JEAN VALJEAN'S DILEMMA AND UTILITARIAN ETHICS

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Introduction

Victor Hugo's 1862 novel *Les Misérables* is a great book in more than just one sense of the word. It is great in length in that the original work runs to 1,900 pages and 365 chapters, making it "one of the longest novels in the world" (Guttmann 184). It is also great in terms of literary reputation, being described, for instance by the novelist Upton Sinclair as one of "the half-dozen greatest novels of the world" (qtd in Guttmann 184). Moreover, it is great in terms of its cultural influence, having been adapted into 61 film versions, as well as a highly successful musical. Perhaps though its greatest cultural influence is that, radically for its time, its subject matter was the lower classes, and it was intended for them (Guttmann 186). Such a revolutionary stance has led to the claim that, as a result of the novel, "Victor Hugo became for forty years the progressive conscience of what he famously named the United States of Europe" (Guttmann 188).

Hugo deserves this accolade not only for *Les Misérables*' role in helping to integrate the working class into literary culture, but also for its raw portrayal of nineteenth century France at its best and worst in moral and social terms. In fact, it is the ethical aspect of

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the book that is paramount. *Les Misérables* has been described as a book with a "moral" storyline (Grossman 13), and in no sense is this more evident that with "the spiritual progress" (Guttmann 191) of its main protagonist Jean Valjean. Valjean is an ex-convict whose brutalizing experiences "of nineteen years of torture and slavery" (Hugo 62) in the galleys have left him without a sense of empathy or humanity. Nonetheless, the charitable action of a truly compassionate bishop, whom he has actually robbed, in not only failing to accuse him of the theft, but to leave him with what he has stolen augmented by two silver candlesticks, causes Valjean to undergo a profound and radical spiritual transformation. The bishop tells Valjean that he has purchased his soul with these objects (Hugo 73), and indeed, Valjean is soon portrayed in the novel as a redeemed virtuous individual, and remains such a character from then on.

This is not to say that his newfound commitment to an ethical life is never challenged, and his most severe challenge as a moral being takes up Book 7 of Part One of the novel, entitled "The Champmathieu Affair". The action here is set years later when, having hidden his true identity, Valjean has become the powerful and beneficent mayor of a provincial French city. Only a revelation of his true identity can threaten the peaceful stability that he has found for himself in this position. Yet, Valjean comes to discover that a person named Champmathieu has been mistaken for him and has been arrested. This individual is threatened with life imprisonment in the galleys, if convicted. The case against Champmathieu seems incontrovertible; hence, only Valjean is able to rescue him from a appalling fate, but only if he makes public his true identity. After a profound inner dialogue over this dilemma, Valjean does indeed save the accused in this manner, and ends up being reimprisoned himself instead. Hugo leaves the reader in no doubt that Valjean's action is to be lauded as "the simple and magnificent story of a man giving himself up that another might not be condemned in his place" (Hugo 190). A modern critic has also similarly described Valjean's dilemma as "a moment of crisis" that "culminates in victory" with Valjean's action being the "proper solution", as the result of a "sublime...leap" (Grossman 13).

Such a favourable evaluation of Valjean's action ultimately rests of an ethical approach that is deontological; that is to say, an ethical approach that solely prizes duty and intention in evaluating an action as being moral. Nonetheless, in Hugo's time there was an alternate view of ethics; that which is founded on a utilitarian approach and which is consequentialist. Indeed, the broad conflict in moral philosophy that was being conducted in the time of Hugo was between partisans of utilitarianism and those who believed in the idea of inherent moral feeling tied to the deontological approachs (MI. 235), which in particular were the adherents of the German philosopher Immanuel Kant. Valjean's resolution to his moral dilemma can also be evaluated through a utilitarian approach, especially as those affected by it are not simply limited to Valjean himself and the accused. This work will show that with a utilitarian perspective, Valjean's action to save Champmathieu is actually an immoral one. It will do this by examining the basis and approach of utilitarian ethics, particularly through the writings of the founder of this method, Jeremy Bentham. It will then look at the consequences of Valjean's action. Next, it will show that, in utilitarian terms, these consequences mean Valjean's action has

to be regarded as ethically negative. Finally, it will look at some potential objections to forming such a conclusion, and show why the objections are invalid.

