

SOLIDARITY AND THE ROOT OF THE ETHICAL

by

DAVID WIGGINS



The Lindley Lecture
The University of Kansas
March 27, 2008

The E. H. Lindley Memorial Lectureship Fund was established in 1941 in memory of Ernest H. Lindley, Chancellor of the University of Kansas from 1920 to 1939. In February 1941 Mr. Roy Roberts, the chairman of the committee in charge, suggested in the *Graduate Magazine* that

the Chancellor should invite to the University for a lecture or a series of lectures, some outstanding national or world figure to speak on "Values of Living" -- just as the late Chancellor proposed to do in his courses "The Human Situation" and "Plan for Living."

In the following June Mr. Roberts circulated a letter on behalf of the Committee, proposing in somewhat broader terms that

The income from this fund should be spent in a quest of social betterment by bringing to the University each year outstanding world leaders for a lecture or series of lectures, yet with a design so broad in its outline that in the years to come, if it is deemed wise, this living memorial could take some more desirable form.

The fund was allowed to accumulate until 1954, when Professor Richard McKeon lectured on "Human Rights and International Relations." The next lecture was given in 1959 by Professor Everett C. Hughes, and has been published by the University of Kansas School of Law as part of his book *Student's Culture and Perspectives: Lectures on Medical and General Education*. The selection of lectures for the Lindley series has since been delegated to the Department of Philosophy.

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ABSTRACT

Like 'altruism', benevolence or the concern for another, when it is practised unmixed and in the absence of all other concerns except means-ends "rationality", can be a highly dangerous virtue. Once generalized in the pursuit of the greater good, unmixed benevolence all too easily finds itself constrained – in the words of Philippa Foot – to 'sanction the automatic sacrifice of the one for the good of the many'.

What then must curb or direct benevolence? Scarcely sympathy, which is only the catalyst for benevolence and open (in the shape of "sympathy with the general interest") to the same perversion of the originary source as is benevolence. Hardly fraternity either (or so the Lecture contends). Against benevolence and beyond benevolence, Philippa Foot herself appeals to 'a kind of solidarity between human beings – as if there is some sense in which no-one is to come out against one of his fellow men'.

In a refinement and further development of Foot's proposal, but pressing into service (1) Simone Weil's conception of human recognition of the human, (2) David Hume's conception of 'the party of humankind', and (3) the resources of the Roman law relating to agreements *in solido* (agreements in respect of the entirety of something), the Lecture seeks to show what explanatory power and precision will be added to the genealogy of morals by the acknowledgement of a primitive response of solidarity keyed to the human recognition of the human. In identifying the all-important negative thing that any human being owes to any or all other human beings, namely the *solidum* that is presupposed to the ordinary morality of all interaction between human beings, such an acknowledgement places limits upon claims that may be entered on behalf of aggregative reasoning. It assists in the demarcation of the proper province and operation of Humean 'humanity, benevolence, friendship, public spirit and other social virtues of that stamp'. It makes space for a category (passed over by Hume) of the forbidden and it grounds the defences of the *solidum* at the root of the ethical. In a further refinement of these ideas, the same acknowledgement explains the sacredness that Hume himself attaches to consent. It vindicates in neo-Humean terms the profound misgivings we are occasioned by the ordinary workings of consequentialist practical thinking, by its impoverished ideas of agency and responsibility, and by the actuality of the domestic policies and international development policies with which consequentialist thinking has been so closely associated.

"Always there will be winners and losers", the saying goes. But let us distinguish here between a truism and a shameless disavowal of

responsibility for acts or policies which, in assailing the *solidum*, menace the inmost core of morality. The Lecture distinguishes sharply between the general and the universal demands of solidarity, which arise from the inmost core of the ethical, and all other however persuasive demands. Finally, echoing claims by Nietzsche against the mentality of globalism yet respecting the claims of true internationalism, the Lecture seeks to restore the claims of the local and the personal.

Solidarity and the Root of the Ethical*

David Wiggins

1. Looking back at the earlier seventeen nineties in France, Chateaubriand writes

It was a point of honour for the *conventionnels* [the sworn members of the National Convention, which governed France from 21 September 1792 till October 26th, 1795] that they were the most benevolent of men. Like good fathers, good sons, good husbands, they walked out with small children. They behaved like nannies. They wept fondly at the simple games the little ones played. They took the little lambs in their arms and dandled them in gentle imitation of the gee-gee which pulled the tumbril that took the victims of the Revolution to their final end. The conventionnels sang of Nature, of Peace, of Pity, of Beneficence, of Plain Speaking or Artless Simplicity, and of Domestic Virtue. It was with deep compassion that these devotees of philanthropy had their neighbours beheaded for the sake of the greater happiness of the human race. *Mémoires d'outre-tombe*, IX, ch. 3 (ad fin).

Chateaubriand might have asked why the conventionnels allowed themselves to be persuaded that the most dangerous enemies of the Revolution were traitors within – or their own neighbours. He should have spent more effort on that question. But in our citation the thing that moves him to the scorn that culminates in his last sentence is the mismatch between the conventionnels' preoccupation with their own benevolence and their repeated acquiescence in judicial killing justified only (if at all) in the name of the greatest happiness.

* In thanking the University of Kansas for the invitation to give the Lindley Lecture, I want to add special thanks to John Bricke and Thomas Tuozzo for that which I learned in the special ambience of the Philosophy Department at Lawrence: and to explain that in starting out from two thoughts which I have pressed into service more than once before, one from Philippa Foot and the other from Simone Weil, my purpose is to extend substantially and to correct that which I have previously built upon their work.

What is the mismatch exactly? Benevolence seeks the happiness of others or resents the misery of others. But, if so, then it may seem that a thoroughgoing and fully rational benevolence must hold that, in the fulfilment of its commitment to the greatest happiness, no person's happiness or misery must matter more than the happiness or misery of anyone else – or, as Bentham puts it, “every individual tells for one; no individual for more than one”. Any other principle for the assessment of acts to be undertaken in the name of what one sincerely believes is the greatest happiness, would be less productive of happiness, it might be said, and less just. The conventionnels felt compassion for the victims on the tumbrel – how could they help but do so? – but it would have been inconsistent with their thoroughgoing benevolence for them to go further. It would have been inconsistent because the only justice and the only concern for another that is knowable by unmixed, unconstrained rational benevolence is gathered up already in the impartiality of a concern extended to anyone and everyone in the systematic determination of the greatest happiness. Apparently then Chateaubriand's aspersions are misdirected. Either that, or else (as I should say) we must find a better understanding of benevolence.

2. Is this the mismatch? – that sincere or genuine or real benevolence presupposes something which guides or directs it and directs it, wherever applicable, into an indelibly compassionate or indignant concern for the victims of judicial murder, wrongful indictment, expropriation, dispossession, unprovoked violence.... As properly directed in cases such as those Chateaubriand is recalling, the concern for another needs to have an import that cannot be diminished or dwarfed in relation to other preoccupations, least of all in relation to the abstractions of aggregative calculation.¹ (Do not such abstractions themselves deserve the suspicion of true benevolence?) A name that is ready to hand for a care that seeks in this way to occupy itself with the fate of any and every individual is “solidarity”, the solidarity of the human qua human. True benevolence cannot dispense with it.

