ANTHROPOLOGY AND MORALITY[1]

This paper falls into two parts. I shall begin with some
history of the branch of Philosophy called 'Ethics' or 'Moral
Philosophy'. The second part of the paper contains criticisms
of Durkheim's criticisms of philosophers' activities in Ethics,
and suggests that what philosophers in the English-speaking
world have studied under this heading could perhaps fruitfully
be more widely investigated by anthropologists.

I

In the period just before the publication of *Principia Ethica*[2]
by G.E. Moore in 1903, probably the most generally accepted and
certainly at present best known view of morality was that pro-
moted by the Utilitarians, chief among whom were Bentham, J.S.
Mill and Sidgwick.[3] The opinions they put forward were not uniform
in detail, and had been held with more or less variation before,
and there is also disagreement about the correct interpretation
of some of them. But roughly speaking the view is that acts are

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[1] This is a slightly amended version of a paper given at the
Institute of Social Anthropology, Oxford, on October· 30, 1981.
The title was suggested by Godfrey Lienhardt. The original
version contained discussion of the title, especially the term
'morality', which has been omitted.

[2] G.E. Moore, *Principia Ethica*, Cambridge 1903.

[3] J. Bentham, *Introduction to Principles of Morals and Legis-
lation*, 1780; J.S. Mill, *Utilitarianism*, 1863; H. Sidgwick,
especially *Methods of Ethics*, 1874.

morally right in proportion as they promote happiness, morally wrong in so far as they do the reverse. Mill in his book *Utilitarianism* is careful to explain that he means

> not the agent's own happiness, but that of all concerned.
> As between his own happiness and that of others, utili-
> tarianism requires him to be as strictly impartial as a
> disinterested and benevolent spectator .[4]

Bishop Butler, in Sermons published in 1726 and other theological works, especially *The Analogy of Religion*,[5] and long before the term 'Utilitarianism' was coined, gave this view a theological background. He claimed that the phenomenon which we know as our conscience was given us by God to guide our steps and that we should not ourselves endeavour to promote the greatest happiness, and especially not contrary to our inner voice:

> Some of great and distinguished merit have, I think,
> expressed themselves in a manner which may occasion some
> danger to careless readers, of imagining the whole of
> virtue to consist in singly aiming, according to the best
> of their judgment, at promoting the happiness of mankind
> in the present state; and the whole of vice in doing what
> they foresee, or might foresee, is likely to produce an
> overbalance of unhappiness in it; than which mistakes,
> none can be conceived more terrible.[6]

The reason is that we lack the perfect foresight which God possesses:

> The happiness of the world is the concern of him who is
> the Lord and Proprietor of it: nor do we know what we
> are about, when we endeavour to promote the good of
> mankind in any ways, but those which He has directed
> [which ,he adds, is] indeed in all ways not contrary to
> veracity and justice.[7]

In more recent criticisms of the formulations of Utilitarianism, veracity and justice have also commonly been selected as excep-tions to the rule, if any, that promotion of happiness is the sole criterion of moral right and wrong.

G.E. Moore's *Principia Ethica* turned the general course of Anglo-American philosophical thinking. He himself believed

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[4] Mill, *op. cit.*, chapter 2.

[5] J. Butler, *Fifteen Sermons Preached at the Rolls Chapel*, 1726; *The Analogy of Religion*, 1739.

[6] Butler, 'Dissertation of the Nature of Virtue', in *The Analogy of Religion*, 1739, chapter 3, appendix i (10).

[7] *Ibid.*

there to be objective moral values and that moral good and evil
are particular properties perceivable by the moral sense as
particular colours are perceived by sight. He also thought that
promoting happiness is in fact what morality consists in. But
he accused previous writers like Bentham and Mill of committing
a logical error which he called the 'naturalistic fallacy'. The
nature of the error is variously described, but, roughly
speaking, is supposed to consist of identifying the 'goodness' of
something with some other property or set of properties, such as
its being conducive to happiness. According to Moore 'goodness'
cannot be defined in terms of other properties - it is a simple
indefinable property all of its own. Other descriptions of the
fallacy Moore was complaining about are that it involves or
consists in deducing 'ought' from 'is' or evaluative conclusions
from factual premises.