Before commencing upon an analysis of utilitarian ethics, it is to be noted that while a utilitarian evaluation of his action is introduced into the novel itself in Valjean's inner dialogue, it is not to be regarded as being in sympathy with the novelist himself. This can be surmised from the fact that *Les Misérables* is narrated by a narrator that is both extradiegetic and heterodiegetic (Rimmon-Kenan 94,95). Such a technique not only allows the reader to see into the minds of different characters (Rimmon-Kenan 95), such as Valjean, but also enables the characters to be defined in a way that should be given "weight" (Rimmon-Kenan 98), and be subject to specific moral judgement (Rimmon-Kenan 99). Moreover, it allows the reader to infer that the commentary made outside of the thoughts and expressions of individual characters reflect that of the author himself. Not only does Hugo make the comment about "the simple and magnificent story" (Hugo 190) already mentioned above, but he also describes Valjean's action as being a "sublime spectacle" which causes "an indescribable divinity within him" (Hugo 191). This strongly implies that Valjean's deontological resolution to his dilemma is one that Hugo himself regards with great approbation.

Utilitarian Ethics

In order to evaluate the action of Jean Valjean through the lens of utilitarian ethics, an understanding of this moral approach is first requisite. It is the British philosopher Jeremy Bentham who is the founder of utilitarian ethics. Rejecting the approach that runs from John Locke through the Enlightenment and that underpinned the American Revolution which was still taking place when he printed his work on morals, *Introduction to Principles of Morals and Legislation**, Bentham denies there are such things as natural rights – the concept of which he elsewhere dismisses as "nonsense on sticks"** (qtd in MI. 226). Bentham is still however a product of the Enlightenment in that he desires "some external consideration" (qtd in H-M. 321) in the quantifiable scientific sense to be the basis upon which to found morality, rather than what he regards as the traditional approach to ethics reliant upon nothing more than a "principle of sympathy and antipathy" (Ben. 28); that is, a subjective one. He also rejects any attempt to provide a basis for morality upon scripture claiming that "it is universally allowed" that scripture itself requires expert exegesis before it can be used for this purpose (Ben. 37), and the guidance offered in such exegesis sits itself upon its own variable subjective standards (ibid), thus rendering it as useless as a moral guide.

Moreover, Bentham rejects traditional systems of morality in that they are founded on a terminology he is sceptical actually relates to anything at all. Presaging the work of the language philosophers of the twentieth century, Bentham affirms "the ambiguity of language" (127), in which moral terms, among others, when analysed in their

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* The printing of this work took place in 1780, but its publication did not occur until 1789 (H-M. 317).

** It should be noted here that, as Iain Hampsher-Monk reveals "[i]t's not that Bentham thought the *content* of the claims made by natural rights theorists weren't desirable – he agreed, or came to agree with many of them, it's that claiming they were *rights* confused the whole analysis" (H-M. 317 – original italics).

"conventional" sense turn out to relate to "fictitious entit[ies]" (qtd in H-M. 315) in that they are not predicated upon anything empirically verifiable. As such, the terms in use in traditional systems of morality are "a sort of paper currency" that, when analysed properly, may be shown to have no value at all (H-M. 316), and can, through their ambiguity lead their user "into perpetual contradictions." (Ben. 173).

The new basis Bentham proposes for morality is that of utility. Bentham constructs his utilitarian outlook upon the seemingly empiricist observation that "[w]hat happiness...consists of...[is] enjoyment of pleasures, [and] security from pains" (117). He then expands upon this by defining pleasure as being synonymous with goodness. Bentham states that "pleasure is in itself a good: nay,...the only good: pain is in itself an evil; and, indeed, without exception, the only evil" (169). Bentham recognizes that there are various types of pleasure and pain, but that good and evil are synonymous with these two conditions, regardless of their cause (Ben. 169). Thus, Bentham ranks the terms "profit...or *convenience*, or *advantage*, *benefit*, *emolument*, *happiness*" as equally synonymous with pleasure and good, just as pain and evil are also the same as "*mischief*, or *inconvenience*, or *disadvantage*, or *loss*, or *unhappiness*, and so forth" (Ben. 53 – original italics). These observations become a basis for a moral system to Bentham with his assertion that:

> By the principle of utility is meant that principle which approves or
> disapproves every action whatsoever, according to the tendency which
> it appears to have to augment or diminish the happiness of the party
> whose interest is in question (3).

What is important for Bentham is that these positive and negative states can be quantified, so that a real literal evaluation can be made upon an action. That is to say that the totality of pleasure and pain produced by an action can be added up and then balanced against one another to decide whether that act is a good – i.e. predominantly pleasurable – or evil – i.e. predominantly painful.

