

SELECTED BIBLIOGRAPHY

Note: It unfortunately happens that the conscious processes of most importance for ethics have been least satisfactorily investigated by psychology.

Allers, WSP (excellent recent survey in German); Drake, PC, Part I; Dresser, ETH, Chap. IV; Garvie, CHS, 209-258 (from the Protestant standpoint); Hadfield, PAM (a good treatment of applications of psychoanalysis); Hartmann, PSB (a thorough study in German); Leighton, ISO, Part III; Mezes, EDE, Part I; Seth, SEP, Introduct., Chap. II; Sherman, MS (a good general survey); Sutherland, OGM (one of the older standards); Urban, FOE, Chap. II; Westermarck, ODMI (a great sociological study); Wundt, ETG (also in English translation).

CHAPTER IV

THE SYSTEM OF MORAL LAWS

1. HOW MORAL LAWS ARE DERIVED FROM EXPERIENCE

THE present age is one in which laws of all kinds are being criticized, whether Newton's or Volstead's. This empirical and pragmatic era questions all universal rational principles. But the tendency to deny law and to reduce experience to a series of particular facts without universal meanings does not do justice to actual human life. Embedded in all human consciousness, as far as our knowledge goes, there have been universal principles as well as particular facts. We do not seem to be able to experience without generalizing. While our generalizations need correction, so also does our view of the facts, as experiments in the psychology of the witnessing of crimes or unusual events have repeatedly proved.

This trait is especially true of our moral experience. We not only experience this *X* to be good, but we also experience the moral law: All *X*'s are good. If there is to be a science of ethics, it must discover and correlate the moral laws which are true.

Such laws must at least be consistent with each other and with the rest of experience. Hence those who, like Wundt, hold that ethics has to *find* the norms to which the phenomena of the will conform, rather than to prescribe them, are only partly right.¹ That they are partly right follows from the fact that all science must be derived from experience, and that the moral values, laws, and "norms" must, in some way, be found in

¹ Wundt, ETG, III, 132.

experience, if we are to know anything about them at all. But that they are only partly right follows from the fact that our actual experiences of value, obligation, and law are contradictory. Our will does not naturally strive for a single consistent good nor in a consistent way. The task of ethical science, then, is to construct out of the data of experience, a coherent system of laws which does not lie in the mind ready for use, but which needs to be created by scientific thought. As in all cases of the progress of science, hypotheses will need to be devised for the consistent understanding and control of experience. When by this method a system has been built, however tentatively, it becomes our moral ideal and has a right to *prescribe* the direction of further development. Ethics, as we showed in Chapter I, is normative. It prescribes; it does not merely describe. But the prescription must follow and be based on an objective description of the facts of experience.

If normative prescription were not necessary, we should have only to take the goals of conduct from uncriticized experience. There have been attempts to do this. Many have held that the mind contains fundamental, self-evident intuitions, or immediate insights into basic moral principles, so that the ethical scientist has only to "read off" these intuitions in order to arrive at a knowledge of right and wrong. This theory—intuitionism, as it is called—very often regards the fundamental intuitions as the voice of the Divine Being, or as the reflection of eternal values. But, while intuitionism is based on the truth that experience is the source of all knowledge, it overlooks the fact that thinking is one of the most significant aspects of experience and that no intuition, whether moral or mathematical or sensory, can be trusted as leading to truth about

conduct or fact until it has been criticized and tested by the way in which it fits into the rest of our experience.² Appeal to intuition, even when made by a Max Scheler, really reduces to appeal to the deep-rooted present convictions of the individual and society. These deep-rooted convictions may be no more than the predominant social practice of the age. In this case, the appeal to intuition is simply a disguised form of the appeal to social authority, which, as every thoughtful person recognizes, needs criticism by the independent mind.

