THE MILL-WHEWELL CONTROVERSY ON ETHICS AND ITS BEQUEST TO ANALYTIC PHILOSOPHY

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ABSTRACT

I intend to reconstruct the weight of rational and non-rational factors in ethical controversies and to highlight the mixed bequest this controversy left to 20th century analytic ethics.

I argue that the structure of the controversy includes 'Kuhnian' factors, rhetoric and pragmatic dimensions, and that a consistent self-criticism of his own previous views may be detected in Mill's writings published after the controversy.

I argue that the controversy's bequest for analytic ethics includes: (i) anti-empiricist elements, which are what Sidgwick has taken from Whewell without paying due acknowledgement; (ii) consequentialist elements (impossibility of establishing what is duty in the real case, impossibility of solving moral dilemmas), which are what Sidgwick has taken over from Mill, on the latter's authority and without due scrutiny of Whewell's counter-arguments.

Key words: Controversy; ethics; intuitionism; utilitarianism; John Stuart Mill; William Whewell; Henry Sidgwick.

1. THE MILL-WHEWELL CONTROVERSY

In this paper I reconstruct the controversy between Whewell and Mill on ethics and its echoes in Sidgwick's work. The tool-box for my reconstruction is provided mainly by Paul Grices's Logic of conversation and by contemporary rhetoric. My aims are: (i) reconstructing the weight of "rational" and "non rational", internal and external, political-ideological and properly philosophical elements in an instance of ethical controversy[1]; (ii) highlighting the mixed bequest this controversy left to 20the century analytic ethics[2].

William Whewell, the main authority of the English establishment, and John Stuart Mill, the spokesman for the nineteenth-century British secular *intelligentsia*, engaged in a memorable controversy, lasting from the Thirties to the Sixties. The controversy, as most intellectual

[1] On the study of controversies see Dascal, 1995; Dascal and Gross, 1999; Cattani, 2001; for a case-study see Cremaschi and Dascal, 1996; 1998a; 10998b; Dascal and Cremaschi, 1999;

[2] A more detailed presentation of the ethical doctrines of Mill, Whewell, Sidgwick and his twentieth-century followers is in Cremaschi 2006, ch. 13 and 14; 2005, ch. 2.

controversies do, faces us with several puzzling features and it carries a few remarkable, albeit unintended, consequences.

As far as the first aspect is concerned, the controversy verged on such purely intellectual points as the role played by the a priori element in knowledge, and yet it was felt by its partners (mainly by Mill) to be not only a purely intellectual confrontation on purely academic matters, but instead a battle of the war between Reason and Enlightenment against Prejudice and Bigotry. Besides, the course of the controversy flowed among a profusion of misunderstanding, where Mill was constantly the partner who understood less accurately the other; the misunderstanding notwithstanding, there was an enormous amount of unintended cooperation between conflicting parties, in that Mill took advantage of Whewell's superior knowledge of the history of the sciences, as some late acknowledgements by Mill in the Fifties and Sixties may prove and, as I will argue, such unintended cooperation was at the root of Mill's revision of utilitarianism as well.

As far as the second aspect is concerned, there was clearly one winner of the controversy, at least when considered from an "external" point of view. This winner was clearly Mill; indeed, Whewell's tactics displayed in the beginning of the controversy in the Forties turned out quite awkward; and yet, the picture of the debate left in the subsequent literature, even while mirroring fairly well Mill's alleged victory, was a strange one. In fact, the received image was that of the victory of inductivism against hypothetico-deductivism. The real debate, if one takes the pain of looking at primary sources, was clearly between two different kinds of inductivism[3]. Besides, Whewell was clearly the looser in the sense that he left no important disciples – not to say a school – in philosophy, and that his books, which had been reprinted several times during his lifetime, fell soon into oblivion. And yet, Whewell, who was a looser when judged in terms of history of philosophy of the Continental historicist kind, was a rather strange kind of looser when judged on different standards; in fact, while Mill was being universally revered by positivist philosophers who believed in Scientific Method, Whewell was forgotten and despised by philosophers while his ideas were put at work by scientists; he was the main inspirer of James Maxwell, and then Charles Peirce had clear in mind how important his contribution on inductive inference was, and worked out his own idea of abduction starting with his suggestions[4].

It may be added that misrepresentation and unfair criticism made during the controversy left their consequences in the subsequent literature, even after the author of such criticism (for ex. Mill on Whewell's alleged defence of slavery) had privately but formally recanted (See *Mill to Whewell*, May 24 1865, in Mill 1972, vol. III, pp. 1056-7).

[3] See Snyder, 1997.
[4] See Snyder, 1997; Fisch, 1991; Lanaro, 1987.

