolute power. We have only to read the actual history of slavery in all centuries and cultures to see that. There is also the effect on the characters of the exploiters themselves. I had this brought home to me recently when, staying in Jamaica, I happened to pick up a history book¹⁵ written there at the very beginning of the nineteenth century, before abolition, whose writer had added at the end an appendix giving his views on the abolition controversy, which was then at its height. Although obviously a kindly man with liberal leanings, he argues against abolition; and one of his arguments struck me very forcibly. He argues that although slavery can be a cruel fate, things are much better in Jamaica now: there is actually a law that a slave on a plantation may not be given more than thirty-six lashes by the foreman without running him up in front of the overseer. The contrast between the niceness of the man and what he says here does perhaps more than any philosophical argument to make the point that our moral principles have to be designed for human nature as it is.

The most fundamental point is one about the human nature of the slave which makes ownership by another more intolerable for him than for, say, a horse (not that we should condone cruelty to horses). Men are different from other animals in that they can look a long way ahead, and therefore can become an object of deterrent punishment. Other animals, we may suppose, can only be the object of Skinnerian reinforcement and Pavlovian conditioning. These methods carry with them, no doubt, their own possibilities of cruelty; but they fall short of the peculiar cruelty of human slavery. One can utter to a man threats of punishment in the quite distant future which he can understand. A piece of human property, therefore, unlike a piece of inanimate property or even a brute animal in a man's possession, can be subjected to a sort of terror from which other kinds of property are immune; and, human owners being what they are, many will inevitably take advantage of this fact. That is the reason for the atrocious punishments that have usually been inflicted on slaves; there would have been no point in inflicting them on animals. A slave is the only being that is *both* able to be held responsible in this way, *and* has no

15. R. C. Dallas, *The History of the Maroons* (London: Longman and Rees, 1803; reprinted by Frank Cass, 1968). I have not been able to obtain the book again to verify this reference.

escape from, or even redress against, the power that this ability to threaten confers upon his oppressor. If he were a free citizen, he would have rights which would restrain the exercise of the threat; if he were a horse or a piece of furniture, the threat would be valueless to his owner because it would not be understood. By being subjected to the threat of legal and other punishment, but at the same time deprived of legal defences against its abuse (since he has no say in what the laws are to be, nor much ability to avail himself of such laws as there are) the slave becomes, or is likely to become if his master is an ordinary human, the most miserable of all creatures.

No doubt there are other facts I could have adduced. But I will end by reiterating the general point I have been trying to illustrate. The wrongness of slavery, like the wrongness of anything else, has to be shown in the world as it actually is. We can do this by first reaching an understanding of the meaning of this and the other moral words, which brings with it certain rules of moral reasoning, as I have tried to show in other places.¹⁶ One of the most important of these rules is a formal requirement reflected in the Golden Rule: the requirement that what we say we ought to do to others we have to be able to say ought to be done to ourselves were we in precisely their situation with their interests. And this leads to a way of moral reasoning (utilitarianism) which treats the equal interests of all as having equal weight. Then we have to apply this reasoning to the world as it actually is, which will mean ascertaining what will actually be the result of adopting certain principles and policies, and how this will actually impinge upon the interests of ourselves and others. Only so can we achieve a morality suited for use in real life; and nobody who goes through this reasoning in real life will adopt principles which permit slavery, because of the miseries which in real life it causes. Utilitarianism can thus show what is wrong with slavery; and so far as I can see it is the kind of moral reasoning best able to show this, as opposed to merely *protesting* that slavery is wrong.

¹⁶. See fn. 13 above, and my *Freedom and Reason* (Oxford: Oxford University Press, 1963), especially chap. 6.

This is a revised version of a lecture given in 1978 in the Underwood Memorial Series, Wesleyan University, Middletown, Connecticut.