PARADOXES OF CONSEQUENTIALISM

Any religion has an ethical component. Thus, the examination of ethical problems is very important for religious studies. Consequentialism is an ethical doctrine according to which a fact is good only if it has good consequences. In order to avoid infinite regression, there is the need for a moral foundation in conformity with the criterion of goodness. The consequentialists proposed various criteria for goodness, such as pleasure, happiness or utility. Any fact will be judged as good only if its consequences belong to the moral basis. The correctness of ethical judgments depends on the analysis of consequence relations. This study takes into account material and strict implication as representations of consequence. Both of them generate ethical paradoxes. If consequence is represented by material implication, according to the Manichean ethics, a fact is either good or bad; there are no neutral ethical facts. If consequence is analyzed by strict implication, the necessary facts will not have a moral value. The present study is to suggest an original solution to these paradoxes.

Moral values - good and bad – are applied to facts. Facts are expressed through sentences so that each sentence presupposes a fact, and a sentence corresponds to each fact. If the fact presupposed by a sentence happens, the sentence is said to be true. If the presupposed fact does not happen, then the sentence is false. Thus, it is to differentiate the ontic value of facts – a fact can happen or not – from the truth value of sentences – a sentence can be true or false. For instance, the sentence „Romania is a republic” corresponds to the fact Romania is a republic. When this fact happens, this being valid for the year 2009, the mentioned sentence is true; reversely, when the fact does not happen, this being the case of the year of 1946, the sentence corresponding to it is false.

In addition to its ontic value, a fact is characterized by its ethical value. For example, some evaluators consider it is good that Romania is a republic, whereas others might argue that this fact is bad. Not only facts that have an author can be endowed with an ethical value, but any fact can have this quality. For example, the fact that ‘it is raining’ can be considered good or bad depending on the circumstances, although the rain is not produced by someone in particular. Furthermore, the ethical value of facts does not depend on their ontic value; in other words, a fact can be considered as being good or bad even if it happens or not. The evaluator could consider it would be good if Romania was a kingdom, in the same way as some consider it is good that Romania is a republic. One can notice that good can be applied both to facts that happen and to facts that do not.
In this respect, which is the criterion to consider, in a justified way, a fact as good or bad? Researchers in the field of ethics have offered various answers to this matter. The present paper discusses the solutions offered by the advocates of consequentialism. Consequentialism is a perspective in ethics according to which a fact is good as long as it has good consequences. Some confuse this thesis with the maxim „the end justifies the means” starting from the thought that the end is a consequence of the used means so that if the end is good, and the good is judged by consequences, then any means is good to the extent to which it serves to achieve that purpose. On the one hand, the relation between means and purpose is only one variant of the consequence relation. On the other hand, the purpose cannot be judged by itself in an absolute way but, in order to endow it with an ethical value, one must take into consideration its consequences.

In addition, the means cannot be judged only by the purpose they serve because the means, as any facts, have other consequences that could be bad although the end is good. For instance, it could be argued that euthanasia is a means of eradicating certain genetic diseases from a community. It is good that genetic diseases disappear; therefore, euthanasia is a good fact. Such reasoning does not include other consequences of euthanasia that might not be good; in this case, euthanasia ceases to be good from a consequentialist perspective.

Consequentialism encounters the issue of infinite regression: namely, a fact is right if it has good consequences but consequences are right if they themselves have good consequences, and so forth. The only way to break regression is to admit a multitude of facts as being good in themselves. These facts are said to form a moral basis, and the set of sentences that presuppose these facts form an ethical code. In this way, a moral system consists of the sum of judgments regarding the ethical values of facts in relation to a moral basis. Thus, the strategy of consequentialism necessarily leads to accepting an ethical code.

At first sight, there is no constraint in developing an ethical code. One could adopt any ethical code one might wish. However, not all possible ethical codes can function simultaneously because they regard actions that happen, and that are good or bad, and not beliefs or opinions regarding facts. It is not possible for the same fact both to happen and not to happen; therefore, two opposed codes cannot function simultaneously in a community. That is why the community must select, at a certain moment, a particular code from the multitude of possible codes. In order for the selection of the code to be rational, it must correspond to a criterion, i.e. to a principle based on which the codes can be judged as correct or not.