This approach can be taken on either the individual or a communal level, depending upon which "party" is to be focused on. As Bentham states "if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual" (Ben. 4). However, Bentham strongly implies that the communal level deserves greater focus when moral evaluations of acts are carried out, except obviously in the rare cases when an act has no impact outside of the agent responsible for it. This implication comes about as a result of the concept of quantifiable utility. This is because to determine the maximum amount of the pleasure or pain produced by an action, all of the pleasure and pain it produces must be taken into account. As Bentham himself avers, pleasure or pain is "greater or less" depending in part upon "[i]t's *extent*; that is, the number of persons to whom it *extends*" that is the number of people "who are affected by it" (51 – original italics). As far as an evaluation is concerned, Bentham states:

> To take an exact account...of the general tendency of any act...Take
> an account of the *number* of persons whose interests appear to be
> concerned...*Sum up* the numbers expressive of the degrees of *good*

tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is *good* upon the whole:...do this again with respect to each individual, in regard to whom the tendency of it is *bad* upon the whole. Take the *balance* which if on the side of pleasure, will give the general good tendency of the act..[and] if on the side of pain, the general evil tendency (52 – original italics).

Thus, it is the case for Bentham that "[a]n action may be said to be conformable to the principle of utility...when that tendency it has to augment the happiness of the community is greater than any it has to diminish it." (5)

This of course also implies that if the utility of an act is positive in terms of the agent, but negative in terms of the community, then the community's utility is to be taken into greater account, and an act that benefits its doer but not the others affected by it is therefore to be regarded as morally bad. Bentham provides evidence for such a reading of his philosophical approach in an example contained in his *Principles*. From this example, which is of "[a] man [who] omits paying his share to a public tax", it is determined that his action belongs in the category of "mischievous acts" in that he puts his own private pleasure above the public good (267). And, it is such an approach that enables utilitarian ethics to accord with traditional and Kantian ethics in placing a high premium upon benevolence. Due to resulting in the amassing of greater utility, Bentham states that "[t]he disposition...in which the principle of benevolence predominates, is better than one in which the principle of self-interest predominates", and evaluates it as "the worthier principle of benevolence" (230). As such, it is the public interest that must override the private, as Bentham states:

[W]hen the dictates of benevolence, as respecting the interests of a certain set of persons, are repugnant to the dictates of the same motive, as respecting the more important* interests of another set of persons, the former dictates, it is evident, are repealed, as it were, by the latter (202-3).

Another point about Bentham's approach to morality that should be made is that by denying that there is anything which "[s]trictly speaking" is either "good or bad" save for "pain or pleasure" (Ben. 146), Bentham's moral system is necessarily consequentialist. This is because it is only through the *effect* an act has in augmenting or reducing pleasure or pain – taken as on "balance" in aggregate (Ben. 197) – that it can be evaluated in moral terms. And in dealing with the motive behind an act – *before* it has taken place and the consequences can be evaluated – it is morally positive or reprehensible according to "the certain circumstances or the probable" that will result from it** (Ben. 254), once again dependent only upon whether they tend "to produce pleasure, or avert pain" or

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* Bentham adds his own footnote here with "[o]r valuable"
** Bentham is of course aware that the probable consequences of an action are not always those that in fact end up resulting from it. He states that an "act may very easily be intentional without the consequences; and often is so" and provides as an example "you may intend to touch a man, without intending to hurt him: and yet, as the consequences turn out, you may chance to hurt him." (138)

"to produce pain, or avert pleasure" (Ben. 170). This of course means that an act, or the motive behind it, is not in an absolute moral sense ever good or bad, because its effects – predicted or observed – "in each individual instance" (Ben. 200) could plausibly vary.

Nonetheless, by stressing general happiness, Bentham's approach has another implication that puts it at great odds with traditional or contemporary deontological systems of ethics. Alasdair MacIntyre points out that:

> [U]tilitarianism which appears under the criterion, among other things, for distinguishing good and evil, is in fact offering us a revision of those concepts, such that if we accepted it, we could allow that no action, however vile was evil in itself or prohibited as such (232).

This is due to its consequentalist approach, which, provided an action achieves "general happiness" can "be justified" for, what under virtue ethics, would appear to be abominations, and MacIntyre provides the examples of "the execution of the innocent or the murder or the rape of children" (232). J.L. Mackie concurs, averring that under utilitarianism, it can be "right to kill innocent people, to invade their rights, to torture political opponents, to break solemn agreements" amongst other actions traditionally regarded as being immoral (Mackie 137). Hence MacIntyre concludes that:

> [E]ven on the best and most charitable interpretation of the concept of the greatest happiness of the greatest number, there are occasions where its use as a criterion would lead us to recommend courses of action which conflict sharply with what ordinarily we think we ought to do (231).