By origin “solidarity” is a term of Roman Law. In a non-legal or ethical sense, the use of the word effectively postdates the events Chateaubriand is concerned with². So it might be suggested that a better term for that in which he finds the conventionnels deficient would be *fraternity* – as in Mirabeau's famous utterance:

General liberty (*liberté générale*) will rid the world of the absurd oppressions that overwhelm humanity. It will give rise to a rebirth of that universal brotherhood

without which all public and private benefit is so uncertain and precarious.³

But fraternity is at best an approximation to what we need in order to name the feeling-deficit that is signalled by Chateaubriand's irony – not least because, so soon as we make serious use of the metaphor of brotherhood, we encounter the difficulty that a brother or sister owes another brother or sister (as such) *special* or *particular consideration*; and special or particular consideration is not something one can extend to absolutely everyone or just anyone.

With fraternity – as with the aspiration for equality and as with true benevolence, once we press these ideas for some key to the purport intended – collateral ideas need to be present. These further ideas may or may not have been familiar to the lovers of fraternity or equality, who may or may not have had names for them; but provided these further ideas are attuned to recognizable sentiments or responses of ordinary human beings, their previous non-articulation need not matter. Solidarity in particular – if this is to be the focus of our search for that which needs to direct benevolence – is as old as the hills (see also section 14 below). It is of no consequence if there was scarcely any conscious conception of it before a vague and inexplicit idea of some such thing was forced upon the actors and witnesses to the events of the 1790s (and/or upon their inheritors) by the limitless duplicity of the slogans of revolution.

The real impediment to our search for a better understanding of the solidarity in which the *conventionnels* were deficient lies elsewhere. It lies in the fact that both word and idea have signified such a large variety of things for such a variety of people who have adhered to such a motley of persuasions.⁴ In the period between 1848 and the Great War, for instance (many decades, that is, after the word had taken on an ethical sense), the idea of solidarity came to be allied with socio-political notions of quasi-contract, State Socialism, mutual assurance or nice mediation between the claims of economic liberalism and socialism (anti-individualist liberalism, or anti-collectivist socialism, or whatever). But let us try to abstract from this multiplicity by searching for a demand which is antecedent to all inclination, theory or collective aspiration, arises from the simplest sort of ethical thinking and looks for the kind of response that might be expected from almost anyone who is party to the ethical.

3. In that cause, and moving from the historical to that which is almost timeless, let us narrow the search with a thought that Philippa Foot has made explicit within analytical philosophy in the following characterization:

The existence of a morality which refuses to sanction the automatic sacrifice of the one for the good of the many ... secures to each individual a kind of moral space, a space which others are not *allowed* to invade. Nor is it impossible to see the rationale of the principle that one man should not want evil, serious evil, to come on another, even to spare *more* people the same loss. It seems to define a kind of solidarity between human beings, as if there is some sense in which no one is to *come out against* one of his fellow men. In both cases, the good of the rule is a good that comes from having a system. But the justification is not, as with rules that limit the direct pursuit of the general good in utilitarian systems, that those who accept them will be most likely actually to bring about [most welfare].⁵

Here Foot gives voice to the disquiet we are caused by conceptions of agency and responsibility that arise from the political or philosophical mechanization of human benevolence. In philosophy, as also in life, the present day inheritor of these conceptions has been moral consequentialism. This founds ethical decision on the evaluation of alternative 'outcomes' yet, in the business of identifying and assessing these alternatives, either excludes ethical/deontological ideas or else prescind from their distinctive force.⁶ Disquiet persists. The philosophical task is to see how close we can come to its source and to remind ourselves of anything we can discover that we know already about how the solidarity Foot postulates sits within ethical thought as a whole.

One way to proceed (in a possible variation upon Foot's later work, *Natural Goodness*, Oxford 2006) is to single out a well-understood genealogy of morals that makes no use of the idea of solidarity, to count up the merits and demerits of the morality that this genealogy "defines" or determines, and ask a question: would this morality minister better to the truly irrevocable cares and concerns of human existence, and would the said genealogy gain in verisimilitude, if room were made for this thing we are following Foot in calling solidarity? Should the genealogist be set the task of identifying its primitive basis in human nature?

4. In furtherance of that plan, I sketch Hume's theory, complete or incomplete, of the genesis of morals, and of the roots of the ethical in human nature.

In human beings, there is a weak but fortifiable sentiment of benevolence and an ever-present yet pliant and adaptable sentiment of self-love.⁷ Between these mutually irreducible sentiments there is a constant interplay. Each and every one of us is prompted by self-love (as also by benevolence) to promote the benevolence of each and everyone else; and each and everyone seeks constantly to diminish each and everyone else's private concern to attend only to self-love. In succession to this interplay, the words 'useful', 'useless', 'good', 'bad', 'fair', 'foul', 'ugly' and 'beautiful' ... take on a public and shareable significance which comes to transcend any particular person's private and particular situation. From this and concomitant processes there emerges – under the influence of imagination, reason and sympathy (the reverberation of one human being to the psychological state of another) – a nascent standard of morals. Once established, that standard informs the evaluation of dispositions or characters and shapes judgment upon actions that are expressive of them. At the same time it sustains the first understanding of vice and virtue. *Pari passu*, the grasping of the standard and its entry into human thought and speech extends, reinforces and refines the motivation to act otherwise than simply from self-love.

In the important class of cases from which the Humean construction starts out – namely the so-called natural virtues, which do not presuppose artifice or co-ordination (but do include the disposition for gratitude) – the emergent standard is only recognizing as a norm that which is already latent within our nature: 'A parent flies to the relief of his child; transported by that natural sympathy which actuates him and which affords no leisure to reflect on the sentiments or conduct of the rest of mankind in like circumstances' (paragraph 2 of Appendix Three, *Enquiry into the Principles of Morals*, Selby Bigge, 307). At the next stage, and under the continuing guidance of imagination, reason and sympathy, come "humanity, benevolence, friendship, public spirit and other social virtues of that stamp" (*Enquiry*, Selby Bigge, p. 204).⁸

That is one enlargement of the proto-ethical. In parallel and in response to a sense of the need to concert human efforts, there is another and equal enlargement. The benefits in prospect from co-ordination divert self-love from immediate into longer-term prospects and enlarge the scope of benevolence. Thus there emerge various con-ventions or concurrences⁹ culminating in co-ordinating norms by the observance of which we gain an indispensable shared benefit and in the living of which we can come to find something we are moved to call *moral beauty*. (Compare *Treatise* III.ii. 2.) These observances mark the recognition of various so-called artificial virtues and acts (the as-if-compact-involving virtues and

acts) of honesty, loyalty, allegiance to magistrates of state, fidelity to promises, justice....