Such a criterion must fulfill certain conditions. This criterion must be objective, i.e. it must offer any member of the community the possibility to judge whether a fact is good or not in relation to the code. If this condition is not satisfied, then a fact that might be bad for some could be imposed as good in a community. The code must be consistent; it must lead to univocal
results in relation to a fact; the same code should not valorize a fact as both good and bad. The code must be complete; it must allow the valorization of any fact. At the same time, the redundancy of an ethical code is to be avoided; more exactly, the code should not contain rules that lead to the same result.

Moralists have imagined various criteria in order to define the correctness of the moral basis. Some of them view pleasure as such a criterion. According to their opinion, a fact is good as long as its consequence is pleasure and it eliminates pain. This is not an objective criterion as there is no means through which sentences about pleasure and, in general, sentences about feelings can be rejected. If a person says that a particular fact generates pleasure, no one can contradict him in a justified way. In this way, the ethical basis would be subjective; any member of the community would be justified to have an ethical code. At the same time, there would be no justification for ethical codes at the level of organizations because organizations do not have feelings. Whether a state or a company feels pleasure or pain is not to be argued for. Under such a criterion, the ethical code remains strictly personal.

The argument that pleasure cannot be the criterion for a moral basis because it concerns the body and not the soul is unclear. Many authors, trying to save the criterion of pleasure, create absurdities; they pay attention to such an argument and distinguish between body and soul pleasures. This distinction starts from the hypothesis about the existence of the soul. In order for the soul to exist separately from the body and, at the same time, to have pleasures, it should be a substance. Any substance can be decomposed into chemical elements. Mendeleev’s Table is complete and it contains all chemical elements. Consequently, the advocates of the soul hypothesis should show which elements from Mendeleev’s Table form the soul, other than the ones that form the body. In addition, if the soul senses pleasure, then it must have in itself a soul through which it can feel them, generating an infinite hierarchy of souls (with the observation that the mentioned differentiation is impossible). The soul thesis does not save hedonism and it cannot provide a basis for distinguishing between superior and inferior pleasures.

Other researchers have identified happiness as the correctness criterion of the moral basis. According to them, a fact can be included in the moral basis if its consequence is a state of happiness. Some objections can be raised to this criterion and they are similar to those mentioned for the pleasure criterion. Happiness is subjective, personal and complex and it needs an evaluation criterion. Furthermore, the happiness criterion cannot explain why organizations have their own ethical code, different from the individuals’ one, even if those individuals form it; happiness is not collective. It can be added that happiness is vague and imprecise as there are numerous cases in which its presence is not felt. As mentioned above, a discussion about happiness from an exterior standpoint is not possible. If a
person says that s/he is happy, no one can contradict that in a justified way.

Utilitarianism tried to overcome these difficulties by introducing the utility criterion according to which a fact can be included in the moral basis if it has useful consequences. On the one hand, usefulness is an objective criterion because the sentences regarding the usefulness of a fact can be evaluated by anyone. On the other hand, utility can serve as a criterion not only for an individual code but also at the level of organizations because facts can or cannot have useful consequences for an organization. Still, utility remains a vague criterion because, even if it can be argued that facts with useful consequences are good, it is not clear why facts with useless consequences should be bad. Utility leaves no space for ethical indifference because a fact is useful or useless, so it could only be good or bad. The utility criterion leads to a Manichean ethics, in which any fact is included in the category of good or bad.

A criterion that generates a moral basis that fulfils the mentioned requests is interest. A fact is good for a moral subject if it has consequences that conform to the interest of the moral subject. Interest is an objective parameter for moral subjects and it consists of maintaining the capacity of acting as a moral subject. Any fact that would lead to the diminishing of the capacity to act, that would undermine the identity of the moral subject, cannot be considered good from the standpoint of the moral subject. At the same time, it is the consequences of the fact that must correspond to the interest and not the fact itself. It might be possible that a fact is, at a certain moment, against the interest but in time, it might serve the moral subject's interest.

The moral subject might not realize in a clear and correct way if a fact conforms to his or her interest; yet, someone else can make such a calculus under the form of a balance between the internal and the external consumption necessary to make a certain fact happen. Through internal consumption one understands the amount of internal resources that are consumed in achieving an action. The external consumption represents the resources acquired by the moral subject from the environment. If in a long enough time frame the internal consumption surpasses the external consumption, the moral subject will cease to exist. If the consequence of a fact (that can be in the form of an action) is that the internal consumption is higher than the external consumption, then that fact does not conform to the moral subject’s interest and it can be rejected as bad for that moral subject.