A curiously opposite turn occurs when thinkers like Mr. Bertrand Russell, who wish to break away from all fixed intuitions and petrified authorities, assert that the moral end is given in the desires of man. This view is naturally acceptable to the average person who "wants what he wants when he wants it," as well as to the psychoanalyst who knows the evils of suppressed desire. But to find the end and aim of moral living in the realization of our desires must mean one of two things: either the realization of all of our desires or the realization of some only. It is unnecessary to abuse the person who wishes to realize all of his desires by telling him that his aim is base, depraved, sensuous, and egoistic; rather, it is sufficient to show him that it is impossible. Our desires are so contradictory that they could not all be realized without canceling each other and destroying us in the process. Hence the realization of some desires only is the sole possible course. But then we have to choose among our desires; and if we are to choose solely on the basis of the strength of the desire, we are back in the realm of intuition. What we desire most strongly, however, may turn out to be the worst thing for us. To speak in vulgar American,

²For "Sources of the Authority of Ideals" see Brightman, POI, Chap. IV.

our "hunch" may be fatal, and in the stock market usually is. What gives us the greatest "kick" may be, both individually and socially, despicable. If there is to be any approach to reasonable living, there must be a rational selection and criticism of our desires with inhibition of some and stimulation of others. Somehow reason has to prescribe "measure," as the Greeks said, to our desires.

Moral laws, then, cannot be based on intuition, authority, or desire alone. All intuitions, authorities, and desires—in fact, the whole field of our actual and possible experience, as far as may be—needs to be surveyed and criticized by reason if we are to have the slightest hope of attaining moral truth. As Haeckel (who was not always wise) wisely said, "Reason is the highest good of man."³ Or (quoting von Hartmann), "Reason is the highest criterion which stands at the disposal of man, the highest subjective court."⁴

But to appeal to reason for our moral science is not to depart from experience. The sharp separation which Kant made between the empirical and the transcendental, going back to Aristotle's division of theoretical from practical, was useful for purposes of abstraction, but it has done much damage. The basis of moral knowledge is total moral experience; reason has no existence except in the actual conscious experience of reasonable persons.

Reason, however, is a special ideal function of experience; the function which surveys, orders, unifies, and systematizes. Because this function exists, we have built up music and art, which are structures of reason no less than mathematics and logic. In fact, music is, in a sense, mathematics made audible, as color (and so

³ Cited by Fabricius, AG, 28.

⁴ Hartmann, PSB, 326.

painting) is mathematics made visible. Sound and color and feeling without reason are not art. Through reason's work on experience, physics, chemistry, and all the sciences have been developed. To deny the right of reason is to deny the very structure of the mind and the achievements of the highest culture.

The appeal to reason is sometimes made in a very immature fashion as a pretext for the "rationalization" of desire and for independence from real reason. The chief practical need is not so much for independence as for learning how to think. It is easier to be a rationalist than it is to reason.

Let us, therefore, state briefly the essential elements of rational thought in ethics, by means of which moral laws are derived from moral experience. The first step, as in every science, is observation; in this case, observation of experiences of value, obligation, and law as voluntarily chosen or controlled, and of other experiences related to them. The next step is generalization, the formulation of such general likenesses or tendencies as appear. But the generalizations from moral experience are certain to contain contradictions, as our summary of the sociological data showed. Hence the next step is criticism, with a view to eliminating these contradictions. But mere absence of contradiction is not enough; the materials of moral experience call for action, forward movement of life, and richness of meaning. Hence there is necessary a final stage, which may be called interpretation; this consists of two phases, hypothesis and systematization. If moral experience is to be understood and interpreted, ethics, like every other science, needs to have recourse to hypothesis—a "guess" as to the probable rational connection of our experiences. The hypothesis is tested by a twofold systematization; the practical system of living and the

theoretical system of our most general and best established hypotheses, which we call laws.