5. This is a summary report of a rich and promising account of the subject matter of morality. But there are evident deficiencies. It is questionable whether Hume's genealogy provides for evil to amount to more than too much self-love, too little benevolence, or too little effort or predisposition to cultivate the artificial virtues.¹⁰ Again, as is notorious, he says too little to connect morality and reason.¹¹ But three other deficits are more closely related to Hume's nescience of the idea of solidarity.

The first has to do with how little Hume says about what goes on where, almost independently of all schooling or ethical formation, human beings *recognize one another* and pre-reflectively respond to one another.

Secondly and relatedly, not quite enough can be derived from the Humean starting point about the source of something which is coeval with weak benevolence or fellow-feeling but utterly special, namely our primitively prohibitive aversions, the visceral horror that we feel at the slaughter of the innocent or the repaying of good with gratuitous evil, the indignation that seizes us against the ill-usage of defenceless persons, the way our blood runs cold at the sight of unprovoked wounding or injury.

There is a third deficit. Placed where he is, Hume has too little sense of what the generalization of benevolence in 'public spirit and other social virtues of that stamp' may find itself licensed to award to 'winners', or what it will be licensed to take away from 'losers', in deliberations directed towards the greater happiness.¹² Hume is not well placed to foresee what will happen to his ideas when they reach the young Bentham, or revolutionaries in France, or the Utilitarian sect of the nineteenth century.

If Hume's 'social virtues', generalized benevolence, public spirit and the rest, are not to sponsor problems similar to those that attach to consequentialism – if the 'social virtues' are not to be positively dangerous to moral subjects whose vital interests will be outweighed by the less vital interests of others more numerous than they –, then social virtues deserve much more careful demarcation than Hume attempts. Hume's own bent, in so far as he faced the sort of questions that are raised by utilitarian philosophy, was to insist (as he does in his account of the artificial virtues) that 'the whole system of just actions, concurred in by the whole society [be] infinitely advantageous to the whole *and to every part*'.¹³ Moreover, Hume's saying this last thing is all of a piece with his conviction that there is something sacred in *consent*, the consent of all persons who are party to the concertment of conduct entailed by the said 'system'. But that sacredness, like the need for a more exact demarcation

of the various social virtues, is something that we need to get from his genealogy. He does not show how this is to be achieved.

6. Hume not only lacks the word 'solidarity'. He has barely articulated the need for something at once distinct from natural sympathy and benevolence and coeval with them. If we are to see that which is altogether distinctive in what Foot wants human solidarity to be, then we must gather some conception of it for ourselves by making a traverse of our own across the very same ground that Hume travelled and surveyed. We need, I think, to redescribe the things that Hume characterized only in terms of practices and dispositions grounded in sympathy, self-love and natural benevolence and to place them in relation to what flows from the phenomenology of primitive pre-reflective recognition.

7. What goes on when one person finds or happens upon another person? In confrontation with the human form, in recognizing another person, we recognize (entirely pre-reflectively, however theoretical the philosophical description makes things sound) not merely a subject of consciousness but a being who will try to make sense of us even as we try to make sense of him or her, each of us bringing to bear more or less similar expectations, a canon of the reasonable not entirely at variance with our own, and a comparable proclivity to reciprocity or retaliation.

Many different things are simultaneously at work here. Out there in reality they seem inextricable. Here though is Simone Weil:

Anybody who is in our vicinity exercises a certain power over us by his very presence, and a power not exercised by him alone, that is the power of halting, repressing, modifying each movement that our body sketches out. If we step aside for a passer-by on the road, it is not the same thing as stepping aside to avoid a bill-board. Alone in our rooms we get up, walk about, sit down again quite differently from the way we do when we have a visitor ... But this indefinable influence that the presence of another human being has on us is not exercised by men [such as one's adversary in warfare] whom a moment of impatience can deprive of life, who can die before even a thought has a chance to pass sentence on them. In their presence people move about as if they were not there. Simone Weil. "The Iliad, or the Poem of Force".¹⁴

At the end of the citation, Weil begins to describe, in accordance with her main purpose, what it is for the expectation of recognition to be in suspense. At the beginning she describes the “indefinable influence” it has upon one personal being to find in another a subject of the kind of consciousness that we ourselves know, or to find “one of us” – one who may consent or refuse. To treat a person like a billboard, on the other hand, either I must fail somehow to see them or else I have to be ready and willing to suspend all the impulses that make possible the recognition of a person as a person.

Consider wilful killing. In mortal combat, the ‘indefinable influence’ in which we are normally caught up is suspended.¹⁵ In ordinary life, on the other hand, consider how many habits of mind and feeling you have to put aside even to contemplate simply doing away with another person (to contemplate doing this yourself, I mean). The point is not that these habits of mind and feeling cannot be suspended – they have been suspended countless millions of times – but the psychic and visceral obstacle which will impede anyone who belongs to the mass of humanity that Weil is describing – and the affiliated moral unreasonableness (as I should say) of abdicating from them.¹⁶

8. Back now to Hume. The recognition Weil speaks of is not the very same thing as the fellow feeling or primitive benevolence Hume speaks of. It is coeval with it. Almost coeval with both there is another thing, and this at least we may partly discern in Hume. If I can recognize the other, then he or she can recognize me in the same way. And there aren’t just two of us who instantiate the human form that prompts this recognition. There is a whole host. Indeed there is the party of humankind, as Hume calls it (*Enquiry*, IX, part one, Selby Bigge, 275), the party which ignores or discourages the attitudes that human beings take up from the exclusive viewpoint of self-love, even as it reinforces the willingness of each to take up the point of view that shall be ‘common to one [person] with another’.

So far so good. But now we come to the next question: in so far as human beings keep faith with that which makes them members of the party of humankind, how does that inform and constrain the conduct that becomes possible for one member towards other members of that same party? If someone keeps faith, how must he or she act in everything that can affect other personal beings? How are we to think about this? Putting Foot’s suggestion that solidarity is the idea we need alongside the etymology of the word itself, let us look now to Roman Law as that related to agreements that were solidary or *in solido*. More particularly, since it is in French that the word first acquires an ethical sense and that

sense only gets into English from the French 'solidarité'¹⁷, let us draw upon the version of Roman Law that occurs in the Napoleonic *Code Civil* of 1804. In the corresponding part of the civil law of the Romans, the Latin word 'solidum' means *whole* or *entire*.

9. Two people want to borrow money to buy a house together. Their creditors cautiously stipulate that, if one debtor defaults, the other will discharge the whole amount. Until it is paid, each of the debtors is to be liable for the whole debt. Under this condition, provided that it is expressly stipulated, the debtors have so-called *passive solidarity*. They are at one in their exposure to the creditor. They are severally liable as well as jointly liable for the whole debt. (The legal relation between the debtors themselves is spelled out separately. It need not concern us.)

