THE ORIGIN OF THE KNOWLEDGE OF RIGHT AND WRONG

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ENGLISH TRANSLATION

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WITH A BIOGRAPHICAL NOTE

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THE present translation owes its origin to a desire on the part of the translator of bringing to the wider notice of his fellow-countrymen a work which has proved beneficial and stimulating to himself. Written during short intervals of leisure while studying with Professor Anton Marty of Prague University, it has had the advantage of his careful and constant supervision. Without his aid it would scarcely have seen the light. The translator has especially to thank Professor S. A. Alexander, of Owens College, Manchester, for his valuable help in the general revision and the translation of several difficult passages. It is now, alas, too late to do more than record the translator's debt to the late Professor Adamson, of Glasgow University, whose revision and correction of this essay was one of the last services rendered to the cause of truth by a life-long disciple.

West Dulwich, 1902.

AUTHOR'S PREFACE

THIS lecture, which I now bring before the notice of a larger public, was delivered by me before the Vienna Law Society on January 23, 1889. It then bore the title: "Of the Natural Sanction for Law and Morality." This title I have changed in order to bring its general purport more clearly into prominence; otherwise I have made scarcely any further alteration. Numerous notes have been added, and an already published essay: "Miklosich on Subjectless Propositions" appended. In what way it bears upon inquiries apparently so remote will be evident in the sequel.

The occasion of the lecture was an invitation extended to me by Baron von Hye, President of the Society. It was his wish that what had been said here a few years ago by Ihering, as jurist, in his address, *Über die Entstehung des Rechtsgefühls*, might in the same Society be illustrated by me from the philosophic point of view. It would be a mistake to assume from the incidental nature of the circumstances to which it owed its first appearance that the Essay was only a fugitive, occasional study. It embraces the fruits of many years' reflection. The discussions it contains form the ripest product of all that I have hitherto published.

These thoughts form a fragment of a Descriptive Psychology, which, as I now venture to hope, I may be enabled in the near future to publish in its complete form. In its wide divergence from all that has hitherto been put forward, and especially by reason of its being an essential stage in the further development of some of the views advocated in my *Psychology from the Empirical Standpoint* it will be sufficiently evident that during the period of my long literary retirement I have not been idle.

Specialists in philosophy will find also in this lecture what will be at once recognized as new. As regards the general reader, the rapidity with which I pass from one question to another might at first completely conceal many a sunken reef which required to be circumnavigated, many a precipice which had to be avoided. Surely I, if any one, have reason, owing to the conciseness of statement employed, to remember the saying of Leibnitz and pay little attention to refutation and much to demonstration. A glance at the notes—which, were they to do full justice to the subject, would need to be multiplied an hundredfold—will give him a further idea of those bye-paths which have misled so many, and prevented their finding an issue to the labyrinth. Meantime I would be well content—nay, I would regard it as the crown to all my efforts—should all that has been said appear so self-evident to him that he does not deem himself bound to thank me once in return.

No one has determined the principles of ethics as, on the basis of new analyses, I have found it necessary to

determine them, no one, especially among those who hold that in the foundation of those principles the feelings must find a place, have so radically and completely broken with the subjective view of ethics. I except only Herbart. But he lost himself in the sphere of aesthetic feeling, until at last we find him so far from the track that he, who in the theoretical philosophy is the irreconcilable enemy of contradiction, nevertheless in practical philosophy (i.e. ethics) tolerates it when his principles—the highest universally valid ideas—rush into conflict with one another. Still his teaching remains in a certain aspect truly related with mine, while, on other sides, other celebrated attempts to discover a basis for ethics find in it points of contact.

In the notes, individual points are more sharply defined, a very detailed examination of which would have been too prolix in the lecture. Many an objection already urged has been met, many an expected rejoinder anticipated. I also hope that some will be interested in the several historical contributions, especially in the inquiries concerning Descartes, where I trace back the doctrine of evidence to its causes and point out two further thoughts, one of which has been misunderstood, the other scarcely noticed, neither treated with the consideration they deserve. I refer to his fundamental classification of mental states and to his doctrine of the relation of love to joy, and of hate to sadness.

With several highly honoured investigators of the present—assuredly not least honoured by myself—I have entered into a polemical debate, and indeed most

vigorously with those whose previous attack has compelled me to a defence. I hope that they do not regard it as a violation of *their* claims, when I seek, to the utmost of my power, to help the truth, which we in common serve, to her rights, and I assure them in turn, that as I myself speak frankly, so also none the less do I welcome with all my heart every sincere word of my opponent.

FRANZ BRENTANO.

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MIKLOSICH ON SUBJECTLESS PROPOSITIONS

(Appendix to pages 14 and 55).

A LECTURE

1. The invitation to lecture extended to me by the Law Society was the more binding as it gave expression in strong terms to a conviction which, unfortunately, seems on the point of falling into abeyance. Proposals for a reform of legal studies have been heard (and they are even said to have proceeded from university circles) which can only mean that the roots of jurisprudence deeply implanted as they are in the spheres of ethics and national history may be severed, without the organism itself suffering any vital injury.

As regards history, this counsel is to me, I confess, utterly inexplicable; in respect of philosophy, I can excuse it only on the ground that the men who at present occupy the chairs in the legal faculty have taken a deep and gloomy impression of the mistakes of a period which has lately passed away. A personal reproach may therefore well be spared them. Yet indeed such suggestions were every bit as wise as would be the case if a medical faculty were to propose to erase from their plan of obligatory studies zoology, physics and chemistry.

If Leibnitz in his *Vita a se ipso lineata*, speaking of himself, says: "I found that my earlier studies in history and philosophy lightened materially my study of law," and if, as in his *Specimen difficultatis in jure*, deploring the prejudices of contemporary jurists, he exclaims: "Oh! that those who busy themselves with

the study of law would throw aside their contempt of philosophy and see that without philosophy most of the questions of their jus form a labyrinth without issue ! " what indeed would he say were he to rise again to-day, to these retrograde reform movements ?

2. The worthy President of the Society, who has retained such a lively and wide sense of the real scientific needs of his profession, expressed to me his own special wishes respecting the theme to be chosen. The question as to the existence of a natural right was, he said, a subject which enjoyed an exceptional interest with the members of the Law Society ; and he himself was anxious to learn what attitude I would adopt with regard to the views there expressed by Ihering some years ago.[1]

I consented gladly, and have therefore designated as the subject of my lecture the natural sanction for law and morality, wishing thereby, at the same time, to indicate in what sense alone I believe in a natural right.

3. For a two-fold meaning may be associated with the term " natural " :—

(1) It may mean as much as " given by nature," " innate," in contradistinction to what has been acquired during historical development either by deduction or by experience.

(2) It may mean, in contradistinction to what is determined by the arbitrary will of a dictator, the rules which, in and for themselves and in virtue of their nature are recognized as right and binding.

Ihering rejects natural right in either of these meanings.[2] I, for my part, agree as thoroughly with him regarding the one meaning as I differ from him regarding the other.

4. I agree completely with Ihering when, following the example of John Locke, he denies all innate moral principles.

Further, like him, I believe neither in the grotesque *jus naturae*, i.e. *quod natura ipsa omnia animalia docuit*, nor in a *jus gentium*, in a right which, as the Roman jurists defined it, is recognized as a natural law of reason by the universal agreement of all nations.

It is not necessary to have gone deeply into zoology and physiology in order to see that we can no longer use the animal world as a criterion for the setting up of ethical standards, even if one is not disposed to go so far as Rokitansky in pronouncing protoplasma, with its aggressive character, an unrighteous and evil principle.

As to a common code of right for all nations, such a belief was a delusion which might hold good in the antique world; in modern times when the ethnographical horizon has been extended, and the customs of barbarous races drawn upon for comparison, these laws can no longer be recognized as a product of nature, but only as a product of culture common to the more advanced nations.

As regards all this, therefore, I am in agreement with Ihering; I am also substantially in agreement with him when he asserts that there have been times without any trace of ethical knowledge and ethical feeling; at any rate without anything of the kind that was commonly accepted.

Indeed I acknowledge unhesitatingly that this state of things continued even when larger communities under state government had been constituted. When Ihering, in support of this view, points to Greek mythology with its gods and goddesses destitute of moral thought and feeling, and maintains that, by the lives of the gods, the

life of mankind in the period in which these myths took shape may be interpreted,[3] he does but use a method of proof which Aristotle has already employed in a similar manner in his *Politics*.[4] This also must therefore be conceded him, and we shall, on this ground, no longer deny that the earliest political laws supported by penal sanction were established without the help of any feeling of right founded upon moral insight. There are, therefore, no natural moral laws and legal precepts in the sense that they are given by nature herself, that they are innate; in this respect, Ihering's views have our entire approval.

5. We have now to meet the second and far more important question: Do there exist truths concerning morality, taught by nature herself, and is there moral truth, independent of all ecclesiastical, political, in fact every kind of social authority? Is there a natural moral law which, in its nature, is universally and incontestably valid for men of every place and time, valid indeed for every kind of thinking and sentient being; and does the knowledge of it lie within the realm of our mental faculties? Here we are at the point where I join issue with Ihering. To this question, which Ihering answers in the negative, I return a decided affirmative. Which of us is here in the right our present inquiry into the natural sanction for law and morality will, I hope, make clear.

At any rate, the decision as to the former question, whatever Ihering[5] himself may think to the contrary, does not in any way prejudge the latter. Innate prejudices do exist; these are natural in the former sense, but they lack natural sanction; whether true or false, they possess no immediate validity. On the other hand, there are many propositions recognized after a natural

manner, which are incontestably certain and have universal validity for all thinking beings, which, however, as, for example, the Pythagorean theorem are anything but innate, else the blissful first discoverer had never offered his hecatomb to the god.

6. In what has been said I have made it sufficiently evident how, when I speak of natural sanction, I understand the notion of sanction. Yet it will be well to linger a moment in order to exclude another inadequate view.

"Sanction" signifies "making fast." Now a law may be fixed in a double sense:

(1) It may be fixed in the sense of becoming law, as when a proposed law receives validity by ratification on the part of the highest legislative authority.

(2) In the sense of being rendered more effectual by attaching to it positive punishments, perhaps also rewards.

It is in this latter sense that sanction was spoken of by writers of antiquity, as when Cicero[6] says of the leges Porciae: "Neque quicquam praeter sanctionem attulerunt novi"; and Ulpian:[7] "Interdum in sanctionibus adijicitur, ut qui ibi aliquid commisit, capite puniatur." It is in the former sense that the expression is more usual in modern times; a law is said to be "sanctioned" when it secures validity by receiving confirmation at the hands of the highest authority.

Manifestly sanction in the second sense presupposes sanction in the first, which sanction is the more essential, since, without it, the law would not truly be law at all. Such a natural sanction therefore is of the last necessity if anything whatever is to bear by nature the stamp of law or morality.

7. If we now compare with such a view what has been said by philosophers concerning the natural sanction for morality, it will be easily seen how often they have overlooked its essential character.

8. Many think that they have discovered a natural sanction in respect of a certain line of conduct when they have shown that a certain feeling of compulsion so to act is developed within the individual. Since every one, for example, renders services to others in order to receive similar services in return, there at last arises a habit of performing such services even in cases where there has been no thought of recompense.[8] This it is which is thought to constitute the sanction for love of our neighbour.

But this view is entirely erroneous. Such a feeling of compulsion is certainly a force driving to action, but it is assuredly not a sanction conferring validity. Besides, the inclination to vice develops according to the same law of habit, and exercises, as an impulse, the most unbounded sway. The miser's passion which leads him, in his desire of amassing riches, to submit to the heaviest sacrifices and to commit the most extreme cruelties, certainly constitutes no sanction for his conduct.

9. Again, motives of hope or fear that a certain manner of behaviour, as, for example, regard for the general good, will render us agreeable or disagreeable to other and more powerful beings, these it has often been sought to regard as a sanction for such conduct.[9] But it is manifest that the most cringing cowardice, the most servile flattery might then boast a natural sanction. As a matter of fact virtue shines out most brightly where

neither threats nor entreaties are able to divert her from the right path.

10. Some speak of an education in which man, as belonging to an order of living beings accustomed to live in society, receives from those by whom he is surrounded. An injunction is repeatedly laid upon him, the command: "You ought." It lies in the nature of things that certain actions are very frequently and generally required of him. There is thus formed an association between his mode of action and the thought: "You ought." And so it may happen that he may come to regard, as the source of this command, the society in which he lives, or even something vaguely conceived to be higher than an individual, that is to say, something regarded in a way as superhuman. The "ought" associated by him with such a being would then constitute the sanction of conscience.[10]

In this case the natural sanction would then consist in the naturally developed belief in the command of a more powerful will.

But it is manifest that such a belief in the command of a more powerful being contains, as yet, nothing which deserves the name of a sanction. Such a conviction is shared by one who knows himself to be at the mercy of a tyrant or of a robber horde. Whether he obey, or bid defiance, the command itself contains nothing able to give to the required act a sanction similar to that of the conscience. Even if he obey he does so through fear, not because he regards the command as one based on right.

The thought, therefore, that an act is commanded by some one does not constitute a natural sanction. In the case of every command issued by an external will

the question arises: Is such a command authorized or is it not? Neither is there any reference here to a command enforced by a still higher power enjoining obedience to the former. For then the question would again reappear, and we should proceed from one command to another enjoining obedience to the former, and from that to a third enjoining in like manner obedience to the second, and so on *ad infin.*

Just as in the case of the feeling of compulsion, and in that of the fear or hope of recompense, so also the thought of the command of an external will cannot possibly be the sanction for law and morality.

11. But there are also commands in an essentially different sense; commands in the sense in which we speak of the commands of logic respecting our judgments and conclusions. We are not here concerned with the will of logic, since a will logic manifestly has not, nor with the will of the logician, to which we have in no way sworn allegiance. The laws of logic are naturally valid rules of judging, that is to say, we are obliged to conform to them, since conformity to these rules ensures certainty in our judgments, whereas judgments diverging from these rules are liable to error. What we therefore mean is a natural superiority which thought-processes in conformity with law have over such as are contrary to law. So also in ethics, we are not concerned with the command of an external will but rather with a natural preference similar to that in logic, and the law founded on that preference. This has been emphasized not only by Kant but also by the majority of great thinkers before him. Nevertheless there are still many —unfortunately even among the adherents of the empirical school to which I myself belong—by whom this

fact has neither been rightly understood nor appreciated.

12. In what then lies this special superiority which gives to morality its natural sanction? Some regarded it as, in a sense, external, they believed its superiority to consist in beauty of appearance. The Greeks called noble and virtuous conduct *τὸ καλόν*, the beautiful, and the perfect man of honour *καλοκἀγαθός*; though none of the philosophers of antiquity set up this aesthetic view as a criterion. On the other hand, David Hume[11], among modern thinkers, has spoken of a moral sense of the beautiful which acts as arbiter between the moral and the immoral, while still more recently the German philosopher, Herbart,[12] has subordinated ethics to aesthetics.

Now I do not deny that the aspect of virtue is more agreeable than that of moral perversity. But I cannot concede that in this consists the only and essential superiority of ethical conduct. It is rather an inner superiority which distinguishes the moral from the immoral will, in the same way that it is an inner superiority which distinguishes true and self evident judgments and conclusions from prejudices and fallacies. Here also it cannot be denied that a prejudice, a fallacy has in it something unbeautiful, often indeed something ridiculously narrow-minded, which makes the person so scantily favoured by Minerva appear in a most disadvantageous attitude; yet who, on this account, would class the rules of logic among those of aesthetics, or make logic a branch of aesthetics?[13] No, the real logical superiority is no mere aesthetic appearance but a certain inward rightness which then carries with it a certain superiority of appearance. It will, therefore,

be also a certain inward rightness which constitutes the essential superiority of one particular act of will over another of an opposite character; in which consists the superiority of the moral over the immoral.

The belief in this superiority is an ethical motive; the knowledge of it is the right ethical motive, the sanction which gives to ethical law permanence and validity.

13. But are we capable of attaining to such knowledge? Here lies the difficulty which philosophers have for a long time sought in vain to solve. Even to Kant it seemed as though none had found the right end of the thread by means of which to unravel the skein. This the Categorical Imperative was to do. It resembled however, rather the sword drawn by Alexander to cut the Gordian knot. With such a palpable fiction the matter is not to be set right.[14]

14. In order to gain an insight into the true origin of ethical knowledge it will be necessary to take some account of the results of later researches in the sphere of descriptive psychology. The limited time at my disposal makes it necessary for me to set forth my views very briefly, and I have reason to fear that by its conciseness the completeness of the statement may suffer. Yet it is just here that I ask your special attention, in order that what is most essential to a right understanding of the problem be not overlooked.

15. The subject of the moral and immoral is termed the will. What we will is, in many cases, a means to an end. In that case we will this end also, and even in a higher degree than the means. The end itself may often be the means to a further end; in a far reaching

plan there may often appear a whole series of ends, the one being always connected in subordination to the other as a means. There must be present, however, one end, which is desired above all others and for its own sake; without this essential and final end all incentive would be lacking, and this would involve the absurdity of aiming without a goal at which to aim.

16. The means we employ in order to gain an end may be manifold, may be right or wrong. They are right when they are really adapted to the attainment of the end.

The ends, also, even the most essential and final ends, may be manifold. It is a mistake which appeared especially in the eighteenth century, nowadays the tendency is more and more to abandon it, that every one seeks the same end, namely, his own highest possible pleasure.[15] Whoever can believe that the martyr facing with full consciousness the most terrible tortures for the sake of his conviction—and there were some who had no hope of recompense hereafter—was thus inspired by a desire after the greatest possible pleasure, such a man must have either a very defective sense of the facts of the case, or, indeed, have lost all measure of the intensities of pleasure and pain.

This, therefore, is certain: even final ends are manifold, between them hovers the choice, which, since the final end is for everything the determining principle, is of the most importance. What ought I to strive after? Which end is the right one, which wrong? This, as Aristotle long ago declared, is the essential, the cardinal question in ethics.[16]

17. Which end is right, for which should our choice declare itself?

Where the end is fixed and it is merely a question as to the choice of means, we reply: Choose means which will certainly attain the end. Where it is a question as to the choice of ends we would say: Choose an end which reason regards as really attainable. This answer is, however, insufficient, many a thing attainable is rather to be shunned than sought after; choose the best among attainable ends, this alone is the adequate answer.[17]

But the answer is obscure; what do we mean by "the best"? what can be called "good" at all? and how can we attain to the knowledge that one thing is good and better than another?

18. In order to answer this question satisfactorily, we must, above all, inquire into the origin of the conception of the good, which lies, like the origin of all our conceptions, in certain concrete impressions.[18]

We possess impressions with *physical* content. These exhibit to us sensuous qualities localized in space. Out of this sphere arise the conceptions of colour, sound, space and many others. The conception of the good, however, has not here its origin. It is easily recognizable that the conception of the good like that of the true, which, as having affinity, is rightly placed side by side with it, derives its origin from concrete impressions with *psychical* content.

19. The common feature of everything psychical consists in what has been called by a very unfortunate and ambiguous term, consciousness; i.e. in a subject-attitude; in what has been termed an *intentional* relation to something which, though perhaps not real, is none the less an inner object of perception;[19] No hearing without the heard, no believing without the believed,

no hoping without the hoped for, no striving without the striven for, no joy without the enjoyed, and so with other mental phenomena.

20. The sensuous qualities which are given in our impressions with physical content exhibit manifold differences. So also do the intentional relations given in our impressions with psychical content. And, as in the former case, the number of the senses is determined by reference to those distinctions between sensuous qualities which are most fundamental (called by Helmholtz distinctions of modality), so in the latter case the number of fundamental classes of mental phenomena is fixed by reference to the most fundamental distinctions of intentional relation.[20]

In this way we distinguish three fundamental classes. Descartes in his *Meditations*[21] was the first to exhibit these rightly and completely; but sufficient attention has not been paid to his observations, and they were soon quite forgotten, until in recent times, and independently of him, these were again discovered. Nowadays they may lay claim to sufficient verification.[22]

The first fundamental class is that of ideas (Vorstellungen) in the widest sense of the term (Descartes' ideae). This class embraces concrete impressions, those for example which are given to us through the senses, as well as every abstract conception.

The second fundamental class is judgment (Descartes' judicia). Previous to Descartes these were thought of as forming, along with ideas, *one* fundamental class, and since Descartes' time philosophy has fallen once more into this error. This view regarded judgment as consisting essentially in a combination or relation of ideas to one another. This was a gross misconception

of its true nature. We may combine or relate ideas as we please, as in speaking of a golden mountain, the father of a hundred children, a friend of science; but as long as nothing further takes place there can be no judgment. Equally true is it that an idea always forms the basis of a judgment, as also of a desire; but it is not true that, in a judgment, there are always several ideas related to one another as subject and predicate. This is certainly the case when I say: "God is just," though not when I say: "There is a God."

What, therefore, distinguishes those cases where I have not only an idea but also a judgment? There is here added to the act of presentation a second intentional relation to the object given in presentation, a relation either of recognition or rejection. Whoever says: "God," gives expression to the idea of God; whoever says: "There is a God," gives expression to a belief in him.

I must not linger here, and can only assure you that this, if anything, admits to-day of no denial. From the philological standpoint Miklosich confirms the results of psychological analysis.[23]

The third fundamental class consists of the emotions in the widest sense of the term, from the simple forms of inclination or disinclination in respect of the mere idea, to joy and sadness arising from conviction and to the most complicated phenomena as to the choice of ends and means. Aristotle long since included these under the term ὄρεξις. Descartes says this class embraces the *voluntates sive affectus*. As in the second fundamental class the intentional relation was one of recognition or rejection, so in the third class it is one of love or hate, (or, as it might be equally well expressed,) a form of pleasing or displeasing. Loving, pleasing,

hating, displeasing, these are given in the simplest forms of inclination or disinclination, in victorious joy as well as in despairing sorrow, in hope and fear, and in every form of voluntary activity. "Plait-il?" asks the Frenchman; "es hat Gott gefallen," one reads in (German) announcements of a death; while the "Placet," written when confirming an act, is the expression of the determining fiat of will.[24]

21. In comparing these three classes of phenomena it is found that the two last mentioned show an analogy which, in the first, is absent. There exists, that is, an opposition of intentional relation; in the case of judgment, recognition or rejection, in the case of the emotions, love or hate, pleasure or displeasure. The idea shows nothing of a similar nature. I can, it is true, conceive of opposites, as for example white and black, but whether I believe in this black or deny it, I can only represent it to myself in one way; the representation does not alter with the opposite act of judgment; nor again, in the case of the feelings, when I change my attitude towards it according as it pleases or displeases me.

22. From this fact follows an important conclusion. Concerning acts of the first class none can be called either right or wrong. In the case of the second class on the other hand, one of the two opposed modes of relation, affirmation and rejection, is right the other wrong, as logic has long affirmed. The same naturally holds good of the third class. Of the two opposed modes of relation, love and hate, pleasure and displeasure, in each case one is right the other wrong.

23. We have now reached the place where the notions

of good and bad, along with the notions of the true and the false which we have been seeking, have their source. We call anything true when the recognition related to it is right.[25] We call something good when the love relating to it is right. That which can be loved with a right love, that which is worthy of love, is good in the widest sense of the term.

24. Since everything which pleases does so, either for its own sake, or for the sake of something else which is thereby produced, conserved or rendered probable, we must distinguish between a primary and a secondary good, i.e. what is good in itself, and what is good on account of something else, as is specially the case in the sphere of the useful.

What is good in itself is the good in the narrower sense. It alone can stand side by side with the true. For everything which is true is true in itself, even when only mediately known. When we speak of good later we shall therefore mean, whenever the contrary is not expressly asserted, that which is good in itself.

In this way we have, I hope, made clear the notion of good.[26]

25. There follows now the still more important question: How are we to know that anything is good? Ought we to say that whatever is loved and is capable of being loved is worthy of love and is good? This is manifestly untrue, and it is almost inconceivable that some have fallen into this error. One loves what another hates, and, in accordance with a well known psychological law already previously referred to it often happens that what at first was desired merely as a means to something else, comes at last from habit to be desired for its own sake. In such a way the miser is irrationally

led to heap up riches and even to sacrifice himself for their sake. The actual presence of love, therefore, by no means testifies unconditionally to the worthiness of the object to be loved, just as affirmation is no unconditional proof of what is true.