The natural scientist will doubtless approve of observation, generalization, criticism, and (with some caution) interpretation; but he will miss experiment. For two reasons, the method of experiment is not practicable in ethics. First: it is impossible to have a genuinely moral situation under laboratory conditions. Significant moral situations occur in the real context of life, not under artificial control. If an attempt were made to have a moral "experiment," the moral character of the situation would at once be changed as soon as the subject knew that it was an experiment; on the other hand, if he did not know that it was an experiment, not only would he be treated unjustly in being experimented on, but also the scientific need of having a trained and intelligent subject for the experiment could not well be met. Accurate reporting by the subject would be all but impossible. Secondly: no moral experiment could solve any ethical problem of what ought to be done. It could only show what is done. For descriptive science, what "is done" by nature is the ultimate court of appeal; but for normative science what is done is not equally ultimate. Critical and systematic reason must determine whether it ought to have been done or not. Hence the relative absence of experiment in ethics is not so serious as appears. Life itself is the ethical experiment, and it furnishes subject matter enough.

2. MORAL LAW AS A SYSTEM

If ethics is a rational account of moral experience, it must be a system. It cannot consist of isolated propositions, even if they are true, but of a connected whole. Reason needs to see relations. Proof consists in showing the coherent relations of a proposition to other

propositions, to experience, and to the system of which it forms a part. Wundt's great *Ethik* has a title that corresponds exactly to the aim of our present study: *Eine Untersuchung der Tatsachen und Gesetze des sittlichen Lebens* (An Investigation of the Facts and Laws of the Moral Life). But when Wundt comes to give the normative laws, he sets them up, one after another, without proof and without system. This procedure may be a statement of moral truths, but it is not ethical science. A science is more than a list of laws; it is a system. Certain types of ethical theory (such as hedonism) have been atomistic, not organic, and so have failed to develop a true system. Bentham says, for instance, that "every act whereby pleasure is reaped is, all consequences apart, good."⁵ But a more rational insight perceives that no act can be judged to be either good or bad apart from the whole—the system—to which it belongs. Goodness is not a property of isolated acts. Pleasure which satisfies a good man is indeed good; but the pleasure which attends the malice of a bad man is bad. Schleiermacher criticized not only the hedonists (as most writers do) but even Aristotle for making "the *summum bonum* only an aggregate,"⁶ that is, only a collection of parts instead of a living whole—a mechanical mixture instead of a compound.

Why should moral truth be viewed as a system? For the same reason that geometry is a system; or for the same reason that a human organism needs to be studied as a living whole, namely, that isolated assertions lack support, but truths functioning in living relation to other truths are understood and proved. The extreme opposite of system is chaos; and chaos is both meaningless and, as Urban points out, incapable even of being

⁵ Bentham, *DE*, I, 58.

⁶ Schleiermacher, *Werke*, I, 81.

communicated to others.⁷ All truth partakes of system and of wholeness. Lessing once said, "I do not know whether it is one's duty to sacrifice happiness and life to truth. But I do know that, if one wants to teach truth, it is one's duty to teach it whole or not at all."⁸ The poet Uhland wrote lines which may be translated thus:

"O World, do not perish, and fall not, O Sky,
Till we are together, my dearest and I!"⁹

The poet saw that even the most passionate love needs the support of a system, a World and a Sky—it does not stand alone! Generalizing, we may say that every value needs a system.

This principle has been recognized by philosophers of very different periods and schools. Plato, Aristotle, Spinoza, Kant, and Hegel were the great minds that contributed most to its development. It is the essence of the logic of Bradley and Bosanquet. Schleiermacher expresses it well when he speaks of ethics as "a self-contained whole, whose parts can be understood only from and through the whole."¹⁰ Hastings Rashdall not long ago reaffirmed the same principle, when he said that "the supreme ethical precept must consist of an harmonious and self-consistent system of precepts."¹¹ Recently, it has been excellently, although somewhat too abstractly, explained in H. J. Paton's work, *The Good Will*.¹² "The ideal," says John Dewey, "means a sense of these encompassing continuities with their infinite reach."¹³

⁷ Uhland, IW, 432.