So much for passive solidarity. Next we have active solidarity. Suppose there are two creditors (say) as well as two debtors and each creditor has lent half of the money. Suppose that, for the sake of best ensuring the security of their respective loans, the creditors join forces. Then they may stipulate that *each creditor* should be able to demand of either debtor that s/he discharge the whole of that which is still owed. Under this stipulation, the creditors enjoy *active solidarity*. (The legal relation between the creditors can be spelled out separately. It need not concern us.)

There is the model. But now let us prescind from debt in the narrow sense and prescind from the idea that a person can only play one role. Let us prescind from the thought that there can only be solidarity where it has been expressly stipulated. On these terms, let us try to reconstruct the kind of solidarity that exists among those who recognize one another as members of the party of humankind. There is a *solidum*, some whole thing, which every member is entitled to expect from each and every other. By the same token, each and every person has the corresponding responsibility to anyone or everyone else. But what is this thing?

When our reconstruction reaches this point you will be reminded of the cry of the three musketeers in Dumas's 1844 novel of the same name: 'Un pour tous et tous pour un'.¹⁸ But, having made the comparison, you must also make a contrast. The three (later four) musketeers are friends, whereas the members of the party of humankind are mostly strangers. If any person can demand of any person the whole of whatever flows from the kind of recognition that Weil describes, then the *solidum* we are concerned with must fall well short of what you can only demand of a friend. When confronted with extremes of poverty or deprivation, a properly directed benevolence may possibly award something that only a friend could expect. But our question is this: from out of the blue, so to

speaking, and of a total stranger who is not a Samaritan, what can you reasonably *expect*? what can you reasonably demand?

10. In the passage of Weil we have cited, the first thing that flows from the recognition of another person simply as a person, and from the indefinable influence that Weil describes, is negative. As Foot says, a space surrounds another; and the preservation of that space forbids unprovoked injury, murder, plunder or pillage. Being the sort of creatures we are, we apprehend the awfulness of such acts not by inference but immediately and directly, indeed viscerally. In so far as we consider these as acts we might be forced to do ourselves, it appals us. That is familiar enough and all the easier to understand once the phenomena of recognition enter into our neo-Humean genealogy. It is no less fundamental than the ordinary benevolence that an agent directs at his or her nearest or dearest. But now, as regards benevolence, whether directed or generalized, let us consider next the implementation of a simply aggregatively justified plan for general benefit which will in practice condemn 'the losers' to be deprived, if not of their life, then of their livelihood or of their previous expectation, such as it was, of satisfying their vital needs.¹⁹ Consider, for instance, the forced sacrifice (without the excuse of war) of a whole present generation to future generations. Or consider the dogmatic application, without regard for that which leads Foot to invoke solidarity, of unqualified doctrines of free trade, cash crops for export, wide open markets, and economically induced migration or urbanization, along with these things' direct consequences as witnessed over the last three or four decades. These are the doctrines which some have wanted and may still want to project upon the Third World.

'Always there will be winners and losers', people sometimes say. Under one aspect this is a truism; under another it is an unscrupulous way of making injury, rapine and injustice sound as if they were logically inevitable and in no way the responsibility of those who devise the proposals that the truism is meant to justify. But look for another plan, solidarity will say. Find alternatives. Multiply possible policies. Choose more carefully. Try not to add to the many millions of the dispossessed we see already. Would you be responsible for there being yet more? The time has come for human beings to be more inventive, more resourceful, more sensitive to the issue of compensation or amends, and more patient in their grand plans for the reconstruction of the human condition. In keeping with that patience, and in defence of anyone or everyone affected, can there not be a strident insistence that, as events unfold, there be visible to the ordinary human viewpoint, at each and every successive stage of human intervention, less blight, less ruin and less devastation?

As we grow up, let us listen more sceptically to those who pay tribute to "creative destruction". To those who love that idea, solidarity will say again: it is morally and reasonably impossible for you to recognize each human being as owed your abstention from intentional assault and then, in your aggregative reasoning, to acquiesce in something seriously comparable to intentional assault. Do not the categorical prohibitions imported by solidarity have a prior claim over benefits that make their appeal only to your simple generalization of benevolence?²⁰ Your mechanization of benevolence proves to be seriously at variance with the fellow feeling which is the source of that benevolence. Your systematization of what begins as a human virtue promises to become an attitude of contempt for the root of morality itself.

11. We shall come back to the last point. But this is the moment to refine ideas about that which solidarity excludes. Let us go back to Hume's story as recently renewed.

Once personal beings recognize one another as personal beings, open themselves to the claims of solidarity, and are party to prohibitive aversions of the kinds already described – as well as to sentiments of reciprocity, gratitude and the rest –, there is room for such beings to enter into closer and closer relations of trust or of mutual dependence. Such relations have to sustain and be sustained by ethical dispositions that come into being with the concertment we have already described as resulting from human beings' acting towards one another as if by compact or mutual understanding. It is only to be expected then that, correlative with the artificial virtues, there will be corresponding, so to say artificial, obligations or requirements. These too must have a categorical standing. Their force will not be conditional upon the agent's choice of end or upon anything else. And note too that, once we settle down to enjoy the benefits of what Hume calls the 'whole system', we shall often put ourselves into a position where a person of solitary, settled independence would never put himself, a position where we may be entirely undone if others do not keep to their side of the spoken or unspoken understanding that has grown up between us. Our dependence on that understanding – once supported by the expectation of the sincere consent of those who would participate – makes room for an extension (an artificial extension, so to say) of the inventory of acts that have the semblance of a direct assault by one personal being upon another. Beyond Hume's natural crimes of murder or ingratitude but in inescapable analogy with them, we discover the artificial crimes – at least some of them directly comparable to assault – of betrayal, false promise, fraud, slander, false witness and the rest. Where a comparison with assault can be sustained, such acts may pass

beyond the valuations *bad, disappointing,.... most unfortunate or regrettable, disgraceful, lamentable*, and trespass upon the same ground as murder, rapine, the repaying of good with gratuitous evil. They trespass upon the ground marked *forbidden, nefastum/nefarium, verboten, atasthalon, arrheton*.

12. Now that these categories are assigned their fuller extent and a content not special to any particular mode of human civilisation²¹, and now that we are feeling our way towards their source, the moment has come to say more of their import. Above all, these are deontological categories. To some philosophers the deontological appears absurdly archaic. But its distinctiveness will appear less strange altogether once the original paradigm of the categorically forbidden or *nefastum* is taken to be that which menaces the ethical itself and corrupts its basis in mutual recognition, in solidarity and in the possibility of trust in the sacredness of certain agreements. It is one thing for the doing of an act to deserve the adverse criticism of the ethical. It is another for it to poison the source of the ethical itself – or to promise to combine with a multiplicity of similar doings to poison it.