Indeed, the utilitarian approach does not allow itself to be moderated by any other system of morals (Ben. 40), thus making it incompatible with a deontological ethical approach. Bentham explicitly affirms that "[i]f the principle of utility be a right principle to be governed by, and that in all cases, it follows...that whatever principle differs from it in any case must necessarily be a wrong one" (15). And Bentham contrasts what he terms "the principle of asceticism" – by which he refers to the alternate deontological method (5) – with that of utility. For Bentham, the former is inverse to the principle of utility in that it is "approving of actions in as far as they tend to diminish [the actor's] happiness" and "disapproving of them in as far as they tend to augment it" (5). Confusingly Bentham also claims – as has been noted above in terms of benevolence – the virtue ethicist and utilitarian often agree on moral principles. It is the basis for their principles that is the source of their fundamental difference (29). For Bentham, the utilitarian's approach develops from a standard that is both comprehensive and scientific, while those who follow the principle of asceticism ultimately depend upon nothing more than the "sentiment or opinion" of the founder of a moral system, and which avoid "the obligation of appealing to any external standard" (28).

Moral Evaluation of Jean Valjean by Utilitarian Ethics
Now, this work will evaluate a particularly momentous act of the character of Jean

Valjean in Victor Hugo's novel *Les Misérables* through the criterion utilitarian ethics. As has already been noted, Jean Valjean has, by Book 7 of Part One of that novel, reformed his life and become a virtuous individual. He has also, however, concealed his true identity by going under the name of Madeleine, yet it is his moral worthiness that has helped enable him to become the influential and beneficent mayor of the provincial French city of M - sur M -. Valjean finds contentment for himself in this role as the years pass. The moral dilemma that Valjean is faced with is brought about when the city's inspector of police, Javert, under whom Valjean had been imprisoned in the galleys, unexpectedly reveals to him both that he had suspected him of being Valjean and that he realized he was in error since a person he now believes, as he has indentified him personally, to be "the real Valjean" (Hugo 139) has been apprehended in the countryside for having stolen apples. Javert also reveals that this person, whose name – obviously regarded by Javert as a pseudonym – is Champmathieu, would normally be punished for a simple "misdemeanour" but it is his identification as an ex-convict that means upon conviction he will be sent to "the galleys for life" (Hugo 141).

Once Valjean is alone, he reveals the intense moral dilemma in which he is placed by this information. He is faced with the stark choice of revealing himself as the real Valjean, or letting Champmathieu be prosecuted under his name with the likelihood of terrible punishment for him as a result. Hugo describes Valjean's dilemma as being for him, "a tempest within" (Hugo 149) and of causing him "torment" (Hugo 150), the dilemma being particularly severe as the shadow of the galleys for either Champmathieu or himself hangs over it. The horrific nature of being imprisoned within them is exclaimed by Valjean to be a "frightful life in death" and a "living burial" (Hugo 153). The detail of his inner dialogue, as he attempts to resolve this dilemma is, however, not within the remit of this article, with its focus on utilitarian ethics. The only relevance of his internal deliberations is found in the short sections where Valjean himself engages in utilitarian musings, though they eventually end with his rejection of what they attempt to lure him to do. In fact, for this work in its utilitarian evaluation of Valjean's action, all that matters is the likely consequences of the two options open to him.

In the novel, there are five parties that will be affected by how Valjean resolves his ethical conundrum. They are, obviously, himself and Champmathieu, but they are also Fantine, a woman dying of consumption and under the patronage of Valjean, and her daughter Cosette. Additionally, there is the citizenry of M— sur M— as a whole. The probable effect on Valjean himself on keeping quiet is obvious. He will continue as the respected mayor of M— sur M— and without any longer the slightest risk of his past being discovered. Yet, should be reveal his true identity to save Champmathieu, he instead will place himself back in the galleys, a place that he himself describes as "pernicious to men" (Hugo 189). Thus, superficially, the utilitarian value of his keeping quiet would seem obvious. Nonetheless, Valjean is a man for whom happiness is tied to the state of his conscience, and his conscience will be deeply troubled by leaving Champmathieu to his fate. He himself affirms that that living a double life as an outwardly respectable yet inwardly self-despising individual would give him no "pleasure" (Hugo 155). Thus, a utilitarian evaluation of Valjean's dilemma reveals pleasure and pain incumbent on whichever side of the decision he comes down on.

