

# The Open Court.

A WEEKLY JOURNAL.

Devoted to the Work of Conciliating Religion with Science.

No. 240. (VOL. VI.—13.)

CHICAGO, MARCH 31, 1892.

Two Dollars per Year.  
Single Copies, 5 Cents.

COPYRIGHT BY THE OPEN COURT PUBLISHING CO. — Reprints are permitted only on condition of giving full credit to Author and Publisher.

## FIRST PRINCIPLES IN ETHICS.

BY WILLIAM M. SALTER.

IT is the prerogative of man to ask for reasons for what he is enjoined to do or believe. An animal does not ask a reason why; a child may not—but a developed human being has a dignity with which mere blind obedience and unreasoning assent are felt to be incompatible.

It is as legitimate to question and inquire in the ethical field as in any other. There is nothing sacred about duty, right, good—in the sense of their making a region which we should not explore, or look upon with critical eyes. If we are told we *ought* to do any special thing, we have a right to ask, why?—just as we have a right to ask for the evidence of any theological creed or any scientific or philosophical proposition. Yes, more than “having a right,” I may say that we should ask for reasons in the realm of morals: For, in the first place, some things which we may be told to do may be questionable and we should not wish to be imposed upon; in the second place, there are different notions of right and wrong abroad in the world, conflicting notions, and we are obliged to have some standard by which to judge between them; thirdly, the very sacredness of what is really right should make us jealous of anything that falsely goes by that name; and fourthly, even what is absolutely right should not be accepted as such by a rational being on authority, because this or that person says so, or this or that book so teaches—but only because he sees it to be so with his own eyes, because it is the deliverance, the discovery of his own reason. It may not be possible for every one to be rationalised at once; and in the meantime those for whom suffice the poets “few strong instincts” and “few are fortunate; none the less is it the ideal for every one who has the capacities of reason in him to develop those capacities, to “look before and after” and know the why and wherefore of everything he does, to bring his whole life, moral and intellectual, out into the light.

And now perhaps the first thing we need to do is to get a clear idea of what the ethical field is, which we are to explore. It is, firstly, the field of human

action—and not only of actions in the outward sense, but of all that we do, whether by body or mind, so we do it voluntarily. Whatever happens in us apart from our will is outside the realm we are considering, just as much as what happens without us: the digestion of our food, for example, the circulation of the blood—though to the extent that we can affect these by our will they may come inside; if, for instance, they are feeble and imperfect and by anything we can do we can make them stronger, healthier, it may be our duty to do so. It is our life so far as it is regulated by our thought that we have to do with as ethical inquirers; so far as it goes on of itself and is ruled by laws which we are powerless to affect, it is beyond the province of ethics. Yet, more particularly, all voluntary actions may be of one sort or another, according as our thought determines. We may, for example, in taking a walk, go along this street or that as we choose. In talking with a friend, we may give or we may withhold certain information in our possession. In recollecting a promise or a vow, we may keep it or break it as one or the other thought is predominant in us at the time. Now wherever there are two possible thoughts and it occurs to us to say that one is better than the other, that one should be followed rather than the other, we enter the field of ethics proper. This by no means always happens in the case of voluntary actions; when we are off for a holiday it may not matter, within limits, what we do—whether we ride or walk or row or “lie in the sun” and do nothing; the only duty in the matter, may be, may be to do as we please. But sometimes we say, This is good and that is bad; this deserves to be done and that ought not to be done. Such judgments are ethical judgments; they are not of course descriptive of the actions, but of what the actions should be; in other words, they assert an ideal, and when they are repeated and generalised, they become formulations of a rule. Ethics is really a study of the rules of human action; if we call it a science, it is an ideal science—for it is not a study of the actual conduct of men (and so differs entirely from sociology or history), but of what that conduct would be if it conformed to certain rules; and these rules themselves are not simply the matter-of-fact rules which an individual or a peo-

ple reverences, but the true rules, the rules which are intrinsically worthy of reverence.

Here then is the field for our inquiry—not nature, not man in general, not his actions, but the rules according to which he conceives he should act; and our inquiry now is not so much, what these rules are in detail but what is their reason for being, not so much how and when they arose and what is their history, but what is their justification and validity. To trace the rule, “Thou shalt not steal,” for example, back to the one who first conceived it, to fix its authorship and date in the dim distant past, and follow its history since, is not the same as justifying it; customs and rules may have existed for ages and yet be without a rational basis. Ethics proper, on its intellectual side, is a reasoning about rules of conduct, it is a testing, criticising, accepting or rejecting the rules commonly proposed; and in searching for first principles in ethics, we are really asking for the ultimate reasons why we should follow (or refuse to follow) this, that or the other special injunction, for the final justification of whatever we call right.