Among other odd features, there is a curious coincidence, namely the fact that in the Thirties, when the controversy shifted to ethics and politics, the tone became particularly vehement with total disappearance of Mill's expressions of respect and admissions of indebtedness to Whewell which featured rather frequently in the previous phase, when the focus was scientific method. It is remarkable that such expressions reappeared in a later phase, between the Fifties and Sixties. There may be a number of factors that could account for such circumstances: firstly 'external' ones, such as the fact that the Thirties were the time of the strongest clash in British Politics among the 'Reformers' and the supporters of the status quo; secondly, psychological factors, such as a sense of insecurity by Mill who had in the meanwhile turned into a critic of Benthamite ethics and thus may have made a point of honour in establishing distances between himself and what he believed to be the ethical doctrines of the establishment and the Church; thirdly, 'internal' reasons, such as Mill's opinion that apriorism may have heavier consequences in ethics than in science, since empiricism seemed to him to carry freedom of the individual and anti-traditionalism.

Before going into a reconstruction of the specific cycle of the Mill-Whewell controversy that verged on ethics, it may be worth quoting Mill on this point. He later wrote

> The notion that truths external to the mind may be known by intuition or consciousness, independently of observation and experience, is, I am persuaded, in these times, the great intellectual support of false doctrines and bad institutions. By the aid of this theory, every inveterate belief and every intense feeling, of which the origin is not remembered, is enabled to dispense with the obligations of justifying itself by reason, and is erected into its own all-sufficient voucher and justification (Mill, 1873, pp. 232-233)

2. WHEWELL ON ETHICS

2.1. Whewell on the limits of utilitarianism

The occasion for this cycle of the controversy was given by the publication in 1852 of Whewell's *Lectures on the History of Moral Philosophy in England* where a complex attack on Bentham's ethics was carried out, presenting a number of criticisms to Benthamite ethics and trying to prove that such a theory could not work even if taken in its own terms. Whewell's two basic objections are:

i) against the consequentialist element of utilitarianism in the name of the limits of human foreknowledge and calculus; on this point he writes:

we cannot calculate all the consequences of any action, and thus cannot estimate the degree in which it promotes human happiness (Whewell, 1852, p. 210).

And he adds:

If we ask whether a given action will increase or diminish the total amount of human happiness, it is impossible to answer with any degree of certainty […] because the resulting evil of such falsehood and sensuality is not calculable or appreciable, we cannot, by calculation of resulting evil, show falsehood and sensuality to be vices; and the like is true of other vices (Whewell, 1852, p. 212).

ii) against the hedonistic element of utilitarianism, in the name of the circumstance that happiness includes moral elements (such as a consciousness of having complied with our duty) and thus we cannot properly derive morality from happiness. On this point he writes:

happiness is derived from moral elements, and therefore we cannot properly derive morality from happiness (Whewell, 1852, p. 210).

And he adds:

Why should a man be truthful and just? Because acts of veracity and justice, even if they do not produce immediate gratification to him and his friends in other ways […] at least produce pleasure in this way; – that that they procure him his own approval and that of all good men. To us, this language is intelligible and significant; but the Benthamite must analyse it further. What does it mean according to him? A man's own approval of his act, means that he thinks it virtuous […] He (being a Benthamite) thinks it virtuous, because it gives him pleasure; and it gives him pleasure because he thinks it virtuous. This is a vicious circle (Whewell, 1852, p. 216)

2.2. Whewell on the fundamental Norm and the conflict of duties

The *Lectures* appeared seven years after the first edition of Whewell's *Elements of Morality*, a bulky systematic treatise of normative ethics that Mill avowedly never read in all its parts, even if he attacked it when he decided to respond to Whewell's attack on Bentham in the *Lectures*. Whewell's moral theory, meant to be primarily an alternative to Paley's theological consequentialism that had been the fashionable doctrine at Cambridge in the first half of the century, starts with the presentation of an anti-empiricist epistemology, according to which the structure of knowledge, both in the natural science and in ethics, is "circular": from facts to principles and from principles to facts. Such a circularity is far from vicious, since the most refined products of human mind in both science and law and morality just play the role of a starting-point for exploring the structure of the category of the mind at work in our processes of knowledge of

natural and moral truths, but no common-sense belief is ipso facto justified by such a *circularity thesis*.

Whewell adds that there are indeed *facts* of morality. The proof of the existence of such facts is the existence of *public opinion* or "the great fact of universal and perpetual judgements of mankind concerning actions, as being right or wrong" (Whewell, 1852, p. 223), indeed a fact that had been acknowledged too as an important by Bentham himself, who named it the "social sanction". The most important lesson we may learn from these facts is that "man cannot help judging of actions, as being right or wrong; and that men universally reckon this as the supreme difference of actions; – the most important character which they can have […] this characteristic of human nature marks man as a moral being; as a being endowed with a faculty or faculties by which he does thus judge" (Whewell, 1852, p. 221). This – Whewell adds – is "the beginning of all morality". This does not amount to saying that we should claim that "this Faculty or those Faculties by which man thus judges of right and wrong should be anything peculiar and ultimate, but only the distinction should be a peculiar and ultimate one" (Whewell, 1852, p. 222), or that "it is *the fact that man formulates judgements* that makes him *a moral being*, not the fact that he senses pain and pleasure" (*Ibid.*). In other words: morality qua phenomenon is a fact, ethics is a philosophy *of* morals[5], and its task is that of accounting for morality, not of building a new morality from scratch.