It might even be said that the first statement is even more *evident* than the second, since it can hardly happen that he who affirms anything at the same time holds it to be false, whereas it frequently happens that a person, even while loving something, confesses himself that it is unworthy of his love:

> "Video meliora proboque,
> Deteriora sequor."

How then are we to know that anything is good?

26. The matter appears enigmatical, but the enigma finds a very easy solution.

As a preliminary step to answering the question, let us turn our glance from the good to the true.

Not everything which we affirm is on this account true. Our judgments are frequently quite blind. Many a prejudice which we drank in, as it were, with our mother's milk presents to us the appearance of an irrefutable principle. To other equally blind judgments all men have, by nature, a kind of instinctive impulsion, as, for example, in trusting blindly to the so-called external impression, or to a recent remembrance. What is so recognized may often be true, but it may equally well be false since the affirming judgment contains nothing which gives to it the character of rightness.

Such, however, is the case in certain other judgments, which in contradistinction to these blind judgments may be termed "obvious," "self-evident" judgments;

as, for example, the Principle of Contradiction, and every so-called inner perception which informs me that I am now experiencing sensations of sound or colour, or think and will this or that.

In what, then, does the distinction between these lower and higher forms of judgment essentially consist? Is it a distinction in the degree of belief, or is it something else? It is not a distinction in the degree of belief; the instinctive blind assumptions arising from habit are often not in the slightest degree weakened by doubts, and we are unable to get rid of some even when we have already seen their logical falsity. But such assumptions are the results of blind impulse, they have nothing of the clearness peculiar to the higher forms of judgment. Were the question to be raised: "What is then your reason for believing that?" no rational answer would be forthcoming. It is quite true that if the same inquiry were to be made respecting the immediately evident judgment here also no reason could be given, but in face of the clearness of the judgment the inquiry would appear utterly beside the point, in fact ridiculous. Every one experiences for himself the difference between these two classes of judgment, and in the reference to this experience, consists, as in the case of every conception, the final explanation.

27. All this is, in its essentials, universally known,[27] and is contested only by a few, and then not without great inconsistency. Far fewer have noticed an analogous distinction between the higher and lower forms of the feelings of pleasure and displeasure.

Our pleasure or displeasure is often quite like blind judgment, only an instinctive or habitual impulse. This is so in the case of the miser's pleasure in piling up, in

those powerful feelings of pleasure and pain connected in men and animals alike with the appearance of certain sensuous qualities, moreover, as is especially noticeable in tastes, different species and even different individuals, are affected in a quite contrary manner.

Many philosophers, and among them very considerable thinkers, have regarded only that mode of pleasure which is peculiar to the lower phenomena of the class, and have entirely overlooked the fact that there exists a pleasure and a displeasure of a higher kind. David Hume, for example, betrays almost in every word that he has absolutely no idea of the existence of this higher class.[28] How general this oversight has been may be judged from the fact that language has no common name for it.[29] Yet the fact is undeniable and we propose now to elucidate it by a few examples.

We have already said that we are endowed by nature with a pleasure for some tastes and an antipathy for others, both of which are purely instinctive. We also naturally take pleasure in clear insight, displeasure in error or ignorance. "All men," says Aristotle in the beautiful introductory words of his *Metaphysics*,[30] "natually desire knowledge." This desire is an example which will serve our purpose. It is a pleasure of that higher form which is analogous to *self-evidence* in the sphere of judgment. In our species it is universal. Were there another species which, while having different preferences from us in respect of sensible qualities, were opposed to us in loving error for its own sake and hating insight, then assuredly we should not in the latter as in the former case say: that it was a matter of taste, "de gustibus non est disputandum"; rather we should here answer decisively that such love and hatred were fundamentally absurd, that such a species hated what was

undeniably good, and loved what was undeniably bad in itself. Now why, where the feeling of compulsion is equally strong, do we answer differently in the one case than in the other ? The answer is simple. In the former case the feeling of compulsion was an instinctive impulse ; in the latter the natural feeling of pleasure is a higher love, having the character of rightness.[31] We therefore notice when we ourselves have such a feeling, that its object is not merely loved and lovable, its opposite hated and unlovable, but also that the one is worthy of love, the other worthy of hatred, and therefore that one is good, the other bad.

Another example. As we prefer insight to error, so also, generally speaking, we prefer joy (unless indeed it be joy in what is bad) to sadness. Were there beings among whom the reverse held good, we should regard such conduct as perverse, and rightly so. Here too it is because our love and our hatred are qualified as right.

A third example is found in feeling itself so far as it is right and has the character of rightness. As was the case with the rightness and evidence of the judgment, so also the rightness and higher character of the feelings are also reckoned as good, while love of the bad is itself bad.[32]

In order that, in the sphere of ideas, we may not leave the corresponding experiences unmentioned : here in the same way every idea is found to be something good in itself, and that with every enlargement in the realm of our ideas, quite apart from what of good or bad may result therefrom, the good within us is increased.[33]

Here then, and from such experiences of love qualified as right, arises within us the knowledge that anything

is truly and unmistakably good in the full extent to which we are capable of such knowledge.[34]

This last clause is added advisedly ; for we must not, of course, conceal from ourselves the fact that we have no guarantee that everything which is good will arouse within us a love with the character of rightness. Wherever this is not the case our criterion fails, and the good then, so far as our knowledge and practical account of it are concerned, is as much as non-existent.[35]

28. It is, however, not *one* but many things which we thus recognize as good. And so the questions remain : In that which is good, and especially in what, as good, is attainable, which is the better ? and further, which is the highest practical good ? so that it may become the standard for our actions.

29. We must first inquire : When is anything better than anything else and recognized by us as better ? and what is meant by " the better " at all ?

The answer now lies ready to hand though not in such a way as to render it unnecessary to exclude a very possible error. If by " good " is meant that which is worthy of being loved for its own sake, then by " better " appears to be meant that which is worthy of being loved with a greater love. But is this really so ? What is meant by " with greater love " ? Is it spatial magnitude ? Hardly ; no one would propose to measure pleasure or displeasure in feet and inches. " The intensity of the pleasure," some will perhaps say, " is what is meant in speaking of love as great." According to this " better " would mean that which pleases with a more intense pleasure. But such a definition closely examined would involve the greatest absurdities. According to this view, each single case in which joy is

felt in anything would seem only to admit of a certain measure of joy, whereas one would naturally think that it could not possibly be reprehensible to rejoice in what is really good to the fullest extent possible. Or, as we say, "with all one's heart." Descartes has already observed that the act of loving (when directed towards what is good at all) can never be too intense.[36] And he is manifestly right. Were it otherwise what cautiousness should we not be called upon to exercise considering the limits of our mental strength! Every time one wished to rejoice over something good, an anxious survey would be necessary respecting other existing goods in order that the measure of proportion to our total strength might in no way be exceeded. And if one believes in a God, understanding thereby the Infinite Good, the Ideal of all ideals, then, since a man, even with his whole soul and strength can only love God with an act of love of finite intensity he will therefore be compelled to love every other good with an infinitely small degree of intensity, and, since this is impossible, must cease as a matter of fact to love it at all.

All this is manifestly absurd.

30. And yet it must be said that the better is that which is rightly loved with a greater love, which is rightly more pleasing, though in quite another sense. The "more" refers not to the relation of intensity between the two acts, but rather to a peculiar species of phenomena belonging to the general class of pleasure and displeasure, i.e., to the phenomena of choice. Thereby are meant relating acts which in their peculiar nature are known to every one in experience. In the province of ideas there is nothing analogous. In the province of judgment there are, it is true, alongside the

simple, subjectless propositions, predicative judgments which are acts of a relative character, but this resemblance is very imperfect. The case here which has most similarity is that of a decision respecting a dialectically propounded question: "Is this true or false?" in which a sort of preference is given to one above the other. But even here it is always something true which is, so to speak, preferred to something false, never something more true over something less true. Whatever is true is true in a like degree, but whatever is good is not good in equal degree, and by "better" nothing else is meant than what, when compared with another good, is preferable, i.e. something which for its own sake, is preferred with a right preference. For the rest a somewhat wider usage of language allows us also to speak of a good as "better" over against a bad or purely indifferent, or even to call something bad over against something still worse "the better." We then say not of course that it is good, but still better than the other.

This shortly in explanation of the notion of the better.

31. Next the question: How do we know that anything is really the better? Assuming the existence of simple knowledge of things as good and bad, we appear, so analogy suggests, to derive this insight from certain acts of preferring which have the character of rightness. For, like the simple exercise of pleasure, so also the act of preferring is sometimes of a lower or impulsive, and sometimes of a higher kind, and like the evident judgment, is qualified as right. The cases in point are, however, of such a nature that many might say, and perhaps with a better right, that it is analytical judgments which furnish us here with the means of progress, and that instead of our learning the preferability

from the actual preferences, the preferences have the qualification of rightness because they already presume the recognition of the standard of preferability.[37]

Chiefly belonging to this class are obviously (1) the case where we prefer something good, and recognized as good, to something bad, and recognized as bad. Also (2) the case where we prefer the existence of something recognized as good to its non-existence, or the non-existence of something recognized as bad to its existence.

This case embraces in itself a series of important cases, as the case where we prefer a good to the same good with an admixture of the bad; and, on the other hand, where we prefer something bad, with an admixture of good, to the same bad purely for its own sake. Further, the cases in which we prefer the whole of a good to its part, and again, the part of something bad to its whole. Aristotle has already called attention to the fact that in the case of the good the sum is always better than the separate parts which together make up its sum. Such a case of summation presents itself wherever a state has a certain permanence. The same amount of joy which endures an hour is better than if it only lasted for a moment. Whoever denies this, like Epicurus when he would console us on account of the mortality of the soul, may easily be led into still more striking absurdities. For then an hour's torture would be no worse than that of a moment. And, by combining both these propositions, we should have to assume that an entire life full of joy with a single moment of pain is in no way preferable to an entire life full of pain with a single moment of joy. This is a result at which not only every sound mind in general would demur, but also one respecting which Epicurus in particular, expressly asserts the contrary.

Closely related to this is the case (3) where one good is preferred to another, which, while forming no part of the first, is yet similar in every respect to one of its parts. It is not merely by adding a good to the same good but also by adding it to a good which is in every respect similar that we get a better for total. The case is analogous when to a similar bad another bad is thought of as added. When therefore, for example, a fine picture is seen, the first time as a whole, the second time only partially though exactly in the same way, we must then say that the first view, considered in itself, is better: Or, when one imagines something that is good and a second time not only imagines it even as perfectly as before, but also loves it, this latter sum of psychical acts is then something better.

Cases of difference in degree belong also to this third class, and are especially worthy of mention. If one good, e.g. one joy is in every respect quite equal to another, only more intense, then the preference which is given to the more intense is qualified as right, the more intense is the better. Conversely, the bad which is more intense, e.g. a more intense pain, is worse. That is to say: the degree of intensity corresponds with the distance from the zero point, and the distance of the greater degree of intensity from zero is compounded of its distance from the weaker degree of intensity plus the distance of this from zero. We have, therefore, really to do with a kind of addition, a view which has been disputed.

32. Many a one will, perhaps, think to himself that the three cases which I have set forth are so self-evident and insignificant that it is a matter for surprise that I have lingered over them at all. Self-evident they are

of course, and this must be so, since we have here to do with what has to serve as a fundamentum. The case would be worse if they were insignificant; for, I confess it frankly, I have scarcely another further case to add: in all, or, at any rate, most of the cases not here included a criterion fails us completely.[38]

An example. All insight is, we have said, something good in itself, and all noble love is likewise something good in itself. We recognize both these things clearly. But who shall say whether this act of insight or that act of love is in itself, the better? There have, of course, not been wanting those who have given a verdict on this point; some have even asserted that it is certain every act of noble love for its own sake is a good so high that, taken by itself, it is better than all scientific insight taken together. In my judgment this view is not only doubtful but altogether absurd. For a single act of noble love worthy as it is, is yet a certain finite good. But every act of insight is also a finite good and if I keep adding this finite quantity to itself *ad libitum*, its sum is bound some time to exceed every given finite measure of good. On the other hand, Plato and Aristotle were inclined to regard the act of knowing considered in itself as higher than ethically virtuous acts, this also quite unjustly, and I only mention it since the opposition of opinions here is a confirmatory proof of the absence of any criterion. As often happens in the sphere of the psychical,[39] so also here, real measurements are impossible. Now where the inner preference is not to be detected there holds good here what was said in a similar case of simple goodness—as far as our knowledge and practical concern go it is as good as non-existent.

33. There are some who, in opposition to the clear

teaching of experience, assert that only pleasure is good for its own sake, and pleasure is *the* good. Assuming this view to be right, would it have the advantage, as many have believed, and as Bentham in particular maintained in its favour,[40] that we should at once attain to a determination of the relative value of goods, seeing that now we should have only homogeneous goods and these admit of being measured side by side? Every more intense pleasure would then be a greater good than one less intense, and a good having double the intensity would be equal to two of half the intensity. In this way everything would become clear.

A moment's reflection only is needed to shatter an illusion born of such hope. Are we really able to find out that one pleasure is twice as great as another? Gauss[41] himself, who knew something about measurements, has denied this. A more intense pleasure is never really made up of twelve less intense pleasures distinguishable as equal parts within it, as a foot is made up of twelve inches. So the matter presents itself even in simpler cases. But how foolish would any one appear were he to assert that the pleasure he had in smoking a good cigar increased 127, or, let us say, 1077 times in intensity yielded a measure of the pleasure experienced by him in listening to a symphony of Beethoven or contemplating one of Raphael's madonnas![42] I think I have said enough, and do not need to allude to the further difficulty involved in comparing the intensity of pleasure with that of pain.

34. Only therefore to this very limited extent are we able to derive from experience a knowledge of what is better in itself.

I can well understand how any one, reflecting upon

this for the first time, will be led to fear that the great gaps which remain must, in practice, prove in the highest degree embarrassing. Yet as we proceed and make a vigorous use of what we do possess, we shall find that the most sensible deficiencies may fortunately turn out harmless in practice.

35. For, from the cases we adduced of preference qualified as right, the important proposition follows that the province of the highest practical good embraces everything which is subject to our rational operation in so far as a good can be realized in such matter. Not merely the self but also the family, the town, the state, the whole present world of life, even distant future times, may here be taken into account. All this follows from the principle of the summation of the good. To promote as far as possible the good throughout this great whole, that is manifestly the right end in life, towards which every act is to be ordered; that is the one, the highest command upon which all the rest depend.[43] "Self-devotion" and, on occasion, self-sacrifice are, therefore, duties; an equal good wherever it be, and therefore in the person of another also, is, in proportion to its value, and, therefore, everywhere equally to be loved, and jealousy and malignant envy are excluded.

36. And now, since all lesser goods are to be made subservient to the good of this widest sphere, light may also be shed from utilitarian considerations upon those dark regions where before we found a standard of choice wanting. If, for example, it was true that acts of insight and acts of noble love are not to be measured as to their inner worth in terms of one another, it is now clear that at any rate neither of these two sides may be entirely neglected at the expense of the other. If one

person had perfect knowledge without noble love, and another perfect noble love without knowledge, neither would be able to use his gifts in the service of the still greater collective good. A certain harmonious development and exercise of all our noblest powers seems, therefore, from this point of view to be, at any rate, what we must strive after.[44]

37. And now after seeing how many duties of love towards the highest practical good come to light, we proceed to the origin of duties of law. That association which renders possible a division of labour is the indispensable condition of the advancement of the highest good as we have learnt to understand it. Man therefore is morally destined to live in society, and it is easily demonstrable that limits must exist in order that one member of society may not be more of a hindrance than a help to another,[45] and that these limits (though much in this respect is settled by considerations of natural common-sense) require to be more exactly marked by positive laws, and need the further security and support of public authority.

And while in this way our natural insight demands and sanctions positive law in general, it may, in particular, raise demands on the fulfilment of which depends the measure of the blessing which the state of law is to bring with it.

In this way does truth, bearing the supreme crown, give, or refuse, to the products of positive legislation its sanction, and it is from this crown that they derive their true binding force.[46] For as the old sage of Ephesus says in one of his pregnant Sibyl-like utterances: "All human laws are fed from the *one* divine law."[47]

38. Besides the laws referring to the limits of right,

in every society there are other positive enactments as to the way in which an individual is to act inside his own sphere of right, how he is to make use of his liberty and his property. Public opinion approves industry, generosity, and economy each in its place, while disapproving idleness, greed, prodigality and much else. In the statutes no such laws are to be found, but they stand written within the hearts of the people. Nor are reward and punishment lacking as regards this kind of positive law. These consist in the advantages and disadvantages of good and bad reputation. There exists here, as it were, a positive code of morality, the complement of the positive code of law. This positive code of morality also may contain both right and wrong enactments. To be truly binding they need to be in accord with the rules which, as we have already seen, are capable of recognition by the reason, as a duty of love towards the highest practical good.

And so we have really found the natural sanction of morality which we sought.

39. I do not linger here to show how this sanction operates. Every one would rather say to himself: "I am acting rightly," than "I am acting foolishly." And to no one capable of recognizing what is better is this fact entirely indifferent in choosing. In the case of some it is nearly so, whereas for others it is of the very first importance. Innate dispositions are themselves diverse and much advance may be made by education and one's own ethical conduct. Enough, truth speaks, and whoever is of the truth hears her voice.

40. Throughout the multiplicity of derived laws graven by nature herself upon the tables of the law, utilitarian considerations, as we have seen, form the

standard. As now, in different situations, we resort to different means, so also with regard to these different situations different special precepts must hold good. They may be quite conflicting in their tenour without of course being really contradictory, since they are intended for different circumstances. In this sense, then, a relativity in ethics is rightly asserted.

Ihering has drawn attention to this,[48] but he is not as he seems to think, one of the first. On the contrary the doctrine was known of old and is insisted upon by Plato in his *Republic*[49] Aristotle in his *Ethics*, and with special emphasis in his *Politics* has affirmed it.[50] The scholastic philosophers also held fast to the doctrine, and in modern times men even of such energetic ethical and political convictions as Bentham[51] have not denied it. If the fanatics of the French Revolution failed to recognize it, still the clear-headed among their fellow-citizens, even in that time, did not fall into such a delusion. Laplace, for example, in his *Essai philosophique sur les probabilités* occasionally bears witness to the true teaching and raises his voice in warning.[52]

Thus it happens that the distinguished investigator who has disclosed to us the spirit of Roman law and to whom, as the author of *Der Zweck im Recht*, we also are bound in many respects to tender our thanks, has yet here, as we see, done nothing else than render the doctrine unclear by confounding it with an essentially different and false doctrine of relativity. According to this doctrine, no proposition in ethics, not even the proposition that the best in the widest sphere ought to be the determining standard of action, would have unexceptional validity. In primitive times and even later, throughout long centuries, such a procedure would, he expressly says, have been as immoral as, in

later times, the opposite conduct. We must, he thinks, on looking back into the times of cannibalism sympathize rather with the cannibals, and not with those who perhaps, in advance of their time, preached even then the universal love of neighbour.[53] These are errors which have been crushingly refuted not merely by philosophical reflection upon the fundamental principles of ethics, but also by the successes of Christian missionaries.

41. Thus the road leading to the goal which we set before us has been traversed. For a time it led us through strange and rarely trodden districts, finally, however, the results at which we have arrived smile upon us like old acquaintances. In declaring love of neighbour and self-sacrifice, both for our country and for mankind to be duties, we are only echoing what is proclaimed all around us. We should also find by going further into particulars that lying, treachery, murder, debauchery and much besides that is held to be morally base are, measured by the standard of the principles we have set up, condemned, one as unjust, another as immoral.

All this would seem, in a measure, familiar to us as the shores of his native land to the sea-farer when, after a voyage happily consummated, he sees them rise suddenly into view, and the smoke curling from the old familiar chimney.

42. And certainly we are at liberty to rejoice over this. The absolute clearness with which all this follows is a good omen for the success of our undertaking, since it is the method by which we arrived at our result, which is obviously the most essential feature in it. Without it what advantage can our inquiry be said to have over

that of others ? Even Kant, for example, whose doctrines concerning the principles of ethics were quite different, arrived, in the further course of his statement, pretty much to the popular view. But what we miss in him is strict logical coherence. Beneke has shown that the Categorical Imperative as Kant used it, may be so employed as to prove, in the same case, contradictory statements and so everything and nothing.[54] If, none the less, Kant is able to arrive so often at right conclusions, this must be attributed to the fact that from the outset he had harboured such opinions. Even Hegel, had he not known in other ways that the sky was blue, would certainly never have succeeded by means of his dialectic in deducing this *à priori*. Did he not equally succeed in demonstrating that there were seven planets, a number accepted in his day, but which in our time science has long left behind ?

The causes of this phenomenon, therefore, are easily understood.

43. But there is another point which appears enigmatical. How does it happen that the prevailing public opinion respecting law and morality is itself, in so many respects, obviously right ? If a thinker like Kant was unable to discover the sources from which ethical knowledge flows, how can we believe that the common folk succeeded in drawing therefrom ? And if this were not the case, how were they able, while ignorant of the premises, still to reach the conclusions ? Here the phenomenon cannot possibly be explained from the fact that the right view was long before established.

This difficulty also resolves itself in a very simple manner when we reflect that much in our store of knowledge exists, and contributes towards the attainment

of new knowledge, without the knowledge of the process itself being clearly present to consciousness.

It must not be supposed that in saying this I am an adherent of the wonderful philosophy of the unconscious. I am speaking here only of undeniable and well known truths. Thus it has often been observed that for thousands of years men have drawn right conclusions without bringing the procedure and the principles which form the condition of the formal validity of the inference into clear consciousness by means of reflection. Indeed when Plato first took the step of reflecting upon it, he was led to set up an entirely false theory which assumed that every inference was a process of reminiscence.[55] What was perceived and experienced on earth recalled to the memory knowledge acquired in a pre-mundane existence. Nowadays this error has disappeared. Still, false theories concerning the fundamental principles of syllogism are continually emerging, as, for example, when Albert Lange,[56] finds them in space-perceptions and in synthetic propositions *à priori*, or Alexander Bain[57] in the experience that the moods Barbara, Celarent, etc., have up to the present time been found to be valid in every case: mere crude errors which overlook the immediate intuitions forming the conditions of right conclusions, but which do not prevent Plato, Lange, and Bain from arguing in general exactly like other people. In spite of their false conception of the true fundamental principles, these still continue to operate in their reasoning.

But why do I go so far for examples? Let the experiment be made with the first "plain man" who has just drawn a right conclusion, and demand of him that he give you the premises of his conclusion. This he will usually be unable to do and may perhaps make

entirely false statements about it. On requiring the same man to define a notion with which he is familiar, he will make the most glaring mistakes and so show once again that he is not able rightly to describe his own thinking.

44. Meantime, however dark the road to ethical knowledge might appear, both to the "plain man" and to the philosopher, we must still expect, since the process is a complicated one and many combined principles operate therein, that the traces of the operation of each separate principle will be evident in history, and this fact, even more than agreement in respect of the final results, is a confirmation of the right theory.

This also, if only the time permitted, in what fulness would I not be able to lay before you! Who is there, for example, who would not, as we have done, regard joy as something evidently good in itself, if only it were not joy in what is bad. Nor has there been any lack of writers on ethics who have asserted that pleasure and the good were strictly identical conceptions.[58] Opposed to these were others who bore witness to the inner worth of insight and such will be supported by all unprejudiced minds. Many philosophers have wished to exalt knowledge above all else as the highest good.[59] They recognized, however, at the same time, a certain inner worth in each act of virtue, while others have carried this view so far as to recognize only in virtuous action the highest good.[60]

On the one hand, therefore, we have had sufficient confirmatory tests in support of our view.