For half a century after the publication of *Principia
Ethica* philosophers were unusually unanimous in accepting that
naturalism, as it came to be called, was a mistake. This was
thought to be the one truth proved in moral philosophy. They
also united in not accepting Moore's positive doctrine that good-
ness is a simple indefinable property and a succession of
theories following in which morality was thought of as a wholly
subjective matter, in one or another sense of 'subjective'.

This style of view can be found in such best-sellers as
Ayer's *Language, Truth and Logic*, first published in 1936, and,
in a different version, in another very influential book, Hare's
The Language of Morals (1952). The deficiencies of this
succession of views, which became apparent to many, led to a re-
investigation of the supposed naturalistic fallacy. An outcome
was the belief held by some moral philosophers that there had
been no logical error. A number thought that the Utilitarians
were not identifying goodness as such with any particular prop-
erties, the position actually attacked by Moore, but suggesting
a factual connection between goodness and happiness. Others, of
whom I am one, think that what the Utilitarians were indeed
defining was not goodness in general (which they were not
discussing) but moral goodness, and that there is no logical
error involved in this as there would have been had they tried
to define 'goodness' in general, as Moore supposed, by positing
being conducive to happiness as its equivalent. Among the
points often made in this connection is that 'good' is a type of
term which must be adjectively qualified, as in 'morally good',
or qualify a particular sort of noun, as in 'good anthropologist'
or 'good shot', to be correctly used, and that there may be
descriptive equivalents for phrases like 'morally good', 'good
orange', 'good sport', even if there cannot be for the word
'good' in general.

It is very noticeable in reading these works historically
(and indeed in teaching pupils who come fresh to the subject,
with what they have gleaned from the society, rather than from
a tradition of philosophical thinking) that at some periods
there is a predisposition to believe that there are objective

standards of morality and at others a predisposition to believe
the reverse. These predispositions could well form an inter-
esting subject of study to the anthropologist. In so far as they
are given way to by philosophers, we have bad philosophy since
it is a requirement of philosophy that it operates by reason
alone and does not simply regurgitate a socially accepted view
of any particular period or society.

The question of the objectivity or otherwise of morality is
a subject matter on which moral philosophers have spilled much
ink, too much as some think. But no one could suppose it to be
the only matter studied. The general concern of the subject is
with all those concepts and the logical relations between them
which can reasonably come under the heading of 'moral concepts'.
One question is of course just what is included in 'morality'
and how it is to be distinguished from other phenomena such as
law, so-called taboos, conventions, etiquette and so on.

Another, which arises from Moore's muddle between the term
'good' and its use in specifically moral settings, is the logical
features of the words which are employed in what is sometimes
unhappily named 'moral discourse' but are also used elsewhere.
Among obvious examples are such words as 'right' and 'wrong',
'virtue', 'vice', 'evil', 'duty', 'obligation', 'guilt'.

A subject does not continue for so long as Ethics without
developing sophistication and a wide range of subject matter.
One area which was extensively handled by Aristotle and Aquinas,
and less extensively, but nevertheless in some detail, by more
recent moral philosophers, J.S. Mill and Sidgwick in the last
century, and a number in this, is the question of virtues and
failings.[8]

The moral virtues and failings are often treated as a sub-
division of virtues and failings in general. Among the views
held is that they (*moral* qualities) are divisible into two
classes. In one we have such virtues as courage, temperance,
thrift, prudence, self-control, patience. The other includes,
on the virtue side, for example justice, honesty, generosity,
conscientiousness, kindness, possibly integrity. As is well
known, Aristotle believed there to be two failings corresponding
to each virtue, the virtue being the mean between excess and
deficiency. More recent philosophers, who belong of course to
a different society or societies, if in the case of the English-
speaking world to the same tradition of philosophical thinking,
have generally believed each virtue to have one corresponding
failing, and that the other which Aristotle finds stands in a
different relation to the virtue in question. Thus we have
courage and cowardice. We also have rashness. But whereas
courage and cowardice relate to dangers worth facing, rashness
and caution have to do with dangers not worth facing. The