Unlike the facts of the sciences of nature, those of ethics are 'prescriptive' facts: the sum of the rules of conduct enforced by law and public opinion in a society is the prescriptive form of what a society accepts as moral facts. The task of moral philosophy is that of working out a set of "Ideas" which will account for, and in few cases will modify, those facts. He adds that they consist of

> five Virtues: benevolence, justice, truth, purity and order, which may be considered as the elements or aspects of the complete Idea of Virtue or Goodness, or as the Cardinal Points of the Supreme Rule of Human Action (Whewell, 1854, § 123).

Beyond the five Ideas, there is one "Supreme Norm of morality" whence other comparatively higher norms derive, since the succession of means and ends with a corresponding series of subordinate and superior norms has to end at some point. There are several ways of expressing the opposition between right and wrong, or the Supreme Norm of human action. These are the following:

> We ought to do what is right; we ought not to do what is wrong. To do what is right is our Duty; to do what is wrong is a transgression, an offence, a violation of our Duty" (Whewell, 1854, § 75).

[5] And as Sidgwick is generally credited with having said the first.

According to Whewell, the possibility of a conflict of duties has been emphasized too much by casuists in order to find excuses for their omission. Actually, a real conflict between duties arises only in case of "extreme necessity", while in the majority of cases of necessity there is an excuse for transgressing the moral law, but not a real conflict of duties (in these cases one could avoid to transgress the moral law and sacrifice one's life as an heroic act, thus doing something that would be supererogatory but not compulsory). There is genuine conflict between duties only in the case

> in which moral Rules are transgressed, not for the sake of our own preservation, but in order to preserve *some other person* from great impending evil; we may have a Case of Necessity, which is also a *Conflict of Duties*: for to preserve another person from great evil, is a part of the general Duty of Benevolence; and when the person is connected with us by special relations, to do this, is involved in the Duties of the Specific Affections. […] we have two Duties, placed in opposition to each other; on one side, the Duty of rescuing, from a terrible and impending evil, a husband, a friend, a daughter, a neighbour; on the other hand, the Duty of not telling a falsehood, or committing homicide (Whewell, 1854, § 322).

Concerning such cases "the Moralist must abstain from laying down definite Rules of decision" (Whewell, 1854, § par. 323), firstly because in such cases a previous decision is difficult and accordingly general rules are of little use. Besides

> to state General Rules for deciding Conflicts between opposing Duties, would have an immoral tendency. For such a procedure would necessarily seem to make light of the Duties which were thus, in a general manner, postponed to other Duties; and would tend to remove the compunction, which any Moral Rule violated, ought to occasion to the Actor (Whewell, 1854, § 323).

It is unavoidable that law be violated, but it is a good thing that some regret be left, and the moralist's task cannot be teaching the lawfulness of violating the law but instead it should be that of pointing at the morally best conduct.

Such were Whewell's claims in the first edition. The work met soon with remarkable success and was reprinted in the United States several times (ignoring the changes introduced in the second edition). For the time being it did not provoke any reaction from the Benthamite circles.

3. The controversy of the Thirties about ethics and politics

3.1. Mill's criticism and Whewell's rejoinder

In 1852 Whewell published his *Lectures on the History of Moral Philosophy in England* where he discussed extensively the systems of William Paley and Jeremy Bentham. Mill attacked the

Lectures making reference also to some parts of the *Elements* in order to defend the utilitarian system from allegedly unfair criticism in a long essay published in the *Westminster Review* under the title *Whewell on Moral Philosophy* (Mill [1852]). The vehemence of the attack, when contrasted with the expressions of respect paid by Mill to Whewell while discussing his ideas on induction in publications from the Forties, is striking, and it even surprised the *Westminster Review*'s editors[6].

Mill's main points were:

i) in epistemology and ethics Whewell adopts arguments based on a priori claims which are not derived from experience;

ii) by arguing in such a way, he smuggles a theoretical argument for freezing the received precepts of conventional morality into a system of allegedly self-evident truths;

iii) his definition of a Fundamental Norm amounts to tautology;

iv) to make morality dependent on other elements, themselves moral in their nature, ends up with a vicious circle (note that this 'serious' criticism is also a typical rhetorical trick, namely shifting the charge of circularity, that was first formulated by Whewell against Bentham, on Whewell himself);

v) finally, since Whewell connects morality with the promise of eternal happiness, he gives a selfish reasons for acting morally, and thus he actually adopts the "selfish system" of Hobbes and Mandeville (note that this criticism amounts to a *reductio ad absurdum* and also to a rhetorical trick, namely defamation, by showing that a respectable theological and rationalist system is basically identical with non-respectable atheistic and materialist doctrines).