Where shall we turn for light as to this problem? There seem to be those who think that science can settle it for us; they say that the basis of ethics is to be found in a clear knowledge of the world in which we live. And there is a measure of truth in this. If we do not understand our own being and natural laws about us we are to this extent in the dark, in our actions. Ignorance of the teachings of physiology and hygiene may cause us aches and pains that knowledge might have prevented. Ignorance of sanitary science is doubtless responsible in part for the large mortality of great cities. It is only by a knowledge of nature's forces—gravity, heat, steam, electricity,—that we can turn them to account and make them serve and benefit man. If we study the facts of sociology and history, we learn what conditions are favorable and what unfavorable to the growth and prosperity of communities. Such knowledge is of incalculable value; it is a help and guide to action—and yet there is some confusion in regarding it as the basis of ethics or as giving us an ultimate standard of right action. For who does not see that everything depends upon the use to which we mean to put our knowledge? It seems to be taken for granted that everybody desires happiness or long life for himself and for others; that the only wish of a person can be to use nature's forces for the general benefit; that all we care for is to make communities grow and prosper—in which case it would of course only be necessary to learn how these ends can be attained. But the fact is that we may desire other things; we may wish to know how to cut short our lives and how to end the lives of our people—time and again this has happened and is happening to-day, a

great part of the activity of men consisting in killing one another or making preparations to; we may use nature's forces to injure as well as to benefit—a man of violence has the same motive for getting a complete scientific understanding of dynamite that any other sort of man would have; we may desire to degrade and humiliate a people as well as uplift it and make it prosperous—as England seems to have acted toward Ireland. Such scientific knowledge as I have referred to cannot be the basis or ultimate standard of ethics (however useful and necessary it may be in a subsidiary way), for one may act in complete accordance with it and yet aim at opposite things; one may have the clearest view of the world in which we live and yet play either (what we are accustomed to call) a good part or a bad part in it. The real question of ethics is, what are the true things to aim at, what is the meaning of playing a good or a bad part in the world—and, so far as scientific knowledge is concerned, for what ends shall we use that knowledge? Our very intentness on those ends (when we have discovered them) must make us resolute on finding out every possible means and observing every condition necessary for attaining them.

But if science fails us at the critical point (a certain mental confusion being involved in the very notion of its being more than a subsidiary guide for us), what else have we to do than to face the problem with our own discursive minds and by thinking of this end of our action and that, by weighing and balancing between them, try to find out that which seems worthiest, completest, most final and self-sufficient? For this, let it now be distinctly said, is what we are in search of—something, some state or condition which seems good in itself, which does not need to be regarded as a means to another end but which of itself satisfies the mind. If we ask for a reason for any action or rule, it must be because the action or rule requires a reason, being incomplete, objectless, irrational without it—as when a person going down town is asked Why? by a friend and in replying he tells his errand, while if he should say, For nothing, the friend would not know what to make of him. There are plenty of human actions, and sustained courses of conduct that have no meaning save in relation to some purpose beyond themselves. Yet on the other hand there may be things that seem so good that we do not look beyond them, things that it is superfluous to ask a reason for; they are complete in themselves and do not require any justification. It is such things that we have no reason of, things in virtue of which, or by their relation to which, all other things are good, things that it would be as absurd to ask for a reason for aiming at, as for conceding the truth of any self luminous fact of nature. If such things can be found, if a supreme

rule (or rules) can thus be formulated and if, on the other hand, all minor, special rules can be traced back to the supreme one and an explanation and justification thus be furnished for each single duty, then our problem would be virtually solved. To give a reason for everything that requires a reason, and to find those things for which no reason can be given only because they are self-evident—is all that the ethical student can ask. It is as when (to take a minor and imperfect illustration) having been in distant parts, we begin to travel homewards; at every step of the journey, at every change from sea to land, or from train to train, there is a reason for the action beyond itself; but when at last we reach the loved spot, and are safe within the dear old walls with father and mother or with wife and child, we do not ask a reason for being there—it is where we belong.