A signal and striking dictum of the moral philosopher W.D. Ross was “right does not stand for a form of value at all”.²² A similar or greater truth would lie, I believe, in the contention that “forbidden does not stand for a form of disvalue”. In saying this I am not saying, absurdly, that nothing bad flows from or resides in acts of criminality. I am saying that the *original and first work of “forbidden” lies within the deontological as such*. Either directly or at one remove, the special power of primitive prohibition is rooted in the phenomenon of recognition.²³ See section 7. It is celebrated in the kind of sacredness that is sometimes attributed to the human person. That sacredness is as real as the forbidden. But I note that such a source can lend no plausibility at all to the strange idea that the more human beings there are, the better.

13. Philosophers such as the moral consequentialists are not only impatient with the categorically forbidden. They feel a similar impatience with considerations that turn crucially upon agency and personal responsibility. But it matters to those who are living by the ethic of human solidarity that we have been trying to recover or reconstruct not only what acts a person does, not only what results from their doing what they do, but also *in what spirit* they and other agents act. In abstraction from the act they do, it matters, as Philippa Foot will say, what the quality is of a person’s will and it matters how much they care about that *solidum* which is owed to anyone or everyone.

If the terms on which we involve ourselves with the ethical are as I have now claimed and if I have discovered the right way to think about how it is to be determined what each and everyone owes to each and everyone, then it is clearer still why a human being cannot (ethically or reasonably)²⁴ acquiesce in modes of thinking that prescind from our deep-seated ideas of agency, responsibility or the categorically forbidden/required. Within the framework we are exploring these ideas appear as nothing less than structural or constitutive of the ethical as such. In so far as I have ventured to pass judgment on certain lines of conduct which withhold even the minimum that human solidarity requires, it is this framework and the sentiments that the framework helps to explain (and, in the explaining, serves to second or support) which embolden me to do so.

14. Solidarity as Foot understands it deserved a name of its own and in the end it got one. Lying as it does at the root of the ethical, the thing that Foot articulates mobilizes feelings which are ready and waiting to impassion us to protect true benevolence from the misappropriations of brute force. Both the feeling and the associated demand are facts lying beyond judgment or choice (which is not to say that no one will seek to opt out from them). No doubt the undifferentiated solidarity of the human qua human enables, aids, abets and interlocks with the camaraderie of the group; and no doubt it was the widening of the group which opened our eyes to see through the once very unfamiliar multiformity of human physiognomy to the oneness of humankind.²⁵ But even if human solidarity may appear from some angles indiscernible from the solidarity of the group, the thing it points to is something which has always transcended the group.²⁶ It points to the innermost and least contestable core of the ethical. (See section 9 above.) Looking beyond the prohibitions and consequential duties that make up the greater part of the core, one might suppose that in many cases the further or more particular care or concern one owes to others or can expect to receive from others will depend on the power of something that lies outside the innermost core, and is no less important for lying there. Such care or concern may arise from the promptings of strong and genuine philanthropy or of true internationalism. In more everyday cases it will depend on local obligations, duties or loyalties which are no less exigent for being local — or depend, as some say, on more specific or local solidarities²⁷ coexisting with the totally general solidarity of the party of humankind.

15. That at least is the story I have to tell. But there is another story you could have heard in 1909 and will hear more loudly no doubt in 2009, which would have it that in the modern age:

Even though many of the older forms of solidarity are melting away, new solidarities are constantly emerging. The thing that is so noteworthy is the ever-widening circle of solidarity through the family, the city, the nation, all the way to humanity itself. From this widening we have a doubly fortunate result: corporate egoism is ennobled by extending itself to the point where it embraces the whole of humanity; and at the same time the clash of conflicting solidarities becomes more and more a thing of the past.²⁸

By this account, dating from 1909 and translated from the words of Charles Gide, who was at once an economist and a critical but sympathetic promoter of the solidarist ideal of a cooperative republic, it is made to appear that the idea of a solidarity of humanity was something new to the world. It is made to appear that a wider and wider new solidarity of the human as such has become the harbinger for a morality that constantly disencumbers itself from that which darkens and obscures it. This new morality supersedes the solidarities of family, city and nation. Against that I have insisted first that the solidarity of the human qua human which supports the primarily important prohibitive component of morality is not a new thing, and secondly that it can never do duty for everything else. Still less, in the third place, is it bound to conflict with the more specific loyalties and attachments that flow worthily from family, city and nation.²⁹ It offends against the solidarity of humankind for one person to assail another without provocation or to take away from them that on which their life or well-being depends. It offends against human solidarity to neglect the duties of reparation we have towards anyone we have harmed in this way, or to neglect the duties (once invoked as the laws of Zeus) of safe conduct and hospitality towards strangers as strangers.³⁰ Nothing could lie closer to the ethical; but so much more or less exhausts the *solidum* that is owed to others simply as members of humankind.

In the 100 years since Charles Gide wrote the chapter from which I have quoted, we have heard countless times of 'the widening of the human circle' as representing an altogether new culmination of moral thinking. But not only is there something wrong with the story. It seems likely that there is something dangerous in the idea of a human world

without evident frontier, limit or horizon. In his second *Untimely Meditation*, Nietzsche declares:

from an infinite horizon [man] returns to himself, to the smallest egoistic enclosure and there he must grow withered and dry; probably he attains to cleverness, never to wisdom. He 'listens to reason', calculates and accommodates himself to the facts, keeps calm, blinks and knows how to seek his own or his party's advantage in the advantage and disadvantage of others. He unlearns shame that is needless.... Precisely that is the sense of the cynical demand for the 'total surrender of the personality to the world process' ...

If we see any truth in Nietzsche's finding – if the fresh experience of *homo economicus* as he lives (competes) under the care of globalism now reveals some prescience on Nietzsche's part – we may think that the more widely the circle is extended, the greater the need for more specific loyalties to excite more particular benevolence and define more specific obligations, and the greater the need for more local conceptions of political morality. On the other hand, if we understand the widening of the circle as it seems solidarists at the turn of the nineteenth/twentieth centuries and their inheritors have been wont to understand it, the more problematic such loyalties are bound to appear. Loyalty or attachment will come to be seen as arbitrary. And once it seems arbitrary it will seem meaningless.³¹ That is the price of confusing the universal, categorical but utterly special demands of human solidarity with the demands of the ethical as such.

16. The force of human solidarity is not only distinctive. It is commanding. Or so I have claimed. But the question may be put: how can something whose existence is utterly contingent, something which is so quickly and easily lost in hostile, devastated or corrupted human environments, lie at the core of morality? I answer first that foundations are not at issue, only roots. But secondly, even if the facts about us that make solidarity possible are contingent, this is not to say that the findings of the morality that solidarity helps to nourish are contingent. Nor is it to say that morality itself is not objective – or that the contingency in question can be, for us, a *mere* contingency.³² For the contingency in question is the same as the contingency that human persons are the sort of creatures they are and have the predispositions that they do. It is not distinct from the contingency that we can have morality at all. It may strengthen not

weaken us to think how fragile is this thing that solidarity and related predispositions make possible.