From this point of view, interest also characterizes organizations. An organization has its own interest that differs from the individual interest and justifies the existence of certain ethical codes typical for organizations. Moreover, these types of interest are in conflict because conservation principles interfere in what regards the changes between a moral subject and the environment. Thus, a moral subject’s internal consumption can
mean another’s external consumption and vice versa. For instance if one is to analyze the interaction between an organization and its employee, the interest of the organization is the maximization of the employee’s work and the interest of the employee is the maximization of remuneration. But work means the internal consumption of the employee whereas remuneration means the internal consumption of the organization. As a result, what is good for an organization is not always good for the employee and vice versa. Conflicts might appear between the ethical codes of the two moral subjects.

Only by considering interest as the ground for moral basis can one explain such phenomena as the diversity of ethical codes or the conflicts among them. At this point it becomes clear why organizations can have their own codes and why the code adopted by a moral subject can be incorrect sometimes. In many situations, the same moral subject should obey several codes that could be in conflict. A person has the duty to act according to his/her interest but, as part of an organization (family, company, state etc.), his/her duty is to respect the code of the organization. A person is frequently imposed on a hierarchy of codes; for example, s/he is constrained to act against the personal interest, risking his/her life in order to pursue the interest of the organization. Such practices are based only on the authority principle; in this regard, the person’s free choice should intervene because it is the only variant that corresponds to the tolerance principle.

There are many cases when the conflicts of interest among organizations or between organizations and persons involve the environment. Such is the case when the natural environment is dried out and polluted. Even if, on a short term basis, conflicts receive an apparent solution, on a long term basis, the aggressing of the environment is contrary to the interest of the organizations and of the people because deteriorated environment can no longer sustain external consumption. That is why in order to be correct, any ethical code should include rules against the drying out and the pollution of the environment. Such rules are universal, i.e. they can be part of any code without generating conflicts.

In addition to the fundament of the code, the ethical judgment of a fact implies the calculus of the consequences of that fact. If the fact has consequences that belong to the ethical basis, then the fact is considered good; when the consequences of the fact correspond to the negations of the sentences of the ethical code, the fact is to be considered bad. In order to determine which ethical judgments are justified, consequence relations must be put into perspective. We say about a fact \( q \) that it is the consequence of the fact \( p \) on condition that if \( p \) happens then \( q \) happens. If \( "p" \) and \( "q" \) are sentences, then the second is the consequence of the first sentence, and if \( "p" \) is true, then \( "q" \) is true.

Starting from the observation that the consequential relation does not happen when the antecedent is true and the consequent is false, and
from the tendency to reduce the relations between sentences to truth functions, the consequential relation is represented through the truth function of material implication. According to this analysis, if the material implication from a sentence “p” to the sentence “q” is a tautology, then the fact q is a consequence of the fact p and the other way around. By identifying the consequential relation with material implication, the consequentiality thesis can be rephrased as follows: a fact is good if it materially implies a fact that belongs to the moral basis.

Material implication proves to be improper for shaping consequential relations, generating paradoxes, so that, as long as consequentialism uses material implication in the calculus of consequences, it leads to ethical paradoxes, such as:

1) if a fact of the moral basis happens, then any fact is good. When the consequent of material implication appears, then material implication is true, irrespective of the antecedent. When the consequent is a fact of the moral basis and it manifests itself, then what follows is that any sentence materially implies a sentence from the ethical code, i.e. any fact is good.

2) if a fact of the moral basis does not happen, then any fact is bad. If a fact of the moral basis does not happen, then the negation of the sentence that corresponds to that fact is true. In this case, any sentence materially implies the negation of a sentence from the ethical code, more exactly any fact is wrong.

3) there are no facts that can be indifferent from an ethical standpoint, but any fact is either good or bad. Any sentence materially implies another sentence or its negation. Thus, any sentence materially implies a sentence from the ethical code or its negation and any fact is good or bad. As a result, when consequentialism uses material implication to analyze a consequence relation, it generates a Manichean ethics in which there are only two principles: good and evil and they are in a perpetual conflict.

The appearance of such paradoxes shows that analyzing consequence relations using material implication is incorrect. The consequence relation does not have a functional character because it can or cannot appear between two facts that happen simultaneously. As a result, it cannot be represented through a truth function as it is the case of material implication. Noticing the inadequacy of such an analysis, the American logician C.I. Lewis theorized about a new form of implication that he called strict implication, which is not a truth function. If the antecedent is true and the consequent is false, the strict implication is false. But in other situations, it remains undetermined, so it does not fulfill the conditions to be a function.