Next with regard to the principles of choice, how often do we not see the principle of summation applied as, for example, when it is said that the measure of the happi-

ness of life as a whole and not that of the passing moment is to be considered.[61] And, again, passing beyond the limits of the self, when, for example, Aristotle says, that the happiness of a nation seems to be a higher end than that of an individual happiness,[62] and that in the same way in a work of art, or in an organism and similarly in the case of the family, the part always exists for the sake of the whole; everything is here subordinate to the "common" ("εἰς τὸ κοινόν").[63] Even in the case of the whole creation he makes the same principle hold good. "In what," he asks,[64] "regarding all created things consists the good, and the best, which is its final aim"? Is it immanent or transcendent? And he answers: "Both," setting forth as the transcendent aim the divine first cause, likeness to which everything strives after, while the immanent aim is the world-order as a whole. The like testimony to the principle of summation might be taken from the lips of the Stoics.[65] It reappears in every attempt to construct a theodicy from Plato down to Leibnitz and even later.[66]

In the precepts of our popular religion, again, the operation of this principle is also distinctly visible. When it ordains us to love our neighbour as ourselves, what else is taught but that, in the right choice, equality (be it our own or that of others) shall fall with equal weight into the balance, from which follows the subordination of the single individual to the good of the collective whole; just as the ethical ideal of Christianity —the Saviour—offers himself as a sacrifice for the salvation of the world.

And when it is said: "Love God above all else" (and Aristotle also says that God is much rather to be called the best than the world as a whole),[67] here also there is a special application of the law of summation.

For how else do we think of God than as the sum of all that is good raised to an infinite degree ?

And so the two propositions : that we should love our neighbour as ourselves, and love God above all else, are manifestly so closely related that we are no longer surprised to find added the words that the one law is like unto the other. The law that we are to love our neighbour, it should be carefully noted, is not subordinated to that of love of God, and derived from it, it is, according to the Christian view, not right because God has required it, rather he requires it because it is by nature right ; [68] and this rightness is made manifest in the same way, and with the same clearness by means, so to speak, of the same ray of natural knowledge.

Sufficient testimony has perhaps been offered to the shaping operation of those factors which have been separately set forth by us, and so we have, on the one hand, a strengthening of our theory while, on the other hand, we have in essentials the explanation of that paradoxical anticipation of philosophical results.

45. We are not to suppose, however, that all has now been said. Not every opinion regarding law and morality holding good in society to-day, and which has also the sanction of ethics, flows from these pure and noble sources which, even when hid, have none the less discharged their waters in rich abundance. Many such views have arisen in a way quite unjustifiable from a logical point of view, and an inquiry into the history of their origin shows that they take their rise in lower impulses, in egoistic desires through a transformation due, not to higher influences, but simply to the instinctive force of habit. It is really true, as so many utilitarians have pointed out, that egoism prompts men to make

themselves agreeable to others and that such conduct continually practised, develops finally into a habit which is blind to the original ends. The chief reason for this is the limits of our mind, the so-called " narrowness of consciousness," which does not allow of our always keeping clearly before us the more remote and final ends side by side with what is immediately in question. In such a way many a one may be frequently led, by the blind force of habit, to have regard also for the well-being of others with a certain self-forgetfulness. Further, it is true, as some have particularly insisted, that in history it must often have happened that a powerful person has selfishly reduced to subjection a weaker individual, and transformed him by force of habit more and more into a willing slave. And then in this slave-soul an *αὐτὸς ἔφα* comes in the end to operate with a blind, but none the less powerful force, an impelling " you ought," as though it were a revelation of nature regarding good and bad. On every violation of a command he feels himself, like a well-trained dog, uneasy and inwardly tormented. When such a tyrant had, in this way, reduced many to subjection his prudent egoism would cause him to give commands helpful to the maintenance of his horde. These orders would in the same slavish manner become habitual, and as it were, natural to his subjects. And so regard for the whole of this community would gradually become for each subject something into which he felt himself driven in the manner above described. At the same time, we may easily recognize how, owing to the constant care exercised towards his subjects, habits must be formed in the tyrant himself favourable to a regard for the welfare of the community. It may even happen at last that, just as in the case of the miser, who sacrifices

himself for the sake of his gold, the tyrant may be ready to die for the maintenance of his people. Throughout the whole process thus described ethical principles do not exercise the slightest influence. The compulsion which in this way arises, and the opinions which as a result approve or disapprove of a certain procedure have nothing whatever to do with the natural sanction and are devoid of all ethical worth. It may, however, be easily understood—especially if one considers how one tribe enters into relations with another and considerations of friendliness begin here too to prove advantageous,—how this kind of training may lead, indeed one may venture to say *must*, sooner or later, lead to opinions in agreement with the principles springing from a true appreciation of the good.

46. Thus also the blind, purely habitual expectation of similar events under similar circumstances which animals, and also we ourselves, practise in countless instances, often coincide with the results which a complete induction according to the principles of the calculation of probability would, in the same case, have brought about. The very similarity of result has led people even with a psychological education,[69] to regard the two processes as exactly identical, although they stand wide as the poles asunder, the one completing itself by means of a purely blind instinct, while the other is illumined by mathematical evidence. We ourselves should, therefore, be well on our guard against supposing in such pseudo-ethical developments the concealed influence of the true ethical sanction.

47. Great, however, as is the contrast, still even these lower processes have their worth. Nature—and this

has been often insisted on[70]—frequently does well in leaving much which concerns our welfare to instinctive impulses like hunger and thirst rather than leave everything to our reason. This, also, is confirmed in our case.

In those very early times in which, as I conceded to Ihering, (why you will, perhaps, now be better able to see,) nearly every trace of ethical thought and feeling was absent, much nevertheless was done which was a preparation for true virtue. Public laws, however much in the first instance established under the influence of lower motives, were yet preliminary conditions for the free unfolding of our noblest capacities.

Nor is it a matter of no consequence that, under the influence of this training, certain passions became moderated and certain dispositions implanted which made it easier to follow the true moral law in the same direction. Catiline's courage was assuredly not the true virtue of courage if Aristotle is right when he says that they only have such who go to danger and to death "τοῦ καλοῦ ἕνεκα," "for the sake of the morally beautiful."[71] Augustine might have made use of this instance when he said: "virtutes ethnicorum splendida vitia." But who will deny that if such a man as Catiline had been converted, the dispositions he had acquired earlier would have made it easier for him to venture to extremes in the service of the good too? In this way, the ground was made receptive for the admission of truly ethical impulses and therein lay a powerful encouragement to the propagation of truth on the part of those who were foremost in the discovery of ethical knowledge, and first to hear the voice of a natural sanction. It is in this sense that Aristotle observed that it is not every one who can study ethics. He who is to hear about law and morality, must be already well conducted

by dint of habit. In the case of others, he thinks, it is but a waste of pains.[72]

Indeed, still more may be said in praise of the services rendered to the recognition of natural law and morality by these pre-ethical, though not pre-historical, times. The legal ordinances and customs formed in this time, owing to the reasons previously assigned, approached so closely to what ethics demands, that this peculiar kind of mimicry blinded many to the absence of a more thorough going affinity. What, in the one case, a blind impulse and in the other, knowledge of the good exalts into a law, is often completely the same in substance. The legislative moral authority found therefore in these already codified laws and customs the rough drafts, as it were, of laws, which with a few changes, it could sanction without more ado. These were the more valuable because, as seems required from a utilitarian point of view, they were adapted to the special circumstances of the people. A comparison of the one constitution with the other made this noticeable, and early helped to lead to the important knowledge of the real relativity of natural right and of natural morality. Who knows whether otherwise, it would have been possible, even for an Aristotle, to succeed to the degree in which he did in steering clear of all cut and dried doctrinaire theories ?

So much, therefore, concerning the pre-ethical times, in order that these may not be denied the acknowledgment which they deserve.

48. Nevertheless it was then night ; though a night which heralded the coming day, and the dawn of that day witnessed assuredly the most glorious sunrise which, in the history of the world is yet to rise into full splen-

dour. I say, is to rise, not has risen, for we still see the light struggling with the powers of darkness. True ethical motives, in private as in public life, are still far from being everywhere the determining standard. These forces—to use the language of the poet*—prove themselves still too little developed to hold together the structure of the world; and so nature,—and we have need to be thankful that it is so—keeps the machine going by hunger and love, and, we must also add, by all those other dark strivings which, as we have seen, may be developed from self-seeking desires.

49. Of these, and their psychological laws the jurist must, therefore, if he would truly understand his time, and influence it beneficially, take cognizance, as well as of the doctrines of natural right and natural morality which our inquiry has shown to be not the first but—in so far as hope in the realization of a complete ideal may be cherished at all—will be the last in the history of the development of law and morality.

Thus the near relationships of jurisprudence and politics of which Leibnitz spoke, become evident in their full range.

Plato has said: "It will never be well with the state until the true philosopher is king, or kings philosophize rightly." In our constitutional times we should express ourselves better by saying that there will never be a change for the better regarding the many evils in our national life until the authorities, instead of abolishing the limited philosophical culture required for law students by the existing regulations, shall rather strive hard to secure that for their noble profession they shall really receive an adequate philosophical culture.

* Schiller.

NOTES

1 (*p.* 2). Cf. "ber Üdie Entstehung des Rechtsgefühls." Lecture by Dr. Rudolf von Ihering, delivered before the Vienna Law Society, March 12, 1884 (*Allgem. Juristenzeitung*, 7 Jahrg., No. 11 seq., Vienna, March 16–April 13, 1884). Cf. further, v. Ihering, *Der Zweck im Recht*, vol. ii. Leipzig, 1877–83.

2 (*p.* 2). For the first point, cf. *Allgem. Juristenzeitung*, 7 Jahrg. p. 122 seq., *Zweck im Recht*, vol. ii. p. 109 seq. For the second point *Allgem. Juristenzeitung*, 7 Jahrg. p. 171, *Zweck im Recht*, pp. 118–123. It is here denied that there is any absolutely valid ethical rule (pp. 118, 122 seq.); further every "psychological" treatment of ethics, according to which ethics is represented "as twin sister of logic" is contested.

3 (*p.* 4). *Allgem. Juristenzeitung*, 7 Jahrg., p. 147; cf. *Zweck im Recht*, vol. ii. p. 124 seq.

4 (*p.* 4). Aristotle, *Politics*, i. 2, p. 1252 b. 24.

5 (*p.* 4). Cf. e.g. *Allgem. Juristenzeitung*, 7 Jahrg. p. 146.

6 (*p.* 5). *Rep.* 2. 31.

7 (*p.* 5). *Dig.* 1. 8, 9.

8 (*p.* 6). Amongst the numerous adherents of this view and one of its best advocates is J. S. Mill in his *Utilitarianism*, chap. iii.

9 (*p.* 6). Here also, along with many others, J. S. Mill may be cited. The motives of hope and fear are, according to him, the *external*; the motives first described, the feelings developed by habit, the internal sanction. *Utilitarianism*, chap. iii.

10 (*p.* 7). Cf. espec. here a discussion in James Mill's *Fragment on Mackintosh*, printed by J. S. Mill in the second edition of his *Analysis of the phenomena of the human mind*, vol. ii. p. 309 seq.; and Grote's powerful essay published by A. Bain under the title, "*Fragments on Ethical Subjects*, by the late George Grote, F.R.S.," being a selection from his posthumous papers, London, 1876; Espec. Essay 1, *On the Origin and Nature of Ethical Sentiment.*

11 (*p.* 9). D. Hume, *An Enquiry concerning the Principles of Morals*, London, 1751.

12 (*p.* 9). Herbart, *Lehrbuch zur Einleitung in die Philosophie*, 81 seq. *Collected Works*, vol. i. p. 124 seq.

13 (*p.* 9). This comparison with logic should be my best defence against the charge of placing Herbart's doctrine in a false light. Were the logical criterion to consist in judgments of taste experienced on the appearance of thought-processes in accordance with or opposition to rule, it would then, in comparison with what it actually is (the internal self-evidence of a process in accordance with rule) have to be called external. Similarly Herbart's criterion of ethics is rightly characterized as external, however loudly Herbartians may insist that in the judgment of taste which arises spontaneously on the contemplation of certain relations of will, an inner superiority regarding these relations is recognizable.

14 (*p.* 10). In his *Grundlegung zur Metaphysik der Sitten*, Kant enunciates his Categorical Imperative in the following forms: "Act only in accordance with that maxim which you can at the same time will should become a universal law," and "Act as if the maxim of your action were by your will to be raised to a universal law."

In the *Critique of Practical Reason* it runs "Act so that the maxim of your will could on each occasion be valid as a universal legislative principle," i.e. as Kant himself explains, in such a way that the maxim, when raised to a universal law, does not lead to contradictions and consequent self-abrogation. The consciousness of this fundamental law was, for Kant, a fact of pure reason,

thereby proclaiming itself to be legislative (sic volo sic jubeo). Beneke has already observed (*Grundlinien der Sittenlehre*, vol. ii. p. xviii., 1841 ; cf. his *Grundlegung zur Physik der Sitten*, a counterpart to Kant's *Grundlegung zur Metaphysik der Sitten*, 1822) that it is nothing more than a " psychologische Dichtung," and to-day no one able to judge is any longer in doubt concerning it. It deserves to be noted that even philosophers like Mansel, who have the highest reverence for Kant, admit that the Categorical Imperative is a fiction and absolutely untenable.

The Categorical Imperative has at the same time another and not less serious defect, i.e. that even when admitted, it leads to no ethical conclusions. Kant fails, as Mill (*Utilitarianism*, chap. i.) rightly says " in an almost grotesque fashion " to deduce what he seeks. His favourite example of a deduction, by which he illustrates his manner of procedure not only in his *Grundlegung zur Metaphysik der Sitten* but also in the *Critique of Practical Reason* is as follows : May a person, he asks, retain for himself a possession which has been entrusted to him without a receipt or other acknowledgment ? He answers, No. For he thinks, were the opposite maxim to be raised to a law, nobody, under such circumstances, would entrust anything to anybody. The law would then be without possibility of application, therefore impracticable and so self-abrogated.

It may easily be seen that Kant's argumentation is false, indeed absurd. If, in consequence of the law, certain actions ceased to be practised, the law exercises an influence ; it therefore still exists and has in no way annulled itself. How ridiculous would it appear if the following question were treated after an analogous fashion : " May I yield to a person who desires to bribe me ? " Yes, since, were I to think of the opposite maxim as raised to a universal law, then nobody would seek any longer to bribe another ; therefore the law would be without application, therefore, impracticable, and so self-abrogated.

15 (*p.* 11). Cf. J. S. Mill, *System of Deductive and Inductive Logic*, vol. iv. chap. iv. section vi. (towards the end) ; vol. vi. chap. ii. section iv. and elsewhere, e.g. in his *Utilitarianism*, *Essays on Religion*, and in his article on *Comte and Positivism*, part ii.

16 (*p.* 11). Cf. with what has been said in the lecture the first chapter of the Nicomachian Ethics, and it will be seen that Ihering's "fundamental thought" in his work *Der Zweck im Recht*, vol. i. p. vi., viz.: "that no legal formula exists which does not owe its origin to an end," is as old as ethics itself.

17 (*p.* 12). Cases may arise where the consequence of certain efforts remains in doubt, and two courses are open: one presenting the prospect of a greater good but with less probability, the other a lesser good but with a greater probability. In choosing here, account must be taken of the degree of probability. If A is three times better than B, but B has ten times as many chances of being attained as A, then practical wisdom will prefer course B. Supposing that, under like circumstances, such a procedure always takes place, then (in accordance with the law of great numbers) the better would, generally speaking, be realized, a sufficient number of cases being assumed, and so such a manner of choosing would still obviously correspond to the principle laid down in the text, i.e. "Choose the best that is attainable." The full significance of this remark will be made still more evident in the course of the inquiry.

18 (*p.* 12). This truth was familiar to Aristotle (cf. e.g. *De Anima*, iii. 8). The Middle Ages maintained it, but expressed it unfortunately in the proposition: *nihil est in intelluctu, quod non prius fuerit in sensu.* The notions "willing," "concluding" are not gained from sensuous perception; the term "sensuous" would in that case have to be taken so generally that all distinction between "sensuous" and "supersensuous" disappears. These notions have their origin in certain concrete impressions with psychical content (Anschauungen psychischen Inhalts). From the same source arise the notions "end," "cause" (we observe, for example, a causal relation existing between our belief in the premises and in the conclusion), "impossibility" and "necessity" (we gain these from judgments which accept or reject not merely assertorically, but, as it is usually expressed, apodictically,) and many other notions which some modern philosophers, failing in detecting the true origin of them, have sought to regard as categories given

à priori. I may mention, by the way, that I am well aware Sigwart and others influenced by him have recently questioned the peculiar nature of apodictic as opposed to assertorical judgments. But this is a psychological error which it is not the place to discuss here. Cf. note 27, p. 83 sub.

19 (*p.* 12). This doctrine in germ is also found in Aristotle ; cf. espec. *Metaph.* : Δ 15, p. 1021 a. 29. This term " intentional," like many other terms for important notions, comes from the scholastics.

20 (*p.* 13). The question of the grounds of this division is discussed in more detail in my *Psychologie vom empirischen Standpunkte* (1874, Bk. ii. chap. vi. ; cf. also chap. i. section 5). The statements there made regarding this division I still consider to be substantially correct in spite of many modifications respecting points of detail.

21 (*p.* 13). Meditat. iii. " Nunc autem ordo videtur exigere, ut prius omnes meas cogitationes (all psychical acts) in certa genera distribuam . . . Quaedam ex his tanquam rerum imagines sunt, quibus solis proprie convenit *ideae* nomen, ut cum hominem, vel chimaeram, vel coelum, vel angelum, vel Deum cogito; aliae vero alias quasdam praeterea formas habent, ut cum volo cum timeo, cum affirmo, cum nego, semper quidem aliquam rem ut subjectum meae cogitationis apprehendo, sed aliquid etiam amplius quam istius rei similitudinem cogitatione complector ; et ex his aliae *voluntates* sive *affectus* aliae autem *judicia* appellantur."

Strangely enough this clear passage has not prevented Windelband (*Strassb. philos. Abhandl.* p. 171) from ascribing to Descartes the view that the judgment is an act of volition. What led him astray is a discussion in the fourth Meditation on the influence of the will in the formation of judgment. Even scholastics like Suarez had ascribed too much to this influence, and Descartes goes so far in exaggeration of this dependence that he considers every judgment (even the self-evident judgments) as the work of the will. But to " produce the judgment " and " to be the judgment " are yet manifestly not one and the same.

And, therefore, although Descartes, in the passage cited, allows his view as to the influence of the will to appear, and probably it is only on this account that he assigns to the judgment the third place in the fundamental classification of psychical phenomena, yet none the less he says without contradiction : *aliae* voluntates—*aliae* judicia appellantur.

More illusive are a couple of passages in his later writings, i.e. in his *Principia Philosophiae* (i. 32), published three years after the Meditations, and in a work also written three years later : Notae in Programma quoddam, sub finem Anni 1647 in Belgio editum, cum hoc Titulo : Explicatio mentis humanae sive animae rationalis, ubi explicatur quid sit, et quid esse possit." Particularly might the passage in the *Principles* lead to the opinion that Descartes must have changed his view, and it is astonishing that Windelband has not appealed to this passage rather than to that in the Meditations. We read here :—Ordines *modi cogitandi* quos in nobis experimur, *ad duos generales* referri possunt ; quorum unus est, *perceptio sive operatio intellectus* ; alius vero *volitio sive operatio voluntatis*. Nam sentire, imaginari, et pure intellegere, sunt tantum diversi modi percipiendi ; *ut et cupere, aversari, affirmare, negare, dubitare, sunt diversi modi volendi.*

At first sight this passage appears to be so clearly in contradiction to the one in the third Meditation that, as we have said, it is scarcely possible to avoid the supposition that Descartes had meantime rejected his thesis as to the three fundamental classes of psychical phenomena, so shunning Scylla only to plunge into Charybdis ; avoiding the old mistake of confusing the judgment with the idea (Vorstellung), he would now seem to confound it with the will. But a more attentive examination of all the circumstances will suffice to exonerate Descartes from such a charge, and this on the following grounds : (1) There is not the slightest sign that Descartes was ever conscious of having become untrue to the view expressed in the Meditations. (2) Further, in the year 1647 (three years after the publication of the Meditations and shortly before writing the Notae to his Programma) the Meditations appeared in a translation revised by Descartes himself, where, remarkably enough, not the slightest alteration is to be found in the decisive passage in the third Meditation.

" Entre mes pensées," it reads, " quelques unes sont commes les images des choses, et c'est à celles-là seules que convient proprement le nom d'idée . . . D'autres, outre cela ont quelques autres formes ; . . . et de ce genre de pensées *les unes sont appelées volontés ou affections, et les autres jugements*." (3) In the *Principles* itself he says directly after (i. No. 42) that all our errors depend upon our will (a voluntate pendere) ; but so far is he from regarding the " error " as an act of volition, that he says there is no one who errs voluntarily (nemo est qui velit falli). Still clearer is it that he does not regard the judgment like the desires and dislikes as inner activities of the will itself, but only as a product of the will, since he at once adds; sed longe aliud est velle falli quam velle assentiri iis, in quibus contingit errorem reperiri," etc. He does not say of the will that it desires, affirms, assents, but that it wills the assent ; so also, not that it *is* true but that it desires the truth (veritatis assequendae cupiditas . . . *efficit*, ut . . . judicium ferant).

As to Descartes' real view, therefore, there can be no doubt ; his doctrine has not in this respect suffered the slightest change. It only remains, therefore, to come to an understanding of his obviously variable modes of expression, and this is, I believe, solved incontrovertibly in the following manner. Descartes, while regarding will and judgment as two classes differing fundamentally, none the less finds that in contradistinction to the first fundamental class—that of ideas—these have something in common. In the third Meditation he designates (cf. the above passage) as the common element the fact that although essentially based upon an idea, in both alike there is contained a further special form. In the fourth Meditation a further common character appears, i.e. that the will decides concerning them ; not only can it determine and suspend its own acts, but also those of the judgment. It is this common character which he was bound to regard as especially, indeed all important, in the first part of the *Principles*, xxix.–xlii. Accordingly, he classes them, in opposition to the ideas (which he calls operationes intellectus) under the term operationes voluntatis. In the Notae to the Programma he calls them distinctly in the same sense, "determinationes voluntatis." " Ego enim, cum viderem, praeter

perceptionem, quae praerequiritur ut judicemus, opus esse affirmatione vel negatione ad formam judicii constituendam, *nobisque saepe esse liberum ut cohibeamus assensionem*, etiamsi rem percipiamus, ipsum actum judicandi, qui non nisi in assensu, hoc est in affirmatione vel negatione consistit, non retuli ad perceptionem intellectus sed ad determinationem voluntatis." He does not even hesitate in the *Principles* to term both these two classes of *modi cogitandi*, "*modi volendi*" the context seeming sufficiently to indicate that he means only to express thereby the fact that they fall within the domain of the will.

In further support of this explanation we may compare the scholastic terminology into which Descartes as a young man was initiated. It was customary to denote under the term *actus voluntatis* not merely the movement of the will itself but also the act performed in obedience to the will. In accordance with this custom, the *actus voluntatis* fell into two classes; the *actus elicitus voluntatis* and the *actus imperatus voluntatis*. In a similar manner Descartes groups the class which, according to him, was only possible as an *actus imperatus* of the will along with his *actus elicitus*. There is here, therefore, no question of a common fundamental character of the intentional relation.

Clear as all this is to those who carefully attach due weight to the various moments, it would yet appear that Spinoza (probably misled rather by the passage in the *Principles* than by that cited by Windelband), anticipates Windelband in this misunderstanding of the Cartesian doctrine. In his *Ethics*, ii. prop. 49, he actually, and in the most real sense, regards the *affirmatio* and *negatio* as "*volitiones mentis*," and by a further confusion, comes finally to obliterate the distinction between the two classes *ideae* and *voluntates*. "*Voluntas et intellectus unum et idem sunt*" his thesis now reads, so overthrowing not only the three-fold classification of Descartes, but also the old Aristotelian dual classification. Spinoza has here, as usual, done nothing else than corrupt the teaching of his great master.