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[8] Aristotle, *The Nichomachaean Ethics*, 4th century B.C.; St.
Thomas Aquinas, *Summa Theologicae*, 13th century A.D.; J.S. Mill,
On Liberty, 1859; Sidgwick, *op. cit.*

virtue and failing terms (in English) are in most cases appli-
cable to both acts and agents, and the relation between the two
applications is complex. I cannot begin to do justice (sic) to
this subject, so I will draw your attention to just one line of
thinking, with which I am not quite in agreement, which led to
naming the set of virtues to which courage etc. belong as the
'self-regarding' virtues and the set to which justice and so on
belong as the 'other-regarding' virtues. It was believed that
the former promoted the happiness of the agent himself and the
latter that of others, while the corresponding failings created
respectively unhappiness for the agent, unhappiness for others.

In view of the important place in morality accorded to the
general happiness by many moral philosophers, and their contrast
between acting morally and acting out of self-interest, it is
not surprising that the other-regarding virtues should have been
accorded a superior position. A collaborator, Gabriele Taylor,
and I mounted an attack on this view a few years ago,[9] *inter
alia*, on the grounds that while the (so-called) other-regarding
virtues *are* defined in terms of specific benefits to others, the
(so-called) self-regarding virtues are the ones making up what
is sometimes thought of as strength of character, and work for
good or ill to the agent or others according to the ends their
possessor is pursuing. It is a pity if kind or honest men are
cowardly or imprudent. It can well be beneficial to the world
at large if the cruel or the dishonest have these failings. Nor
of course do the courageous necessarily profit from their own
courage. It is for instance of doubtful advantage to be killed
in battle.

II

I say this much about some strands of moral philosophy as a
background to the second part of my paper: Durkheim's complaints,
starting in Philosophy journals about a century ago and
continuing into the 1920s,[10] of the treatment by philosophers of
morality, and a definition he himself gave of 'moral phenomena',
as he called them.

His principal complaint was that philosophers reason *a
priori* about how morality ought to be, whereas what should be
done is to study moral phenomena empirically and as they are.

Admirer though I am of Durkheim, it does seem to me that he
was not here at his best. In the first place he misconceived

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[9] G. Taylor and S. Wolfram, 'The Self-Regarding and Other-
Regarding Virtues', *Philosophical Quarterly*, Vol. XVIII (1968).

[10] References are to E. Durkheim, *Selected Writings*, ed. A.
Giddens, Cambridge 1972, chapter 3. Works of Durkheim's speci-
fically quoted from are: 'La Science positive de la moral en
Allemagne', *Revue Philosophique*, Vol. XXIV (1887), and
Sociologie et Philosophie 1924.

and underestimated the treatment of morality by its mother
subject Philosophy. His blunders on points of detail and more
critical matters are legion. Thus he supposed that Utilitarian-
ism must be incorrect simply because he thought nothing so
complex as morality could emanate from a single principle, a
point to which I shall return. Or again, Durkheim believed that
according to Utilitarianism, what ought to be done on particular
occasions is *deducible* from the initial definition of 'morally
right' as that which is conducive to the greatest happiness.
Mill in fact spends a good deal of space explaining that only by
empirical investigation of what has and has not led to happiness
in the past can we gauge probable consequences to the general
happiness of a proposed course of action, and only so could one
discover what it is morally right to do.

> There is [Mill added] no difficulty in proving any ethical
> standard whatever to work ill, if we suppose universal
> idiocy to be conjoined with it; but on any hypothesis
> short of that, mankind must by this time have acquired
> positive beliefs as to the effects of some actions on
> their happiness; and the beliefs which have thus come
> down are the rules of morality for the multitude, and
> for the philosopher until he has succeeded in finding
> better...[11]

There is an important point on which Durkheim is right viz that
philosophers do not usually see their task as encompassing
empirical investigation: their concern is to lay bare the
logical features of concepts, to say, indeed, where empirical
investigation is relevant but not actually to conduct it. That
they see this as their role clearly does not entail that they
think that everything can be known by means of logic. Many of
them spend a lot of time precisely saying that it cannot.
Locke's *Essay Concerning Human Understanding*[12] published in 1690
was very influential in this respect in British Philosophy, if
less so on the Continent. And there is nothing wrong with
investigating logic. It is not an activity which has to be dis-
continued to make room for empirical studies. Indeed it is an
important concomitant since to study moral phenomena empirically
and as they are, you need to be able to identify them. Durkheim,
in his relative philosophical innocence, failed to perceive that
this identification is far from simple, so that you can easily
think you are investigating one thing when actually you are
investigating another.
     It is to be supposed from the fact that Durkheim went so
far as to transfer the old name 'Ethics' to the subject matter
he thought ought to be studied that he supposed it to have at

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[11] Mill, *Utilitarianism*, chapter 1.