If a consequence relation is represented through strict implication, the mentioned paradoxes are eliminated because a true sentence is not strictly implied by any other sentence. Furthermore, it is not true that a sentence implies strictly either the consequent or its negation. In this way,
the analysis of consequence through strict implication saves consequentialism from Manichaeism, involving ethical indifference.

Even so, strict implication generates other ethical paradoxes. It can easily be shown that in Lewis' logic, a necessary sentence is strictly implied by any sentence.\textsuperscript{13} Thus, when the consequence relation is represented through strict implication, if the moral basis contains a necessary fact, then any fact is good (evil does not exist) and, if the moral basis contains an impossible fact, then any fact is bad (good does not exist). Paradoxes like these could be avoided if the moral basis did not contain necessary or impossible facts, respectively if the necessary and the impossible escaped ethical judgment or if the necessary and the impossible facts were excluded from the sphere of morality.

Representing consequence relations through strict implication leads to a paradox due to the ambiguous interpretation both through truth values and through the modal value that Lewis gives to strict implication. Lewis considers that a sentence is possibly true if it is compatible with itself. But compatibility is understood as a truth relation. Once possibility is defined, through simple calculus, it results that a sentence is necessarily true when it strictly implies its negation. It is easily demonstrated that, in this way, necessity coincides with tautology and impossibility overlaps contradiction, respectively, a sentence is necessarily true if and only if it is a tautology and it is impossible if and only if it is a contradiction.

Furthermore, a tautology is a consequence in relation with any sentence and any sentence is a consequence of a contradiction. In this way, the ethical code cannot contain tautologies and contradictions but only factual sentences. Because the sum of tautologies forms Logic, it means Logic is exterior to Ethics or that Logic has no moral, as Rudolf Carnap rightly observed.\textsuperscript{14} If the necessary is limited to the tautological, then necessary facts escape ethical judgment and generate paradoxes.

The paradoxes of consequentialism can be avoided by an adequate representation of consequence relations and if necessity receives a meaning that distinguishes it from tautology. There is a tight relation between necessity and consequence, namely: a fact $q$ is necessary in relation to a fact $p$ if and only if the fact $q$ is a consequence of $p$. So, the fact $q$ necessarily happens if and only if its antecedent happens. In other words a fact is necessary if and only if its antecedent exists or happens. Therefore, necessary facts are consequences of the facts that happen until a certain moment and vice versa. Through necessity one must understand the consequence of the past, where the past consists of those facts that happened up to a certain moment.

Due to the fact that an ethical code cannot contain tautologies or contradiction, it cannot be the result of a logical calculus or of the logical decisional procedures. No one can determine the moral basis through logical calculus; more exactly, no one can obtain through logical calculus what is good or bad in a specific context. The individual moral basis can be
traced only through feeling; that is why the hypothesis about one’s wrong evaluations in this matter is not to be excluded.

At the collective or organizational level, the moral basis can be constituted spontaneously or through the intervention of a recognized or accepted authority in the community. Religion has represented the main means of legitimizing such an authority. The ethical code is left to the intervention of a divinity in order to enforce it at collective level. Religion has a legitimizing role for the morality of a community but not for the individual one. From this point of view, there is no justification for a personal religion. In fact, the relationship with divinity presupposed by religion is to be analyzed as a social relation.

The ethical code of collectivity has the function to preserve its cohesion and organization at a given moment. From this perspective, morality opposes the community disaggregation having an antientropic function. Because legitimizing a collective morality is one of the most important functions of religion, and since such a legitimization cannot be rational-logical, the religious mechanism (or the mechanisms inspired by it) is essential to securing the cohesion and the identity of a community.

Consequently, an ethical code of a community must contain norms that have the role to prevent the entropic aggressions against that community, such as:

a) norms that protect the community against divergent individual interests;

b) norms that protect the interests of the privileged category against the rival groups;

c) norms that protect the community against the interests of other communities.

The results of a consequentialist analysis can be illustrated through numerous examples. For instance, the Old Testament shows how the People of Israel were constituted as a result of imposing an ethical code by the Moses group. The ideology of this group was based on the thesis that the ones who left from Egypt to find a new country are the descendents of Abraham, Isaac and Jacob. That is why they legitimize themselves from the God of these patriarchs.