Let us, then, without attempting systematic completeness, take up a few of the duties and see if good reasons can be given for them and gradually work our way, if it is possible, toward the discovery of ends that are good in themselves. Temperance is one of man's duties; it is almost universally admitted. Yet I think it is legitimate to ask, why we should be temperate—for though familiarity with the idea may make it appear almost self-evident, it is not from the standpoint of reason really so. We take in as much air as we can with our lungs, we can hardly have too much light and sunshine—why may we not drink as much water or wine as we can and eat as much food? The answer obviously is that eating or drinking beyond a certain amount or measure is injurious to our health; if we have gone beyond certain limits, we strain our bodily organism and weaken it. Hence, to the end of health, we must be temperate; but for this, temperance would be no virtue and intemperance no vice. Or consider the virtues of chastity and modesty; respect for them is almost instinctive in men and women who have been normally born and educated—and yet we may ask why these should be virtues and may come to see that if the race were not perpetuated as it is, if certain peculiar consequences did not flow from certain acts, if the institution of the family were not such an all-important factor in the evolution of man, there would be no more occasion for chastity and modesty than there is for refusing to shake hands with more than one person or for covering one's face so it shall not be seen. A duty is no less binding because we see the reason for it; rather it is only he who does see the reason who feels the full extent of the obligation, as knowing all the duty rests upon. This, it appears to me, equally applies to truth and falsehood. We should tell the truth to others because they need it, because without knowledge every one is more or less in darkness; and if there are ever

times when we should withhold the truth it is in those rare circumstances when it may injure rather than help. Falsehood is base because it is a sort of treachery—a disowning of the bond by which we are united to our fellow men. For the same reason we have a right to the truth from others; and, moreover, we ought to give it to ourselves, or search for it, if it is not at hand; we can only grow, we can only step sure-footedly in life, as we know. In brief, truth is obligatory, because it is a means of benefit; if it were in and of itself a virtue, irrespective of the needs or circumstances of those to whom the knowledge is implanted, then we should have to speak the truth though it killed people and should have to refuse to deceive a raging animal though at the risk of being killed ourselves.

But now let us take a step further. We have found that there is a reason for some of the commonly-recognised duties of life, that they are duties, because in doing them we contribute to certain desirable ends. In the one case, it is health; in another, the perpetuation of the race; in another, the benefit or welfare of men. The question then forces itself upon us, are these ends desirable for themselves alone, or have in turn we to give a reason for choosing them, just as we had to for temperance, purity and speaking the truth? Have we at this stage arrived where we can rest, have we the ultimate ends, the final goods, the first principles of which we are in search? It does not altogether seem so. What is for the good of our health should indeed at once have respect from us; and yet I think it is tolerably evident on a little reflection that health is desirable, because with it we can best do our work in life, because with it we are put in possession of all our faculties—and without it we are in a measure useless, a burden to others and a burden to ourselves. If we could do our work as well, if we could be as cheerful, if we could think and attain all our higher spiritual development as well without health as with it, health would be a matter of indifference. And if we ever allow an injury to our health, if we ever take risks with it (with the sanction of conscience, I mean), it is in aiming at some good beyond it—as mothers may in child-bearing, as explorers and pioneers may in opening up new countries to the world, as students and philosophic thinkers may in endeavoring to unravel the mysteries of existence, as reformers may in contending with old wrongs and abuses, as patriots may who risk their very life in the defense of their firesides and homes. We should keep our health for a purpose; it is not an end in itself. I am obliged to think in the same way of the perpetuation of the race. I think we may ask, *why* should we follow these deep-seated instincts of our nature? Natural as it may be to obey them, self-evident as it may seem to many

that there ought to be more and more people in the world, I think that on sober reflection we are bound to ask, why? My answer would be that whether more people in the world are desirable depends upon what sort of people they are to be, how circumstanced (whether favorably or no to a really human development)—for we can easily conceive of conditions (and there are likely to be such in the later history of the globe) in which life would be a pitiful, useless struggle; and there may be inborn tendencies, physical and mental, that may make it better for some men and women not to have children now. The perpetuation of the race is a good, so far as it means the possibility of the race rising ever to higher and higher levels, so far as it means that there may be new human beings who may do better than their fathers and mothers did (or, at least as well), so far as it means the continuity and perpetuation and advancement of that spiritual something we call human civilisation and culture. No, the family, is not an end; it is a means to an end—a necessary means, indeed, and thereby a sacred institution, but still looking beyond itself; and these fathers and mothers are truly hallowed in their domestic lives who wish to bring up their children to carry still further the conquests of light, of love, and of justice in the world.