[12] J. Locke, *Essay Concerning Human Understanding*, 1690.

least something in common with the old study, presumably the
subject matter of morality.

Not only did Durkheim fail to see what moral philosophers
were about, he also himself gave an account of morality which is
indeed held in part by some philosophers, though probably not as
a result of his influence, but is rejected by more than would
accept it and is as it stands as full of holes as a colander.
I think it may have been at least partly responsible for an odd
rift between what philosophers still most often conceive of as
morality or moral phenomena and what social anthropologists most
commonly study, sometimes possibly under the delusion that they
are including thereby the 'morality' of this or that society.
I am not concerned with the different way the two subjects study
what they study, which appears natural and in order, but with
the different things which are studied which seems less
obviously as it should be.

Durkheim conceived of morality as consisting of rules with
sanctions, i.e. such that if you break the rule something nasty
happens to you, not in the ordinary course of nature but by acts
of man. He contrasts murder which gets punished in some places
at some times to the natural consequence of falling ill which
follows neglect of the rules of hygiene. He says that in the
hygiene case we can discover from examining the content of the
act that the consequence will follow, which of course is not
so: medicine is an empirical study and the causes of illnesses
a question of fact, discoverable only by observing that when A
is done or not done, B does or does not regularly follow. What
he probably meant to say is that the consequence follows in
virtue of laws of nature, which he sees as universal. He makes
a spiel of the fact that sanctions, in contrast, are not uniform
and are imposed. This is rather unhappily identified with the
thought that:

> A sanction is the consequence of an act that does not
> result from the content of that act, but from the
> violation by that act of a pre-established rule .[13]

Where a society has rules the breaking of which carries with
it a penalty, formal or informal, we may perhaps say that the
society *disapproves* the acts thus forbidden. I put in the
'perhaps' to take account of e.g. obsolete rules, ones imposed
by invading forces or tyrants etc., for it certainly cannot be
taken for granted that every existent rule is everywhere always
approved. More important, it is not at all clear that even the
corpus of rules one might include are what constitute the
morality of the society.

One reason for this is that there may be things thought
morally wrong about which there are no rules proper and no

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[13] Durkheim, ed. A. Giddens, pp. 96-97, from *Sociologie et
Philosophie*.

punishment.

Here are a few examples from England. In *The Claverings*
which Trollope published in 1867, Harry Clavering, tempted away
by his first love, now a widowed countess, is on the brink of
breaking his engagement with one Florence Burton, in a fashion
which will reduce her to a 'thing maimed' and so forth. Her
brother reflects that: (these are excerpts)

> There is nothing more difficult for a man than the
> redressing of injuries done to a woman who is very
> near to him and very dear to him....What man ever
> forgave an insult to his wife or an injury to his
> sister, because he had taught himself that to forgive
> trespasses is a religious duty?....Thirty years since
> his course was easy, and unless the sinner were a
> clergyman, he could in some sort satisfy his craving
> for revenge by taking a pistol in his hand, and having
> a shot at the offender....[But now] There is nothing
> left for him but to spurn the man, - not with his foot
> but with his thoughts; and the bitter consciousness
> that to such spurning the sinner will be indifferent .[14]

Here is a passage from Mill's *On Liberty* published in 1859 about
what constitutes moral wrong-doing and doers, which in accordance
with his view of morality, not unnaturally are acts injurious to
others. It occurs in the course of an argument for not punish-
ing self-regarding failings:

> Acts injurious to others require a totally different
> treatment. Encroachment on their rights; infliction
> on them of any loss or damage not justified by his
> own rights; falsehood or duplicity in dealing with
> them; unfair or ungenerous use of advantages over
> them; even selfish abstinence from defending them
> against injury - these are fit objects of moral
> reprobation, and, in grave cases, of moral retribution
> and punishment .[15]

But notice that none of these were actually punished. Mill
continues:

> And not only these acts, but the dispositions which
> lead to them, are properly immoral, and fit subjects
> of disapprobation which may rise to abhorrence.
> Cruelty of disposition; malice and ill nature; that
> most anti-social and odious of all passions, envy;
> dissimulation and insincerity; irascibility on
> insufficient cause, and resentment   disproportioned

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[14] A. Trollope, *The Claverings*, 1867, chapter 28.
[15] Mill, *op. cit.*, 1859, chapter 4.

> to the provocation; the love of domineering over
> others; the desire to engross more than one's share
> of advantages (the Πλεονεξία of the Greeks); the pride
> which derives gratification from the abasement of
> others; the egotism which thinks self and its concerns
> more important than everything else, and decides all
> doubtful questions in its own favour; - these are moral
> vices, and constitute a bad and odious moral character... [16]

It is unnecessary to labour further the point that acts which
may generally be condemned as morally wrong may lack any sanction
whatever. It is nice to think that moral turpitude should some-
how get punished and the morally good be rewarded. But it is
quite unclear that the world operates in this way and is quite
clear that not all that is considered morally wrong is always
encapsulated into rules with sanctions.

Another reason for which the corpus of rules with sanctions
in a society cannot be identified with the morality of that
society lies in the fact that not all rules themselves embody
moral matters. There are vast numbers of rules, with and with-
out sanctions, which no one would include as matters of morality.
In this connection, it is of prime importance to make a distinc-
tion between assessment of the rules themselves and the effects
they may have on the morality or otherwise of acts contrary to
them, since the existence of a rule may make a difference to
what it is right or wrong to do.

Thus if there is a rule that one must drive on the left of
the road, it will usually be morally wrong to drive on the right,
because in most circumstances this is likely to result in
accidents. If there is a rule of society that black is worn by
the bereaved, then it may well be wrong not to wear black because
this will be (say) construed as indicating disrespect for the
deceased. No one would, I think, seriously consider it a moral
matter which side of the road is chosen as that on which one
should drive but only, at most, that where there is a fair amount
of traffic one or the other side should be selected. When
formalised mourning flourished in England, people could not see
any advantage in the custom. One newspaper was reduced to saying
that its beauty lay in its uselessness. Nonetheless so long as
there is such a rule, breaking it most often brings bad results
and in many cases will be considered morally wrong for that
reason. Usually there are built-in exceptions. It may be right
to show disrespect to the deceased for instance, supposing him
to have been a very bad man, or there may be reasons for not
keeping the rules of mourning on some occasions which outweigh
the disadvantage of the disrespect or indeed are such as to make
it clear that the breaking does not indicate disrespect.

It is arguable (and, if I dare say it here, a tenet of
structuralism as opposed to functionalism) that a good many of

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[16]Mill, *op. cit.,* 1859, chapter 4.

the rules studied by anthropologists are of the sort I have just been describing.[17] Thus, arguably, it does not much matter how you organise kinship matters but does matter what you do given a particular set-up, because, given the set-up, acts acquire consequences they would not have in the absence of the particular rules in question. There may be nothing to choose between mono-gamy and polygamy, but given monogamy in a particular society, it may well be morally wrong, and not just against the law or contrary to custom, to go through a second marriage ceremony if already married.

At this point one hits a difficulty about the meaning of the word 'morality'. Two particular senses it can take need to be distinguished from the use I have been giving the term so far. One was reported to me by an American visiting philosopher as often heard in his home university. This is to say 'It's a matter of morality' when no actual argument can be adduced, i.e. no considerations of benefit or disadvantage can be seen to accrue. I myself have more often heard 'It's a matter of principle', used to try to clinch a point for which there is no rational reason. But one could well hear it said of, say, English mourning customs that they were just part of the morality of the day, having no special utility or disutility that anyone can see.