Besides these theoretical points, there were others, more connected with practical issues, such as Whewell's claim that laws are to be obeyed even if unjust or his claim that also laws regulating slavery in countries where they were still in force should be obeyed. Such points are just mentioned, without detailed discussion, as examples of the absurdity and obscurantism of Whewell's doctrines, sufficient to prove that a theory that could yield such base consequences was ipso facto mistaken.

Whewell was struck by the vehemence of the attack and manifested his intention of responding to the criticism while finding a way out of a personal polemic by discussing the objections which had been formulated in an impersonal way. He wrote in the *Preface* to the third edition, of 1854:

> I am very sincerely grateful to those writers who by their criticism have enabled me to remedy any faults of expression, reasoning, or fact, which I may have committed. If these criticism had been expressed with less acrimony, and if they had not sometimes consisted in quoting expressions without any regard to the context, they would have been, as seems to me, more suitable to the character of the subject [...] as I have elsewhere said , in all subjects the more impersonal our controversies can be made, the better they will answer all good ends: and controversies on Morality are most likely in this way to be really moral (Whewell, 1854, p. VII)

[6] See Lanaro, 1987, ch. 5, § 3.

The main points he made in ch. 2 of the *Supplement* added to this edition (Whewell, 1854, pp. 300-323) were the following:

i) my reasoning is not circular, since *right* means "what must be done"; no further reason is offered, and no "because" is introduced between "must be done" and "right"; it was Mill who misrepresented my argument by adding the term "because" as a link between "must be done" and "right", while 'quoting' (in fact, paraphrasing) what I had written (Whewell, 1854, p. 301);

ii) I did not *derive* fundamental rights from human happiness, even if I agree that they serve also this purpose;

iii) I did not base morality on law, but I used law as an "indication of its place and form";

iv) it is a "strange way of speaking" to say that a moralist adopts the selfish theory because he says that God will makes us happy and, even if the idea of virtue as a prize to itself is admirable, it cannot be a sufficient motivation for most of mankind, thus, it is quite reasonable to add a theological perspective of eternal happiness as a further motivation.

In relation to the latter point, the reader may note that, even if Mill's criticism was clearly tendentious, Whewell's response is particularly weak; he shifts to practical considerations of common sense, and fails to distinguish between the issue of justification and that of motivation; besides Whewell, who was one of the first in England to have some direct knowledge of Kant's work, seems to ignore precisely Kant's treatment of the issue in the *Critique of Practical Reason*, based on the requirement of the possibility of a *Summum Bonum* understood as coincidence of virtue and happiness, a treatment that is both compatible with Theism and careful in avoiding any kind of "heteronomous" morality, that was precisely the target of Mill's attack.

4. THE PRAGMA-RHETORICAL STRUCTURE OF THE CONTROVERSY

4.1. The issue

In this paragraph, after the reconstruction made of the main claims, I will examine how such claims are introduced, what use is made of them by both opponents, and what supplementary claims (such as indications of undesirable or absurd or disgusting practical consequences that allegedly follow from the partner's reasoning) are introduced. In other words, I will examine the rhetorical and argumentative moves made by Mill and Whewell, that is, the moves, provisos, and qualifiers used by both, the choice of raising certain issue, the choice of discussing them in depth or instead just mentioning them as if their implications were self-evident, the choice of responding in an

impersonal or instead in an *ad hominem* way, the choice of restricting the issue at a theoretical level, or instead pointing at practice[7].

I intend to study a dimension of the controversy as a cooperative (albeit unintentionally cooperative) enterprise which I propose to call its *pragma-rhetorical* dimension [8]. I would like to try to understand the respective weight of: (a) socio-political factors, or power struggles and propaganda; (b) rhetorical aspects; (c) pragmatic aspects. The question that I believe worth answering are:

a) how far the substance of their respective argument was clearly put before Mill's and Whewell's eyes or instead was irrelevant in comparison with propaganda, manipulation of the public opinion, moves for obtaining power and influence?

b) to which extent did they introduce such substantive contents *for the sake of the argument* but were still trying to attack or defame the other, to defend themselves from criticism, and to which extent they tried not to take too seriously the substantive admissions they had done? And finally

c) to which extent did they – perhaps without knowing it – engage in a cooperative enterprise and helped each other in formulating more clearly and fully their respective points of view.