Yet when we think of the third end of which discovery was made—namely, the benefit or welfare of men, must we not say that this is a self-evident good, that no reason outside it is required for seeking it, since it appeals so immediately to us? In a sense it must be admitted that this is so. The reasons that have been given for the other ends, just discussed, are more or less closely connected with this end. And yet it is necessary that we have a clear idea of what the benefit or welfare of men means. There may be different standards by which to judge it, there may be limited notions of it; and we must not content ourselves with a phrase or a vague idea. Some may understand by welfare simply being well-situated in life, secure against enemies and accidents; but such welfare is as one-sided and incomplete a notion as health—we may ask, Why should we be thus favorably situated? what is the good of it, if we do not make more of ourselves thereby? Others may understand by welfare happiness; and surely happiness has the marks of being a good in itself. When we are happy, we do not ask why, to what end are we happy? For all labor, for all effort, for all self-denial there must be a reason; but there needs be no reason for happiness. And yet happiness, while a good (in itself), is not necessarily the good, the whole good; and such is its singular nature that it may be connected with not only what is otherwise good, but with what is unworthy and bad. Are there not those who find happiness in

ruling other people and bringing them under their thumb, are there not those who find happiness in living in the eyes of the world and being continually noticed and applauded, are there not those who find happiness in giving themselves up to selfish pursuits and are never so pleased as when they have driven a successful bargain at somebody else's loss? Happiness in and of itself is innocent and is one of the first ends of our being, but when it is made into the only end, when other goods are made secondary or ignored, it may be the accompaniment of ignoble as well as noble action; moreover, in the existing state of human nature, happiness is so variable a quantity, that it can scarcely be said to furnish a standard at all (even a low or poor one), and so an ancient writer said well, "Pleasure is the companion, not the guide of virtue." We may live for happiness, if we only make it consistent with other ends of our being; we may work for other's happiness, so it be a worthy happiness, a happiness which is a harmonious part of a total good.

Physical security and comfort, happiness—these are not enough as measures of man's welfare; the one is too low, the other too variable. And how is it possible to judge of welfare save by saying that it must take in the whole of man, not only the life of the body or the satisfaction of existing desires, but the life of the mind and spirit, the possibilities of willing and achieving, the capacities of love—so that to work for human welfare means to work for the cultivation, the enrichment, the indefinite enlargement and expansion of the entire life of men, physical and spiritual? If we mean by human welfare, human perfection, if we set before ourselves the ideal of a perfected humanity—then we have an end in which we can rest, a goal that has every appearance of being a final goal, because we can imagine nothing greater beyond it, because there is no outside purpose a perfected humanity could serve which could be as great as itself. We may not be able to say beforehand all that a perfected humanity would attain, all it would be; we may not be able to present a definite picture of it—yet we know the tendencies, the capacities that await a full and complete development, we know the lines of advance in the past, we see how they stretch out before us now; we know our direction, our bearing—and what will be (or should be) in the future is only an extension, an unfolding, a blossoming and ripening of what we have now. Humanity's powers, (all it has consciously, all that may be revealed to it) passed into realisation—the mind, the heart, the will of universal man in full play and triumphant activity; that is the ideal that seems to sum up what is valid in all other ideals, that is the good which serves to measure all other goods; everything is right which tends to its accomplishment and everything is wrong which tends

to defeat it and make it impossible; all our duties (which are real duties) have their ultimate sanction here—they are explained by, derived from the one supreme duty of laboring for such a consummation; every valid rule of action is only an application of the sovereign rule to work for the perfection of society, for the total development of the capacities of man.

It is only another way of stating this to say that we have now reached the point where we cease to ask for reasons. It is as with any scientific investigation; when we reach an ultimate law of nature or an ultimate fact, we are satisfied. We do not wish to go beyond it, because there is no going beyond it; and all the demands and efforts of our reason might be said to be to the end of finding something about which we have to reason no more. Such a recognition as this when made in the realm of morals is sometimes misunderstood. When we propose an ultimate rule of right action and say that no reason can be given for it, this is misinterpreted as meaning that we give up reliance on reason and abandon ourselves to mysticism; while it is reason and reason only that has brought us to the discovery of the ultimate rule, and the rule might be called (if so long a word can be pardoned) the objectification of reason—that is, reason written out into an objective law. Mysticism is, if I understand the word, a love of vague, shadowy, nebulous thoughts, a preference of twilight or the dark rather than the clear light of day; but nothing is clearer, more distinct, (to one who thinks along the lines I have just followed) than this ultimate law of right which I have stated; no reason could be given for it that is as clear as the law itself. A sense of all this is the motive for the assertion sometimes made that it is absurd for a man to ask, Why should I do right? For when one finds the real, ultimate right, the question is absurd; but this does not mean that it is absurd to ask why one should be temperate, or truthful, or chaste, or obedient to authority, all of which are right only in relation to circumstances that may change. When we find out what is right, when we discover any special minor duty that is really duty, there is nothing under heaven for us but to do it; and the question, Why? as it is sometimes raised does not mean a demand for intellectual clarification, but rather, What am I going to get by doing right? and springs from a base motive rather than a noble one. There are not a few of these specious questioners to-day—weak, timid children of fashion and conventional religion—who ask why should they rule their passions and live sober righteous lives, unless it is that they are going to be rewarded for it hereafter; so little does popular Christianity really educate the moral nature of its followers. For there is this implication in the idea of an ultimate rule of action—namely, that man has a capacity of acting in

accordance with it, that there is (what we may call for lack of a better term) an instinct for the right in him, a love for the right as such, just as there is a love for the truth as such, irrespective of any personal gain save the consciousness of knowing it; this disinterested love of truth is the basic motive of science and the love of right is the basic motive of really moral conduct.