17. But how can so slight a thing as I have described play any serious part in sustaining morality? Well, how can an atmosphere that is to the earth as the thin skin of a large cooking apple is to the rest of the apple sustain – despite the poison, smoke and other wastes that people, six or seven or eight or nine billion of them, send up into it? We shall see if it can. If it will have to do so, and if it can do so, and if it can go on doing so, that too will be contingent.

18. Human solidarity is a way of being, not a way of arriving at something else. It is not an ordinary human pursuit. Its role is to condition, to civilize and to humanize human pursuits.

Ethical ideas are a rare and precious resource, something to be husbanded carefully by philosophy.³³ Solidarity, slow though it has been to come to explicit awareness and open though its demand has proved to misstatement, zealotry and philosophical confusion, deserves its proper place beside that rare handful of precious ideas which it has taken so much labour and so many extremities of human experience to articulate.³⁴

Appendix

It may be said that, together with solidarity, benevolence and the rest, the human constitution which Hume and his admirers speak of is at best a statistical construct, a fiction that comes down to us as a residue from the epoch, now finally concluded, of essentialist thinking. Such a complaint deserves a reply.

There is an essentialism that sees all species, including that of homo sapiens as defined by a set of traits that constitute the nature of their members and that determine the natural development of any normal individual.³⁵ Let it be conceded outright that an essentialism of this sort collides with the fact that any given species, if it is to persist from one epoch to the next and surmount constant variation in the material conditions of its existence, must embrace within it a mass of individual variation. But this concession having been made, I insist that neither the fact of genetic polymorphism nor the populationist view of species needs to undermine Hume's conception of human constitution.

Suppose we enumerate some generous plurality of the attributes and predispositions that are indispensable to Hume's account of morality and human constitution. Suppose we plot the distribution of each of these attributes at this, that or the other degree of its inherence within the

individuals of the human population and we construct the usual bell-curve for the various lesser and greater gradations of the attribute. Suppose that, over and over again, as we review the result for each attribute, we find that a small but significant minority of individuals recur at the leftmost edge of the *x*-axis (at one 'tail' of the distribution) who barely participate at all in the qualities by which Hume sets greatest store. Does this imply that the Humean genealogist is describing nothing at all that can be reliably depended upon? No. Only if he were making a mistake about the vast generality of human beings would Hume lose the right to single out one great 'party of humankind' for whom morality represents a natural or normal option (under normal or favourable conditions).³⁶ Still less does it follow from the existence of exceptions to Hume's account of human constitution that there is some serious rival to the ordinary morality of human solidarity or some alternative way of being that the human collectivity might agree to see as a real alternative to 'fear and danger of death' or a life 'solitary, poor, nasty, brutish and short'.

The egoist may try to say, on behalf of himself and those in the left-hand tail of the distribution, that, within the context of our stand against him and our justification of our collective efforts to defend ourselves, it is unfair for us to appeal in this way to what we call morality. But what is there for him to mean by 'unfair'?

Notes

1. Are we speaking then of human rights? Not yet. We are speaking rather of the phenomenological-cum-genealogical *basis* or *root* for human rights and of the indignation (for instance) to which we are moved on the behalf of certain sorts of victim. I remark though that, if we are to ground rights in human passions and responses (how else can we vindicate them?), then not all the feelings and responses that we appeal to ought to depend already on the thought of rights as such. Nor can the ambit of the feelings and responses we begin with be confined to the cases where a strictly and seriously inalienable general right can be established. The ambit of that in which the *conventionnels* are found wanting (e.g. solidarity, as it will appear) will be wider. See my *Needs, Values, Truth* (Oxford, amended third edition, 2002), p.38, note 45. See further below note 19, paragraph 2.

2. For an early use of the word in a non-legal sense, see Mona Ozouf. 'Fraternity' (especially at pages 700-1), in *A Critical Dictionary of the French Revolution*, ed. François Furet and Mona Ozouf (Belknap, Harvard University Press, Cambridge Mass. and London, 1989).

For a still earlier articulation of something closer to the thing itself that concerns us, but unnamed, see the *Déclaration des droits de l'homme et du citoyen* 1793 (An 1): Il y a oppression contre le corps social, lorsqu'un seul de ses membres est opprimé; il y a oppression contre chaque membre lorsque le

corps social est opprimé (article 34). There is no corresponding statement in the Declaration of 1789, or in that of 1794. Note the logical consequence of the 1793 statement: lorsqu'un seul membre est opprimé, il y a oppression contre chaque membre.

3. I owe the citation to *Dictionnaire culturel en langue française*, (ed. Alan Rey, Robert-Sejer Paris 2005). See the entry for 'fraternité'.

4. All too aptly in this regard, the intellectual historian, J.E.S. Hayward, quotes from Julien Benda:

Pour l'historien des idées des hommes, la réalité ce n'est point ce qu'elles ont été dans l'esprit de ceux qui les ont inventées mais ce qu'elles ont été dans l'esprit de ceux qui les ont trahies ... car il est clair qu'une doctrine se propage d'autant plus largement qu'elle est apte à satisfaire un plus grand nombre de sentiments divers.

See 'Solidarity: the social history of an idea in nineteenth century France', *International Review of Social History* 4, 1959, pp. 261-284.

5. 'Morality, Action and Outcome' in T. Honderich, ed. *Morality and Objectivity*, (London, Routledge, 1985). Compare from the same text: 'It has been suggested [by the author] that one criterion for a good moral system is that it should be possible [just by virtue of what it gives and takes] to demand [some recognizant return] from every individual because of the good the system renders to him. . . . It has also to be such that anyone can conform to it and still live well enough in the ordinary, non-moral, sense. This condition may well be what limits the demands of altruistic [or aggregatively justified] action; and a whole new non-utilitarian enquiry should open here.' The square-bracketed insertions registered here were arrived at in discussion with Professor Foot.

6. For 'consequentialism' / 'consequentialist', see below section 13. See also my *Ethics: Twelve Lectures on the Philosophy of Morality*, Penguin and Harvard, 2006, especially pages 226-227 and chapters 7, 8 and 9. Consequentialism is not a mere theory, it is a doctrine that interacts constantly on the levels of practice and public justification with a distinctive way of acting and being.

7. See *Twelve Lectures* op.cit., chapters 2 and 3.

8. "The social virtues must be allowed to have a natural beauty and amiableness, which (at first) antecedent to all precept and education recommends them to the esteem of uninstructed mankind and engages their affection". *Enquiry* V.i, Selby Bigge, 214.

Here, as before, almost everything presupposes "some benevolence, however small, infused into our bosom; some spark of friendship for human kind; some particle of the dove kneaded into our frame, along with the sentiments of the wolf and the serpent." These particular words are from Hume's *Enquiry* (223). In the *Treatise*, the working of this spark of friendship and the human capacity to care however weakly about the fate of another, is described in terms of sympathy, where sympathy is the capacity of one human being to resonate to the state of another. (Hume compares this with the way in which the sound of one violin string will cause another that is "equally wound up" to sound, however

faintly, the very same note.) But a sympathy of this sort will only pull in an ethical direction if there is already some spark of friendship, "some benevolence however small infused into our bosom." In the *Enquiry* (218), Hume is explicit on this point. No plausible genealogy of morals can escape it. See *Twelve Lectures*, Chapter Two, especially page 38.