For Champmathieu, a utilitarian evaluation of Valjean's decision is affected by his nature, and this entails the question of whether this character is actually guilty of the theft of the apples or not. This is because there is a greater benefit to society as a whole in the conviction of a criminal than in the conviction of one who is innocent, as the former, with his already established criminal tendencies is more likely to commit further criminal acts, due to his being what Bentham describes as "frail or infirm" (219). Nonetheless, at no point does the novel give explicitly reveal how Champmathieu came into possession of the apples (182), but the tone of the work implies that he just found them, as he claims. Even in his inner dialogue, Valjean quickly rejects the idea that Champmathieu is a thief, and feels it is his identification as Valjean that is blackening his name (154). That is not to say he is a decent individual though. He has the appearance of a criminal (176), and when Valjean first espies him in the courtroom, he sees "something indescribably rough, stupid, and terrified in his appearance" (180). He seems to be "full of hatred" (ibid). All in all, it is his simplicity which appears to be paramount in Champmathieu's character. He has an "air of stupidity" (184), and does not seem to fully understand what is going on in the court (185). He has also been brutalized by a very difficult life, and as such perhaps deserving of pity. He does not seem to have known his parents (186), and has lived a life of hard labour and exploitation (184), and has even apparently faced abuse whilst being held for trial (186). Thus, if Valjean allows Champmathieu to be convicted under his own name, it cannot be claimed that he is allowing someone who actually in any way deserves such a punishment to be sent to the galleys, even if this person is not particularly pleasant, or offers no positive benefits to society. And, Champmathieu's fate is inextricably tied to this identification. In being regarded as Valjean, he is facing "hard labour for life" (184), and as someone who has been recently been often ill (184), that life would not be expected to be long in the extreme conditions of the galleys. In other words, he is effectively facing a death sentence, and his conviction seems to be an inevitability with his having been identified as Valjean by Javert and three former convicts. Only through Valjean revealing who he actually is does Champmathieu have any chance of avoiding such an awful fate.

As for Fantine, she is in an advanced state of consumption. Her belief that when Valjean has gone to the court, he has actually gone to collect her daughter to reunite her with her is providing her with the will to live. She is experiencing "[a] mother's joy" (174) in her imminent expectation of seeing her daughter, and her physician believes that this heightened positive emotional state could even put her disease into remission and "save her perhaps" (174). Hence, should he not lose his position as mayor and risk reimprisonment by revealing who he is, Valjean will retain his power to reunite Fantine with Cossette and maybe even ensure the mother's continued survival. Fantine can only benefit from Valjean's silence, and only be harmed by the revelation of his true identity. Indeed, in his inner dialogue, Valjean himself predicts Fantine's demise, should he save Champmathieu (155). Moreover, Cosette, at the time of Valjean's dilemma is, as Valjean surmises "doubtless at this moment all blue with cold, in the hut of [the] Thénardiers" (156), a couple who were entrusted with her by Fantine earlier in the novel. The Thénardiers have however turned out to be rogues who whilst professing their care

for the girl to Fantine have in fact been using her daughter as a means of extorting money from her, whilst simultaneously exploiting and neglecting Cosette herself. Cosette's future seems very insecure if Valjean cannot decisively intervene to save her.

For the citizenry of the city of M - sur M -, it is to be noted that they are not at the focus of Hugo's narration. Nonetheless, it is the case that in utilitarian terms, by virtue of their number, they should be the most significant factor in his making a moral decision about what to do. And, the prosperity and wellbeing of the city have been brought about by Valjean. Under his assumed name, he effectuated a great improvement in the production of the products of the local industry, which has brought great prosperity to both him and the city, and led to him being appointed mayor, a post he only accepted with sincere reluctance. He has been more than a *laissez-faire* entrepreneur from whom wealth can only reach the masses through the effects of trickle-down economics though. On the contrary, he has set up a factory that provides work for the needy, and by far the largest portion of his wealth is also spent on the poor. Furthermore, he has established in the city social institutions to care for the destitute. Indeed, it is undeniable that the city, as a whole, benefits from both his industrial and administrative work, and Valjean, in his inner dialogue, reveals that he himself is aware not only that it is he who "keep[s] it all alive" (155), but also that the general welfare of the city will be severely threatened should he not continue in his position of authority within it.

It should also be noted that Valjean's positive influence is not felt simply within the confines of the city. He himself, in his inner dialogue, is aware that by continuing in his position, he can continue to be "a grand and encouraging example" (152) to others, and it is later learned that – despite his ignorance of the fact – Valjean's "celebrity" (178) had spread into the surrounding region. It is the case that "there was not one of the hundred and forty communes of the district of M— sur M— which was not indebted to him for some benefit" (178) and he has provided assistance outside of the district too. This has led to a condition in which – in his region of France – "[e]verywhere the name of Monsieur Madeleine was spoken with veneration" (178). This reveals not only his great utilitarian value by being an object of inspiration over a widespread area, but also heavily implies that his beneficial qualities are not found in the administrators of other areas, for if they were, it is unlikely he would not be recognized as such an exceptional figure. Therefore, a fall from power and influence for Valjean, which will occur should he reveal his identity, will have a great impact on a very large number of individuals. It is also worth noting that there is a further small utilitarian evaluation to be made. Valjean, should he reveal who he is, implicitly shows that the law-enforcement authorities have made a gross error, and this could be seen as damaging faith in them, creating a sense of insecurity in the populace that has to be reckoned as a negative factor.