From the standpoint of the supreme rule it ought now to be possible to survey the whole field of duty and to give an explanation and justification for each minor rule. This would be necessary to complete our investigation and to give it a thoroughly scientific character. But I fear I have already taken more space than should be accorded to a single article.

#### THE "IS" AND THE "OUGHT."

THE distinction between explicative and normative sciences is for certain purposes very commendable. Such sciences as psychology, physiology, botany, grammar, etc., explain the "is," they describe facts as they are, while such sciences as logic, horticulture, hygiene, ethics, etc., set forth an "ought"; they prescribe the methods by which a certain ideal is to be attained. Normative sciences in so far as they are practically applied are also called disciplines.

Yet the distinction between explicative and normative sciences is artificial; it serves a certain purely scientific purpose, viz. to discriminate between natural laws and rules; but it is not founded in the nature of things. The realities which form the objects of these sciences are undivided and indivisible. Hygiene is possible only on the basis of physiology; logic only on the basis of a knowledge of the actual modes of thought; horticulture only on the basis of botany, and ethics only on the basis of psychology and sociology.

It is true that as a rule a skilled gardener will raise better fruit than a scientific botanist, but the best fruit will be raised in the botanical gardens where skill is guided by scientific insight.

The ethics of mankind has up to date been almost exclusively in the hands of the clergy, who in so far as they are imbued with the spirit of dogmatism, claim to be in possession of a nostrum which was by a divine revelation entrusted solely to their care, and maintain that nothing can be learned from science. The present age, however, no longer believes in nostrums and science penetrates everywhere. Humanity has found out that ethics forms no exception among the normative disciplines and that it can be based upon science as much as hygiene and horticulture.

The greatest demand of the time is not as the iconoclast says the abolition of religion, it is not as the dogmatist says, a revival of the blind faith of ages gone by, the greatest demand of the time is a conciliation

between religion and science, is the imbueing of the clergy with the holy spirit of research, not in their symbolic books only, not in the Bible only, but in the wider and more reliable revelation of God, in nature; the greatest demand of the time is the maturing of dogmatic religion into a religion of science which will finally turn the cathedrals, temples, and synagogues of mankind into churches of science.

The Christian catechisms distinguish between the visible churches and the Invisible Church, the latter being the ideal of the former. There is a great truth in this distinction. The Invisible Church is that church whose faith is the religion of science, who preaches the ethics based upon facts and stands upon the ground of demonstrable truth. The Invisible Church is an ideal; but it is not an air castle. The Invisible Church is the aim toward which the development of all the visible churches tends. So long as the visible churches grow to be more and more like the Invisible Church, they will be and remain the moral leaders of mankind.

If the churches refuse to progress with the spirit of the time, they will lose their influence upon society, and the kingdom will be taken from them and given to others. That which we want, that which we must have, and that which mankind will have after all, if not to-day or to-morrow, yet in some not too distant future is a church which preaches the religion of humanity, which has no creed, no dogmas, but avowing a faith in truth and in the provableness of truth, teaches an ethics based upon the facts of nature.

When the Ethical Societies were founded many people hoped that a movement was started which would supply the demand of a religion of science and of scientific ethics applied to practical life. This hope was not fulfilled. The founder of the ethical societies is swayed by principles which are little short of an actual hostility toward science, and Mr. Salter is not as yet free from the belief that the ultimate basis of science rests upon some transcendental principle. Science in his opinion fails at the critical point.

The Societies of Ethical Culture can be called progressive in so far only as they discard rituals and ceremonies; but they are actually a reactionary movement on the main point in question. And there are frequent instances of clergymen and rabbis who proclaim freely and boldly the advanced ideas of a scientific conception of religion. Such views are not only not heard from the platforms of the Societies for Ethical Culture, but they are stigmatised by their leader.

It seems to me that in the present article Mr. Salter has considerably approached our position. He objects to mysticism, which Professor Adler formerly regarded as an indispensable element of ethics and ethical culture, and we may hope that the barrier of

his transcendentalism that separates us still may be broken down too.