4.2. Mill's pragma-rhetorical moves

By reading Mill's text in a way different from the familiar way in which analytic philosophers use to read philosophical *texts* (that is, trying to extract *arguments* out of the text, and then discarding the remainder), or from the way in which hermeneutic philosophers use to read them (that is, *interpreting* the text with a view at finding some suggestive *philosophical* suggestion, or something resembling their own general philosophical view, and discarding everything that is not 'philosophical', or 'deep' *enough*) the reader may detect a number of interesting, and indeed surprising details that he would have been overlooked had he read the text in either of the above familiar ways. Mill in fact performs the following moves:

i) he makes an acknowledgment that turns out finally to be an expression of scorn (Mill, 1852, p. 167), that is, he welcomes bad answers, such as Whewell's, since they are better than lazy ignorance of the very existence of the questions, such as his colleagues at Cambridge and Oxford;

ii) he charges Whewell with being a slave of the politico-religious establishment (i.e. a university professor); namely, universities yield ideas of just one kind, since they are Church institutions; either on purpose or by instinct, whoever is hired by such institutions finds the arguments more apt to defend the doctrines which he has pledged to defend;

[7] See Dascal and Cremaschi, 1999.
[8] See Dascal and Gross, 1999.

iii) he argues that the doctrines defended by Whewell have, the author's intentions notwithstanding, the tendency to defend established opinions (assuming boldly that the partner's *intentions* do not matter because he, Mill, knows better what the other really thinks);

iv) he disparages the work under discussion by comparing it with others by the same author; he writes that Whewell's epistemological works have at least some minor merit, such as that of carefully illustrating individual aspects of the history of the sciences, while the work under discussion lacks even such merits and is accordingly of no use;

v) he formulates an *excusatio non petita,* or an attempt to shift the burden of the fault for having started the controversy on the partner by stating that he attacks Whewell *just because* it was the latter the one who attacked utilitarianism in the *Lectures*, and accordingly it is Whewell's fault if Mill has to attack him (Mill, 1852, p. 169);

vi) he gives a justification for the fact of not taking the pain of reading all what the partner wrote (or of ignoring on purpose the best of the partner's arguments) by stating that he will make use of the *Elements* only as far as those paragraphs that illustrate Whewell's criticism to utilitarianism are concerned and will ignore the remainder;

vii) he charges Whewell with unfairness for having misrepresented utilitarianism by using the words (of praise) "conscience", "duty", "principle" only with reference to his own position and the words (of contempt) "pleasure" and "happiness" with reference to utilitarianism;

viii) he refuses to defend William Paley, who was a consequentialist and has been criticized by Whewell, because he had made use of consequentialism in order to defend the establishment (thus adopting for this individual case a "practical", not a "theoretical", criterion for distinguishing between friends and foes);

ix) he ascribes to Bentham himself one idea that had never been formulated by Bentham, and was indeed presented later by Mill himself, namely the idea of "intermediate principles" (Mill, 1852, p. 177); such principles never show up in Bentham's manuscripts, not to mention the published works; they were explicitly introduced first by Mill himself in *Utilitarianism*, that is *after* this controversy, and had been just hinted at by the Benthamite legal theorist John Austin; this move by Mill is an instance of the widespread tactic of retreating while feigning an advance, or of complaining that "we always meant that";

x) he introduces the claim that Bentham has done for the *method* of the moral sciences what Bacon had done for the *method* of natural science; this amounts to, on the one hand, looking for support in a prestigious paradigm, and on the other, making a waste land in order to retreat at a higher speed, or to admitting that Bentham is all right for *method*, but not for *contents*, with the implication that utilitarianism is right even if its substantive doctrines up to now have proven to be defective (with

the tacit proviso: “just trust us; we shall produce some sound doctrine sooner or later even if we did not succeed yet”);

xi) he complains that Whewell was unfair in quoting the *Deontology*, which was not a true work by Bentham, having been edited by John Bowring on the basis of Bentham’s manuscripts. Note that Mill fails to mention individual points on which Whewell misrepresents Bentham’s line of argument or where the *Deontology* is unfaithful to Bentham’s intentions. In fact, Bowring’s work, even if inaccurate and shallow, was faithful to Bentham’s intentions on most points; it was quite unfaithful by omitting all direct attacks on Christianity; but this had no relevance for the issues under discussion and, on the opposite, would have made the original manuscript of the *Deontology* even less acceptable to Whewell than the edited version was. Probably Mill disliked Bowring, but he had no specific point to show where Whewell, by referring to the *Deontology*, had misrepresented Bentham’s ideas (but finally the result of leaving the readership with the impression that Whewell had been inaccurate and unfair had been reached even if more detailed criticism was still missing!).

4.3. Whewell’s pragma-rhetorical moves

Let me now come to the moves performed by Whewell. They are the following:

i) recourse to the *Argumentum ex ignorantia*; namely he declares (with reference to the alleged connection between the “selfish system” and theological ethics) that he cannot see why the consequences pointed at by Mill should follow. This is tantamount to shifting the burden of proof;

ii) a retreat with a *distinguo* (on the relationship between law and morality on which Mill had accused him of circularity): their relationship is not circular but alternative;

iii) a retreat disguised as an advance (on slavery), namely that his position is not *patently absurd* and that accordingly Mill’s way of arguing, just mentioning Whewell’s conclusions as a proof of his obscurantism and baseness, is a *non sequitur* (Whewell, 1854, p. 313-314);