22 (*p.* 13). I do not mean to say that the classification is universally recognized to-day. It would not even be possible to regard as certain the Principle of Contradiction if in order

to do so we were to await universal assent. In the present instance it is not difficult to understand that old, deeply-rooted prejudices cannot all at once be banished. But that even under such circumstances it has not been possible to urge a single important objection affords the best confirmation of our doctrine.

Some, as for instance, Windelband—while giving up the attempt at including judgment and idea (Vorstellung) in *one* fundamental class, on the other hand believe it possible to subsume judgment under feeling, thus falling back into the error which Hume committed earlier in his inquiry into the nature of belief. According to these writers, to affirm implies an act of approval, an appreciation on the part of the feelings, while denial is an act of disapproval, a feeling of repugnance.

Despite a certain analogy the confusion is hard to understand. There are people who recognize both the goodness of God and the wickedness of the devil, the being of Ormuzd and the being of Ahriman, with an equal degree of conviction, and yet, while prizing the nature of the one above all else, they feel themselves absolutely repelled by that of the other. Since we love knowledge and hate error it is, of course, proper that those *judgments* we hold to be right (and this is true of all those judgments which we ourselves make) are for this very reason dear to us, i.e. we estimate them in some way or other through feeling. But who on this account would be misled into regarding the judgments themselves which are loved as acts of loving? The confusion would be almost as gross as if we should fail to distinguish wife and child, money and possessions, from the activity which is directed towards these, inasmuch they are the objects of affection. Cf. also what has been said (note 21) with regard to Windelband, where, misunderstanding Descartes, he ascribes to him the same teaching; further, note 26 (on the unity of the idea of the good) as well as what is urged by Sigwart in the note (in part much to the point) on Windelband (*Logic*, vol. i. chap. ii. p. 156 seq.). To those who, despite all that has been said, still wish further arguments for the distinction between the second and third fundamental classes, I may, perhaps, be allowed to refer them, by anticipation, to my *Descriptive Psychology*, which I have alluded to in the preface as an almost completed work, and which

will appear if not as a continuation, yet still as a further development of my *Psychology from the Empirical Standpoint.*

As against Windelband, I here add the following observations :

1. It is false and a serious oversight, as he himself will be convinced on reading again in my *Psychology,* vol. i. p. 262, when he (p. 172) makes me assert, and that too as a quotation from my own work, that " love and hate " is not an appropriate term for the third fundamental class.

2. It is false, and a quite unjustifiable supposition when (p. 178) he ascribes to me the opinion that the classification of judgments according to quality is the only essential classification belonging to the act of judgment itself. I believe exactly the contrary. I regard, for example (of course in opposition to Windelband), the distinction between assertorical and apodictic judgments (cf. here note 27, p. 83), as also the distinction between self-evident and blind judgments as belonging and highly essential, to the act of judgment itself. Other differences, again, especially the distinction between simple and compound acts of judgment, I might mention. For it is not every compound judgment that can be resolved into quite simple elements, and something similar takes place also in the case of certain notions, a fact known to Aristotle. What is red ?—Red colour. What is colour ?—The quality of colour. The difference, it is seen, contains in both cases the notion of the genus. The separating of the one logical element from the other is only possible from the one side. A similar one-sided capacity to separate appears also in certain compound judgments. J. S. Mill is, therefore, quite wrong when he (*Deductive and Inductive Logic,* vol. i. chap. iv. section 3), regards as ridiculous the old classification of judgments into simple and compound, and thinks that the procedure in such a case is exactly as if one should wish to divide horses into single horses and teams of horses ; otherwise the same argument would hold good against the classification of conceptions into simple and compound.

3. It is false, though an error which finds almost universal acceptance, and one from which I myself at the time of writing the first volume of my *Psychology* was not yet free, that the so-called degree of conviction consists in a degree of intensity

of the judgment which can be brought into analogy with the intensity of pleasure and pain. Had Windelband charged me with *this* error I would have acknowledged the complete justice of the charge. Instead of this he finds fault with me because I recognize intensity with regard to the judgment, only in a sense analogous, and not identical to that in the case of feeling, and because I assert the impossibility of comparing in respect of magnitude, the supposed intensity of the belief and the real intensity of feeling. Here we have one of the results of his improved theory of judgment!

If the degree of conviction of my belief that 2 + 1 = 3 were one of intensity how powerful would this be! And if the said belief were to be identified, as by Windelband (p. 186), with feeling, not merely regarded as analogous to feeling, how destructive to our nervous system would the violence of such a shock to the feelings prove! Every physician would be compelled to warn the public against the study of mathematics as calculated to destroy health. (Cf. with regard to this so-called degree of conviction the view of Henry Newman in his interesting work: *An Essay in Aid of a Grammar of Assent*—a work scarcely noticed in Germany.)

4. When Windelband (p. 183) wonders how I can regard the word "is" in such propositions as "God is," "A man is" (ein Mensch ist), "A lack is" (ein Mangel ist), "A possibility is," "A truth is," (i.e. There is a truth), etc., as having the same meaning and finds it extraordinary (184, note 1) in the author of *Von der mannigfachen Bedeutung des Seienden nach Aristoteles* that he should fail to recognize the manifold significance of "to be," I can only reply that he who in this view does not perceive the simple consequence of my theory of the judgment can hardly have understood this doctrine. With regard to Aristotle it never occurs to him, while dividing the "ὄν" in the sense of reality into various categories, and into an "ὂν ἐνεργείᾳ and ὂν δυνάμει", to do the same with the "ἔστιν" transforming what is the expression of an idea into that of a judgment and the "ὂν ὡς ἀληθές" as he calls it. This could only be done by those who, like Herbart and many others after him, did not know how to hold apart the notion

of being in the sense of absolute position and being in the sense of reality (cf. the following note).

5. I have just said that there exist simple and compound judgments, and that many a compound judgment is not, without a residue, resolvable into simple judgments. Special attention must be paid to this in seeking to convert judgments otherwise expressed into the existential form. It is self-evident that only simple judgments, i.e. such as are, strictly speaking, without parts, are so convertible. I may therefore be excused for not thinking it necessary to emphasize this expressly in my *Psychology*. If this restriction hold good universally it is, of course, valid also of the categorical form. In the propositions categorical in form, which the formal logicians have denoted by the signs A.E.I. and O. they wish to express strictly simple judgments. These are therefore one and all convertible into the existential form (cf. my *Psychology*, vol. i. p. 283). The same, however, will not hold good when propositions categorical in form contain in consequence of an ambiguity of expression (cf. p. 120, note to Appendix) a plurality of judgments. In such a case the existential form may certainly be the expression of a simple judgment equivalent to the compound one, but cannot be the expression of the judgment itself.

This is a point which Windelband ought to have considered in examining (p. 184) the proposition: "The rose is a flower" with respect to its convertibility into an existential proposition. He is quite right in protesting against its conversion into the proposition: "There is no rose which is not a flower," but he is not equally right in ascribing this conversion to me. Neither in the passage cited by him nor elsewhere have I made such a conversion, and I consider it just as false as that attempted by Windelband and all such as may be attempted by anybody else. The judgment here expressed in the proposition is made up of two judgments of which one is the recognition of the subject (whether it be that thereby is meant "rose" in the ordinary sense, or "what is called rose," "what is understood by rose"), and this, as we have just said, is not always the case where a proposition is given of the form: All A is B.

Unfortunately Land also has overlooked this, the only one

among my critics who has succeeded in comprehending, in their necessary connection with the principle, what Windelband has termed the " mysterious " hints which I have thrown out towards the reform of elementary logic, and in deducing them correctly from it. (Cf. Land, " On a supposed improvement in Formal Logic " in the papers of the *Kgl. Niederländischen Akademie der Wissenschaften*, 1876.)

I conclude with a curiosity recently furnished by Steinthal in his *Zeitschrift für Völkerpsychologie* (chap. xviii. p. 175). I there read with astonishment: " Brentano's confusion in completely severing judgments from idea and thoughts (!) and grouping the judgments as acts of recognition or rejection, with love and hate (!!) is instantly removed if such (?) a judgment, as an aesthetic judgment is termed " Beurteilen " (!). Probably Steinthal has never once glanced into my *Psychology*, and has only read Windelband's statement concerning it; this, however, so hastily that I hope he will not be ungrateful at my sending his lines to Windelband for correction.

23 (*p.* 14). Miklosich, *Subjectlose Sätze*, second edition, Vienna, 1883.

In order to make the reader familiar with the contents of this valuable little book a notice written at the time for the *Vienna Evening Post* may prove useful. Through an oversight it was printed as a feuilleton in the Vienna newspaper. As no one certainly would look for it there, I will include it here by way of an appendix. Meantime, Sigwart's monograph, *The Impersonalia* has appeared, in which he opposes Miklosich. Marty has submitted this, as well as (shortly before) the corresponding section in Sigwart's *Logic* to a telling criticism in the *Vierteljahrsschrift für wissenschaftliche Philosophie*, with regard to which criticism Sigwart, though without any reasonable ground, has shown himself highly indignant. " Il se fache," the French say, " donc il a tort." That Sigwart's theory in its essential points has not succeeded, even Steinthal really allows, though in his *Zeitschrift* (chap. xviii. p. 172 seq.) he burns thick clouds of incense to the writer of the monograph, and even in his preface to the fourth edition of his *Origin of Language* applauds a form

of conduct which every true friend of that deserving man (Sigwart) must regret. After the high praise awarded to him at the outset, one feels somewhat disappointed finally by the criticism. Steinthal rejects (pp. 177–180) Sigwart's theory on its grammatical side. There would only remain therefore as really successful Sigwart's psychological theory. But the psychological portion is not that concerning which Steinthal's estimate is authoritative; for in that case, one would be bound to take seriously the following remark: "In the proposition: "Da bückt sich's hinunter mit liebendem Blick" (a line from Schiller's *Diver*), it is obvious that everybody must think of the king's daughter, but it is not she which stands before me but a subjectless "sich hinunter-bücken," and now I have all the more fellow-feeling for her. According to my (Steinthal's) psychology, I should say the idea of the king's daughter "fluctuates" (schwingt) but does not enter into consciousness." This calls for something more than the old saying: *Sapienti sat.*

I

The psychological theory of Sigwart shows itself in all its weakness when he seeks to give an account of the notion of "*existence.*" It has been already recognized by Aristotle, that this notion is gained by reflection upon the affirmative judgment. But Sigwart, like most modern logicians, neglects to make use of this hint. Instead of saying that to the existent belongs everything of which the affirmative judgment is true, he becomes repeatedly, and once more in the second edition of his logic (pp. 88–95) involved in diffuse discussions upon the notion of being and upon existential propositions, which cannot in any way conduce to clearness, seeing that they move in false directions.

"To be," according to Sigwart, expresses a relation (pp. 88, 95); if it be asked: What kind of a relation? the answer would, at first sight (92), appear to be, a relation to me as thinking. But no; the existential proposition asserts just this: "that the existing also exists, apart from its relation to me and to another thinking being." It cannot, therefore, be "a relation to me as thinking." But what other relation can be meant? Not until p. 94 is this brought out more clearly. The relation

ought to mean (of course he adds "zunächst", provisionally) the agreement ("identity" ib.) of the thing represented with a possible impression ("einem Wahrnehmbaren" ib. "something which may be perceived by me," ib. p. 90).

Now it will be immediately recognized that this notion of existence is too narrow; for it might very well be asserted that much exists which it is not possible to perceive, e.g. a past and a future, an empty space, and any sort of deficiency, a possibility or impossibility, etc., etc. It is therefore not surprising that Sigwart himself seeks to widen the notion. But he does this in a manner which I find it difficult to understand. At first sight he appears to say in order that something may exist it is not necessary that it can be perceived by me; it is enough if it can be perceived by anybody. Or what else can be meant when Sigwart, after what has just been said, that existence was the agreement of the thing represented with a possible impression, thus continues: "That which exists stands not merely *in this relation* to me but to all other existing beings?" It cannot surely mean that Sigwart is inclined to ascribe to every existing being the capacity to receive every impression. It may be he only wishes to say that everything which exists stands to every other existing being in the relation of existence, and then it might be concluded from what immediately follows that this rather meaningless definition is intended to express that existence is the capacity to act or to be acted upon. ("What exists . . . stands in causal relations to the rest of the world"; similar also is p. 91, note: the existent is something which "can exercise effects upon me and others.") Finally, however, there is some ground for thinking Sigwart would say: what exists is that which can be perceived or can be inferred as perceivable, for he adds: "hence (on account of this causal relation) from what is *perceivable* also an existence which is merely *inferred* may be asserted."

That all this is equally to be rejected it is not difficult to recognize.

For (1) To "infer" the existence of something does not mean so much as "to infer that it is capable of being perceived." If, for example, the existence of atoms and of empty spaces

could be assured by inference, we should still be very far from proving their perceptibility either to ourselves or to some other being. If any one were to conclude the existence of God while giving up the attempt "to give vividness" to the thought by anthropomorphic means, he would not on this account believe that God must be perceptible to one of his creatures or even that he is the object of his own perception.

2. From this point of view it would be absurd for any one to say: I am convinced that there is much the existence of which can neither be perceived at any time or even inferred by anybody." For that would mean: "I am convinced that much can be perceived or can be inferred to be capable of perception which yet can never be perceived or inferred." Who does not recognize here how far Sigwart has strayed from the true notion of existence!

3. Should Sigwart wish in this passage to widen the notion of existence to such a degree as to think that existence is that which can either be perceived or inferred from some perceivable object, or again, stands in some sort of causal relation to what is perceivable, it might be replied—if indeed such a monstrous notion of existence still require refutation—that even this notion is still too narrow. If, for example, I say: It may be that an empty space exists but this can never with certainty be known by any one, I thereby confess that existence may perhaps belong to empty space; but I deny most definitely that it is perceptible, or that it is to be inferred from that which is perceptible. In regard to relations of cause and effect on the other hand, it is of course impossible that empty space (which is certainly no thing) can stand in such a relation to anything perceivable. We should thus once again arrive at an absurd meaning in interpretation of an assertion in no way absurd.

How wrongly Sigwart has analysed the notion of existence is also proved very simply by means of the following proposition: A real centaur does not exist; a centaur *in idea*, however, certainly exists, and that as often as I imagine it. Whoever does not clearly recognize here the distinction of the ὂν ὡς ἀληθές i.e. in the sense of existing, from ὂν in the sense of real (wesenhaft) will I fear hardly be brought to recognize it by the fullest

illustrations which might be furnished by further examples. We may, however, also consider briefly the following point: According to Sigwart, the knowledge of the existence of anything consists in the knowledge of the agreement of something represented in idea with, let us say, x, since I do not clearly understand with what. What now is necessary in order to recognize the agreement of something with something else? Manifestly, the knowledge of everything which is required in order that this agreement should really exist. But this requires (1) that the one element exist, (2) that the other element exist, and (3) that between them there exist the relation of identity since what does not exist can be neither like something nor different from it. But the knowledge of the first element constitutes already in itself a knowledge of existence. Hence the knowledge of the two remaining elements is no longer necessary to the recognition of any existence, and Sigwart's theory leads to a contradiction. (Cf. with what has been said here, Sigwart's polemic against my *Psychology,* book ii. chap. vii. in his work; *The Impersonalia*, p. 50 seq., and *Logic,* vol. i. second edition, p. 89 seq. note, as well as Marty's polemic against Sigwart in the articles: "Über Subjectlose Sätze" in the *Vierteljahrsschrift für wissenschaftliche Philosophie,* viii. i. seq.*

II.

As Sigwart has failed to grasp the nature of judgment in general he is not, of course, able to understand that of the *negative* judgment in particular. He has gone so far in error as to deny to it an equal right as species along with the positive judgment;

* I had already written my Critique of Sigwart's notion of existence when I became aware of a note in his *Logic*, second ed. p. 390, a passage which, while it has not made it necessary to alter anything which I had written, has led me to insert it for the purpose of comparison. "Das Seiende überhaupt," Sigwart writes, "kann nicht als wahrer Gattungsbegriff zu dem einzelnen Seienden betrachtet werden; es ist, begrifflich betrachtet, nur ein gemeinschaftlicher Name. Denn, da 'Sein' für uns ein Relationsprädikat ist, kann es kein gemeinschaftliches Merkmal sein, es müsste denn gezeigt werden, dass dieses Prädikat in einer dem Begriffe alles Seienden gemeinsamen Bestimmung wurzle." I fear that the reader will, just as little as myself, attain by this explanation to clearness concerning Sigwart's notion of existence. He will perhaps the better understand why all my efforts regarding it have proved futile.

no negative judgment is, he thinks, a direct judgment, its object is rather always another actual judgment or the attempt to form such a judgment.

In this assertion Sigwart is opposed to some important psychological views which I have made good in my lecture. It would therefore seem fitting to resist his attack. For this purpose I shall show: (1) that Sigwart's doctrine is badly founded; (2) that it leads to an irremediable confusion, as in that case Sigwart's affirmative judgment is a negative judgment, while his negative judgment if indeed a judgment at all, and not rather the absence of one, is a positive judgment, and that moreover his positive judgment really involves a negative one, along with other similar confusions. (3) Finally I think it will be possible —thanks to Sigwart's detailed explanations—to show the genesis of his error.

1. The first inquiry in the case of an assertion so novel and so widely diverging from the general view, will be as to its foundation. With regard to this, he insists above all (p. 150) that the negative judgment would have no meaning if the thought of the positive attribution of a predicate had not preceded. But what can this mean? Either there is here a clear *petitio principii*, or it cannot mean anything more than that a connection of ideas must have preceded. Now granting this for a moment (although I have in my *Psychology* shown its falsity) this would by no means prove his proposition, since Sigwart himself recognizes (p. 89 note, and elsewhere) that such a "subjective connexion of ideas" would still not be a judgment; that there needs rather to be added to it a certain feeling of constraint.

An argument follows later (p. 151) the logical connexion of which I understand just as little. It is rightly observed that in and for itself we have the right to deny of anything an infinite number of predicates, and it is with equal right added that in spite of this, we do not really pass all these negative judgments. And now what conclusion is drawn from these premisses? Perhaps this, that the fact that a certain negative judgment is warranted is not sufficient in itself to explain the entrance of the judgment. This we may without hesitation admit. But Sigwart concludes quite otherwise; he permits himself to assert,

it follows from this that the further condition which is here lacking is that the corresponding positive affirmation has not yet been attempted. This is indeed a bold leap, and one which my logic at least is not able to follow. And why, if one were to inquire further, are not all the positive judgments here concerned really attempted? The most probable answer, judging by the examples given by Sigwart (this stone reads, writes, sings, composes; justice is blue, green, heptagonal, rotating), is, that this has not been done because the negative judgment has already been made with evident certainty; for this would best explain why there is no "danger of any one attributing these predicates to the stone or to justice." If, however, any one prefer to answer that "the narrowness of consciousness" makes it impossible to attempt at the same time an infinite number of positive judgments, I am content with this expedient also, only it must then be asked if this appeal ought not to have been made directly and earlier, since Sigwart himself calls the possible negative judgments an "*immeasurable* quantity."

It is also a curious error (Marty has already called attention to it), when Sigwart asserts that in contradistinction to what holds good of the negative judgment "every subject admits only of a limited number of predicates being affirmed." But why? Can we not, for example, say a whole hour is greater than half an hour, greater than a third, greater than a fourth and so on *ad infin.*? . . . If then, notwithstanding, I do not really make all these judgments, there are evidently good reasons for this; above all that the "narrowness of consciousness" forbids it. But then this might also be applied most successfully in regard to negative judgments.

Somewhat later we meet a third argument which, as I have already by anticipation refuted it in my *Psychology* (book ii. chap. 7, section v.), will be treated quite shortly here. If the negative judgment were a direct one, co-ordinated with the affirmative judgment as species then, thinks Sigwart (p. 155 seq.), whoever in an affirmative categorical proposition regards the affirmation of the subject as involved must, to be consistent, regard the denial of the subject as involved in the negative proposition, which is not the case. The latter observation is correct, the

former assertion, however, quite untenable, as it involves in itself a contradiction. For exactly because the existence of each part in a whole is involved in the existence of the whole, the whole no longer exists if but one of its parts is missing.

It only remains now to consider a point of language by which Sigwart believes himself able to support his view. A testimony for it is, he thinks, to be found in the fact that the symbol for the negative judgment is formed in every case by means of a combination with the symbol of affirmation, the word "not" being added to the copula. In order to judge what is here actually the fact, we will glance for a moment at the sphere of feeling. Sigwart agrees, I think, with me and everybody else that pleasing and displeasing, rejoicing and sorrowing, loving and hating, etc., are co-ordinate with each other. Yet a complete series of expressions denoting a disinclination of feeling are found in dependence upon the expression for the corresponding inclination. For example, inclination, disinclination; pleasure, displeasure; ease, disease; Wille, Widerwille; froh, unfroh; happy, unhappy; beautiful, unbeautiful; pleasant, unpleasant;—even "ungut" is used. The explanation of this is, I believe, not difficult for the psychologist, notwithstanding the equally primordial character of these opposite modes of feeling. Ought then the explanation of the phenomenon lying before us in the expression of the negative judgment, closely related as it is to the before mentioned phenomenon, to be really so very difficult, even assuming the primordial character?

As a matter of fact the case must be very bad when thinkers like Sigwart in making statements so important in principle, and at the same time so unusual, have to resort to arguments so weak.

2. The grounds on which Sigwart's doctrine concerning the negative judgment rest have, therefore, each and all proved untenable. This must be so; for how could the truth of any doctrine be shown which would plunge everything into the greatest confusion?

Sigwart finds himself compelled to distinguish between the positive and the affirmative judgment, and the affirmative judgment—one hears and wonders at the new terminology—

is according to him, closely examined, a negative judgment. On page 150 he says literally: "The primordial judgment can certainly not be termed the affirmative judgment, but is better described as the positive judgment, for only in opposition to the negative judgment, and *in so far as it rejects* the possibility of a negation, is the simple statement A is B an affirmation," and so on. Inasmuch as it "rejects." What else can that mean than "so far as it denies"? As a matter of fact only those negations can, according to this new and extraordinary use of language, be called affirmations! Yet this would really mean, and particularly when it is said that the proposition A is B *is* often such a negation (cf. the expressions just quoted), that the use of language would be reduced to a confusion quite unnecessary and altogether unendurable.

Not only is the affirmation—as set forth—according to Sigwart really a negation but also, paradoxical as it may seem, the negation, on close consideration, proves to be a positive judgment. It is true, Sigwart protests against those who, like Hobbes, would regard all negatives as affirmative judgments with negative predicates. But, following Sigwart, if this is not so, then these must be affirmative judgments with affirmative predicates, since he teaches that the subject is in every case a judgment, the predicate being the notion of invalidity. On p. 160 he says in the note the negation does away with a supposition, denies the validity, and this expression, considered in itself, might be taken to mean that Sigwart assumes here a special function of denial (absprechen) the contrary of that of affirmation (zusprechen). But no; a negative copula (cf. p. 153) according to him there is not.

Now what in the world is one to understand by "denial" (absprechen)? Does it mean the simple suppression (Aufhörenlassen) of the positive judgment upon the given subject matter, that is, according to Sigwart, the falling away of the feeling of compulsion previously given in a connexion between ideas? This is impossible, since the removal of this would bring about a condition in which the connexion of ideas remains, without being either affirmed or denied. How often does something of which we were previously certain become uncertain without

our on this account denying it. What then is this denying? May we perhaps say that according to Sigwart it is a feeling oneself compelled (sich-genötigt-fühlen) to annul, whereas affirming is a feeling oneself compelled to posit? We should then have to say that all the while we are passing a negative judgment, we are in reality always seeking to pass a positive judgment, but that we experience a hindrance in so doing. The same consciousness, however, is felt by one who is clearly aware of the entire absence of a positive ground. For how can any one succeed in believing anything which he at the same time holds to be entirely ungrounded? Of no one, especially if Sigwart's definition of the judgment be applied as the standard, is this conceivable; that is to say, every one in such a case will experience failure in such an attempt. Accordingly there is, as yet, no negative judgment. If then the rejection does not signify a negative copula it must manifestly be regarded as an instance of the affirmation of the predicate "false," or (to use Sigwart's term) as its "identification" with the judgment which in this case should be the subject. This "false" also cannot simply mean "untrue," for I can assert "untrue" of thousands of things with regard to which the predicate "false," which appears in certain judgments, would not be in place. If only judgments are true, then of everything which is not a judgment the predicate "untrue" must be affirmed, though certainly not on that account the predicate "false." "False" must therefore be regarded as a positive predicate; and so from Sigwart's point of view absolutely false in principle, certain as it is that the merely not being convinced (nicht-überzeugt-sein) is no denial, it is equally certain that we have actually no choice; we should be compelled to regard every negative judgment as a positive judgment with a positive predicate. So we arrive at a second and greater paradox.