As has already been noted, Valjean resolves his moral dilemma in a deontological manner. He reveals that he is in fact the true Valjean to the astonished court assembled to try Champmathieu. This results in Valjean's mixed state of soothed conscience but impending gross physical hardship and Champmathieu's not facing the horror of the galleys. It also however, results in Fantine's death. By his action, Valjean has opened himself to arrest by Javert, and when the latter arrives to take him into custody at the

hospital where Fantine is being taken care of, the shock of seeing Javert arrest Valjean, whom she has come to regard in the light of a saviour, is for her as if "the world seemed vanishing before her sight" (199), and causes her death. As for Cosette, she is later saved, but such an outcome cannot be foreseen at the time, and the direct result of Valjean's action, and thus the only one to be considered here, is to lengthen her stay with the abusive Thernadiers. The result of Valjean's action for the city of M - sur M - is as follows:

> [W]ith M. Madeleine, the prosperity of M— sur M— disappeared; all that he had foreseen in that night of fever and irresolution, was realised... From that time forth, everything was done on a small, instead of on the large scale, and for gain rather than for good. M. Madeleine had ruled and directed everything. He fallen, every man strove for himself; the spirit of strife succeeded to the spirit of organisation, bitterness to cordiality, hatred of each against each instead of the good will of the founder towards all; the threads knitted by M. Madeleine became entangled and were broken; the workmanship debased, the manufacturers were degraded, confidence was killed; customers diminished, there were fewer orders, wages decreased, the shops became idle, bankruptcy followed. And, then, there was nothing left for the poor. All that was there disappeared. (245)

Thus, a utilitarian ethical evaluation, by placing the benefit to Champmathieu on one side, and Valjean's mixed state in the middle, the sheer weight of the distress that is entailed upon Fantine, Cosette, and the citizenry of M - sur M - by Valjean's resolution of his moral dilemma means that it has to be regarded as an immoral one.

Resolution of Potential Objections

Such a conclusion can potentially be objected to however. Thus, this work will now examine potential objections to it, yet show why they are invalid. The first objection is whether utilitarian ethics can be used to morally validate what would generally be regarded as an act of great injustice, if it is carried out to the benefit of others. Specialists on moral philosophy certainly affirm that it can. The assertions of MacIntyre and Mackie to the effect that it does so have already been related above. Additionally, one particularly stark critique of utilitarian ethics in this regard is made by E. F. Carritt. He avers that:

> [I]f some kind of very cruel crime becomes common, and none of the criminals can be caught, it might be highly expedient, as an example, to hang an innocent man, if a charge against him could be so framed that he were universally thought guilty...it would be perfectly deterrent and therefore felicific. (504-5)

The relevance of such a perspective to this work is obvious seeing that both involve the condemnation and cruel punishment of an individual for the greater good. However, in the *Les Misérables* case, the righteousness of the deed is even more powerful as the

general benefit that Carritt is referring to is rather nebulous and difficult to quantify, whereas the situation in which Valjean would have allowed for the conviction of Champmathieu would have directly protected the prosperity and security of the citizenry of M— sur M—, in which their happiness is inextricably bound. Moreover in Carritt's example, the individual to be sacrificed to the public interest is stated to be "innocent" whereas in *Les Misérables* it is at least conceivable that Champmathieu has involved himself in a criminal act.

In fact Carritt's example leads into a second possible objection to regarding Valjean as being morally wrong for interfering in Champmathieu's case, and that is in connection the proximity of the pain involved. It is indisputable that Champmathieu and Valjean are the characters who are most directly affected by Valjean's action. It is the case that Valjean's potential happiness is torn between a desire to stay out of the galleys and continue with his life as it is and a desire to act in accordance with his conscience. For Champmathieu though, only great suffering can result from being sent to the galleys. Hence, on a utilitarian balance taking into account only these two individuals, Valjean would therefore morally have to save Champmathieu from condemnation. Moreover, it may be thought that as they are the only two directly involved parties, this balance in favour of Valjean involving himself in Champmathieu's acquittal outweighs the utilitarian concerns of Fantine, Cosette, and the citizenry of M— sur M—. From Bentham himself, however, such a reading of the situation is untenable. It has been noted above that Bentham focuses his moral evaluations upon the effects or expected effects of acts. In doing so, Bentham is also aware that the impact they have on those affected by them varies in terms of proximity. As such, Bentham divides the impact of acts into "*primary*" and "*secondary*" ones. Under his definition, the townspeople to be affected by Valjean's decision do not, however, belong to the "secondary" category, which is concerned with exemplary lessons that can be drawn by the general public, such as in the example given by Carritt. The townspeople rather belong to a subdivision of the "primary" called by him the "*derivative*" as opposed to the "*original*" (Ben. 254 – original italics). That their interests must outweigh those of Valjean's troubled conscience and the fate of Champmathieu can be understood from Bentham's allowing even a weaker secondary consideration to outweigh the primary. Bentham states:

> In some cases where the primary consequences of the act are attended with a mischief, the secondary consequences may be beneficial, and that to such a degree, as even greatly to outweigh the mischief of the primary. (262).