⁸ *Cit.* Treitschke, DL, 127.

⁹ Welt, geh' nicht unter Himmel, fall' nicht ein, Eh' ich mag bei der Liebsten sein.

¹⁰ Schleiermacher, *Werke*, I, 248.

¹¹ Rashdall, TGE, I, 111.

¹² Paton, GW.

¹³ Dewey, HNC, 330.

3. THE MORAL LAWS: THEIR SYSTEMATIC STRUCTURE

In view of the fact that a system incompletely grasped is a system misunderstood, and of the companion fact that every system must be presented in a gradual exposition, there is always the danger that every step of the way will fix misunderstandings in mind which only the completed whole can correct; but by the time the completed whole is reached the misunderstandings have become too habitual to be uprooted. In order to avoid this danger as much as possible, we here present a preliminary synopsis of the entire system, to which frequent reference should be made as the study of the detailed laws progresses:

System of Moral Laws

(The laws are numbered consecutively, as throughout the book.)

I. The Formal Laws.

1. The Logical Law (consistent will).
2. The Law of Autonomy (self-imposed ideals are obligatory).

II. The Axiological Laws.

3. The Axiological Law (consistent values).
4. The Law of Consequences (consider and approve foreseeable consequences).
5. The Law of the Best Possible.
6. The Law of Specification (develop values relevant to the situation).
7. The Law of the Most Inclusive End.
8. The Law of Ideal Control (control empirical values by ideal values).

III. The Personalistic Laws.

9. The Law of Individualism.

10. The Law of Altruism.
11. The Law of the Ideal of Personality (judge and guide all acts by an ideal of personality).

The foregoing table is a mere outline, lacking in content. Yet a hint has been added as to the meaning of each law, where it was not self-evident from the very name of the law; and the reader who finds himself perplexed is advised to refer ahead for explanation to the later chapters in which each law is stated explicitly and discussed.

Even at this stage certain traits of this system of moral laws may be observed. It develops from abstract formalism to concrete value and still more concrete personality. The Formal Laws have to do with the will alone, and state the principles to which a reasonable will must conform irrespective of the ends (values) which it is trying to realize. The Axiological Laws show the principles which the values that a good will is seeking ought to embody. The Personalistic Laws show what ought to follow in conduct from the fact that value is always an experience of persons. It is to be noted that each of the three divisions culminates in a theory of the moral ideal: the Law of Autonomy asserts that self-imposed ideals are obligatory; the Law of Ideal Control says that all empirical values ought to be controlled by ideal values, thus both defining and refining the quality of ideals; while the Law of the Ideal of Personality makes the ideal more concrete and, as we shall see, more flexible. The Formal Laws may be called the principles of form or of subjective ethics, or the ethics of sincerity. The Axiological Laws may be called the principles of content or of objective ethics, or the ethics of achievement. The Personalistic Laws are the concrete synthesis of form and content, of subjective

and objective ethics, in the ethics of personal and social idealism.

This system of moral laws is new. It is an attempt to make ethics more scientific than it has been. But it is not a mere novelty, or a fantastic invention, for it undertakes to include the contributions, to supplement the incompleteness, and to criticize the errors of previous systems of ethics. It can be shown that many systems have built on one or two laws alone, at the expense of others. Most of the differences in ethical "schools" are overemphases of special aspects of the ethical life embodied in these laws; and there is an ever-present danger of dealing with a favorite abstraction instead of with the rich fullness of life. This system seeks to profit by the lessons of the past and to move nearer to that inclusive truth which is the ideal of all science and philosophy.¹⁴

4. DOES SYSTEM PROVE ETHICS TO BE UNIVERSAL AND RATIONAL?

While, as was just said, the system here presented is new, the principle that ethics is or should be a system of law is not new. Kant said that pure reason gives man a universal law. British ethics had appealed to the judgment of the "impartial spectator" (Bishop Butler and Adam Smith)¹⁵ before Kant. What the impartial spectator thinks, being guided by reason rather than by special interest in either party, is just and right. In ways as different as Bentham's laws and the principles

¹⁴ Max Scheler, one of the most fruitful of recent writers on ethics (although not the clearest or most precise), has made the mistake of trying to substitute intuition of concrete values for law or system as the basic ethical principle. See his treatment in *Jahrbücher der Philosophie*, 2 (1914), 89-90.