But here a third factor enters which completes the confusion. If we examine Sigwart's view as to the nature of judgment in general, it may be shown in the clearest manner possible that the simple positive judgment itself involves in turn, a negative judgment. That is to say, following Sigwart, every judgment involves besides a certain combination of ideas, a consciousness

of the necessity of our "identification" (unseres Einssetzens) and the impossibility of its contradictory (cf. espec. p. 102), the consciousness, moreover, of such a necessity and impossibility valid for all thinking beings (cf. pp. 102 and 107), which, by the way, is of course quite as false as Sigwart's whole view of the nature of judgment in general. All judgments without exception are, on account of this peculiarity, called by Sigwart apodictic; nor will he admit the validity of any distinction between the assertorical and apodictic forms of judgment (cf. p. 229 seq.). I now ask: Have we not here a negative judgment distinctly involved? Otherwise what meaning can be given to the statement when we hear Sigwart speak of a "consciousness of the impossibility of the contradictory." Further I have already shown in my *Psychology* how all universal judgments are negative, since to be conscious of universality means nothing else than to be convinced that there exists no exception; if this negative be not added, the most extensive list of positive assertions will never constitute a belief in universality. When therefore, a consciousness that every one must so think is here spoken of, there is in this fact a further proof of what I have asserted, namely that according to Sigwart's doctrine of judgment the simplest positive acts of judgment must involve a negative act of judgment. And yet we are called upon at the same time to believe that the negative judgment, as set forth (p. 159 seq.), arose relatively late, and that therefore on this, as well as on other grounds, it is unworthy of being placed side by side, with the positive judgment as a species equally primordial! Sigwart would surely not have expected this of us had he been conscious of all that I have here set forth in detail, and which is the more clearly seen to be involved in his exposition, often so difficult to comprehend the more carefully it is submitted to reflection. Of course expressions may be found where Sigwart, respecting this or that point of detail, asserts the contrary of what is here deduced; for what else can be expected where everything is left in such ambiguity, and where the attempt to make things clear exhibits the most manifold contradictions?

3. Finally, we have still to show the genesis of the error in which this able logician has involved himself in a relatively

simple question after having once mistaken the nature of the judgment. The *proton pseudos* is to be sought in a delusion which has come down to us from the older logic that to the essence of the judgment there belongs the relation of two ideas with one another. Aristotle has described this relation as combination and separation (*σύνθεσις καὶ διαίρεσις*) although he was well aware of the imperfect propriety of the expressions, adding at the same time that in a certain sense both relations might be described as a combination (*σύνθεσις*, cf. *de Anima*, iii. 6). Scholastic and modern logic held fast to the expressions " combination " and " separation " ; in grammar, however, both these relations were termed " combination," and the symbol for this combination the " copula." Sigwart now takes seriously the expressions " combination " and " separation," and so a negative copula seems to him a contradiction (cf. p. 153), the positive judgment, on the other hand, appears to be a presupposition of the negative judgment, since, before a combination has been set up, it cannot be separated. And so it appears to him that a negative judgment without a preceding positive judgment is quite meaningless (cf. p. 150 and above). Consequently we find this celebrated inquirer in a position which compels him to put forth the most strenuous efforts all to no purpose—the negative judgment remains inexplicable.

In a note (p. 159) he gives us, as a result of such attempts, a remarkable description of the process by which we arrive at the negative judgment—a result in which he believes himself finally able to rest satisfied. In this account the false steps which he successively makes become, each in turn, evident to the attentive observer. Long before the point is reached where he believes himself to have come upon the negative judgment, he has as a matter of fact already anticipated it.

He sets out with the correct observation that the first judgments which we make are all positive in character. These judgments are evident and made with full confidence. " Now, however," he continues, " our thought goes out beyond the given ; by the aid of recollections and associations, judgments arise which are at first also formed in the belief that they express reality " (which means, according to other expressions of Sigwart,

that the ideas are combined with the consciousness of objective validity; for this (xiv. p. 98) belongs to the essence of the judgment) "as, for example, when we expect to find something with which we are acquainted in its usual place or pre-suppose respecting a flower that it smells. Now, however, a part of what is thus supposed *contradicts* our immediate knowledge." (We leave Sigwart to show here how we are able to recognize anything as "contradictory" when we are not as yet in possession of negative judgments and negative notions. The difficulty becomes still more sharply apparent as he proceeds:) "when we do *not find* what we expected, we become conscious of the *difference* between what exists *merely* in idea and what is real." (What does "not find" mean here? I had not found it previously; obviously I now find that what was erroneously supposed to be associated with another object is *without* it, and this I can only do by recognizing the one and denying the other, i.e. recognize it as *not* being with it. Further what is meant here by "difference"? To recognize difference means to recognize that of two things the one is *not* the other. What is meant by existing "merely in idea"? Manifestly, "what exists in idea which is *not* at the same time also real." It would seem, however, that Sigwart is still unaware that in what he is describing the negative function of the judgment is already more than once involved. He continues:) "That of which we are immediately certain is *another* than that" (i.e. it is not the same, it is indeed absolutely incompatible with that) "which we have judged in anticipation, and now" (i.e. after and since we have already passed all these negative judgments) "appears the negation which annuls the supposition and denies of it validity. *And here a new attitude is involved in so far as the subjective combination is separated from the consciousness of certainty.* The subjective combination is compared with one bearing the stamp of certainty, its distinction therefrom recognized, and out of this arises the notion of invalidity." This last would almost seem to be a carelessness of expression, for if invalid were to mean as much as "false" and not "uncertain" it could not be derived from the distinction between a combination with and a combination without certainty, but only from the opposition existing between

a combination which is denied and one which is affirmed. As a matter of fact, the opposite affirmative judgment is not at all necessary to it. The opposition, the incompatibility of the qualities in a real, is already evident on the ground of the combination of ideas representing the opposite qualities which, as I repeat once more, cannot, according to Sigwart himself (p. 89 note ; and p. 98 seq.), be called an attempt at positive judgment. Although this may now and again happen in the case of contradictory ideas, it certainly does not happen always. If, for example, the question is put to me : Does there exist a regular chiliagon with 1001 sides ? then---assuming that I am not perfectly clear in my own mind, as will be the case with most men, that there does exist a regular chiliagon, I certainly do not attempt to form a judgment (i.e. according to Sigwart, confidently assume) that there exists a regular chiliagon having 1001 sides before forming the negative judgment that no such figure exists on the ground of the opposition between the qualities.

Sigwart himself, as his language frequently betrays (cf. e.g. pp. 152 and 150) recognizes at bottom, as he is bound to recognize, in spite of his attack upon the negative copula, that negation and denial are just as much a special function of the judgment as affirmation and recognition. If this be granted, then the range of their application is by no means so limited as he erroneously asserts. It is false that in every case where a denial takes place the predicate denied is the notion " valid." Even of a judgment we may deny now its validity, now its certainty, now its *à priori* character. And just in the same way the subject of the judgment can change most frequently. Of a judgment we may deny certainty, and validity ; of a request, modesty ; and so in every case, universally expressed, we may deny B of A. Sigwart himself, of course, does this just like any one else. Indeed he sometimes speaks unintentionally far more correctly than his theory would admit, and witnesses, as it were, instinctively to the truth ; as, e.g. p. 151, where he declares not—as he elsewhere teaches—that the subject of a negative proposition is always a judgment, and its predicate the term " valid," but " that of *every subject . . . a countless*

number of predicates may be denied." This is certainly true and just on this account the old doctrine holds that affirmation and denial are equally primordial species.

24 (*p.* 15). The discovery that every act of love is a "pleasing," every act of hate a "displeasing," was very near to Descartes when he wrote his valuable little work on *The Affections*. In the second book, *Des Passions*, ii. art. 139, he says: "Lorsque les choses qu'elles (l'amour et la haine) nous portent à aimer sont véritablement bonnes, et celles qu'elles nous portent à haïr, sont véritablement mauvaises, l'amour est incomparablement meilleure que la haine; elle ne saurait être trop grande et elle ne manque jamais de produire la joie"; and this agrees with what he says a little later: "La haine, au contraire ne saurait être si petite qu'elle ne nuise, et elle n'est jamais sans tristesse."

In ordinary life, however, the expressions "joy" and "sadness," "pleasure" and "pain" are only used when the pleasure and displeasure have attained a certain degree of liveliness. A sharp boundary in this unscientific division there is not; we may, however, be allowed to make use of it as it stands. It is enough that the expressions, "pleasure" and "displeasure" are not narrowed down by any such limit.

25 (*p.* 16). The expressions "true" and "false" are employed in a manifold sense; in one sense we employ them in speaking of true and false judgments; again (somewhat modifying the meaning), of objects, as when we say, "a true friend," "false money." I need scarcely observe that where I use the expressions "true" and "false" in this lecture, I associate therewith not the first and proper meaning, but rather a metaphorical one having reference to objects. True, is, therefore, what is; false, what is not. Just as Aristotle spoke of "ὂν ὡς ἀληθές" so we might also say, "ἀληθὲς ὡς ὄν."

Of truth in its proper sense it has often been said that it is the agreement of the judgment with the object (adequatio rei et intellectus, as the scholastics said). This expression, true in a certain sense, is yet in the highest degree open to misunderstanding, and has led to serious errors. The agreement is regarded as a kind of identity between something contained in the judgment, or in the idea lying at the root of the judgment

and something situated without the mind. But this cannot be the meaning here; "to agree" means here rather as much as "to be appropriate," "to be in harmony with," "suit," "correspond." It is as though in the sphere of feeling one should say, the rightness of love and hate consists in the agreement of the feelings with the object. Properly understood this also would be unquestionably right; whoever loves and hates rightly, has his feelings adequately related to the object, i.e. the relation is appropriate, suitable, corresponds suitably, whereas it would be manifestly absurd were one to believe that in a rightly directed love or hate there was found to be an identity between these feelings or the ideas lying at their root on the one hand, and something lying outside the feelings on the other, an identity which is absent where the attitude of the feelings is unrightly directed. Among other circumstances this misunderstanding has also conduced towards bringing the doctrine of judgment into that sad confusion from which to-day psychology and logic seek with such painful efforts to set themselves free.

The conceptions of existence and non-existence are the correlates of the conceptions of the truth of the (simple) affirmative and negative judgments. Just as to judgment belongs what is judged, to the affirmative judgment what is judged of affirmatively, to the negative judgment, what is judged of negatively, so to the rightness of the affirmative judgment belongs the existence of what is judged of affirmatively, to the rightness of the negative judgment the non-existence of what is judged of negatively; and whether I say an affirmative judgment is true, or, its object is existent; whether I say a negative judgment is true, or its object is non-existent; in both cases I am saying one and the same thing. In the same way, it is essentially one and the same logical principle whether I say, in each case either the (simple) affirmative or negative judgment is true, or, each is either existent or non-existent.

Thus, for example, the assertion of the truth of the judgment, "a man is learned," is the correlate of the assertion of the existence of the object, "a learned man"; and the assertion of the truth of the judgment, "no stone is alive," is the correlate

of the assertion of the non-existence of its object, "a living stone." The correlative assertions are here, as everywhere, inseparable. The case is exactly the same as in the assertions $A > B$ and that $B < A$; that A is the cause of B, and that B is produced by A.

26 (*p.* 16). The notion of the good, in and for itself, is accordingly a unity in the strict sense, and not, as Aristotle teaches (in consequence of a confusion which we shall have to speak of later) a unity in a merely analogous sense. German philosophers also have failed to grasp the unity of the conception. This is the case with Kant, and, quite recently, with Windelband. There is a defect in our ordinary way of speaking which may prove very misleading to Germans inasmuch as for the opposite of the term "good" there is no common expression current, but this is designated now as "schlimm," now as "übel," now as "böse," now as "arg," now as "abscheulich," now as "schlecht," etc. It might very well, as in similar cases, come to be thought that not only the common name is wanting, but also the common notion. And if the notion is wanting on the one side of the antithesis, it would also be wanting on the other, and so the expression "good" would seem an equivocal term.

Of all the expressions quoted, it seems to me (and philologists also, whose advice I have asked, are of the same opinion), that the expression "schlecht," like the Latin "malum," is most applicable as the opposite of the good in its full universality, and in this way I shall allow myself to use this expression in what follows.

The fact that I adhere to the view of a certain common character regarding the intentional relation of love and hate does not debar my recognizing along with this view, special forms for particular cases. If, therefore, "bad" is a truly universal simple class conception, there may yet be distinguished special classes within its domain of which one may be suitably termed "böse," another "übel," etc.

27 (*p.* 18). The distinction between "self-evident" and "blind" judgments is something too striking to have altogether escaped notice. Even the sceptical Hume is very far from denying the distinction. *Self-evidence*, according to him (*Enq.*

concerning Hum. Underst. iv.) may be ascribed, on the one hand, to analytic judgments (to which class belong also the axioms of mathematics and the mathematical demonstrations), and, on the other hand, to certain impressions, but not to the so-called truths of experience. Reason does not lead us here, but rather habit, after a manner entirely irrational; belief, in this case is *instinctive* and *mechanical* (*ib.* v.).

But to observe a fact does not mean to set forth its nature clearly and distinctly. As the nature of the judgment has, until recent times, been almost universally misunderstood, how could it be possible rightly to understand its self-evidence? It is just here that even Descartes' discernment fails him. How very closely the phenomenon occupied him a passage in the Meditations bears witness: "Cum hic dico me ita doctum esse a natura (he is speaking of the so-called external impressions) intelligo tantum *spontaneo quodam impetu* me ferri ad hoc credendum *non lumine aliquo naturali* mihi ostendi esse verum, quae duo multum discrepant. Nam quaecunque *lumine naturali* mihi ostenduntur (ut quod ex eo quo dubitem sequatur me esse et similia) nullo modo dubia esse possunt quia nulla alia facultas esse potest, cui aeque fidam ac lumini isti, quaeque illa non vera esse possit docere; sed quantum ad impetus naturales jam saepe olim judicavi me ab illis in deteriorem partem fuisse impulsum cum de bono eligendo ageretur, nec video cur iisdem in ulla alia re magis fidam."—(Medit. iii.).

That Descartes did not mark the fact of self-evidence, that he did not observe the distinction between intuition and blind judgment certainly cannot be affirmed from the above. But, while separating the judgment as a class from the idea, he still leaves behind in the class of ideas the character of self-evidence which distinguishes the judgments of intuition. It consists, according to him, in a special mark of the perception, that is, of the idea lying at the root of the judgment. Descartes even goes so far as actually to call this act of perception a "cognoscere," a "knowing." A "knowing," that is, and still not an act of judgment! These are rudimentary organs which after the progress made, owing to Descartes, in the doctrine of judgment, remind us of a stage of life in Psychology which has been

surmounted ; but with this distinction, in opposition to similar phenomena in the history of the development of the species, that these organs, in no way adapted, become in the highest degree troublesome, and render all Descartes' further efforts for the theory of knowledge ineffective. He remains, to use Leibnitz' phrase, " in the antechamber of truth " (cf. here note 28, towards the end). Only in this way does Descartes' clara et distincta perceptio—concerning which term itself it is so difficult to gain a clear and distinct idea—in its curious dual nature become perfectly intelligible. The only means of overcoming this confusion is to seek that which distinguishes insight in opposition to other judgments as an inner quality belonging to the act of insight itself.

It is true that some who have sought here have yet failed to find. We saw (cf. note 23) how Sigwart conceives the nature of the judgment. To this, he teaches, there belongs a relation of ideas to one another, and along with this a feeling of obligation respecting this connexion. (Cf. sections 14 and 31, espec. 4 and 5.) Such a feeling therefore, always exists even in the case of the blindest prejudice. It is then abnormal, but is held (as Sigwart expressly explains) to be normal and of universal validity. And what now in contrast to this case, is given in the case of insight ? Sigwart replies that its evidence consists in the same feeling (cf. e.g. section 3) which now, however, is not merely held to be normal and universally valid, but is really normal and universally valid.

It seems to me that the weakness of this theory is at once apparent ; and it is on many grounds to be rejected.

1. The peculiar nature of insight, the clearness and evidence of certain judgments from which their truth is inseparable has little or nothing to do with any feeling of compulsion. It may well happen that at a given moment I cannot refrain from so judging, yet none the less the essence of its clearness does not consist in the feeling of compulsion, and no consciousness of an obligation so to judge could, as such, afford security as to its truth. He who disbelieves in every form of indeterminism in respect of judging, regards all judgments under the circumstances in which they were passed as necessary, but he does not

—and with indisputable right—regard all of them as on that account true.

2. Sigwart, in seeking the consciousness of insight in a feeling of necessity so to think, asserts that the consciousness of one's being compelled is, at the same time, a consciousness of a necessity for all thinking beings whenever the same grounds are present. If he means, however, that the one conviction is doubtless connected with the other, this is an error. Why, when a person feels bound to pass a judgment upon certain data, should the same compulsion hold good in respect of every other thinking being to whom the same data are also given? It is obvious that only an appeal to the law of causality which, under like conditions demands like results, could be the ground of the logical connexion. Its application, however, to the present case would be entirely erroneous, since this would involve the ignoring of the special psychical dispositions, which, although they do not directly enter into consciousness at all, must yet be regarded, along with the conscious data, as pre-determining conditions, and these are very different in the case of different persons. Hegel and his school, misled by paralogisms, have denied the principle of contradiction; Trendelenburg, who opposed Hegel, has at least restricted its validity (cf. his *Abhandlungen über Herbarts Metaphysik*). The universal impossibility of inwardly denying the principle which Aristotle asserted cannot therefore, to-day, be any longer defended; Aristotle himself, however, for whom the principle was self-evident, assuredly found its denial impossible.

Whatever is evident to any one is of course certain not only for him, but also for every one else who, in the same way, sees its evidence. The judgment, moreover, which is seen to be evident by any one has also universal validity, i.e. the contradictory of what is seen to be evident by one person, cannot be seen to be evident by another person, and every one who believes in its contradictory is in error. Further, since what is here said belongs to the essence of truth, whoever has evidence of the truth of anything may perceive that he is justified in regarding it as true for all. But he would be guilty of a flagrant confusion of ideas who should regard such a consciousness that a

truth is true for all, as equivalent to a consciousness of a universal necessity of thinking.

3. Sigwart involves himself in a multitude of contradictions. He asserts and must assert—if he is not to yield to the sceptics and relinquish his entire logical system—that evident judgments are not merely different from non-evident judgments, but that they are also distinguishable in consciousness. The one class must therefore appear as normal and of universal validity, the other class as not so. But if evident and non-evident judgments alike carry with them the consciousness of universal validity, then the two classes would at first sight exactly agree in the manner in which they present themselves, and only as it were, afterwards (or at the same time, though as a mere concomitant), and by reflection upon some sort of criterion which is applied to them as a standard could the distinction be discovered. And passages are actually to be found in Sigwart where he speaks of a consciousness of agreement with the universal rules which accompany the fully evident judgment. (Cf. e.g. *Logic*, 2nd ed., 39, p. 311.) But apart from the fact that this contradicts experience—for long before the discovery of the syllogism, conclusions were reached syllogistically and with complete evidence —it is also to be rejected inasmuch as, seeing that the rule itself must be assured, it would lead either to an infinite regress, or to a *circulus vitiosus*.

4. Another contradiction with which I have to charge Sigwart (though in my opinion it might have been avoided even after his erroneous view as to the nature of the judgment and as to the nature of self-evidence), we meet with in his doctrine of self-consciousness. The knowledge that I am contains *only* self-evidence, and this exists independent of any consciousness of an obligation so to think and of a necessity which is common to all alike. (At least I am not able otherwise to understand the passage, *Logic*, 2nd ed., p. 310: "The certainty that I am and think is the absolutely last and fundamental one—the condition of all thinking and certainty at all; here, only immediate evidence can be given; one cannot even say that this thought is necessary, since it is previous to all necessity, and just as immediate and evident is the conscious certainty that I think

this or that; it is inextricably interwoven with my self-consciousness; the one is given with the other.") After Sigwart's doctrine already examined, this would appear to be a *contradictio in adjecto* and, as such, quite indefensible.

5. Further contradictions appear in Sigwart's very peculiar and doubtful doctrine concerning the postulates, which he opposes to the axioms. The latter are to be regarded as certain on the ground of their real intellectual necessity; the former, not on the ground of purely intellectual motives, but on psychological motives of another kind, on the ground of practical needs. (*Logic*, 2nd ed. p. 412 seq.) The law of causality: e.g. is, according to him, not an axiom, but a mere postulate; we regard it as certain, since we find that without affirming it we should not be able to investigate nature. Sigwart, by this mode of accepting the law of causality, that is, affirming, out of mere good-will, that in nature under like conditions, the same results would constantly be forthcoming, manifestly takes it for granted without being conscious of its intellectual necessity. But, if all "taking-as-true" (Fürwahrhalten) is an act of judgment, this is quite incompatible with his views as to the nature of the judgment. Sigwart has here, as far as I can see, but one way of escape, i.e. to confess that he does not believe in what, as a postulate, he accepts as certain (as e.g. the law of causality); then, however, he will be hardly serious in hoping for it.

6. This point becomes still more doubtful on reflection upon what (2) has been previously discussed. The consciousness of a universal necessity of thought does not, according to Sigwart, belong to the postulates, but rather to the axioms. (Cf. 5.) But Sigwart could only with any plausibility exhibit the consciousness of this universal necessity of thinking as operating in the consciousness of one's personal necessity of thinking by making use of the universal law of causation. But this causal law is itself merely a postulate; it is destitute of self-evidence. It is therefore obvious that the universal thought-necessity in the case of the axioms is also a postulate, and consequently they lose what, according to Sigwart, is their most essential distinction from the postulates. It may perhaps be in accordance with this that Sigwart calls the belief in the trustworthiness of

" self-evidence " a postulate. But how the statement so interpreted, can be brought into harmony with the remaining parts of his doctrine I am at a loss to conceive.

7. Sigwart denies (31) the distinction between assertorical and apodictic judgments, since in every judgment the sense of necessity in respect of its function is essential. Consequently this assertion likewise hangs together with his erroneous fundamental view of the judgment; he would appear to identify the feeling which he sometimes calls the feeling of evidence with the apodictic character of a judgment. But it would be quite unjustifiable to overlook the modal peculiarity of certain judgments, as for example, the law of contradiction in distinction from other forms of judgment like that of the consciousness that I am. In the first instance, we have to do with what is "necessarily true or false," in the second instance only with what is " true or false as a matter of fact," though both are in the same sense evident and do not differ in respect of their certainty. Only in the case of judgments like the former, not, however, from such as the latter do we draw the notions of impossibility and necessity.

That Sigwart, in opposing the view which regards the apodictic judgment as a special class, also occasionally bears witness against himself is clear from what has been already said (4). The knowledge that I am, he calls, in opposition to the knowledge of an axiom, the knowledge of a simple actual truth (p. 312). Here he speaks more soundly than his general statements would really allow.

Sigwart's theory of self-evidence is, therefore, essentially false. As in the case of Descartes, so here it cannot be said that Sigwart was not conscious of the phenomenon; indeed, we must rather say in his praise, that with the greatest zeal he has sought to analyze it, but as is the case with many in psychological analysis, it would seem that in the eagerness of analyzing he did not stop at the right point, and has sought to resolve into one another phenomena very distinct in nature.