Whether Durkheim would include this particular custom as a moral rule is unclear because it is not clear whether there was a sanction for disobedience - this depends - *inter alia* - on how you take 'sanction'. A Utilitarian moral philosopher would of course consider such rules to be neither right nor wrong from the moral point of view if they have indeed no special utility or disutility. And rules like this have, I am sorry to say, sometimes been dismissed by philosophers as 'just taboos'.

The other use of the term 'morality' which it is important to separate off is where it is used to refer specifically to sexual mores or habits, a not uncommon use. Interestingly, while anthropological monographs would usually include an account of sexual mores, but rarely what is thought to constitute a bad and odious moral character, moral philosophers discuss sexual mores rather little. When they do it is generally to make one of two opposing points: either, on the one hand, that the diversity one finds in this area proves that morality is relative or, on the other, that a society's views on sexual matters are not *per se* part of its moral views.

So far as Durkheim or the Utilitarians are concerned the case of sexual mores is not very clear. For instance, take

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[17] This view is set out in more detail in S. Wolfram, 'Basic Differences of Thought', in R. Horton and R. Finnegan, eds., *Modes of Thought*, 1973, p.368 ff.

England and incest, forbidden marriages or adultery.[18]

.There was for many centuries a rule against incest enforced
by the Church of England (and before that by the Roman Catholic
Church); the sanction was excommunication or public penance.
This lapsed in 1857, and it was only in 1908 that incest was made
a crime, with the same heavy penalties as bigamy.

What constitutes 'incest' changed. Before 1857 any inter-
course between blood and in-law relatives in or within the 3rd
degree, that is up to and including uncles and aunts, nephews and
nieces, was punishable as incest. The 1908 Act treated only
sexual intercourse between blood relatives as incest and narrowed
the range of these to the 2nd degree, that is, roughly parents
and children and siblings, and also latterly adoptive relatives
to the same degree. A category known as 'incestuous adultery'
ran alongside. Between 1857 and 1923 it was one of the grounds
on which a woman could get a divorce, and incestuous adultery
included the whole of the old range of blood and in-law
relatives.

Marriages within the prohibited degrees were in a different
position. There was no penalty for going through the acts of
marriage with someone in the prohibited degrees, as there was
for doing so with an undissolved marriage on one's hands. The
'marriage' was just no marriage.

Adultery was in a different case again. There have never
been legal penalties in England except for a short period under
Oliver Cromwell; the only exception is in the case of the
Consort to the Sovereign where the penalty is death. However,
from about 1700 onwards, a man could generally, initially by a
complex procedure including a private act of Parliament, secure
a divorce (allowing re-marriage) for his wife's proven adultery.
And in 1857 a court was set up specifically to deal with
divorces. Until 1937 the sole grounds on which a man could
divorce his wife in England (not Scotland, by the way) was
adultery. Until 1923 adultery had to be compounded by other
offences, such as desertion, cruelty or incest, for a woman to
secure a divorce.

There can be no doubt that adultery, especially by women,
was spoken of and thought of as morally bad. This comes out in
many ways including the vocabulary connected with divorces.
Before 1857 divorce proceedings were initiated by the husband
bringing a case for damages against the adulterer in the law
courts, and what he brought it for was called 'criminal conver-
sation' (if crim. con. by the lawyers). Later there were
'guilty parties'. A regular clause in divorce acts for adultery
spoke of the plaintiff as deprived of the comforts of matrimony

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[18] Some of the material following here can be found in S. Wolfram
'Le mariage entre alliés dans l'Angleterre contemporaine',
l'Homme, I (1961), pp.47-71. Material on divorce is contained
in a paper given at the University of Chicago, Department of
Social Anthropology, October 5, 1981.

by his or her spouse's 'adulteries and criminal conduct'. It
was also the case that divorced women generally had a thin time
(if often marrying their paramours) and that the taint of even
being accused of adultery tended to lead to their complete social
ostracism. We can get the flavour of this from many works of
literature. I will take *The Claverings* from which I have already
quoted: the widowed countess is falsely accused of adultery by
her profligate husband. The housekeeper in her inherited estate
will engage only in the most formal of conversations and though
the vicar calls, his wife does not, and the lady lives in a state
of almost total isolation. Men's adultery was less bad but it
was not uncommon for careers to be broken by involvement in
divorce suits.