iv) a complaint (on the same point) about Mill’s unfairness, since he accused him of defending slavery, while what Whewell had written is that slavery is unjust, adding “*nothing more than* that”, where laws admits it, law should be abided to (Whewell, 1854, p. 314);

v) an attempt (on the same point) at making his own claim trivial and thus immune to criticism by unduly generalizing it: is there anybody who ever said the contrary, that laws (laws at large, not laws admitting of slavery) should not be abided by? (Whewell, 1854, p. 313). The remark that the rhetorical move may have sounded convincing to most of Whewell’s readers, but that it was a *petitio principii*, since there were at that time people who argued precisely that immoral laws should not be abided by (like American Quakers who argued that one should help black slaves to flee from

the United States to Canada where slavery was illegal) and did act in accordance with their argument, is in order here;

vi) an attempt (always on slavery) at making his claim historical, with examples similar to Hegel's argument on *Sittlichkeit*, trying to prove that such an institution could have been reasonable enough in different social context, even if plainly inhumane in the present conditions of the world (Whewell, 1854, p. 313);

vii) a disguised retreat (on slavery), framed as follows: maybe to abide by the law is "a matter of prudence not a matter of right" and adds: "I don't care a lot for keeping the distinction once one admits that submitting to the law is the line of conduct we should take" (Whewell, 1854, p. 314);

h) an admission (on slavery) immediately immunized by adding a clause that weakens the relevance of the point; namely he admits that it is true that laws are not *moral* in this case (as my own theory stresses on principle) and that "in *a certain loose sense* […] Slavery is contrary to the Natural Rights of Man" (Whewell, 1854, p. 314); the remark that Whewell *does admit* that the partner was right on the substance of his claim (even if he was clearly unfair while formulating his criticism) but he does so by keeping one claim and in the meantime weakening it to an undefined extent is in order here.

4.4. An assessment

What is the relationship between the pragma-rhetorical structure of the controversy and substantive contents? I would dare to say that the controversy had deep influence on subsequent changes in utilitarian and intuitionist theories, even if such influences may be detected only by looking where neither analytic nor hermeneutic philosophers use to look. More precisely, a controversy is a cooperative affair taking place between enemies who are fighting each other. Since the enterprise is on a smaller scale that the big phenomena of paradigm shifts that have been made popular by Kuhn and Feyerabend in the Sixties of the twentieth century, it is not carried out *exclusively* through such means as had been highlighted by externalist historians of science, namely propaganda, power struggles, attempts at taking hold of editorial boards, department chairs, funding bodies etc. In controversies the partners fight each other by means of arguments, and even if they tend to win the approval of public opinion, and often do that by means of specious arguments, they also are forced to pave objections by modifying their own theories, even if almost never admitting of having been mistaken. Thus, they repeat unceasingly such mantras or "I always meant that", "this was clearly my argument" etc., and in the meantime incorporate the enemy's objections into their own argument. As far as our case-study is concerned:

i) Whewell's formulation of intuitionism has been conceived from the very beginning as an alternative to Bentham's and Paley's doctrines, in a sense giving for granted what had been clarified by Bentham and going on unfolding problems that had been left. More precisely, Bentham's defence of the principle of the greatest happiness was a kind of intuitionist defence, since he posited the principle as an axiom; it was Mill who (precisely after this controversy) tried the ruinous expedient of giving *a proof* of the principle, probably because he had realized that Bentham's 'empirical' approach to moral theory was a one-way road to some kind of intuitionism such as that professed by Whewell;

ii) Mill started writing his own *Utilitarianism* precisely *after* his own attack and Whewell's rejoinder. It may be worth discussing how far his attempt at replacing Bentham's axiomatic structure of utilitarian doctrine with an inductive structure has something to do with Whewell's criticism;

iii) Sidgwick later did with Whewell what the latter had earlier done with Bentham, namely building an alternative while incorporating what had been clarified by his predecessor and attacking him for what seemed to him to be carrying dangerous implications. This is the further development that will be reconstructed in the following section.

5. Echoes from the controversy in Sidgwick

Henry Sidgwick, who became the authority in British ethics in the last decades of the nineteenth century, was the first Cambridge professor to be in a loose sense a utilitarian. It was mainly as a consequence of disqualification by Sidgwick that Whewell's *Elements*, after four British editions in 20 years and several American editions, were no more reprinted and indeed were forgotten, to the point of having been excluded from Thoemmes reprint of Whewell's work a few years ago.

In the *Methods of Ethics* (1874), where Sidgwick worked out a destructive criticism of intuitionism and a no less (in principle) destructive criticism of utilitarianism, finally concluding – with a kind of those almost unnoticed legerdemains philosophers are so able to perform– that utilitarianism is impossible to prove, lacks any real foundation, is based on untenable empiricist and hedonistic assumptions, is impossible to apply, and that, if it could be applied, it should better be kept as a secret by a minority leaving the majority to the care of common-sense morality, and yet that is the only way of talking about morality that makes any sense, since – in order to make sense – an ethical theory should appraise actions on the basis of their consequences. Thus, he declared that philosophical intuitionism of a Whewellian kind is a hybrid, since it consists half of the naïve

perceptive intuitionism of common sense which believes that good and bad actions are perceived immediately to be such, and the other half is some philosophical theory, which in turn is useless.