So if a simple exemplary action for a multitude that causes pain to a limited number is acceptable in a utilitarian evaluation, then it cannot be the case that the loss of the beneficent system of employment and welfare set up by Valjean in M— sur M— for its populace can be overridden by Valjean's mixed state and Champmathieu's harsh punishment in utilitarian terms.

This in turn is connected with the third possible objection to reading Valjean's action as unethical in a utilitarian sense in that different pleasures and pains have differing

degrees, and it seems unlikely that anyone that can be affected by Valjean's decision is going to suffer to quite the extent that a convicted Champmathieu would do. What is more, Bentham himself notes that, among others, the "*intensity*" and the "*duration*" of the consequence of an action are variable factors (51 – original italics). Nonetheless, whilst Champmathieu's suffering would be the most severe, that of the citizenry, with the loss of their benevolent administrator, is still severe enough as it entails the loss of what Bentham describes as "the pleasures of wealth" (57) which also inculcate "security" (ibid), as well as "[t]he pleasures of skill" (58) in well-recompensed employment. Indeed, all of these are to be replaced with what Bentham calls the suffering of "[p]ains of privation" (63) and "[t]he pains of memory" (68) in that they will remember the better state that they have lost. This suffering is likely to be as lasting as that of Champmathieu[*], but what is of central importance is that *in the aggregate* this admittedly lesser distress for the citizenry on the individual level far outweighs any suffering that Champmathieu can undergo.

Conclusion

In conclusion, this work has demonstrated that, evaluated through utilitarian ethics, the action of Jean Valjean to save Champmathieu from a horrific fate in the prison galleys of France in Victor Hugo's novel *Les Misérables* is actually an unethical one. The reason for this is that utilitarian ethics are founded upon the principle that morality is determined through considerations of aggregated pleasure and pain. This work has revealed that whilst Champmathieu's condemnation would have led to unspeakable distress for him as an individual, by taking the wider view, and considering the effects of Fantine, Cosette, and the citizenry of M— sur M—, in addition to the mixed effect on Valjean himself, a greater amount of distress is indubitably created through Valjean's decision to gain Champmathieu's acquittal at his own expense. This work has also examined the possible objections to such a findings. It has found that, through the perspectives of experts on ethics, it is legitimate to regard utilitarianism as permitting injustice in the interest of the greater good. It has also shown that considerations of proximity and intensity of the distress resulting from Valjean's decision do not undermine the central argument.

This work has also shown that Hugo himself favours Valjean's action, and in doing so, reveals a penchant for deontological ethics. However, before bringing this work to a close, it is noteworthy that in the same section of the novel, Hugo also lauds a different character for resolving an ethical dilemma in a consequentalist manner. This character is Sister Simplice, a nun whose great piety is compared by Hugo to "a sacramental taper" (143), and who has been a dedicated nurse to the ailing Fantine. Hugo has already written of her that "her distinctive trait" and "the mark of her virtue" is "[n]ever to have lied, never to have spoken, for any purpose whatever, even carelessly, a single word that is not the truth, the sacred truth" (144). At the point in question though, Valjean has temporarily managed to escape Javert, following his arrest, and he returns to his chamber. Simplice then turns up, surprised to find him there. Shortly afterwards, Javert also appears in the room, searching for Valjean, who has hidden himself behind the door.

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[*] Indeed, more so, if Champmathieu is unlikely to survive for long in the galleys as is speculated upon above.

Being asked as to whether she is alone in the room, Simplice replies in the affirmative in order to protect Valjean. This action of hers is lauded by Hugo, who claims of her from the perspective of later years "Oh, holy maiden!...thou hast joined the sisters, the virgins, and thy brethren, the angels, in glory; may this falsehood be remembered to thee in Paradise" (Hugo 203). Perhaps not unintentionally on the part of Hugo, Simplice's action is remarkably similar, though less extreme, to one explicitly condemned by Kant, the leading light in modern deontological ethics. Kant claims that a murderer inquiring as to whether his victim, and the moral agent's friend, was residing on that agent's property would have to be told the truth (1-2), as truth telling is "a sacred and unconditionally commanding law of reason that admits of no expediency whatsoever" (2). However, by taking a similar view to Kant for Valjean but an opposing one for Simplice, Hugo reveals the practical limitations of a wholesale reliance on deonotlogical ethics, in which the consequences of an action are completely ignored, or that of ultilitarian ethics in which only consequences can be considered. The absolutist positions of both camps are rejected in a more indistinct approach, in which the foundation of ethical judgement cannot be wholly and perpetually determined in advance. In doing so, Hugo seems to be in tune with Mackie, who dismissive of moral systemizing that however theoretically perfect is impractical and thus "worthless" (148), states:

> To put forward as a morality in the broad sense something which, even if it were admirable, would be an utterly impossible ideal is likely to do, and surely has in fact done, more harm than good. It encourages the treatment of moral principles not as guides to action but as a fantasy which accompanies actions with which it is quite incompatible (131-2).