It is obvious that an error respecting the nature of evidence is fraught with the gravest consequence for the logician. It might well be said that we have here touched upon the deep-seated organic disease in Sigwart's logic, if this may not rather be said

to consist in a misunderstanding of the nature of the judgment in general. Again and again its evil results become manifest, as for example, in Sigwart's inability to understand the most essential causes of our errors, Cf. *Logic*, vol. i. 2nd ed. p. 103, note, where, with strange partiality he assigns the chief blame to the defective development of our language.

For the rest, many another celebrated logician in recent times can claim no superiority over Sigwart here. As a further example we need only observe how the doctrine of evidence fares at the hands of the admirable J. S. Mill. Cf. note 69, p. 99.

Owing to the great unclearness as to the nature of evidence, almost universal, it becomes conceivable why, as often happens, we meet with the expression " more or less self-evident." Even Descartes and Pascal use such expressions, although it is clearly quite unsuitable. Whatever is self-evident is certain, and certainty in the real sense knows no distinctions of degree. Even quite recently we find the opinion expressed in the *Vierteljahrsschrift für wissenschaftliche Philosophie* (and the writer is manifestly quite serious), that there exist *self-evident suppositions* which, in spite of their self-evidence, may quite well be false. It is unnecessary to add that I hold this to be opposed to reason. I may here, however, express regret that lectures delivered by me at a time when I still regarded degrees of conviction as intensities of judgment, seem to have given an occasion for such confusions.

28 (*p.* 19). Cf. Hume's Essay, already cited: *An Enquiry concerning the Principles of Morals*. Other philosophers, who have placed the foundation of ethics in the feelings, as e.g. Beneke and Uberweg (who follows him) have seen further than Hume here. (Cf. the presentation of Beneke's ethics in his *Grundriss der Geschichte der Philosophie*, iii.) Herbart comes still nearer to the truth when he speaks of self-evident judgments of taste (these, however, are really not judgments at all, but feelings, and as such are not self-evident, but can only be said to have something analogous to self-evident judgments) and when he further opposes to the merely pleasurable the beautiful, ascribing to the latter as distinct from the former, universal validity

and undeniable worth. Unfortunately, there is always something false mixed up with his view, and Herbart loses at once and for ever the right path, so that his ethics in its course diverges much further from the truth than the doctrine of Hume.

Those thinkers who have completely overlooked the distinction between pleasure with the character of rightness and pleasure which is not so qualified, are in danger of falling into opposite errors. The one class view the matter as though *all* pleasure had the character of rightness, the other class as though *no* pleasure were so qualified. By the one class the notion of the good as that which rightly pleases, is entirely given up; " worthy of desire " (begehrenswert) in distinction from " desirable " (begehrbar), is an unmeaning expression. For the other class, " worthy of desire " (begehrenswert) remains as a separate notion, so that there is no tautology in their saying nothing is in itself desirable except in so far as it is in itself worthy of desire, is good in itself. Manifestly they must, to be consistent, assert this, and this they have really taught. The extreme hedonists all belong to this class; but, along with them, many others; in the Middle Ages, for example, the teaching is found in Thomas Aquinas, whose greatness receives fresh appreciation from Ihering (cf. Summ. theol. 1.a. qu. 80, qu. 82, art. 2 ad. 1, etc.).

But even then such a view cannot be maintained in the light of the facts without exposing the nature of good and bad to a falsification which involves a form of subjectivism similar to that formerly committed by Protagoras respecting the notions of truth and falsehood. Just as, according to this subjectivist in the sphere of the judgment, man is the measure of all things, and often what is true for one, may at the same time be false for another—so the advocates of the view that only the good can be loved, only the bad hated, are really compelled to assume that, in this sphere, each is himself the measure of all things; for the good, in that it is good; for the bad, that it is bad; so that often something is, in itself and at the same time, both good and bad: good in itself, in the case of all who love it for its own sake; bad in itself, in the case of all who hate it for its own sake. This is absurd, and the subjectivistic falsification

of the notion of the good is to be rejected equally with the subjectivistic falsification of the notions of truth and existence by Protagoras, but with this difference: that the subjectivistic error in the sphere of what is rightly pleasing and displeasing takes root more easily and infects most ethical systems even to-day. Some, as recently, Sigwart (*Vorfragen der Ethik*, p. 6), confess it openly; others fall into this error without themselves becoming clearly conscious of the subjectivistic character of their view.*

* Those especially who teach that generally speaking the knowledge, pleasure, and perfection of each individual is, for him, good, their opposites bad, and that all else is in itself indifferent, will perhaps protest against my classing them among the subjectivists. It might even seem on a superficial survey, that they have set up a doctrine of the good equally valid for all. But on a more careful examination we find that this teaching does not even in a single instance, hold one and the same object to be good universally. For example, my own knowledge is, according to this view, for me worthy of love; for every one else indifferent in itself, while the knowledge of another individual is in itself for me indifferent. It is curious to observe theistic thinkers, as often happens, setting up a subjectivistic view respecting the good, valid of all mortal loving and willing, while, at the same time assuming that God, without respect of person, estimates every perfection by a kind of objective standard. This exception with regard to the loving and willing of God and the notion of Him as eternal Judge is then meant to render harmless in respect of its practical consequences, the egoism which such a principle implies.

Of the celebrated controversy between Bossuet and Fenelon it may be said that the great bishop of Meaux advocated a kind of subjectivism. Fenelon's theses, though he advocated a system of morality neither ignoble nor unchristian, were finally condemned by the Church of Rome, though it did not go so far as to reject his teaching as heretical. Otherwise one would really be compelled to condemn also those fine glowing lines attributed by many to St. Theresa, that in a very imperfect Latin translation have found their way into many Catholic prayer-books which is much more than their escaping the ecclesiastical censor. I give them translated directly from the Spanish:—

Nicht Hoffnung auf des Himmels sel'ge Freuden
Hat Dir, mein Gott, zum Dienste mich verbunden,
Nicht Furcht, die ich vor ew'gem Graus empfunden,
Hat mich bewegt der Sünder Pfad zu meiden.

Du Herr bewegst mich, mich bewegt Dein Leiden,
Dein Anblick in den letzten, bangen Stunden,
Der Geisseln Wuth, Dein Haupt von Dorn umwunden,
Dein schweres Kreuz und—ach!—Dein bittres Scheiden.

Herr, Du bewegest mich mit solchem Triebe,
Das ich Dich liebte, wär' kein Himmel offen,
Dich fürchtete, wenn auch kein Abgrund schreckte;

Whoever, as I have said, has once accepted the view that nothing can please except in so far as it is really good, nothing displease, except in so far as it is really bad, is on a way which, if consistently followed, must lead him to subjectivism. This is evident as soon as it is admitted (and at first sight, it is true, it may be denied) that opposite tastes, here desire, there dislike, may be associated with the same sense phenomenon. One might, in defence, argue that here, in spite of the similarity of the external stimulus the corresponding subjective idea may have an essentially different content. But such a view refutes itself in those cases where we ourselves repeatedly experience the same phenomenon, and, in consequence of a further development in age or by reason of a changed habit (cf. text 25, p. 16) thereby experience a different feeling, dislike for desire, or desire for dislike. There remains, then, no doubt that as a fact the feelings may take an opposed attitude towards the same phenomenon; and again, in the case where ideas instinctively repel us, while at the same time arousing within us a pleasure

Nichts kannst Du geben, was mir Liebe weckte;
Denn wurd' ich auch nicht, wie ich hoffe, hoffen,
Ich würde dennoch lieben, wie ich liebe."

The teaching of Thomas Aquinas has often been so represented as though it were pure subjectivism. It is true that much of his teaching sounds quite subjectivistic (cf. e.g. Summ. theol. 1a. q. 80, art. 1, especially the objections and replies as well as the passages in which he declares that the happiness of each is the highest and final end, asserting even of the saints in heaven that each rightly desires more his own blessedness than the blessedness of all others). Along with these, however, are to be found statements in which he soars above this subjectivistic view as, for example, when he declares (as Plato and Aristotle before him and Descartes and Leibnitz after) that everything which exists is good as such, not good merely as a means but also—a point which pure subjectivists (as recently Sigwart, *Vorfr. d. Ethik*, p. 6) expressly deny—good in itself, and again, when he affirms that in case any one—an impossible case—had at any time to choose between his own eternal ruin and an injury to the Divine love, the right course would be to prefer his own eternal unhappiness.

There the moral feeling of western Christendom touches the feeling of the heathen Hindu, as is shown in a somewhat strange story of a maiden who renounces her own everlasting blessedness for the salvation of the rest of the world: as also that of a positivist thinker like Mill when he declares sooner than bow in prayer before a being not truly good, "to hell he will go." I knew a Catholic priest who, on account of this utterance of Mill's, voted for him at the parliamentary election.

of a higher kind (cf. note 32, p. 92), what has been said is also clearly evident.

Finally, we should expect from one who thinks that every act of simple pleasure is right, and that one act never contradicts another, a similar doctrine in respect of the act of choosing. But the reverse is here so obvious that the advocates of this view have in striking contrast always asserted in the most definite manner that different individuals have preferences opposite in character, and that one is right, the other wrong.

Glancing back from the disciples of Aristotle in the Middle Ages to the master himself, we find his teaching appears to be a different one. Aristotle recognizes a right and a wrong kind of desire (*ὄρεξις ὀρθὴ καὶ οὐκ ὀρθή*) and that what is desired (*ὀρεκτόν*) is not always the good. (*De Anima*, iii. 10.) In the same way he affirms in respect of pleasure (*ἡδονή*) in the *Nicomachian Ethics* that not every pleasure is good; there is a pleasure in the bad, which is itself bad (*Nic. Eth.* x. 2). In his *Metaphysics* he distinguishes between a lower and a higher kind of desire (*ἐπιθυμία* and *βούλησις*); whatever is desired by the higher kind for its own sake is truly good (*Metaph. Δ* 7, p. 1072 a. 28). A certain approach to the right view seems already to have been reached here. It is of special interest (a point I have only discovered later) that Aristotle has suggested an analogy between ethical subjectivism and the logical subjectivism of Protagoras, and equally repudiates both (*Metaph. K* 6, p. 1062 b. 16, and 1063 a. 5). On the other hand it would appear from the lines immediately following as though Aristotle had fallen into the very obvious temptation of believing that we can know the good as good, independent of the excitation of the emotions. (*Metaph.* 29; cf. *De Anima*, iii. 9 and 10.)

In close connection with this appears to be the passage (*Nic. Eth.* i. 4) where he denies that there is any uniform notion of the good (understanding, of course, the good in itself, cf. respecting this, note 26, p. 77), thinking rather that only by way of analogy does there exist a unity in the case of the good of rational thinking and seeing, joy, etc., and when, in another passage (*Metaph. E* 4, p. 1027 b. 25), he says that the true and the false

are not in the things, where the good and the bad are, i.e. the former predicates (e.g. true God, false friend) are ascribed to the things only in respect of certain mental acts, the true and false judgments, while the latter, on the other hand, are not in a similar way ascribed to them merely in respect of a certain class of mental activities :—all of which, incorrect as it is, is still connected as a necessary result with the aforesaid error. He is more in agreement with the true doctrine of the origin of our notion and knowledge of the good, when (*Nic. Ethics*, x. 2) he adduces as an argument against the assumption that joy does not belong to the good, the fact that all desire it, and adds : "For if only irrational beings desired it, the opposition to this argument would still contain a certain justification ; but if every rational being also does so, how can anything be said against it ? " Yet even this utterance is reconcilable with his erroneous view.

Considered in this aspect, the moralist of sentiment (Gefühls-moralist), Hume, has here the advantage of him, for Hume rightly urges, how is any one to recognize that anything is to be loved without experiencing the love ?

I have said that the temptation into which Aristotle has fallen appears quite conceivable. It arises from the fact that, along with the experience of an emotion qualified as right there is given at the same time the knowledge that the object itself is good. Thus it may easily happen that the relation is then perverted and the love is thought to follow as a consequence of the knowledge, and recognized as right by reason of its agreement with this its rule.

It is not without interest to compare the error here made by Aristotle in respect of emotion qualified as right with that which we have seen was committed by Descartes in respect of the similarly qualified judgment (cf. note 27, p. 78). The cases are essentially analogous ; in both cases the distinguishing mark is sought in the special character of the idea which forms the basis of the act rather than in the act itself qualified as right. In fact it seems to me evident from various passages in his treatise *Des Passions*, that Descartes himself has treated the matter in a way quite similar to that of Aristotle, and in a

manner essentially analogous to his doctrine of the self-evident judgment.

At the present time many approach very near to Descartes' error in respect of the marks of self-evidence (if we are not rather to say that the error is really implicitly contained in their statements) when they regard the matter as though in the case of every self-evident judgment a criterion were referred to. In this case it must have been previously given somewhere, either as recognized—and this would lead to infinity—or (and this is the only alternative), it is given in the idea. It may be said that here also the temptation to such a misconception lies ready to hand and this may well have exercised a misleading influence upon Descartes. Aristotle's error is less general, though only because the phenomenon of the emotion qualified as right has, generally speaking, come less frequently under consideration than that of the similarly qualified judgment.

If the nature of the former has been misunderstood, the latter has often been so overlooked as not even to admit of its essential nature being misinterpreted.

29 (*p.* 19). When I affirmed that the language of common life offers no suitable terms for activities of feeling qualified as right, I did not mean thereby to deny that certain expressions are, in themselves, well suited, indeed they would seem to have been created for this purpose, particularly, for example, the expressions "*to be well pleasing*," and "*to be ill pleasing*" (gut gefallen and schlecht gefallen), as distinct from the simple "to be pleasing" and "to be mis-pleasing." Though, however, it might seem advisable to limit these terms in this way and so to make them serve as scientific terms, scarcely any trace of such a limitation is to be found in ordinary language. One does not, of course, care to say: "the good pleases him ill," "the bad pleases him well," though one still says that to one this tastes good, to another that, and so on, i.e. the expression "*to be well pleasing*" is applied unhesitatingly even in the case where pleasure is given in the lowest instinctive form. Indeed the term-"impression" (Wahrnehmung) has degenerated in an almost similar way. Only really appropriate in respect of know-

ledge, it came to be applied in the case of the so-called external impression (äussere Wahrnehmung), i.e. in cases of a belief, blind, and in its essential relations, erroneous, and consequently would require, in order, as a terminus technicus to have scientific application, an important reform of the usual terminology and one which would essentially narrow the range of the term.

30 (*p.* 19). *Metaph.*, *A* 1, p. 980 a. 22.

31 (*p.* 20) i.e., "Als richtig characterisiert." This phrase, which occurs frequently, I have translated sometimes as above, sometimes by "qualified as right." By this phrase and its equivalents is meant that the act (sc. of loving, hating, or preferring,) is at once perceived by us to be a right one, bears the mark or character of rightness.

32 (*p.* 20). In order to exclude a misunderstanding and the doubts necessarily connected therewith, I add the following remark to what has been suggested shortly in the text. In order that an act of feeling may be called purely good in itself it is requisite: (1) that it be right; (2) that it be an act of pleasing and not an act of displeasing. If either condition be absent, it is already, in a certain respect, bad in itself; pleasure at the misfortunes of others (Schadenfreude) is bad on the first ground; pain at the sight of injustice, on the second ground. If both conditions are lacking, the act is still worse, in accordance with the principle of summation of which we shall speak later in the lecture. According to this same principle, where a feeling is good, its increase increases also the goodness of the act, while, similarly, where an act is purely bad, or at least participates in any respect in the bad, with the intensity of the feeling increases the badness of the act. When the act is a mixed one; good and bad manifestly increase, or diminish, in simple proportion to one another. The "plus" belonging to the one or the other side, must therefore, with the increase in intensity of the act become ever greater, with its decrease ever smaller. And so the surplus of good in the act may, under certain circumstances in spite of its impurity, be described as a very great good, while conversely, the surplus of the bad may, despite the admixture of the good, be described as something very bad (cf. note 36).

33 (*p.* 20). It may happen that, at the same time, one and

the same thing is both pleasing and displeasing. First, something in itself displeasing may yet be pleasing as a means to something else, and vice versa; then a case may arise where something instinctively repels us, while at the same time it is loved by us with a higher love. We may thus have an instinctive repugnance to a sensation, which is yet at the same time (and every idea, qua idea, is good), a welcome enrichment of our world of ideas. Aristotle has said: "It happens that desires enter into conflict with each other. This happens when the reason (λόγος) and the lower desires (*ἐπιθυμία*) are in opposition (*De Anima* iii. 10). And again: "Now the lower desires (*ἐπιθυμία*) gain a victory over the higher, now the higher over the lower, and as" (according to the ancient astronomy) "one celestial sphere the other, so one desire draws off the other with it when the individual has lost the firm rule over himself" (*De Anima* ii.).

34 (*p.* 21). Just as love and hate may be directed towards single individuals, so also they may be directed to whole classes. This Aristotle has already observed. We are, he thinks, "not only angry with the individual thief who has robbed us, and with the individual sycophant who deceives our confiding nature, but we hate thieves and sycophants in general" (*Rhet.* ii. 4). Acts of loving and hating, where in this way there is an underlying general conception, also possess frequently the character of rightness. And so quite naturally along with the experience of this given act of love or hate, the goodness or badness of the entire class becomes manifest at one stroke, and apart from every induction from special cases. In this way, for example, we attain to the general knowledge that insight as such is good. It is easy to understand how near the temptation lies, in the case of such knowledge of a general truth without any induction from single cases otherwise demanded in truths of experience, entirely to overlook the preparatory experience of a feeling having the character of rightness, and to regard the universal judgment as an immediate synthetic *à priori* form of knowledge. Herbart's very remarkable doctrine of a sudden elevation to general ethical principles seems to me to point to the fact that

he had observed something of this peculiar process without at the same time becoming quite clear about it.

35 (*p.* 21). It is easy to see how important this proposition may become for a theodicy. As regards ethics it might be feared that its security becomes thereby seriously endangered, perhaps, indeed, completely destroyed. To see how unfounded such a fear is, cf. note 43, p. 99.

36 (*p.* 22). It seems to me evident even from analysis of the notion of choice (1) that everything which is good is to be preferred, i.e. that in an act of choice it shall fall as a reasonable moment into the balance; (2) that everything bad forms a reasonable anti-moment, and therefore also that (3) in such cases —partly by direct means, partly by an addition in which the good and the bad are to be taken into account as quantities with opposite signs—the preponderance in which right choice is to be grounded may become evident, i.e. the preferability or superiority of the one as opposed to the other. According to this view, it does not, closely examined, require the special experience of an act of preference having the character of rightness, but only the experience of simple similarly qualified acts of pleasing and displeasing, in order to attain in the above-mentioned cases to the knowledge of the better. And therefore I have said that we derived our knowledge of preferability, not from the fact that our experience has the character of rightness, but that the said preferences possess the character of rightness because the knowledge of preferability has here been made the determining standard. I do not, however, mean to say that the same distinguishing character which was previously insisted upon in the case of certain simple acts of pleasing is not also here really present.

37 (*p.* 24). In order that the procedure here might have been rendered quite exact and really exhaustive, two other very important cases would still need to have been mentioned in the lecture. The one case is that of pleasure in the bad, the other that of displeasure in the bad. If we enquire: Is pleasure in the bad good? the answer has already been given in a measure quite rightly by Aristotle: No. "No one," he says in the

Nicomachian Ethics (x. 2, p. 1174 a. 1), "would wish to feel joy in what is shameful even if it were made certain to him that no harm would result therefrom." The hedonists, to which class belonged such noble men as Fechner (cf. his work on *The Highest Good*) contradicted this view. Their teaching is to be rejected; in practice as Hume has observed, they fortunately proved much better than in theory. There is still, however, a grain of truth in their view. The pleasure in the bad is, qua pleasure, good, and only at the same time bad as a wrong activity of feeling, and though, by reason of this perversion, it may be described as a preponderance of the bad, it cannot be regarded as something purely bad. While, therefore, abhorring it as bad, we are really making an act of choice in which freedom from what in the object is bad is preferred to the possession of what is good. And when we recognize the aversion as right, this is possible only because the preference has the character of rightness.

The case is similar when we inquire if a similarly qualified displeasure in the bad is good, as e.g. where a noble heart feels pain on seeing the innocent oppressed, or where some one, looking back upon his past life, feels remorse at the consciousness of a bad action. Here the case is in every respect the reverse of the one preceding. Such a feeling arouses a state in which pleasure preponderates, but this pleasure is not pure; it cannot be called a pure good like the joy which would have arisen were the opposite of that over which we now mourn a fact, hence Descartes' advice (cf. 24, p. 75)—to turn the attention and feeling in an equal degree rather to the good—would really not lose its significance. We recognize all this clearly, and have therefore, once more a preference with the character of rightness as the source of our knowledge of what is worthy of preference.

In order not to introduce too many complications, I omitted in my lecture when discussing preferences to mention these cases. And this seemed to me the more admissible, because it would practically lead to the same result, if (like Aristotle in the case of disgraceful pleasure) one were to treat hate qualified as right on the one hand and love qualified as right on the other, as phenomena of simple disinclination and inclination.

It may be easily seen that from these special cases of a possible determination of a quantitative relation between good and bad pleasure and displeasure, on the one hand, and of rightness and unrightness on the other hand (cf. for these also Note 31, p. 91) there is no hope of filling in the great gaps referred to in the lecture in a way valid for all cases.

38 (*p.* 26). Cf. my *Psych. from the Empirical Standpoint*, book ii. chap. iv.

39 (*p.* 26). E. Dumont. *Traités de législation civile et pénale, extraits des manuscrits de J. Bentham*; espec. in the section bearing the title: "Principes des législation," chap. iii. section 1 towards the end; chap. vi. section 2 towards the end; and chaps. viii. and ix.

40 (*p.* 27). S. Rudolph Wagner. *Der Kampf um die Seele, vom Standpunkt der Wissenschaft.* (Sendschreiben an Herrn Leibarzt Dr. Beneke in Oldenburg.) Göttingen, 1857, p. 94 note. "Gauss said, the author (of a certain psychological work) spoke of a want of exact measurements in the case of psychical phenomena, but it would be good if we only had clumsy ones, one could then make a beginning; but we have none. There is here wanting the *conditio sine quâ non* of all mathematical treatment, i.e. whether and how far the changing of an intensive into an extensive quantity is possible. Yet this is the first and indispensable condition; then there were also others. On this occasion Gauss spoke also about the usual incorrect definition of quantity as an 'ens' which is capable of being increased or diminished; one ought rather to say, an 'ens' that admits of being divided into equal parts. . . ."

41 (*p.* 27). Fechner's psycho-physical law, even were it assured, whereas it awakens continually increasing doubt and opposition, could only be used as a means of measuring the intensity of the content of certain concrete perceptions, not, however, for measuring the strength of the emotions like joy and sorrow. Attempts have been made at determining the measure of feelings by means of the involuntary movements and other externally visible changes accompanying them. To

me, this seems very much as if one were to seek to reckon the exact date of the day of the month by means of the weather. The direct inner consciousness, however imperfect its testimony may be, nevertheless offers here far more. At least one draws from the spring itself, whereas in the other case one has to do with water rendered impure by a variety of influences.

42 (*p.* 27). Sigwart, in his *Vorfragen der Ethik* (p. 42), emphasizes the fact that no more must be required from the human will than what it is able to perform. This utterance, which coming from the lips of so decided an indeterminist (cf. *Logic*, ii. p. 592) may especially excite surprise, hangs together with his subjective view of the good, from which view, in my opinion, there is offered no logical, normal path to the peace of all who possess a good will. (Cf. e.g. the way in which Sigwart, p. 15, passes over from egoism to regard for the general good.)

But similar expressions are also heard from others. And it might really appear doubtful whether the sublime command which bids us to subordinate all our actions to the highest practical good is really the right ethical principle. For, putting aside cases of want of reflection, which do not, of course, enter here into consideration, the demand for such complete self-devotion still seems too stringent, since there is no one, however carefully he may conduct himself, who, looking sincerely into his heart, will not frequently be compelled to say with Horace :—

> " Nunc in Aristippi furtim praecepta relabor,
> Et mihi res, non me rebus subjungere conor."