Mr. Salter says:

"Here then is the field for our inquiry—not nature, not man in general, not his actions, but the rules according to which he conceives he should act."

But he exclaims with a tinge of hopeless despair, as if there were no answer to the question:

"Where shall we turn for light as to this problem?"

He answers the question by a counter-question; he asks:

"Who does not see that everything depends upon the use to which we mean to put our knowledge?"

"It seems to be taken for granted that everybody desires happiness or long life for himself and others."

"But the fact is that *we may desire*\* other things."

Is Mr. Salter's question unanswerable? We hope not; for if it were unanswerable, ethics could not exist as a science.

The ultimate question of ethics is not *what WE desire*, but on the contrary *what IS desired of us*. We, i. e. our personal likes and dislikes, our intentions to make or to mar, have nothing to do with the subject. Ethics does not in the least depend upon the use to which *we* mean to put our knowledge. The mere introduction of the *we* and what *we* intend to use facts for, will produce confusion. This "*we*" of our personal desires is the veil of Maya which deceives us and leads us so easily astray.

The "*is*" that forms the basis of the "*ought*" in ethics consists in the nature of mankind and of the universe in which mankind exists. The laws of nature, especially of human nature and of the evolution of humanity, are the very same thing which the dogmatic religions call "*the will of God*." The will of God remains and will remain, for ever and aye, the basis of ethics.

Facts are such as they are, and the laws of nature will prevail. This is the basic truth of ethics and any question whether *we* shall recognise the will of God, whether *we* shall acknowledge the truth of nature's laws, whether *we* shall adopt the rules that are derived from the "*is*" into our will as the supreme rule of action, is another question of a personal nature, but it does neither invalidate the basis of ethics, nor does it stand in any connection with it.

We might be dissatisfied with the laws of nature and might imagine that we, if we had created the world, should have arranged them better than they are. We might decline to respect the precepts of the moral ought. That would doom our souls to perdition, for O Man! who art thou that reapest against God? (Rom. ix, 20.) It is hard for thee to kick against the pricks. (Acts ix, 5.)

\*Italics are ours.

The ought of ethics remains the same whether I, or you, or anybody else, deigns to follow, or refuses to follow, its behests; for the ultimate basis of ethics is not founded upon any so-called immovable rock of our conscience, not upon our subjective likes or dislikes, not upon what we choose to do or to leave alone. The ultimate basis of ethics is of an objective nature. The criterion of ethics is one of fact and not of opinion. That which has to be the standard of moral action can be inquired into, and can be searched for by scientific methods; it can be stated with as much exactness as the mathematical or logical rules or as any other precepts of the normative sciences.

Ethics is a normative science. It is as truly a science in every respect as are all the normative sciences. The ultimate principles of the normative sciences are not of a transcendental nature, they are founded upon the actual facts of life; the "ought" derives its rules from the "is," the ideal is rooted and must be rooted in the real.

P. C.

## CURRENT TOPICS.

It is not the habit of Chicago citizens to go into hysterics because rain falls in March, and yet they pretend to be worried and flurried because bribes have been accepted by members of the City Council, where bribery is as natural and easy as rain upon the lake. Public virtue comes in spasms, and seven aldermen were indicted yesterday, literally in a spasm; the indictments against them being of that sudden, dangerous, and unconstitutional kind known at the Court House as "dummy"; good enough says the apology for them, to hold the accused persons "until the State's Attorney can file indictments more specific." Better to endure bribery than "dummy" indictments, for bribery at the worst is only a species of larceny affecting the public pocket, while "dummy" indictments threaten the liberty and the good name of every citizen in the land. In the present case the ethical distinction between the bribery charged and the "dummy" indictment which charges it is this, that the bribery was wilfully felonious, while the State's attorney in drawing the "dummy" indictment was innocent of any intention to do wrong; indeed he was only too hasty to do right; but a judge should never hold a man to bail on such an indictment. It is too severe a strain upon the constitution and the law. A "dummy" indictment with the names of "dummy" witnesses upon the back of it is fraught with potentiality of mischief. The "dummy" indictment on which the accused aldermen have been held to bail, makes no fact averments of any kind. It contains nothing but a conclusion of law prefaced by an abstract accusation. The excuse that it was necessary to hurry lest the men should get away is not good, because they could have been arrested on a warrant issued by any Justice of the Peace, on a sworn information.