In more detail, Sidgwick attacks Whewell on four points:

i) the dependence of morality from law which contrasts with the claim of being able to judge law on a moral basis (Sidgwick [1874], book III, ch. 5, par. 1). Note that it is Mill's charge without much discussion and without taking Whewell's rebuttal into account;

ii) Whewell's inability to provide precise contents: if we ask for "a clear and defined fundamental intuition different from consideration of happiness, we find really nothing in intuitionist doctrines, apart from principles that turn out so evanescent at a more accurate examination and admit of so many exceptions that its self-evidence becomes dubious or completely dissolves" (See Sidgwick [1874], book, III, ch. 11, par. 2);

iii) justice: for intuitionists the idea of justice should spell out what common sense understands as justice (*Ibid*.). It turns out that justice is a kind of equality, or better impartiality, that it includes the principles of reparation and those of conservative justice (compliance with contracts and laws and "normal" expectations) and of ideal justice (but the latter includes contrasting ideals: the individualist one – ideal of freedom – and the socialist one – ideal of reward to desert (and both suffer from severe difficulties in their application) (Sidgwick [1874], book, III, ch. 11, par. 5);

iv) truthfulness: a duty to keep promises is admitted by everybody and such an obligation seems to be intuitively independent and certain to unreflective common sense. On the other hand, yet, existence of a number of exceptions seems to be commonly accepted; namely, when a promise contrasts with another obligation; when what has been promised is immoral; when circumstances have been modified; when the promise has been obtained through a lie or reticence. Common sense (note, *common sense*, not intuitionist philosophy) is unable to reach a consensus on what are precisely the cases where a promise must be kept: "if one of these conditions vanishes it seems that consensus becomes evanescent and that common moral intuitions of reflective persons become obscure and diverge" (Sidgwick [1874], book III, ch. 11, par. 6).

Sidgwick believes that the intuitionist "method" is unable to provide an answer for the case of a promise obtained through reticence on relevant facts. He seems to have forgotten that Whewell claimed that he had resolved the problem by his "principle of truth" (Whewell, 1852, § 281) by means of which he tried to settle a possible conflict without claiming that common sense has already solved it, since he neither had recourse to common sense nor to considerations of consequences and happiness, but only to considerations of internal consistence[9].

[9] See Donagan, 1974.

Sidgwick has also recourse to rhetorical moves, even if this is unexpected in such a dry, and indeed boring, treatise as his masterpiece is. But the choice of being dry is also a rhetorical trick. If one reads its Derridian *subtext* or its Gricean *implicatures*, it may amount to communicating the following message: "Look! I am not a preacher, I am a scientist!". Sidgwick's main argument is one of the rhetorical stratagems recommended by Schopenhauer in order to win: if you lack any specific objection on a point, shift from the point at issue to general considerations on the limits of human knowledge (suggesting by implication that also the claim of your adversary cannot on principle have strong reasons)[10]. Having said that the intuitionist method resembles "common sense morality", he goes on proving the latter's inadequacy, resting content with this proof and making believe that he has proven also the inadequacy of the former. That is, Sidgwick does not attack intuitionism through discussion of its strongholds, that is lying and promising, since what he discusses are not the claims of Butler, Price, Whewell on lying and promising, but instead the various opinions of several philosophers (not intuitionist ones), or of the public opinion (See Sidgwick [1874], book III, ch. 11, par. 6). As a conclusion, Sidgwick triumphantly announces that it seems that *common sense* does not provide a clear answer on this point (See Sidgwick [1874], book III, ch. 11, par. 9). But Butler and Price had never claimed that common sense was able to provide any answer, and Whewell had added precisely that not everything that is known a priori has always been known, but instead it may be both *a priori* and *discovered* through reflection starting from previous knowledge (Whewell, 1852, pp. 16-17).

6. CONSEQUENCES OF THE CONTROVERSY

6.1. Anti-empiricism and consequentialism at the roots of analytic ethics

In the English-speaking world the moral philosophy nobody used to know – at least according to a famous joke by Alan Donagan – was Kant's. On the Continent the moral philosophy nobody still knows is intuitionism. But what is properly intuitionism is a central question in order to solve misunderstandings and pseudo-problems for both analytic and Continental moral philosophers.

Sidgwick, through the bequest of an anti-hedonistic and anti-empiricist criticism of utilitarianism which he left Moore and his followers, has been the alleged grandfather of analytic ethics. However, grandfathers had their own forefathers too, even if on occasion they may prove somewhat embarrassing relatives. What happened actually is that, first, Sidgwick's anti-empiricist elements (his idea of ethics as a philosophy of morality, his coherentist approach) were taken from Whewell without paying due acknowledgement, and then secondly, Sidgwick's consequentialist elements

[10] See Schopenhauer [1864], stratagem n. 19.