And yet the doubt is unfounded, and a comparison may serve to make this clear. It is certain that no one can entirely avoid error ; still, avoidable or unavoidable, every error remains a judgment, which is what it should not be, and is opposed to the indispensable demands of logic. What applies to logic in respect of weakness of thought applies to ethics on the ground of weakness of will. Ethics cannot cease to demand from a man that he should love the acknowledged good and prefer that which is recognized to be better, not putting anything else before the highest practical good. Even were it proved (which is not

the case), that in a definite class of cases all men without exception in respect of these were never able to remain true to the highest practical good, this would still not afford the slightest justification for setting aside the fundamental ethical demand. Even then it would still remain an evident and unchangeable truth, the sole and only right rule, here as everywhere, to give the preference to the better over what is less good.

J. S. Mill fears that this would lead to endless self-reproaches and that these constant reproaches would embitter the life of each individual. This, however, is so little implied by the rule that it is easily demonstrable that such a result is excluded. Goethe well understood this,—

"Nichts taugt Ungeduld"

i.e. impatience in respect of one's own imperfections, he says in one of his by no means lax sayings,—

"Noch weniger Reue,"

—giving way to the stings of conscience, when fresh joyous resolve is alone available,—

"Jene vermehrt die Schuld,
Diese schafft neue."*

In an album I once found in the hand of the pious Abbot Haneberg, afterwards Bishop of Spires, the following lines, written to the same effect :—

"Sonne dich mit Lust an Gottes Huld,
Hab' mit allen—auch mit dir, Geduld." †

43 (*p.* 28). It is necessary to be on one's guard against drawing from the principle of love of our neighbour the conclusion that each has to *care for* every other individual in the same degree as for himself, which, far from conducing towards the universal good, would rather essentially prejudice it. This

*"Impatience naught avails
Nor more availeth rue,
One addeth to the fault,
The other maketh new."—Tr.

† "Bathe thyself with delight in the sunshine of heavenly grace,
Let patience toward all men abound—e'en with thyself find a place."—Tr.

is seen by reflecting on the circumstance that to ourselves we stand in a position different from that in which we stand to everybody else, while again in respect of these others we are in a position to help, or to injure, one more, the other less. If there are human beings in Mars the inhabitants of the earth can and ought to wish them good also, not however to strive after their good in the same manner as for himself and his fellow-men.

It is in this connexion that the injunction to take thought in the first instance for oneself, a precept to be found in every system of morality, is justifiable: "γνῶθι σαυτόν," "Sweep before your own doorstep," etc. The demand to seek first of all the welfare of wife and child, home and fatherland, is also universal. The command: "Take no thought for the morrow," in the sense in which it really offers wise counsel, also flows as a result from the same source. That my future happiness ought not to be so *dear* to me as my present happiness is not here implied.

So regarded, the communistic doctrines which illogical impetuosity would seek to derive from the lofty principle of universal brotherhood are shown to be unjustifiable.

44 (*p.* 29). The fact that we are often unable to measure the more remote results of our actions offers a more serious difficulty.

But even this thought will not discourage us if we love the universal good. It may be said of all results which are unrecognizable in an exactly equal degree, that one has just as many chances in its favour as the others. According to the law of great numbers a compensation will on the whole result, and so whatever calculable good we create will stand as a plus on the one side and, just as though it stood alone, will justify our choice.

From the same point of view, as I have already suggested in the lecture (p. 22), the doubt is removed which in a similar manner might arise through uncertainty as to whether everything that is good draws from us a love having the qualification of rightness, and whether, therefore, we are able to recognize it as good and to take due account of it.

45 (*p.* 29). That in the case of the limits of right (Rechtsgrenzen) we have essentially to do with spheres which lie at the disposal of the individual will has been frequently emphasized both by philosophers (cf. in this respect e.g. Herbart's Idea of Right) and by able jurists. Ihering in his *Geist des römischen Rechts*, iii. 1 (p. 320 note), demonstrates this with numerous citations. Arndt e.g. in his *Handbuch der Pandekten* defines law as "supremacy of the will regarding an object"; for Sintenis it is, "the will of one person raised to the universal will." Windscheid defines it as "a certain volition (Willensinhalt) of which the legal code in a concrete case affirms that it may be made valid as against every other will." Puchta, who has perhaps expressed the thought in the most manifold ways, says in his digest of Roman law, section 22, "as the subjects of such a *will* thought of potentially men are called persons, . . . personality is therefore the subjective possibility of the legalized will, of a legal power." In the same work (section 118, note b) he observes in regard to a want of personality: "The principle of modern law is inability to dispose of property"; many other of his expressions convey the same meaning.

As however these legal authorities have concentrated their attention exclusively upon legal duties, and do not touch upon the problem as to the way in which the individual will has to rule in its legal sphere, Ihering has interpreted them as meaning that they considered the true and highest good. and the most intrinsic and final end, towards which the legal code strives, to be the exercise of the will as will, the joy of the individual in his volitional activity; "the final end of all law is, for them, willing" (pp. 320, 325); "the end of law (according to them) consists once for all in the power of the will, in its supremacy" (p. 326). One can well understand how he comes to condemn a theory so interpreted (p. 327), and even that he succeeds in making it appear ridiculous. "According to this view," he says, (p. 320) "all private right is nothing less than an arena in which the will moves and exercises itself; the will is the organ by which the individual enjoys his right, the profit obtained from legal right consists in feeling the joy and glory of power, in the satisfaction of having realized an act of will,

e.g. of having effected a mortgage, transferred a title, and so proved oneself to be a legal personality. What a poor thing would the will be if the bare and low regions of law were the proper "sphere of its activity!"

Certainly the heaviest charges of absurdity and ridiculousness would be well deserved if those scholars who regard the *immediate* aim of law as consisting in a limitation of the spheres at the disposal of the will had intended in so doing to disavow all regard for the *final ethical end*, i.e. the advancement of the highest practical good. There is, however, absolutely nothing to justify this insinuation, and therefore one could perhaps with more right smile at the zeal of an attack which is really levelled merely against windmills. Moreover, what Ihering proposes to set in its place is certainly a bad substitute. For, in regarding the sphere ascribed by the legal authority to the individual simply as a sphere consigned to their egoism (a view which, as the author of *Der Zweck im Recht*, he perhaps no longer holds), he is thus led to his definition: "Law (Recht) is legal security for enjoyment," whereas he would have been more correct in saying: "Law is legal security for the undisturbed disposal of individual power in the advancement of the highest good." Is then injustice something which exhausts bad conduct? By no means; legal duties have limits; duty in general governs all our actions, and this our popular religion expressly emphasizes, as, for instance, when it asserts that for every idle word the individual must render an account.

Besides this first objection, which rests upon a simple misunderstanding of the intention, Ihering has also raised several others which are essentially due to imperfections in the use of language. If the legal code essentially consists in setting certain limits to the activity of the individual will in order that one person may not disturb the other in striving after the good, it follows that he who has, or had, or will have no will has also no legal sphere. I say, "has, or had, or will have," for obviously regard must be paid to the past and to the future. A dead man often exercises an influence extending into the far distant future, so that Comte well says: the living are more and more dominated by the dead. In like manner, the situation will

entail that, in respect of many problems, we leave the decision to the future, i.e. renounce the sovereignty in favour of a future will. This consideration resolves many a paradox urged by Ihering (pp. 320–325); not however, all. In the case of one who from birth has been an incurable imbecile, it is obvious that no power of will whatever can be found, to which regard for the highest practical good might allow a sphere; there remains therefore to him, according to our view, really no legal sphere, and yet on every hand we hear of a right which he possesses in his own life; even under some circumstances, we refer to him as the owner of a great estate, or ascribe to him the right of a crown or kingly rule. On examining the relations closely, we find that we are never concerned here with a true legal sphere respecting a subject incapable of being held responsible, but rather with the legal spheres of other individuals, as, for example, that of a father who, in providing for his imbecile child, gives instructions in his will concerning his property, the dominion of whose will is safeguarded after his death by the law of the land; or (as, for example, the case where the imbecile's life is held to be sacred), quite apart from the injury done to the simple duty of affection which this would involve, there is also in question the State's legal sphere, which permits no one else to commit a fatal attack, and accordingly often imposes a punishment, even in the case of an attempt at suicide.

A third objection of Ihering's, i.e. that by a limitation of rights as affecting spheres of will, even the most senseless dispositions of will must be allowed legal validity (p. 325), this offers, after what has been said, hardly any further difficulty. Certainly many a foolish disposition of will must be allowed. Were the State not to admit this, then it alone would possess a definitive right of disposal; all private right would be at an end. So long as not merely subjects, but also governments, are liable to commit acts of foolishness, such an extension of the power of the State cannot be recommended. For the rest, just as secondary ethical rules in general suffer exceptions, and in particular expropriations in the case of private owners are frequently necessary, so also it is clear and to be admitted without contradiction, that senseless dispositions or dispositions

which have evidently lost all meaning and reference to the highest practical good can be annulled by the State. Regard for the highest practical good is here, as is the case of every other so-called collision of duties, decisive.

46 (*p.* 29). That a law, which in and for itself is bad and contrary to nature, however condemnable from an ethical point of view, and its modification urgently necessary, may yet in many cases receive a provisional sanction from the reason, this has long been recognized and made clear, as e.g. by Bentham in his *Traités de Législation civ. et pén.* In antiquity Socrates, who deemed himself worthy to be feasted in the Prytaneum, died for the sake of this conviction. The positive legal code, despite all its defects, creates a condition of things which is better than anarchy, and since each act of insubordination to the law threatens to injure its force in general, so in those circumstances brought about by the law itself, it may be that provisionally and for the individual a mode of action even from the rational standpoint is right, which, apart from this, would be in no way justifiable. All this results without doubt from the relativity of the secondary ethical rules, which will be treated later.

It may be added that errors respecting the laws of positive morality (a point shortly to be discussed in the lecture) in a similar way demand, under certain circumstances, to be taken into account.

It dare not, on the other hand, be overlooked that there are here limits, and that the saying : " We ought to obey God rather than man," may not, in its free and sublime range, be allowed to suffer injury.

47 (*p.* 29). Heraclitus of Ephesus (B.C. 500), the oldest of the Greek philosophers, of whose philosophy we possess rather extensive fragments.

48 (*p.* 31). Ihering, *Der Zweck im Recht*, vol. ii. p. 119, and other passages.

49 (*p.* 31). *Politics*, vol. i. chap. 5.

50 (*p.* 31). *Nic. Ethics*, v. 14, p. 1137 b. 13. *Politics*, iii. and iv.

51 (*p.* 31). Cf. Discours préliminaire to the *Traités de Législation*, also the section "De l'influence des temps et des lieux en matière de législation" of that work.

52 (*p.* 31). *Philos. Versuch über die Wahrscheinlichkeiten von Laplace*, translated from the sixth edition of the original text by N. Schwaiger, Leipzig, 1886, p. 93 seq. (Application of the calculation of probabilities to moral science.)

53 (*p.* 32). Cf. *Allg. Juristenzeitung*, vii. p. 171; *Zweck im Recht*, vol. ii. p. 118; 122 seq.

54 (*p.* 33). *Grundlegung zur Physik der Sitten*. Cf. above note 14, p. 49.

55 (*p.* 34). Cf. e.g. the Meno dialogue.

56 (*p.* 34). Friedr. Alb. Lange, *Logische Studien, ein Beitrag zur Neubegründung der formalen Logik und der Erkenntnislehre*. Iserlohn, 1877.

57 (*p.* 34). Alex. Bain, *Logic*, pt. 1. Deduction. London, 1870, p. 159 seq.

58 (*p.* 35). e.g. Bentham, also, in antiquity, Epicurus.

59 (*p.* 35). e.g. Plato and Aristotle, and following them Thomas Aquinas.

60 (*p.* 35). The Stoics, and in the Middle Ages, the followers of Scotus.

61 (*p.* 36). This even Epicurus did not deny (little in harmony as it is with his utterance quoted p. 54).

62 (*p.* 36). *Nic. Ethics*, I. i.

63 (*p.* 36). *Metaph.* Δ 10.

64 (*p.* 36). *Metaph.* Δ 10.

65 (*p.* 36). They made the relation to the greater whole serve as an argument in favour of the view that the practical life (of the politician) stands higher than that of the theorist.

66 (*p.* 36). This testimony to the principle of summation likewise reappears as often as in a theory based upon egoistic and utilitarian grounds, the notion of God is employed in the construction of ethics (e.g. Locke; Fechner in his work on the highest good; cf. also for Leibnitz, Trendelenburg, *Histor. Beiträge*, vol. ii. p. 245). God, so runs their argument, loves each of His creatures, and therefore their totality more than the single individual; He therefore approves and rewards the sacrifice of the individual to the whole, while disapproving and punishing self-seeking injury.

In the desire after immortality also, the influence of the principle of summation is manifest. Thus Helmholtz, (*über die Entstehung des Planetensystems*, lecture delivered at Heidelberg and Cologne, 1871), in seeking to offer a hopeful prospect to those who cherish this desire, says: "The individual (if that which we achieve can ennoble the lives of those who succeed us) may face fearlessly the thought that the thread of his own consciousness will one day be broken. But to the thought of a final annihilation of the race of living mortals, and with them, the fruits of the striving of all past generations, even men of minds so unfettered and great as Lessing and David Strauss could scarcely reconcile themselves." When it is scientifically shown that the earth will one day be incapable of supporting living beings, then, he thinks, the need of immortality will irresistibly return, and we shall feel bound to cast about for something which will afford us the possibility of assuming it.

67 (*p.* 34). *Metaph.* Δ 10.

68 (*p.* 37). This is the standing doctrine of the great theologians, as e.g. Thomas Aquinas in his *Summa Theologica*. Only certain nominalists, like Robert Holcot, teach the complete arbitrariness of the divine commands. Cf. my essay on the *Geschichte der kirchlichen Wissenschaften im Mittelalter*, in Möhler's *Church*

History (published by Gams, 1867) vol. ii. 526 seq., respecting which, however, the reader is asked not to overlook the revision of the printer's errors in the "errata," p. 103 seq., at the end of that work.

69 (*p.* 39). At a time when psychology was far less advanced and inquiries into the province of the calculation of probability had not brought sufficient clearness into the process of rational induction, it was possible even for a Hume to fall a victim to this gross confusion. Cf. his *Enq: concern. Hum. Underst.*, chaps. v. and vi. More striking is it that James Mill and Herbert Spencer have still not advanced in the slightest degree beyond Hume; (Cf. *Anal. of the Phen. of the Hum. Mind*, vol. ii. chap. ix. and note 108), and that even the acute thinker, J. S. Mill, although Laplace's *Essai Philosophique sur les Probabilités* lay at his disposal, never arrived at a clear distinction of the essential difference between these two forms of procedure. This hangs together with his failure to appreciate the purely analytic character of mathematics and the import of the deductive procedure in general. Indeed he has absolutely denied that the syllogism leads to new knowledge. Whoever bases the whole of mathematics upon induction cannot possibly justify mathematically the inductive procedure. It would be for him a *circulus vitiosus*. It is here beyond question that Jevon's *Logic* takes a truer view.

Even in the case of Mill, it sometimes appears as if an inkling of the immense difference had begun to dawn upon him, as when, in a note to his *Analysis of the Phenomena of the Human Mind* (vol. i., chap. xi. p. 407), in criticizing his father's theory, he says: "If belief is only an inseparable association, belief is a matter of *habit* and accident and not of reason. Assuredly an association, however close, between two ideas is not a sufficient *ground* (the italics are his own) of belief; it is not evidence that the corresponding facts are united in external nature. The theory seems to annihilate all distinction between the belief of the wise, *which is regulated by evidence* and conforms to the real successions and co-existences of the facts of the universe, and the belief of fools *which is mechanically produced* by any accidental association that suggests the idea of a succession or

co-existence to the mind; a belief aptly characterized by the popular expression, believing a thing because they have taken it into their heads." This is all excellent. But it is robbed of its most essential worth, when, in a later note (vol. i. p. 438. note 110) we hear J. S. Mill say: "It must be conceded to him (the author of the *Analysis*) that an association sufficiently strong to exclude all ideas that would exclude itself, *produces a kind of mechanical belief*, and that the processes by which the belief is corrected, or reduced to rational bounds, *all consist in the growth of a counter-association* tending to raise the idea of a disappointment of the first expectation, and as the one or the other prevails in the particular case, the belief or expectation exists or does not exist exactly as if the belief were the same thing with the association," and so on.

There is much here that calls for criticism. When ideas are mentioned which mutually exclude one another it may well be asked what kind of ideas these are? According to another utterance of Mill's (vol. i. p. 98 seq. note 30 and elsewhere), he knows "no case of absolute incompatibility of thought except between the thought of the presence of something and that of its absence." But are even these incompatible? Mill himself teaches elsewhere the very opposite when he thinks that along with the idea of existence there is always given at the same time the idea of non-existence (p. 126, note 39; "we are only conscious," he says, "of the presence of an object by comparison with its absence"). Apart, however, from all this, how strange is it that Mill here overlooks the fact that he abandons entirely the distinctive character of self-evidence, and retains only that blind and mechanical formation of judgment, which he rightly treats with contempt. The sceptic Hume stands in this respect far higher, since he at least sees that such an empirical (empiristisch) view of the process of induction does not satisfy the requirements of our reason. Sigwart's criticism of Mill's theory of Induction (*Logic*, vol. ii. p. 371) contains here much that is true, though in appealing to his postulates he has certainly not substituted anything truly satisfactory in the place of what is defective in Mill.

70 (*p.* 40). Cf. Hume, *Enquiry concerning Human Understanding*, vol. ii. towards the end.

71 (*p.* 40). *Nic. Ethics*, iii. 10. Cf. the subtle discussions in the subsequent chapter on the five kinds of false courage.

72 (*p.* 41). *Nic. Ethics*, i. 2.

APPENDIX I

1

"Subjectless propositions" so the celebrated philologer has entitled a little work which, on its first appearance, bore the title, *The Verba Impersonalia in the Slav Languages.*

The change of name may well be connected with considerable additions in the second edition. The new designation would, however, even in the earlier form, have been the more suitable title. For, far from treating the special nature of merely *one* family of languages, the author sets up a theory of wide-reaching significance, which, while contradicting the prevailing view, only deserves all the more on this account general attention. Not only philology, but also psychology and metaphysics have an interest in the problem. Moreover, the new doctrine promised to bring profit not only to the inquirer in these lofty spheres but also to the schoolboy at present tortured by the schoolmaster with impossible and incomprehensible theories (cf. p. 23 seq.).

Such an influence, however, the treatise has not exercised. The earlier views still hold unbroken sway even to-day, and although the appearance of the monograph in a new edition bears testimony to a certain interest in wider circles, this is manifestly not due to the circumstance that the work was believed to have thrown light upon old doubts and errors. Darwin's epoch-making work, quite apart from the truth of its hypothesis, had, even for its opponents, an indisputable worth; the wealth of important observations and ingenious combinations every one had to acknowledge with admiration. So also in the case of Miklosich, who has compressed into a few pages a rich store of

learning and interspersed the most subtle observations. Many who have withheld their assent to his principal thesis may still feel indebted to him for many points of detail.

Here, however, we wish chiefly to consider the main problem and, very briefly, to make ourselves clear respecting that with which it really deals.

It is an old assertion of logic that the judgment consists essentially in a binding or separating, in a relation of ideas to one another. This view, almost unanimously maintained for two thousand years, has exercised an influence upon other disciplines. And so we find grammarians from very early times teaching that no more simple form of expression in the case of the judgment exists, or can exist, than the categorical, which combines a subject with a predicate.

That the carrying out of this doctrine brings with it difficulties could not, of course, be permanently concealed. Propositions like: it rains, it lightens, appear as though they had no wish to conform to this view. Yet none the less the majority of inquirers were so firmly convinced, that in such cases they felt compelled, not so much to doubt the universal validity of their theory as rather to search for the subjects, which in their view were only apparently missing. Many really believed themselves to be in possession of the same. Now, however, in marked contrast to the unity which had hitherto prevailed, they branched off in the most varied directions. And if we examine somewhat closely and in detail the various attempts at an explanation, we shall easily be able to understand, why none of these were able to give permanent satisfaction, or even for a time to bring about unanimity.

Science explains by reason of its comprehending a multiplicity as a unity. Here also, of course, every effort has been made to accomplish this, but every attempt has proved futile. When we say: it rains, many have supposed that the unnamed subject denoted by the indefinite "it" is "Zeus": Zeus rains. But when we say: "es rauscht," is is obvious that Zeus cannot be the subject. Others again have thought that the subject is here "das Rauschen"; consequently the meaning of the proposition would be: "das Rauschen rauscht." The previous

example they also completed in the same manner: "Raining, (or the rain) rains."

When, however, we now say: "es fehlt an Geld," the meaning must therefore be: "das Fehlen an Geld fehlt an Geld." But this is absurd. It was therefore explained that the subject here is "Geld," and the meaning of the proposition is: "Geld fehlt an Geld." Closely examined, this would seem to strike a blow at the wished-for unity of explanation. If, however, by closing one eye, the failure here may be partially ignored, even this is useless when we stumble upon propositions like: "es giebt einen Gott," respecting which we arrive at no satisfactory meaning either in the proposition: "das einen Gott geben giebt einen Gott; das Geben giebt einen Gott," or in the proposition, "Gott giebt einen Gott."

It was therefore necessary to look for an explanation of an entirely different character. But where was such an explanation to be found? And even if ingenuity were here able to hit upon some expedient, what availed such leaping from case to case, which could only be called the caricature of a truly scientific explanation? Not a single designation of the subject which has been so far suggested, can be termed suitable, unless indeed it be a saying of Schleiermacher's. For if this philosopher (cf. p. 16) has really asserted that the subject in such cases is *chaos*, this utterance must be regarded, not so much as an attempt at explanation as rather a satire upon the hypotheses hitherto set up by philologists.

Many inquirers are therefore of opinion that the real subjects of such propositions as: it rains, it lightens, have, up to the present time, not been discovered, and that even at the present time it is the business of science to find them. But, would it not be strange if the tracing of a subject, which is thought of by everyone, and which, though unexpressed, forms the basis of the judgment, should yet offer such extraordinary difficulties?

Steinthal seeks to explain this by saying that by the grammatical subject something is suggested, which is yet unthinkable. But many will reply with Miklosich (p. 23): "We would not, I think, be going too far in asserting that grammar is not concerned with the unthinkable."

The totality of the phenomena and the absolutely grotesque failure of every attempt to determine the nature of the subject, however often and however ingeniously this has been attempted, are the chief grounds on which Miklosich bases his assertion that, generally speaking, the supposed subject in the case of such propositions is a delusion, that the proposition is no combination of subject and predicate, that, as Miklosich expresses it, the proposition is subjectless.

Further reflections go to confirm this view, and among these one consideration as to the nature of the judgment requires to be emphasized on account of its special importance. Miklosich combats those who, like Steinthal, deny that there is any reciprocal relation between grammar and logic, at the same time repelling the attacks which, on the ground of such a reciprocal relation, might be made against his doctrine by psychologists and logicians. Indeed he arrives at the result that, in consequence of the special peculiarity of certain judgments, subjectless propositions must from the very first be expected in language. According to his view it is wrong to suppose that every judgment is a relation existing between ideas. It often happens that in a proposition only one fact is affirmed or denied. In such cases a mode of expression is also necessary, and it is obvious that this cannot well consist in a combination of subject and predicate. Miklosich shows how philosophers have been repeatedly led to this knowledge, though, as a rule, they have not appreciated sufficiently the significance of their discovery. Not sufficiently clear themselves as to the new truth to which they gave expression, and, at the same time, clinging with strange indecision to certain residues of the older view, it came about that what at first they affirmed they at last essentially deny. Thus Trendelenburg chose to find expressed in the proposition, "it lightens," in the last resort, no real judgment, but only the rudiments of a judgment which precedes the notion of lightning and settles down into it, thereby forming the basis for the complete judgment, "lightning is conducted by iron." Herbart finally declared such judgments as "es rauscht," to be no judgments in the ordinary sense, not, he thought, what in logic is, strictly speaking, termed a judgment. The passage in which our author censures the incon-

sistency of these philosophers, and shows that the source of their confusion lies in their misunderstanding of the nature of judgment and in their erroneous definition of it (p. 21 seq.), is excellent.