\* \* \*

The paroxysm of indignation at the swaggering rapparees in the City Council who for years have been plundering the citizens, and selling valuable bits of the city itself, while entirely natural and just, contains within it a good deal of affectation; and in its present form of action, it makes another fierce attack upon the shadows, leaving the substance undisturbed. We imprison a knave or two, but cultivate the conditions out of which they grow. We provide all the facilities for public larceny, and then affect to be shocked by official theft. We submit to Saloon government administered by an aristocracy of the slums, and then wonder why

corruption develops in the City Legislature. We put the control and disposal of millions into the hands of the beery elements, and then ask them to guard and protect the city honestly for nothing. We pay only nominal salaries to aldermen expecting them to reward themselves by collateral gains, which they very liberally do. Judging from the clouds of tobacco smoke which perfume the Council Chamber when the Honorable Council is in session, the salary of an alderman can barely pay for his cigars. Every Democratic committee, and every Republican committee that makes an assessment on candidates for seats in the Council, must at least suspect that in many cases they are asking for a share of anticipated spoil. The theory of our municipal constitution is that aldermen shall give to the public something for nothing, and the practice of the aldermen is to reject that rule and give something for something to private corporations. The only wonder is that under a system of multiple temptations, there are now, and always have been men in the city Council, faithful, vigilant, and absolutely incorruptible. This is the hope that lies at the bottom of this Pandora's box. "Tim wants to run for alderman again this year, and it's a shame for Tom to be trying to get the nomination away from him," said a partisan advocating his friend. "Tim ought to have another term, because this year there'll be something to be made." The aldermanic Tims and Toms, who aspire to the City Council because "this year there'll be something to be made," are the microbes born of a disease, and propagating a disease which "dummy" indictments will not cure.

\* \* \*

Like the clatter of tin pans come up a lot of delirious clamor for the indictment of the bribers too; and there are thoughtless critics who demand a double punishment for them. This is an erroneous view of justice, because in municipal bribery there is usually no equipoise of guilt between the bribers and the bribed. John Adams, in his old age, desired that it might be said of him hereafter, "Here is one who never seduced any woman, nor any man"; and the glory of that praise will shine for ever about him like the aureola that the painters draw. Even a long career of patriotic statesmanship grows pale within its light; but in the ordinary corruptions of a civic parliament the seduction of an honest man is rare. There is an important moral difference between the giving of a bribe, and the payment of a toll. Illegal money extorted by an alderman for the performance of a duty is a bribe in the hands of the man who takes it, but from the hands of a man who pays the money it may be only the tribute of blackmail. When legitimate business is blockaded by aldermanic tariffs, what can enterprise do but raise the blockade by payment of the toll. A man in the hands of brigands pays a ransom for his liberty, but he does not thereby become a brigand. There are citizens in Chicago of the highest character who have been compelled to remove municipal obstructions out of the way of their lawful business by paying money to men who live by City Hall brokerage, the buying and selling of aldermen. It is an inflamed and irrational anger that includes broker, aldermen, and victims in one moral indictment; and by putting them all into one criminal indictment the law baffles its own ministers and defeats itself, because by making the victims criminal their testimony is lost, and the bribe taker is made secure. An instructive example of this folly is that part of the Inter-State Commerce Law, where it is made criminal for a railroad company to grant rebates, and equally criminal to accept them. This latter provision defeats the former, because the shipper is protected by it from giving evidence. So, the law should make a distinction between the man who deliberately corrupts an alderman for purposes of public plunder, and the citizen who merely pays illegal tribute for permission to engage in a legal and beneficial business. If bribers were exempt from penalties and could be compelled to testify, the business of bribe taking would soon be at an end.

Here is a bit of expressive news which I copy from a morning paper, "A committee of prominent members of the Jacksonian club of Omaha, arrived yesterday at the Sherman House to arrange for 1000 enthusiastic democrats who will attend the National Convention. 'Nebraska will send an uninstruited delegation,' said Mr. Sternsdorf, 'Our club and the democracy of the whole state are divided on the Presidential question; we shall however, stand by the nominee, whoever he may be.'" This piece of information and its animating sentiment exhibit a very fair sample of that self-abasement which goes by the name of party loyalty. Those "enthusiastic democrats" are not coming to the convention as delegates, but merely to make an enthusiastic noise. They are not players in the Presidential game; they are only chips with which political shufflers gamble for the government. They are the morally inanimate counters with which the "statesmen" play. As to the meaning of "democrat," no two of them understand it alike, but they do know that the whole thousand of them are democrats, ready to "stand by the nominee, whoever he may be," even Mephistopheles himself. In their partisan blindness they swear by Saint Jefferson, who had such intellectual scorn for them. Although they were not born in 1789, he knew they would be born, and he told them then that he never submitted his opinions to the creed of any body of men, in religion, in philosophy, in politics, or in anything else where he was capable of thinking for himself; and he said, "Such an addiction is the last degradation of a free moral agent. If I could not go to heaven but with a party, I would not go to heaven at all." This doctrine is repudiated by his disciples, the "enthusiastic democrats" from Omaha. If they cannot go to heaven in a party procession they will prefer to stay out of it altogether, although there is not the slightest chance that a democratic procession would be allowed inside the celestial gates. Jefferson was the founder of the mugwumps; he would be free, or nothing. About the time the democrats meet in convention at Chicago, the republicans will meet in convention at Minneapolis, and Omaha will very likely send a thousand enthusiastic republicans there, to bowl for the winner, and yowl at the loser, and "stand by the nominee."