Among those immigrants there were rival groups that tried to impose their own ethical code in order to promote or defend their interests. One of these groups, who opposed Moses, used to legitimize itself through other divinities whose cult included worshipping idols. The competition between groups becomes evident both from the efforts that Moses makes in order to obtain the authority he needs in order to impose his ethical code and from the easiness with which his authority dissipates when he is not present for a longer period. Finally, not without bloody confrontations, Moses’ group wins and succeeds in imposing a favorable ethical code and, at the same time, the cult of its divinity. Thus, the mechanism of formation of the People of Israel takes place as a consequence of the
disputes about religion and also about the ethical code. The result is that the moral norms are imposed by the ones that have gained and succeeded in maintaining authority within the community.

In the biblical code one encounters the three types of ethical norms mentioned above. Norms as “You shall not kill”18, “You shall not commit adultery”19, “You shall not steal”20 etc. are meant to protect the community against individualism. In many cases, from an individual perspective, it is in the individual’s interest to steal. If stealing was not good for the individual, there would not be criminals, as it is difficult to admit that criminals intend to harm themselves. Reversely, stealing as well as deceiving, crime or cheating are deeds against social cohesion and organization.

Other norms, as “You shall have no other gods before me.”21, "You shall not make yourself a graven image...!"22, “...you shall not bow down to them or serve them!”23 sustain the interests of the group Moses represented against rival groups. The fact that these norms have no impact on individuals proves that the Israeli are ready to follow other gods and even the golden calf when they consider that such a behavior corresponds to their interests. If worshiping a divinity was an individual problem, it is certain that their religious beliefs would have had more consistency.

Moreover, there are norms that protect the community against other communities and they also justify the latter’s destruction: “You shall not bow down to their gods, nor serve them, nor do according to their works, but you shall utterly overthrow them and break their pillars in pieces.”24, “And I will send hornets before you, which shall drive out Hivite, Canaanite, and Hittite from before you.”, “You shall make no covenant with them or with their gods.”25

To be noted that certain categories of actions such as robbery or killing are condemned within the community but allowed and encouraged outside the community. Such a situation can be explained only by invoking the criterion of interest for the selection of the ethical code. If the stranger does not represent a threat for the interests of the community, the recommended behavior is no longer violent: “You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt”26.

According to their importance, some norms of the ethical code have different consequences in order to make the members of a community feel constrained to act in compliance with them. Even if a fact is favorable to the individual, the code connects it to bad consequences to prohibit it when it opposes the interests of the community: “Whoever strikes a man so that he dies shall be put to death”27. In other cases, various facts that are not for the benefit of the individual but that are in favor of the community are encouraged by recompense. These situations can be explained only by consequentialism28.

In conclusion, consequentialism can be a key to understanding and explaining phenomena that involve the morality of the individual and of a
community as long as the paradoxes it leads to are eliminated. These paradoxes are caused by the infinite regression of the criterion of goodness and by the way in which the consequence relation between facts and sentences is analyzed. The first category of paradoxes is eliminated if a moral basis or an ethical code based on the interest criterion is accepted. The second type of paradoxes can be eliminated if the dogma regarding the logical operators (seen as truth functions) is left behind. Paradoxes are eliminated when consequence is not represented through material implication but through another logical connector that is not defined through a truth function. This connector can be the strict implication introduced by C.I. Lewis but with a different interpretation on the modalities that would not overlap the necessary and the tautological. The obtained result is that logic and ethics are different as R. Carnap suggested, so that the moral basis cannot be the result of logical calculus but it is constituted through other mechanisms; ethics cannot receive a logical fundament. Feeling is involved at the individual level, and at the collective level, the ethical code results from the influence of the principle of authority and it is legitimized, in numerous cases, through religion. The moral basis embraced by an individual or a community at a certain moment is the just one.

Bibliography:


Notes:

1 “Consequentialism asserts that the rightness or wrongness of a given course of action or choice is determined primarily, if not exclusively, by its consequences or ends.” Dennis A. Robbins, *Ethical and Legal Issues in Home Health and Long Term Care* (New York: Aspen, 1996), 40. The observation that the end cannot be always assimilated to the consequences of actions or deeds must be made. That is why consequentialism does not estimate facts according to ends but to consequences.