¹⁵ The "impartial spectator," according to Jacobi, appears first in Butler's *Analogy of Religion*. See Dilthey, *LS*, 125. See also his *GW*, II, 1.

of intuitionists, rational universality has been asserted. Most ethicists hold to it in some form.

On the other hand, doubts have been raised about the existence of universal and rational ethical principles. "There are no absolute values or norms, and no categorical imperatives in ethics"; this is the belief of two such scholars as Ehrenfels and Adickes,¹⁶ and their view is typical of a fairly large body of opinion. We have already noted Lévy-Bruhl's similar position. Let us consider some of the reasons for an opinion of this sort.

It is pointed out that ethics must be based on psychology and sociology and that these sciences reveal no universal recognition by all men of any absolute moral laws. If law means agreement, there are no laws.

Moreover, it is argued that morality is always an individual matter, and that general rules therefore fail to do justice to the individual factor. This point was raised by Schleiermacher¹⁷ and is re-enforced by the results of individual psychology, as well as by the insistence of pragmatists that every situation has a unique value of its own which can only be ascertained by experience and not by any general formula ("moral pluralism").¹⁸

It is also seriously urged by some that feeling is a better guide to good conduct than any system of ethics. Herbart once said that "hard maxims break at the first visible transgression, and even before they have broken they do harm through the self-deception which they cause, for we tend to keep our lesser transgressions

¹⁶ From Adickes' article in *Zeitschrift für Philosophie und philosophische Kritik*, 116 (1899), 7.

¹⁷ Schleiermacher, *Werke*, I, 111.

¹⁸ S. P. Lamprecht, "The Need for a Pluralistic Emphasis in Ethics," *Jour. Phil.*, 17 (1920), 561-572. Compare Chap. X of *Moral Laws* on "The Law of Specification."

away from the maxims. But we do not need to keep anything away from tender feeling, which is able to divine the smallest needs and to overcome the greatest obstacles."¹⁹ The same point of view is expressed by Paul Ernst in an imaginary dialogue between Immanuel Kant and an unmarried mother, in which the latter says: "There is no law of morality, but God tells each one what he may and what he may not do."²⁰ Eduard von Hartmann often raised the question whether woman's emotional nature allowed her to have a rational ethics; but there seems to be no cogent reason, save masculine prejudice, for confining this question to woman.

Are these arguments conclusive? Only a preliminary answer can be given now; the laws will speak for themselves as they are expounded. But the objections on their face are not final. If, despite the facts to which they refer, other sciences, including psychology and logic, have been developed, why is ethics impossible? The fundamental questions at stake are: Whether intelligent conduct is better than unintelligent, and whether any principles of intelligence in conduct can be defined. All of the considerations just mentioned show that there are difficulties in being intelligent, which is no new truth. But is not the only remedy for these difficulties more intelligence?

It is important to guard against a misunderstanding in this connection. When we use words like "system," "universal," and "rational," we are in danger of being taken to mean something final, absolute, and unchangeable. Yet it would be a gross error to take the words in

¹⁹ Herbart, *Werke*, VIII, 66. Herbart fails to note that tender feeling protects its favorites from moral law far more effectively than does the self-deception of the moralist.