\* \* \*

Although the democrats of Nebraska are prepared to "stand by the nominee," they are "divided on the Presidential question," and this marks an advance in the evolution of party morals, because it shows that even political chips may have independent spirit enough to think for themselves *before* the convention, if not after it; whereas, in former days, as I well remember, a true partisan had no soul of his own at either time. Early in 1860, and long before the conventions of that year were held, I heard a man say to a friend, "Who is your first choice for the nomination?" The answer was, "My first choice is the nominee." The enthusiastic partisan had abdicated himself so effectually, and surrendered himself so unconditionally to the caucus, that he had not manhood enough to form a choice or to express any opinion in advance of its decree. Lately I have read in a democratic paper of national importance that Senator Hill is quite unfit for the Presidency, by reason of much intrinsic and extrinsic moral weakness, and the editor finishes a high spirited and indignant protest against Mr. Hill's presumption, with this obsequious promise to obey the caucus, "Still, should Mr. Hill be nominated, he will receive our hearty and enthusiastic support." All of which reminds me of Bill McBride, editor of *The Marbletown Independent*, a republican organ in the days before the war. Quincy A. Bellows, editor of *The Free Flag*, a rival republican journal, wanted to be a member of the legislature, and was laying pipe for the nomination, when his pretensions were thus "laid bare" by McBride. "We understand that the recent importation who edits the *Feeble Flicker* in the alley, aspires to be a member of the General Assembly. This impudent ambition reveals a conscience made of leather.

It is well known to the people of Marble county that he is in the daily practice of the seven deadly sins, and Quince has no more chance for the legislature than he has for heaven. Still, should he be nominated by the republican convention, he will receive our hearty and enthusiastic support." Mr. Bellows did get the nomination, whereupon the *Independent* said, "The work of the convention was well done, and the people of Marble county will be represented in the next legislature by that vigorous writer, that eloquent orator, and staunch republican the Hon. Quincy Adams Bellows."

M. M. TRUMBULL.

#### NOTES.

*The Conservator* comments upon our last criticism of The Societies for Ethical Culture as follows; "Mr. Carus thinks that we "need to square ethical statement with fact. So do I. So does "Mr. Salter." . . . "It is astonishing that Mr. Carus resists all "explanation."

We call *The Conservator's* attention to Mr. Salter's article in the present number, which may be compared with the following passage quoted from Mr. Salter's book "Ethical Religion," p. 37: "Base morality on facts? Which facts? There are innumerable "facts, an induction from which would only give us immorality. "The good facts, then? But plainly, this is moving in a circle. "In truth, there is nothing on which to base morality. We do not "so much find it, as demand it in the world."

MR. C. S. PEIRCE has resumed his lessons by correspondence in the Art of Reasoning, taught in progressive exercises. A special course in logic has been prepared for correspondents interested in philosophy. Terms, \$30 for twenty-four lessons. Address: Mr. C. S. Peirce, "Avisbe," Milford, Pa.

## THE OPEN COURT.

PUBLISHED EVERY THURSDAY BY

### THE OPEN COURT PUBLISHING CO.

EDWARD C. HEGELER, PRES.

DR. PAUL CARUS, EDITOR.

#### TERMS THROUGHOUT THE POSTAL UNION:

\$2.00 PER YEAR.

\$1.00 FOR SIX MONTHS.

N. B. Binding Cases for single yearly volumes of THE OPEN COURT will be supplied on order. Price 75 cents each.

All communications should be addressed to

### THE OPEN COURT,

(Nixon Building, 175 La Salle Street,)

P. O. DRAWER F.

CHICAGO, ILL.

#### CONTENTS OF NO. 240.

FIRST PRINCIPLES IN ETHICS. WILLIAM M. SALTER.	3191
THE "IS" AND THE "OUGHT." EDITOR	3194
CURRENT TOPICS. Dummy Indictments. Municipal Corruption. The Moral Difference between the Briber and the Bribed. Party Discipline. Stand by the Nominee. M. M. TRUMBULL.	3097
NOTES	3198