9. I understand such con-ventions or con-currences as comings together or runnings together – as convergences of as if concerted conduct – resulting either from some initial chance happening which is unreflectively reinforced by the immediate perception of a benefit resulting (compare primitive reciprocity and the natural noncompact-involving virtue of gratitude) or else from more explicit agreement. See *Twelve Lectures*, page 74.

N.B. Hume's terminological provisions ('Natural may be opposed either to what is *unusual, miraculous or artificial*'. *Enquiry*, Appendix III) preserve the option for him to say that it is natural for human beings to engage in that which involves artifice. Hume exercises this option in one of his letters to Hutcheson: 'I have never called justice unnatural but only artificial'. See i.33 in J.Y.T. Greig (ed.), *Letters of David Hume*, Oxford 1932.

10. Nothing would prevent Hume from taking counsel from Schopenhauer and assigning to *Bosheit* or malice its own special place among the foundational predispositions of human beings. See *Twelve Lectures*, Chapter Two, pages 59-60, 64.

11. If we are constructive, we shall not prolong Hume's campaign against reason as his predecessors Clarke and Cudworth misconceive it. Rather, we shall enter into the critical-cum-normative study of the ordinary avowable reasons (plural) that ordinary human agents of passable good sense, honour and decency will appropriate as their reasons to do this, to feel that, or to respond thus or so. On an Aristotelian view, there is no other route by which to engage with the most fundamental notion of practical reason. How else can we remind ourselves of the ends and means proper to workaday human reason? If Hume will agree that ordinary reasonableness so conceived is what survives his critique of Clarke, Cudworth *et al.*, then Aristotle is not (as some would suppose) his opponent but his ally.

For the Aristotelian view of bare *Zweckrationalität* and its tenuous claim to be any sort of rationality at all, see *Nicomachean Ethics*, 1144 a23 following. In Aristotle the intellectual virtues presuppose the ethical virtues, which presuppose human passions and responses and the ethical regulation of these. It is ethical virtue, moreover, that fixes the rational end. See Book VI, chs. 1.2 and see 1144a 7-9. It is a substantial question about rationality not a merely formal one what the rational end is. See also *Twelve Lectures*, page 50 following.

12. Two or three generations after Hume and, working consciously within the framework Hume did not inhabit, John Stuart Mill sees clearly the political or economic peril of minorities, whether enfranchised or not, whom the public pursuit of the quantitatively greatest happiness may threaten with immiseration or near-extinction (see, for instance, *Considerations on Representative Government* (1861), Chapter 7). It is a pity that Mill does not pause to recant or to modify (if that were possible) the principle by which all ethical ratiocinations are reduced

in theory to the question of the greatest happiness. I remark that, in the presence of that principle, the most that can be secured by Bentham's insistence that, in the computation of utility, 'every individual is to count for one; no individual for more than one' is this: to make more equal the prima facie risk run by each and every individual of being sacrificed to some larger good sponsored by generalized benevolence. But, as we have seen, Bentham's principle places no limit upon what may be demanded of those who will lose by some utility-maximizing proposal.

13. *Treatise, III, ii, 2*. It would be a mistake to see this ruling as a would-be check or balance within the calculation of utilities. In Hume's account of morals, utility does not play a deliberative or calculative role. Pace Bentham and Mill, it is a (localized) explanatory notion presupposing his piecemeal cum genealogical account of virtuous dispositions and sentiments. It is not a deliberative tool within first order morals. Nor yet is it a unitary notion. See *Twelve Lectures* pages 165-7.

14. As translated by Mary McCarthy in Pendle Hill Pamphlet no. 91 (Wallingford, Pennsylvania, Pendle Hill Press 1956) page 7. I choose Simone Weil over numerous others such as Hegel or Levinas who have been concerned with the same phenomena because she focuses so closely on the pre-reflective and does not intellectualize or moralize the phenomena. She focuses on that which precedes the ethical as such and on that which is not a matter of judgment or choice.

15. More exactly, it is suspended except in so far as there are some for whom, even in the frenzy of danger or emergency, it takes yet more to put that influence into abeyance – a fact clearly recognized in the training and drilling of military recruits and conscripts.

16. Concerning reasonableness and unreasonableness, see note 11. Concerning the *reach* of human recognition, see below section 15.

In the contentions of this paragraph you will recognize a would-be Humean version of a Kantian contention. But I am tempted to think that the thing we arrive at in this way may explain better than Kant can explain it why, faced with the spectacle of an act of deliberate murder, we draw in our breath and gasp, our stomach turns. Does the same explanatory power reside in the would-be foundational idea of the infringement of the victim's sovereign will?

An explanation that starts where Weil starts of what is wrong with wilful killing, with unprovoked assault, or (on a different level) with repaying good by evil, might seem to be unable to rise above the superficial. But, if anything is superficial here, maybe it is the opinion that this sort of explanation is *bound* to be superficial. Fully set forth, if only that could be achieved, there is no reason why the explanation cannot be as deep as the moral facts, as deep at least as the idea of a sovereign will. That idea is available to Weil too but, through her approach, it can come more directly from the the phenomena she is concerned to describe.

17. In the ethical sense it reaches England and America in the 1840s. It comes through the Fourierists. For a typical Fourierist utterance, far wide of formulations such as Foot's, see Hippolyte Renaud, *La Solidarité: Vue Synthétique de la Doctrine de Charles Fourier*, 1842, page 48.

Tous les hommes doivent se ranger à la loi: c'est qu'il n'en est pas donné à quelques uns d'être heureux pendant que les autres souffrent.; c'est que tous les membres de la grande famille sont liés en un seul faisceau par un grand principe: la SOLIDARITÉ ... nous aurons à faire comprendre que les intérêts des hommes sont en tout point rigoureusement identiques.

18. Compare in this connection the citation in note 2 above from the 1793 *Déclaration des droits de l'homme et de citoyen*. Compare also the definition of solidarity offered in *La Solidarité*, a short-lived monthly that appeared in late 1849: 'La solidarité n'est autre chose qu'un rapport qui rattache et confond les intérêts, une sorte d'assurance mutuelle où tous sont protégés en général et chacun garanti en particulier contre les mauvaises chances. Être solidaire, c'est être responsables les uns pour les autres'. See Gerald Antoine, *Liberté, égalité, fraternité: fluctuations d'une devise*, 1981, Presses de l'Unesco, page 154-5.