²⁰ Ernst, *EG*, 53.

this sense. "System" means a logically connected whole or body of principles; "universal" means applicable to all cases; and "rational" means consistent and coherent. But no one who has a clear conception of the nature and function of human reason would suppose that a universal and rational system was incapable of improvement. The expression "universal rational system" is a condensed way of saying, "The most connected body of principles that I am now able to formulate, which I believe to be applicable always and everywhere." It would, however, be absurd for anyone to make his present ability, or the present ability of the entire human race, an absolute standard for all time. Humanity is accumulating new experiences and knowledge which constantly causes revision of present systems. The very nature of reason, which is to understand experience as a coherent whole, means that no finite mind can ever be completely reasonable. Rationality is a principle of growth and movement of life toward higher and deeper levels of insight. It is dogmatism and not rationalism that is static. The laws which are presented in this book are principles of rational development, not rigid prescriptions of specific acts which are supposed to be eternally right. Doubtless there are other reasonable ways of describing the moral ideal. Doubtless the laws here defined can and will be improved. It is only through confidence that reason is more than any insight which it has yet attained that a system of moral laws can be proposed.

5. DOES THE SYSTEM OF LAWS DISTINGUISH BETWEEN GOOD AND EVIL?

A further preliminary problem should be raised before we pass to the discussion of the laws in detail. If a theory of ethics is to fulfill its function, it must dis-

tinguish in principle between good and evil. We must ask whether the proposed system of laws fulfills that function.

It must be granted that some of the laws, taken by themselves, are as truly laws of evil as of good. If one wishes to be maliciously and successfully evil, one will have to obey the Logical Law; his will must be consistently evil. The Law of Consequences is observed by the prudent sinner as much as by the thoughtful saint. The Law of Individualism is very dear to egoist and lawless lover of "personal liberty." But these considerations are only proof of the central contention of the present chapter, namely, that the moral laws are to be taken as a system. Poor Richard advised the development of character by the practice of a virtue a day. But such moral atomism is futile; if one virtue is being violated while another is being developed, there is no gain. Morality is rational; and reason demands that the moral ideal shall be taken as a whole.

Now, if we take the laws as a whole or system, we have a complicated task, yet not an impossible one, and not so complicated in principle as the science of geometry or even the art of dressmaking. And we have a very useful guide for the analysis and evaluation of moral situations. The fact that it is a rational system means that it is beyond good and evil in the merely conventional sense; it makes essential reasonableness, and not custom or social approval, the criterion of right conduct. If we were to hold that right is not more reasonable than wrong, and that there is literally just as much reason for doing wrong as for doing right, then we should have given up the appeal to intelligence and placed ourselves beyond the pale of argument. But if we appeal to reason, we appeal to something that is genuinely universal and is acknowledged by every normal

mind. Rational system, then, is the only trustworthy foundation of ethics and criterion of morality.

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The problem discussed in the chapter, being a new approach to ethics, is not treated directly in the literature. However, a closely related standpoint is discussed in Hobhouse, RG (especially Chap. V), and in Paton, GW (Book V). Everett, MY, 320-334, is a sane critique of moral skepticism. Fite, MP, presents in admirable style a view opposed to that of the text.

CHAPTER V

1. THE LOGICAL LAW

1. THE METHOD OF PRESENTATION

For the sake of clarity and ready reference each Law will be stated explicitly at the outset of the chapter in which it is discussed, together with a brief explanation of its place in the system of Moral Laws, its proof, and its derivation from experience and history. The author of a book may take advantage of his readers by leading them to a destination known to him, but not to them. It is hoped that the method which is chosen may to some extent avoid that unfairness.

2. THE POSTULATE OF ALL MORAL LAWS

Underlying all Moral Laws is a postulate which should be recognized clearly, namely, that there are many selves who have moral experience in interaction with each other and with a common environment. In Chapter III the general nature of those experiences was outlined on the basis of the sociological and the psychological data. We there found that experiences of obligation, of value, and of law are the most essential moral data. We experience values; and we feel that we ought to achieve value in accordance with law. It is the function of ethics to build a rational interpretation of the situation described in this postulate. Ethics does not try to prove that there is moral experience or that there are other selves and a world; it postulates them as given, and goes on to formulate the normative laws of moral experience in such an environment as we find.