2 “This may bring to mind the well-known but controversial principle that the end justified the means”. Dennis A. Robbins, 40-41.


5 For other objections regarding hedonism: Fred Feldman, 38.

6 The view called *eudaimonism* originates in Plato and Aristotle’s writings. Eudaimonism recognizes happiness or the state of flourishing as the moral basis for rightness. Christine Swanton, *Virtue Ethics: a Pluralistic View* (Oxford: Oxford University Press, 2003), 77.

7 *Utilitarianism* is the result of the English philosophers’ works - Hume, Smith, Bentham and Mill - who intended to find a foundation for morality and justice: „Its starting point is the counter-intuitive idea that utility can somehow stand as the foundation of morality and particularly of justice, an idea adopted by all the thinkers considered here and taken by them from earlier writers within the Epicurean tradition. It was initially counter-intuitive in that what had appeared to be an absolute idea like justice with universal application, particularly in the form of natural justice, was placed on what seemed to be a less firm foundation of utility, which had been regarded as subject to change according to circumstances and over time.” Frederick Rosen, *Classical Utilitarianism from Hume to Mill* (London and New York: Routledge, 2003), 1.

8 Some standpoints at the intersection of the already mentioned concepts can be distinguished here, such as hedonistic utilitarianism. Torbjorn Tännsjö, *Hedonistic Utilitarianism* (Edinburgh: Edinburgh University Press, 1998), 63.

11 Clarence Irving Lewis, and Cooper Harold Langford, 199.
13 Clarence Irving Lewis, and Cooper Harold Langford, 161.
14 If the moral basis contains tautologies, then it can be proved that anything could be good and no bad thing could exist, generating a paradox. Also, if the moral basis does not contain tautologies, then no tautology can be good or bad, escaping the ethical judgment. Thus, in order to avoid ethical paradoxes, one must admit that logic, understood as the sum of tautologies, cannot have moral dimensions. Carnap was right stating the thesis “In Logic there are no morals” from the tolerance principle. Rudolf Carnap, *The Logical Syntax of Language* (London and New York: Routledge & Kegan Paul, 1971), 51.
15 „Religion is allegiance to the source of value. Where there is little or no confidence in good, religion fails; but good is not the whole story either of religion or of philosophy. A religious man is the one who asserts the predominance of good in the universe, the conservation of values.” Edgar Sheffield Brightman, *A Philosophy of Religion* (New York: Prentice-Hall, 1940), 240.
16 One of the characteristics of the God of Israel recognized by theologians is that of a moral instance: “This deity is a God of moral law...” Norbert M. Samuelson, *Revelation and the God of Israel* (Cambridge: Cambridge University Press, 2002), 12.
17 “Then Moses stood in the gate of the camp, and said, "Who is on the LORD'S side? Come to me." And all the sons of Levi gathered themselves together to him. And he said to them, "Thus says the LORD God of Israel, 'Put every man his sword on his side, and go to and fro from gate to gate throughout the camp, and slay every man his brother, and every man his companion, and every man his neighbor.'” And the sons of Levi did according to the word of Moses; and there fell of the people that day about three thousand men.” *The Holy Bible, Exodus* (Toronto: Thomas Nelson & Sons, 1952), 32:26-29.
20 *The Holy Bible, Exodus*, 20:15.
21 *The Holy Bible, Exodus*, 20:3.
23 *The Holy Bible, Exodus*, 20:5.
28 Some authors reject the theory of the ethical sanction as consequence. Wittgenstein considers that from a consequentialist perspective, the ethical sanction cannot be understood: „It is clear, however, that ethics has nothing to do with punishment and reward in the usual sense of the terms. So our question about the consequences of an action must be unimportant. At least those consequences should not be events... There must indeed be some kind of ethical reward and ethical punishment, but they must reside in the action itself.” Ludwig Wittgenstein, *Tractatus Logico-Philosophicus* (London: Routledge, 2001), 86. This point of view regarding the introduction of the consequences-sanctions as a specific difference between juridical and ethical norms could be accepted. But, even in such a case, the juridical norms are not nonethical; their role is to make the members of a community feel constrained to respect an ethical code and not to disregard it. In fact, the legal code is not opposed to the ethical code, so that the introduction of sanctions as consequences remains within the borders of ethics and not outside it.
29 Wittgenstein refers to the same thing when he affirms: “Ethics is transcendentental”. Ludwig Wittgenstein, 86.