For the possibility that our reconstruction may recapitulate some part of the historical evolution of ideas, see further page 149 of Gerald Antoine's same work:

Richelet, Foureitière, la première édition du Dictionnaire de l'Académie ne connaissent que l'adjectif *solidaire*, donné comme un 'terme de Pratique' ou 'de Palace' ... La sixième édition de l'Académie (1835) substitue 'Jurisprudence' à 'Pratique'; elle ajoute: 'Il se dit figurément des personnes qui répondent en quelque sorte les unes des autres'; enfin, un article *solidarité* y apparaît où sont distingués un usage de jurisprudence et un usage, donné comme rare, 'dans le langage ordinaire' où il se dit 'de la responsabilité mutuelle qui s'établit entre deux ou plusieurs personnes' ... [I] faut en venir au *Grand Larousse de la Langue française* pour découvrir un peu plus de substance, et une place faite aux implications sociales du mot ...

19. 'You take my life when you take the means whereby I live'. *Merchant of Venice*, IV, i, 375. Concerning needs, vital and other, see Essay One in my *Needs, Value, Truth* (amended third edition, Oxford 2002). See also my essay 'An idea we cannot do without', in *The Philosophy of Need*, ed. Soran Reader., Cambridge 2004. For another sort of commentary on the matters touched upon in this section, see Wangari Maathai, *Unbowed*. (London; William Heinemann 2007).

Let me emphasise that the implementation of an however evil aggregatively justified plan need not involve acts *already* recognized as evil, criminal, illegal or contrary to human rights.

20. Constrain, that is, in a way perfectly unaffected by the particular purposes an agent wants to pursue. For this, and for the availability to Hume of prohibitions and requirements that have such categorical standing, see *Twelve Lectures*, pages 85, 92-4.

To one who asks how far the idea of human solidarity has now carried us beyond Hume, I should suggest that they consider the judgments that Hume

passes and the basis for the various judgments that he passes on historical events, persons, and characters in his *History of England*. See for instance his reflections on the treatment of Joan of Arc (1431) at chapter XX or the judgments that he passes in XXIII upon the events of the reign of Richard the Third. *Implicit* in these judgments may one not discern an however distant ideal for human life not immeasurably far from that of Footean solidarity?

21. Hume sees the scheme of conventions and requirements as presupposing artifice (hence as 'artificial'). But that leaves him room to insist that this is an artifice by which it is *natural* for creatures as unself-sufficient as we are to shape our life together. See note 9, paragraph 2.

22. See *Twelve Lectures*, page 247.

23. Once we understand 'forbidden', we can define that which one categorically must do as that which it is categorically forbidden not to do. Such an equivalence well brings out the greater contestability of claims concerning that which it is said one must positively do (rather than avoid doing). I remark in passing that I have not shown or wanted to show (absurdly) that all categorical obligations are generated within the province of solidarity – only that that province exhibits striking and cogent examples.

Conspicuous among those who are reluctant to take the deontological for what it is are consequentialists. Consequentialists are not distinguished by holding some monopoly in the consideration of consequences. Everyone thinks consequences matter. What then distinguishes them? In the identification and description of alternative 'outcomes' through the evaluation of which they expect practical decision to be arrived at, consequentialists either refuse to deploy the full range of ethical categorizations or else fail to engage with the real nature and variety of our deontological-cum-agential ideas. Consequentialism is a pervasive feature of twentieth-century thought, and all of a piece with a conception of rationality to which it can appear (as it does to Robert Nozick in *Anarchy, State and Utopia*, New York, Basic Books, 1974, p.30) 'irrational that one be prohibited from violating a constraint [from doing something forbidden or *nefastum*] when such a violation will prevent more of the same type of constraint from being violated [i.e. prevent more *nefasta* from occurring]'. It is all of a piece with a conception of rationality to which it can appear that there is nothing so bad that rationality will not routinely require you to do it in order to prevent others from doing yet more of it. Solidarists of Foot's persuasion will of course find themselves a conception of rationality less reckless, less reductive, more perceptive and more meticulous than this. See note 11.

24. See note 11. See *Twelve Lectures*, pages 206-9 and see the index under 'reason'.

25. No doubt the widening of the group also helped to disturb the quietism or fatalism that obstructed almost all practical efforts to *follow through upon* the recognition by one human being of another human being as a human being. On related matters, see Peter Garnsey, *Ideas of Slavery from Aristotle to Augustine* (Cambridge 1996), Chs. 5, 6 and Conclusion.

26. See for instance Paul, *Epistle to the Galatians*, 3:28, *Epistle to the Romans*, 12:4-5. On St. Paul, see Garnsey, *op.cit.* Ch. 11.

27. The *Oxford English Dictionary* gives as one of its definitions of solidarity (taken in a sense well downwind from the origin in Roman Law): the fact or quality, on the part of communities, etc., of being perfectly united or at one in some respect, esp. in interests, sympathies, or aspirations.

28. See Charles Gide and Charles Rist, *Histoire des doctrines économiques*, Paris 1909, Book V, Chapter iii, p.648. Citation from 1947 edition.

29. I say worthily. This is an important qualification. It is related that in the Corsica of the nineteenth century group-solidarities still demanded that each member of a group be sworn to avenge the death of any other member of his group by taking the life of a member of the hostile group from which the murderer came. No one who defends the idea of local solidarity will want to defend this sort of solidarity. The way out from vendetta is not some further solidarity, but wergeld or blood-price. See below, note 33.

30. Here one finds that which is most incontestable in the idea of a specifically human right. By not invoking that idea explicitly, yet furnishing materials by which claims of rights might be tested, I think I create a more secure place for it. See note 1.

31. Alasdair MacIntyre has made this point forcefully and in a variety of connections. See, for instance, p. 240ff., in "Politics, Philosophy and the Common Good", in *The MacIntyre Reader*, ed. K. Knight.

32. See *Twelve Lectures*, page 120.

33. In various ways Bernard Williams made this contention many times. It applies equally, if in different ways, to ideas that are discovered and to ideas that are invented. The idea of solidarity itself is not so much invented as discovered – even if we need to think about it more explicitly in order to follow it through. For an idea that was invented, think of the idea of blood-price or wergeld. In the west, the first mention of it will be found in Homer's account of the shield of Achilles, in *Iliad*, book 18, lines 497ff..

34. For their comments, suggestions or encouragement I want to thank especially Véronique Munoz-Dardé, Arnold Burms, Martin Stone, John Tasioulas and Anthony Price.

35. See Elliott Sober, 'Evolution, Population Thinking and Essentialism', *Philosophy of Science*, 47, 1980, pages 350-83. For an account of thing-kinds that seeks to dissociate their identification from the enumeration of the properties of their members and seeks at the same time to undo the supposedly necessary association between Hilary Putnam's deictic strategy for natural kind words and microphysical reduction, see my *Sameness and Substance Renewed* (CUP 2001) pages 79-81.

36. Biologists tell us that an Englishman, say, and a Chinaman, say, will be genetically closer to one another than two apes chosen at random from the same tract of forest. But the point in the text does not depend on that.

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