From all this Miklosich draws the conclusion that his subjectless propositions are completely assured. And not only does he consider their existence beyond doubt, he further shows that their appearance is by no means so rare as might be supposed from the controversy into which it has been necessary to enter concerning them. Their great variety had led him, in the second part of his treatise (pp. 33–72) to set forth their chief classes, and there we find subjectless propositions with the Active Verb, the Reflexive Verb, the Passive Verb and the verb "to be," each of these four classes being illustrated by means of numerous examples from the most various languages. This is especially the case with the first class, where he makes an eightfold division with the object of grouping the propositions according to the difference in their content. He mentions as universally true (p. 6) that the finite verb of the subjectless propositions always stands in the third person singular, and, where the form admits a difference of gender, in the neuter.

In other directions also he traces the matter further. He shows how these propositions did not arise later than those which predicate something of a subject, but appear from the very outset among the various forms of propositions (p. 13 seq., p. 19), and how, in the course of time, they have disappeared from several languages (p. 26). He proves that the languages in which they are preserved enjoy an advantage, inasmuch as their application lends to the language a special liveliness (26), and he shows how in other respects also it is not always possible to substitute for the subjectless proposition the categorical form, with which it is supposed to be identical. "Ich friere" is, for instance, not fully identical with "mich friert." Instead of, was frierst du draussen? Komme doch herein! we cannot say: was friert dich's draussen? etc. "Mich friert" cannot be applied if I expose myself voluntarily to the cold (p. 37).

II

This, shortly, is the substance of his book, regarding which I venture to make a few critical observations.

I have sufficiently expressed in this summary, my approval of the treatise in general, especially in respect of the main argument. The proofs appear to me to be of so cogent a nature, that even the unwilling will scarcely be able to escape from the truth. Quite independent of these arguments, however, I had myself, long ago, arrived at the same view, by way of a purely psychological analysis, and gave, in the most decisive manner, public expression to it, when in 1874 I published my *Psychology*.

Great, however, as were the pains I then took to set the teaching in a clear light and to show every former view untenable, my success so far has been slight. Apart from isolated individuals, I have been just as little able to convince the philosopher, as Miklosich, in his first edition, was able to convince philologists. Where a prejudice has, during centuries, become ever more and more firmly rooted, where a doctrine has penetrated even to the primary school, when a theory has come to be regarded as fundamental upon which much else rests, and so, as it were, by its weight rendered the foundation immovable, in such a case, it is not to be expected that the error will immediately disappear as soon as its refutation is established; on the contrary, it is to be feared that distrust of the new view will be so great, as not even to admit of a closer examination being made regarding the grounds on which it rests. And yet when two investigators completely independent of each other agree in their testimony, when by quite different paths they arrive at the same goal, it may be hoped that this concurrence will not be regarded as a mere coincidence, but that a more careful attention will be bestowed upon the arguments on either side. I hope that this will be so in the case of the new edition of Miklosich, in which I am glad to see regard paid to my own work.

The agreement with regard to the main points makes subordinate points, in respect of which we differ, of less moment. I shall, notwithstanding, briefly touch on these.

Miklosich has termed those simple propositions, in which there is contained no combination of subject and predicate, and in the recognition of which I am in agreement with him, "subjectless propositions." I am not able entirely to approve his *use* of the term and the *grounds* which he has given for its use.

Subject and predicate are correlative conceptions and stand or fall together. A proposition which is truly without a subject must with equal right be regarded as without a predicate. It does not therefore seem to me quite fitting that Miklosich should always term such propositions subjectless, and it is quite incorrect when he calls them mere predicative propositions. (Cf. pp. 3, 25, 26, and elsewhere.) This might suggest the view that he likewise believes a second conception (the subject) is understood though not expressed, had he not in the most decided manner denied this (p. 3 seq. and elsewhere); or that he regarded such propositions as stunted forms of categorical propositions, and the latter form as the original, had he not expressly refuted this also (p. 13 seq.). His view rather seems to be, that the natural development from the simple to the categorical form in thinking and speaking is generally accomplished in such a way that the notion which stands alone in the former proposition is combined with a second as subject. "The subjectless propositions," he says, p. 25, "are propositions which consist only of a predicate, of what, in the natural process of thought-formation must, in a great number of propositions, be regarded as the prius, for which a subject may, but not necessarily *must* be sought."

But this also can hardly be right, and the expression "subject" scarcely seems to favour this view. That which forms the basis is, of course, certainly that which in the construction of the judgment stands first. The temporal succession of the words also agrees ill with such a view, since, in the categorical proposition, we usually begin with the subject. In opposition to such a view it may also be contended that the emphasis

usually falls upon the predicate (and Trendelenburg has made use of this to indicate that the predicate is the main conception, and even with exaggeration goes on to say: "We think in predicates," cf. p. 19). If the predicative conception is what is newly added, it will, accordingly, be the object of greater interest. On the other hand, we would be compelled to expect exactly the opposite if the notion of the subject contained the newly added moment.

It may just as truly be said, "a bird is black," as, "something black is a bird"; "Socrates is a man," as, "a man is Socrates"; but Aristotle has already observed that only the former predication is natural, the latter form is opposed to the natural order. And this is really so far true, that we naturally make *that* term the subject to which we first pay regard in forming a judgment, or to which the hearer must first attend in order to understand the proposition, or to gain knowledge as to its truth or falsity. We can be assured of the existence of a black bird by seeking it among birds or among black objects, more easily, however, among the former. In the same way we may be more easily assured that an individual belongs to a particular species or genus by analysing its nature than by running over the entire range of the corresponding general notion. The cases of exceptions clearly confirm the rule and the grounds on which it rests, as, for instance, when I say: "There is something black; this something black is a bird," in which case it is just because I have first recognized the colour that I accordingly make it the subject in the categorical proposition so formed.

Of the two categorical Sorites, the Aristotelian and the Goclenian, the former in every succeeding link makes that term the subject which is common to it and to the one preceding, the latter form makes it the predicate. It is just on this account that the former appears the more natural, and as such is generally regarded as the regular, the latter as the reversed form. In like manner where, to a proposition not consisting of a combination of ideas, we add a categorical proposition having one term in common with the former, we usually apply this not as a predicate but as a subject, and we should therefore prefer to say that a predicate has been sought for a subject rather than

that a subject has been sought for a predicate. For example: es rauscht; das Rauschen kommt von einem Bache (there is a sound of running water; the sound comes from the brook). Es donnert; der Donner verkündet ein nahendes Gewitter (it thunders; the thunder heralds an approaching storm). Es riecht nach Rosen; dieser Rosengeruch kommt aus dem Nachbargarten (there is a smell of roses; the rose-scent comes from a neighbour's garden). Es wird gelacht; das Gelächter gilt dem Hanswurste (there is laughter; the laughter is due to the clown). Es fehlt an Geld; dieser Geldmangel ist die Ursache der Stockung der Geschäfte (there is a lack of money; this dearth of money is the cause of the depression in trade). Es giebt einen Gott; dieser Gott ist der Schöpfer des Himmels und der Erde (there is a God; this God is the maker of heaven and earth), etc., etc.

Only in *one* sense, therefore, does the term "subjectless proposition" appear to me justifiable, and even perhaps deserving of recommendation, in so far as regard is paid to the fact, that the notion which is contained thereby is the only, and therefore, of course, the main conception; a preference which in the categorical proposition belongs, as we have seen, to the predicate. Similarly also in respect of categorical in relation to hypothetical propositions we would much rather say that they are propositions without an antecedent, than propositions without a consequent proposition; not as though we meant that where there is no antecedent there may still be a consequent proposition, but that in the hypothetical construction the consequent *is* the main proposition. In this way then I might perhaps agree with the author respecting the term "subjectless proposition."

Another point, however, in which I am unable fully to agree with him is the question as to what extent subjectless propositions are applicable. Miklosich rightly emphasizes the fact that the limits are on no account to be drawn too tightly. But he thinks such limits at any rate exist, and this is just what is shown most clearly in his attempt to classify and divide the varied nature of the matter capable of being expressed by subjectless sentences. But this appears to me incorrect. The applica-

bility of the subjectless form may, strictly speaking, be rather regarded as unlimited, since—as I believe I have already shown in my *Psychology*—every judgment, whether expressed in categorical, hypothetical or disjunctive form admits, without the slightest alteration in the sense, of being expressed in the form of a subjectless proposition or, as I expressed it, of an existential proposition. Thus the proposition, " A man is ill," is synonymous with " There is a sick man " ; and the proposition, " All men are mortal," with the proposition, " There is no immortal man," and the like.[1]

In yet another direction Miklosich appears to me to have limited too narrowly the applicability of his subjectless propositions. We have heard that such propositions constitute " an excellence in a language," " respecting which all languages are very far from being able to boast " (p. 26). This, however, appears scarcely credible if it be true, as in another passage he has so convincingly shown, that there are and always have been judgments which do not consist in any combination of two ideas with each other, and which therefore it is impossible to express by means of a connexion of a subject with a predicate (p. 16). From this must follow, not merely, as Miklosich *affirms*, the necessary existence of subjectless propositions generally, but further (which he *denies*) the existence of such propositions in all languages.

[1] Supplementary note. What is here said of the general applicability of the existential form holds good only with the one manifest limitation, in respect of judgments which are really completely simple. In expressing such judgment logic has always made use of the categorical form ; in common life they are often applied as the expression of a plurality of judgments based upon each other. This is clearly the case in the proposition, " this is a man." In the demonstrative " this " the belief in existence is already included ; a second judgment then ascribes to him the predicate " man." Similar cases are frequent elsewhere. In my opinion it was the original purpose of the categorical form to serve as a means of expressing such double judgments (Doppelurteile), which recognize something while affirming or denying something else of it. I also believe that the existential and impersonal forms have, by a change in function, proceeded from this form. This does not alter its essential nature : a lung is not a swim-bladder (Fisch-blase) even though it has developed therefrom, and the word " kraft " is none the less a merely syncategorematic word (Cf. Mill, *Logic*, i. 2, § 2), even though its origin may be traced to a substantive.

That the author has here fallen into error seems to me partly explicable from the fact that in order to proceed with the utmost caution and lay claim to no unwarrantable example, he has not ventured to regard certain propositions as subjectless, which, in truth, really are so. We saw that Miklosich expressed the view that the finite verb of subjectless propositions always stands in the third person of the singular, and, when the form admits a difference of gender, in the neuter. This was certainly too narrow a limit, a limit which he himself transgresses, though this appears in a much later passage. In the second part of his treatise he says: "In 'es ist ein Gott,' the notion 'Gott' is affirmed absolutely without a subject, and this is also the case in the proposition '*es sind Götter*'"; and he adds: The "ist" of the existential proposition *takes the place of the so-called copula "ist,"* which in many, though by no means in all, languages, is indispensable to the expression of the judgment, and has the same significance as the termination of person in the finite verb as is clearly shown in the proposition "es ist Sommer, es ist Nacht" alongside the propositions, "es sommert, es nachtet." "Ist" is accordingly not a predicate (p. 34; cf. also p. 21 above). As a matter of fact, if the proposition, "es giebt einen Gott," is to be considered subjectless, "so also must the proposition, "es ist ein Gott," and therefore also, "es sind Götter"; and thus the rule previously laid down has proved to be too narrow. That the existential propositions and other analogous forms, which may be found, are all to be reckoned as subjectless propositions may serve to confirm what we have sought to show above, i.e. that no language exists, or can exist, which entirely dispenses with these simplest forms of propositions. Only certain special kinds of subjectless propositions therefore, am I able, with Miklosich, to recognize as the peculiar advantage of certain languages.

These are the criticisms which I have thought it necessary to make. It will be seen that, if found to be justified, they do not in the slightest degree prejudice either the correctness or the value of the author's main argument, but rather lend to it a still wider significance. And so I conclude by expressing once again the wish that this suggestive little work, which, on its

first appearance did not meet with sufficient general recognition, may in its second edition—where individual points have been corrected, much extended, and particularly the critical objections of scholars like Benfey, Steinthal and others, refuted with a laconic brevity, yet rare dialectical power—find that interest which the importance of the inquiry and its excellent treatment deserve.

APPENDIX II

Franz Brentano, son of Christian Brentano, and nephew of Clemens Brentano and Bettina von Arnim, was born on January 16, 1838, at Marienberg, near Boppard on the Rhine. He early embraced the study of philosophy and theology, both at Berlin, under Trendelenburg, and also at Munich. In 1864 he was ordained priest, and two years later became *privat docent* in the University of Würzburg. In 1873 he was appointed professor there, but in the same year resigned his office in consequence of his changed attitude towards the Church, and as an opponent of the Vatican Council. Somewhat later, in response to this change in his convictions, he separated himself definitely from the Church.

In 1874 Brentano received a call to the University of Vienna, and continued there teaching Philosophy until 1895, first as ordinary professor, and afterwards, having meantime renounced his professorship, as *privat docent*. The reasons which led him to retire from this post also, are set forth in his work, *My Last Wishes for Austria* (Stuttgart, 1895). After withdrawing from his post as teacher he took up his residence at Florence.

Brentano regards Aristotle as his real teacher in philosophy, and his two earliest publications, *Von der mannigfachen Bedeutung des Seienden nach Aristoteles* (Freiburg, i. Br. 1862), and *Die Psychologie des Aristoteles insbesondere seine Lehre vom νοῦς ποιητικός* (Mainz, 1867), are a testimony to his comprehensive study and thorough knowledge of Aristotelian philosophy. Especially is he in agreement with the Stagirite regarding the high position he would assign to the application of the empirical method as the only one which, in regard alike to scientific and philosophical problems, is able by cautious and gradual

advance, to attain to knowledge. These first principles of method, especially in their relation to psychological research, he has set forth and practised in his first systematic work, *Psychologie vom Empirischen Standpunkte* (vol. i., Leipzig, 1874). It was also his regard for this method of inquiry which early imbued him with a special interest for the works of the most eminent English philosophers of modern times, not only John Locke and David Hume, but also Bentham, the two Mills, Jevons and others. A study of these writers led Brentano to enter at length in his Würzburg lectures into a critical and explanatory treatment of English psychology and logic, characterizing it as a source of instruction and inspiration at a time when other distinguished advocates of German philosophy looked askance at this attitude towards English thought, believing that by its contact with English writers the peculiar character of German thought might suffer. It will be observed that only the first volume of the *Psychology from the Empirical Standpoint* has hitherto appeared, and it seems hardly likely that the work in its present form will be continued, for further reflection convinced Brentano that *descriptive*[1] psychology, or Psychognosy, as of most importance in the examination and presentation of psychological problems, must be separated from *genetic psychology*,[2] a study necessarily half physiological in character; and that the former problem as the naturally earlier and least difficult study should first be as far as possible completed.

Such *psychognostical inquiries*, although not yet in principle separated from genetic inquiry, occupy by far the greater part of the first volume of the *Psychology from the Empirical Standpoint*. Among the subjects there treated are: 1, the fundamental revision of the classification of psychical phenomena, and their division into the three main classes: ideas, judgments, and phenomena of love and hate; 2, and in particular, a new and more appropriate characterization of the judgment.

The insufficiency of the old doctrine according to which judg-

[1] i.e. the closest possible description and analysis of psychical *events* and their contents, on the basis of inner observation.

[2] i.e. the more difficult inquiry into the laws underlying the origin of phenomena.

ment consists essentially in a connexion of ideas, had already been shown by Hume, and more recently was strongly emphasized by Mill, though neither was able to arrive at perfect clearness respecting its real nature. Notwithstanding this, the affinity of Brentano's doctrine of the judgment with that of Mill, led to a scientific correspondence, and later to arrangements for a personal interview, when, at the last moment, the plan was frustrated by the death of the great English investigator.

The new description of the judgment and its essential qualities form the basis for a reform of logic even in its most elementary stages, a reform which, in its essential features, is suggested in the above-mentioned work, and also touched upon in the Essay here translated; but this truer description of the phenomenon of judgment also throws light upon the description and classification of the *modes of speech from the point of view of their function or meaning*,—a classification based upon true and most essential distinctions. In comparison with phonetics this branch is still little developed. What is here said, was seen by eminent philologists like Fr. von Miklosich, the pioneer in the sphere of Slav comparative philology. In the appendix will be found an article bearing upon this view.

While engaged in a profound study of the descriptive peculiarities connected with the third fundamental class of psychical states above referred to—a study analogous to that previously undertaken by him with regard to the judgment—Brentano was led to the discovery of the *principles of ethical knowledge* which form the subject of this lecture. The author, in his lectures delivered before students of all faculties, but especially to students in the faculty of law, during each winter session throughout many years, presented a complete and fully developed system of ethical teaching based upon these principles.[1] Unfortunately,

[1] Since this essay was written the statements as to the principles here developed have been modified only in respect of two points which, if not practically important, are still theoretically so, and these, with the author's permission, may be here shortly referred to:—

1. In the lecture (p. 15) it is said that anything may be either affirmed or denied, and that if the affirmation is right its denial must be considered wrong, and vice versâ. It is also stated that this is true analogously in respect of love and hate.

this lecture still remains unpublished. The same holds good of many of his inquiries into " descriptive psychology," or psychognosie, e.g. inquiries into the nature of sense perceptions according to their qualitative and spatial nature, the nature of the continuum, the time phenomenon, etc., the results of which are hitherto familiar only to those who have either attended his lectures, or have been present during private conversations.

As to the other branches of philosophy, the work of Brentano already published forms but a portion—often but the smaller portion—of investigations, which, in the manner above described, have become known to a larger or smaller circle of disciples. This explains the striking fact that, in proportion to the extent of what has been published, an unusually large number of investigators and scholars appear in a greater or lesser degree to have been influenced by Brentano. (Überweg-Heinze, in the eighth edition of the *Grundriss der Geschichte der Philosophie*, reckons, as belonging to his school, six names of men at present occupying important positions as teachers of philosophy.)

One section of Brentano's doctrine of sense-perception forms

This Brentano no longer asserts, but rather observes that whereas the whole must be denied, if but a part is untrue, a sum of good and bad, on the other hand, may be of such a nature as nevertheless as a whole to be worthy of love. It may be also so constituted that good and bad remain in equilibrium.

2. In the lecture (p. 24), and in the corresponding note 37 (p. 87), it is said that our preference qualified as right in the case where, for instance, to one good another is added, is drawn, not from our knowledge of the preferability of the sum as opposed to the parts, but that analytic judgments here yield the means of our advance in knowledge, and that the corresponding preferences are therefore qualified as right, since the knowledge (given analytically) is here the criterion. Here it is overlooked that without the experience of acts of preferring we neither have nor could have the conception, and therefore also our notion of preferability. And so it is also true that it is by no means evident from analysis that one good plus another is preferable to each of these goods taken singly. Here also a complete analogy to the sphere of the true is wanting.

One truth added to another does not yield something more true. On the other hand, one good plus another good yields a better. But that this is so can only be understood by means of a special experience belonging peculiarly to this sphere, i.e. by means of the experience of acts of preferring which are qualified as right.

the substance of a lecture, *Zur Lehre von der Empfindung*, delivered at the Third International Psychological Congress held in Munich (1896), and published in the report of its proceedings (1897). A fragment of the above system of ethical inquiry, *Über das Schlechte als Gegenstand dichterischer Darstellung* (Leipzig, 1892), treats of the worth and preferability of the ideas employed by the artist.

With regard to psycho-genetic problems, apart from the question as to the meaning and validity of Fechner's psycho-physical law, a question discussed in the first volume of his *Psychology* and elsewhere, and that of the spirituality and immortality of the soul, which formed repeatedly the substance of lectures at Vienna University, Brentano has especially occupied himself with the laws of the association of ideas. One result of this study is his lecture, *Das Genie*, published in 1892, which seeks to explain the artistic productions of men of genius—often regarded as something quite unique and inexplicable—as a development of psychical events which universally control our imaginative life.

Of Brentano's researches in *metaphysics* and in the *theory of knowledge* it must also be said that hitherto they remain still unpublished, though they are familiar to a greater or smaller circle of disciples. In this latter sphere are to be mentioned particularly his inquiries respecting the nature of our insight into the law of causality, the logical justification of induction, the *a priori* nature of mathematics, and the nature of analytic judgments. In ontological questions also psychognosie has proved fruitful to the investigator in leading him to an understanding and to an analysis based upon experience, of the most important metaphysical notions, as, for instance, causality, substance, necessity, impossibility, etc., notions which some, despairing of the task rightly insisted upon by Hume, of showing their origin to be based upon perception and experience, have sought to explain straight away as *a priori* categories.

For the rest, Brentano, in regard to metaphysics, is a decided theist. He is an adherent of the theory of evolution, while denying that accidental variations and natural selection in the struggle for existence render explicable the phenomena of

evolution and the teleological character of the organism, basing his objections, among other things, upon the fact that this attempt at a solution not only leaves unexplained the first beginnings of an organism, but also takes too little account of the fact that with the increasing perfection and complication of the organism it becomes more and more improbable that an accidental variation will lead to an improvement upon that which already exists. And yet if there is to be progress, the organisms which, in the struggle for existence, survive must not only be more perfect than those which perish, but also more perfect than the organisms through which they themselves are descended.

Brentano's views on the historical development of philosophical inquiry and the causes determining that development, the present state of philosophy and its views regarding the future, he has set forth in various publications : *Die Geschichte der Philosophie im Mittelalter* (Möhler's *Kirchengeschichte,* vol. ii. 1868) ; *Über die Gründe der Entmutigung auf philosophischem Gebiete* (Vienna, 1874), delivered as an inaugural address on entering upon his work at Vienna University ; *Was für ein Philosoph manchmal Epoche macht* (Vienna, 1876) ; *Über die Zukunft der Philosophie* (Vienna, 1893) ; and *Die vier Phasen der Philosophie und ihr augenblicklicher Stand* (Stuttgart, 1895).

In the last work a concise survey is made of the entire course of the History of Philosophy, and it is there shown how in the three periods, rightly regarded as distinct (Greek Philosophy, the Philosophy of the Middle Ages, and Modern Philosophy), there is each time an analogous change, a rising or blossoming period, and three periods of decadence, of which those which succeed are always the psychologically necessary result of the preceding. That in so doing Brentano has characterized the latest phase of German philosophy, the so-called idealistic direction from Kant to Hegel as the third or mystic period of decadence (howbeit with all due recognition of the talents of these writers) has naturally aroused violent opposition, though it has not found any real refutation.

It has been already said that Brentano's earliest efforts were directed to historical inquiries and especially to a presentation of the Aristolelian psychology and to important sections of his

Metaphysics. The results of these researches, diverging as they did in many respects from the traditional view, did not fail to awaken the attention of other investigators. Their attitude, however (with a few exceptions like Trendelenburg, and in part also Grote), was, on the whole, hostile and polemic. This was especially so in the case of E. Zeller, in the later edition of his *Greek Philosophy*, and in view of the reputation which this work enjoys, Brentano thought it necessary to offer, as against Zeller's attacks, at least with regard to one point, an apology for his own view, a point where the threads of metaphysics and psychology become most intimately related, and where at the same time, the contrast between the opposing views of these two writers in the psychological and metaphysical spheres alike culminate. And so there appeared in the *Report of the Proceedings of the Imperial Academy of Sciences in Vienna* (1882) Brentano's article: "Über den Creatianismus des Aristoteles, in regard to which E. Zeller in the same year, in the *Report of the Proceedings of the Royal Prussian Academy of Sciences in Berlin* (vol. 49), published a detailed reply under the title: "Über die Lehre des Aristoteles von der Ewigkeit des Geistes." The charge which is there made by Zeller against Brentano of interpreting Aristotle without sufficient confirmation and with over-confidence, Brentano has sufficiently repelled in his *Offener Brief an Herrn Prof. Dr. E. Zeller* (Leipzig, 1883), and the proofs which are here offered of the way in which Zeller, on his part, bases his own attempts at explanation and his charges against Brentano show distinctly that, if here one of the two opponents is really open to the charge of over-confidence, it is at any rate not Brentano.

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