In doing so, it in fact, for Mackie, brings the whole question of morality "into contempt" (132). Both Bentham's system, with its potential to allow any type of action so long as the majority remain happy, or Kant's with a rigourousness that does not permit a murderer to be lied to in the interest of saving a life, are equally condemnable under Mackie's assertion. Hugo, in his presentation of making ethical choices in *Les Misérables*, would surely not disagree.

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ABSTRACT

JEAN VALJEAN'S DILEMMA AND UTILITARIAN ETHICS

This work is an evaluation, through the criterion of utilitarian ethics, of the resolution of an intense moral dilemma in Victor Hugo's 1862 masterpiece, Les Misérables. The dilemma is faced by the main protagonist Jean Valjean. Valjean, a former convict, has redeemed his life and has become mayor of a French city under an assumed name. Years later, he learns that someone else has been erroneously arrested as him, and Valjean is faced with the choice of letting this man be convicted and sent to a horrible punishment in the galleys, or revealing his identity and facing reimprisonment himself in order to save him. In doing the latter, he acts according to the demands of deontological ethics, for which the author of the novel explicitly commends him. Nevertheless, this work avers that in making the latter choice, Valjean, in terms of utilitarian ethics, acts immorally. It affirms this by showing, through the writings of Jeremy Bentham, that in morally evaluating an action in utilitarian ethical terms, the happiness and unhappiness caused to everyone affected by his act must be quantified and balanced against each other Due to the effect that the loss of their benevolent mayor has on other characters, the saving of one individual cannot be seen to be productive of the greatest good. This work then examines possible objections to this evaluation and through writers on ethics and Bentham himself shows that these objections do not invalidate the central argument of the work.

Keywords: *Moral Philosophy, French Literature, Jeremy Bentham, Les Misérables*

ÖZET

JEAN VALJEAN'IN İKILEMI VE FAYDACI ETIK

Bu çalışma, *Victor Hugo'nun 1862 tarihli başyapıtı Sefiller'deki yoğun ahlaki bir ikilemin sonucunun faydacı etik bakış açısından bir değerlendirmesini yapmayı amaçlamaktadır Sözkonusu ikilemi yaşayan kişi eserin baş kahramanı Jean Valjean'dır. Eski bir mahkûm olan Valjean, suçunun bedelini* ödeyip *hayatını arındırmış ve sahte bir adla Fransa'nın bir* şehrinde *belediye başkanı olmuştur Yıllar sonra, kendisinin yerine bir başkasının yanlışlıkla tutuklandığını* öğrenir. *Valjean* şimdi, *bu adamın tutuklanarak korkunç cezalar* çekmek üzere *kalyonlara gönderilmesine ses* çıkarmama *veyahut onu kurtarmak adına kimliğini açığa vurup yeniden hapsedilmeyi göze alma gibi bir durumla yüzyüzedir* İkincisini *yapmakla, roman yazarının açıkça onu yönlendirdiği deontolojik etik taleplerine göre davranmış olur Bununla birlikte, bu* çalışma *Valjean'ın ikinci seçeneği tercih etmekle, faydacı etik bakış açısından ahlaki davranmamış olduğunu iddia etmektedir Bunu da, Jeremy Bentham'ın ortaya koyduğu görüşlere dayanarak kanıtlamaktadır Nitekim faydacı etik ilkelerince bir eylemin ahlakiliği değerlendirildiğinde, mutluluk ve mutsuzluk oranının o hareketten etkilenen herkes için niceliksel anlamda dengeli olması gerekir Bu bağlamda hayırsever belediye başkanlarını kaybetmenin diğer karakterler* üzerindeki *etkisi göz* önüne *alındığında, tek bir bireyin kurtarılması iyiliklerin en yücesi olarak görülemez.* Çalışmada, *daha sonra, bu değerlendirmeye karşı olası itirazlar incelenecek, birtakım etik kuramcıları ve Bentham'ın kendi yazıları aracılığıyla bu itirazların* çalışmanın *merkezi argümanını geçersiz kılamadığı gösterilecektir*

Anahtar Kelimeler: *Ahlak Felsefesi, Fransız Edebiyatı, Jeremy Bentham, Sefiller.*