It seems unclear whether there would or would not be
considered to have been or now be a *rule* or a sanction against
adultery,[19] and thus whether Durkheim could include adultery as
morally wrong in England. The Utilitarian is in a better
condition. He can point to the devastation committing adultery
caused in particular periods of English history, and there is no
difficulty to the Utilitarian in bringing it out as having been
decidedly morally wrong, and this accords with explicit state-
ments. In *Mansfield Park*[20] Jane Austen goes so far as to treat
Maria Rushworth's adultery with Henry Crawford as proof that she
was wholly without moral principle; so bad was it that it showed
her not to have begun to learn not to give way to passions that
should not be given way to, an essential part of possessing
moral virtue.

The Utilitarian is not bound to say that adultery is *always*
morally bad. He can concede that it may be so in one society
or at one time, and not others , without in any way abandoning
his single criterion of moral right and wrong, for it is a matter
of social and individual circumstance whether it brings more
happiness than misery or the other way about. As to different
societies' treatment of adultery he may in many cases be silent:
it can easily be the case that there is nothing to choose
between their different treatments with respect to the happiness
or otherwise thereby created. It does not follow that the
Utilitarian can *never* adjudicate between societies. Unlike
Durkheim, or for that matter moral philosophers like Hare,[21] he is
not obliged to include Nazi rules, for example, as morally on a
par with anyone else's since *his* criterion of a *moral* rule (i.e.
a morally good one) is that it creates more happiness all round
than misery.

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[19] Certainly in private acts of Parliament what was asked for
was not the spouse's punishment but the dissolving of bonds of
matrimony 'violated and broken' by adultery, out of the
Sovereign's 'kindness and compassion' for his/her subject's
'misfortune and calamity'.

[20] J. Austen, *Mansfield Park*, 1815, chapter 46 ff.

[21] Hare, *The Language of Morals*, 1952.

Utilitarianism has many complications I have not touched on. But I hope I have said enough for it to be apparent that the grounds on which Durkheim swept it aside are not good ones. It may not be capable of explaining all social phenomena. But then it does not set out to do so. What it does is to supply a criterion for when a rule or act can and cannot be said to be good, bad or indifferent from the *moral* point of view. The only test of its correctness as an account of morality, in the sense in which we seriously speak of moral right and wrong, is whether, discounting factual error and idiocy, the judgments made of rules, acts, persons, that count as moral ones are in fact made on the basis of the principle it puts forward, that is, according to the happiness or misery to those involved. This does not require that it can always give the answers. Obvious cases where it cannot are where there is a parity of happiness or an insufficiency of empirical evidence. But Utilitarianism, as it has been expounded, has its problems. For example, happiness is not a straightforward concept. More obvious still is that in most cases of doing A rather than B, or B rather than A, there are both gainers and losers, and the Utilitarian has always had difficulties about the distribution of happiness between different people, or, in other words, about justice. What for instance Mill said on the point, mainly that every man is to count for one, does not resolve the difficulty because there are several ways of doing that, and the principles of equity which can be invoked can easily conflict. I shall not expand on this.

Instead, I shall finish with some observations on the pro-Utilitarian supposition that moral considerations are those to do with happiness and that moral assessments of acts, rules, persons, societies are assessments on the basis of the relative happiness or misery they produce. It follows that there could in theory be societies which lack morality in the sense of making no moral assessments or never being guided in their conduct by moral considerations, that is, ones to do with happiness. It also follows that only empirical data could determine to what extent and in what ways societies differ in their moralities. Yet, the empirical data which would be relevant are most often not present in anthropological monographs. This slightly curious gap could be due to the absence of striking differences, for example, about what constitutes a bad and odious moral character. Or it may arise from the fact that, for this or some other reason, the study of morality proper has just failed to catch on as a standard thing to investigate, as at one time botany or cooking did not feature. Durkheim's re-definition of 'Ethics' could have been an influence by conflating social and moral phenomena, and thus obscuring the fact that there are yet fields to conquer and ones where the despised old discipline of Ethics could provide not only material but also a framework for investigations.

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