(the impossibility of establishing what is duty in the real case, our inability to solve moral dilemmas) are Mill's charges to Whewell taken over by Sidgwick without discussion and with no awareness of Whewell's rejoinder.

6.2. Moral dilemmas in analytic ethics

One main topic that was at the core of twentieth century disputes was moral dilemmas. This topic derives from Bentham's polemics against ancient moral doctrines and Mill's and Sidgwick's controversy with Whewell. One target of these writers was proving that traditional or intuitionist doctrines were unable to carry out their own self-appointed task and thus were the source of conflicts with no solution. The very idea of *prima facie* duty or "tendential" duty was created by Sidgwick in order to mark the deadlock of normative ethics as such, including utilitarianism as well as its enemies. This idea was bequeathed to all nineteenth-century analytic ethics and was left unquestioned also by David Ross in his attempt to revive a kind of neo-intuitionism.

What was never discussed in depth, up to Donagan, is whether the charge levelled to intuitionism (and Kantian ethics) was supported by facts, or better by texts. Let me recall that, as far as Kantian ethics is concerned, quite a lot of sensible commentaries have been published on judgement as the faculty of moral deliberation[11]. Let me add that, as far as Whewell is concerned, Donagan already claimed what I have tried to substantiate here, namely that Sidgwick's polemics is vitiated by the fact of ascribing to Whewell a claim that he never advanced, namely that common sense morality may afford by common-sense procedures a solution to moral dilemmas[12]. What Whewell did, in § 277-309 of the *Elements*, is discussing a way of dissolving a vast majority of apparent moral dilemmas concerning promises by intuitionist procedures (not by procedures of common-sense morality), that is, starting with clauses and limitations to duties that may be logically derived from the general formulation of general precepts. One example is the one – curiously enough, one cherished by Sidgwick – of the duty to keep promises extracted through reticence concerning relevant information. Whewell's answer is that such a promise is not a *real* promise since full knowledge of relevant facts is one of the conditions belonging to the very definition of the act of promising. Sidgwick does not discuss Whewell's argument, and limits himself to noting that common sense lacks any precise answer adding that, if intuitionists were right, common sense should already know the right answer (which is precisely the opposite of what Whewell claimed).

7. The moral of a study of moral controversies

[11] See Cremaschi, 2003.
[12] See Donagan, 1974.

By way of conclusion, controversies generally arise for 'Kuhnian' reasons, namely power struggles, confrontations between political and religious alignments, contrasting interests. Most of the time, during the controversy, both partners modify their claims and arguments without acknowledging it (and sometimes even without being aware of what they are doing), since, even when they respond to their adversary in perfect ill-faith and inspired uniquely by a desire to win, they are bound to use arguments, not authority or power. This is what is illustrated by several examples in various disciplines, among them the controversy between Malthus and Ricardo[13]. In most examples, controversies are propelling engines of scientific theories.

In our case, the appraisal of the controversy's consequences should be somewhat ambivalent. Much of early twentieth-century intuitionism was born out of Sidgwick's criticism of empiricism and hedonism. The very idea of a philosophy of morality was Sidgwick's bequest. The discussion of moral dilemmas, as in Ross, Hare etc. was a follow-up of Sidgwick's discussion. Thus, the controversy's legacy to analytic moral philosophy carried two steps forward and two steps backward. The former were: a) the fact that the English-speaking philosophy assumed as a starting-point Sidgwick's assessment of the limits of utilitarianism, even if accepting also the idea that such an assessment was Sidgwick's, while actually it had been basically worked out by Whewell himself; b) the fact that analytic philosophy accepted as another starting-point the idea that philosophical ethics is a "philosophy of morality", not a philosophical morals, even if it was again Whewell's idea, resulting in turn from a reaction to the utilitarian project a "new" morality based on reason.

The two steps backwards were – unfortunately – the following: a) the English-speaking philosophy completely forgot the real doctrines of the intuitionists and started talking of intuitionism as a kind of a straw-man; b) the invention of the doctrine of *prima facie* duties was a side-effect of uncritical acceptance of Sidgwick's conclusion that common-sense morality (and by implication, philosophical intuitionism) is unable to fix well-defined boundaries to duties and solve conflicts among duties, and thus the English-speaking philosophy accepted as facts beyond discussion the non-existence of unconditional precepts, the uncertainty of duty in the concrete case, the ubiquity of moral dilemmas. As a result, the discussion of neo-intuitionism of the Prichard and Ross kind left the very hypothesis of the existence of any kind of absolute duty out of sight[14].

[13] See Cremaschi and Dascal, 1996; 1998a; 1998b; Dascal and Cremaschi, 1999.

[14] This paper was presented also at the 2004 Conference of the Società Italiana di Filosofica Analitica (Genova September 2004). I wish to thank Asger Sørensen for useful comments.

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