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# ESSAYS IN SOCIAL JUSTICE

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## CHAPTER I

### WHAT IS JUSTICE ?

THE need for justice grows out of the conflict of human interests. That is to say, if there were no conflict of interests among mankind we should never have invented the word justice, nor conceived the idea for which it stands. How these conflicts arise will form the theme of the next two chapters. In the present chapter we are concerned with the concept of justice itself and the test by which one may determine whether a given act or policy is just or unjust.

While the need for justice arises out of the conflict of human interests, the occasion for the use of the word or the concept arises only when an attempt is made to adjust conflicts on some other basis than that of might. The unthinking plants and the lowest animals know no such thing as justice. Every conflict is settled by the right of might. Possibly some of the higher and more gregarious animals may have some dim perception of something resembling justice, though even that is doubtful. Certainly the attitude of the member of a herd or pack toward fellow members is different from that toward those outside the group. In this respect they resemble human beings. It may be that the difference is one of degree; but a difference of degree, if it be wide enough, constitutes a difference of kind. In fact, most differences are differences of degree. However, we need not waste time discussing a problem of which we know so little as we do about the mental processes of

animals. Certain it is that human beings, especially those who call themselves highly civilized, not only hold an attitude toward members of their own herd or pack, variously called state, nation, or social group, different from that which they hold toward members of other groups, but they are also in the habit of thinking about this attitude, and wondering what it should be. When they are thinking about this they are either thinking about justice or something very closely related to it.

But when men are merely thinking about their attitude toward their fellow members of a social group, and wondering what that attitude should be, their ideas of justice are not likely to be very clear or definite. It is only when some attempt is made to settle an actual conflict of interests between individuals that they are forced to think in clear and definite terms. Sometimes their conclusions are, to our ears, extremely absurd, but they are at least definite and specific. There is a story of a missionary who had a watch which was coveted by an influential member of the tribe where he was located. This member hired a professional thief to steal the watch, paying him in advance. The missionary heard of the bargain, kept guard and, when the thief appeared, drove him away. Having already received his pay, and not wishing to return it to his employer, the thief absconded. Thereupon the employer demanded that the missionary should compensate him for the loss which he had sustained through the dishonesty of the thief. He reasoned that if the missionary had not scared the thief, he, the employer, would not have sustained the loss. The missionary was the cause of the loss and should therefore be compelled to make it good.

This story is used to illustrate the points already made in this discussion. First, there were conflicts of interests.

The man who employed the thief wanted the missionary's watch; so did the missionary. The thief also wanted the reward which he had already received; so did the employer. Second, this caused the employer to ponder over the situation. If he had not felt obliged to treat the missionary differently from the way he would treat an animal or a member of another tribe, he would have taken the watch by force, if he could. He felt obliged to observe certain customs of the tribe. Similarly, in demanding compensation for the loss sustained by the absconding of his employee, he showed some consideration. He did not choose the direct method of knocking the missionary on the head and taking what he wanted. Third, and most important, he worked out a theory of justice to fit this specific case. It may have been an incorrect theory, but it was specific in its application.

Another point, of the very greatest importance, is also illustrated by this story: the man who employed the thief was not restrained merely by his own sense of right and wrong; he was restrained also by his sense of responsibility to a power stronger than himself, that is, to the tribe or the tribal chief. And this sense of responsibility was created by something very material and easily appreciated; that was the physical force which would be exerted to cause him pain, if he disregarded it. He knew perfectly well that he must deal with other members of his group according to rules laid down by that group, otherwise the group would chastise him in some way which he would not like. This represents the final stage in the development of the concept of justice, though the question as to the exact difference between justice and injustice may be far from clear. There exists at least, at this point, some kind of a concept of justice. This point is reached when men have not only

thought about how to settle specific conflicts of interest, but when the social group has undertaken to act as an umpire, and to enforce its decisions by superior power.

The groups which undertake to adjudicate the conflicting interests of mankind are known as states<sup>1</sup> or nations. These are groups of individuals which, as groups, undertake not only to settle or adjust conflicting interests among their own members, but to protect and discipline them as well. When a group has no superior or stronger group exercising authority over it, and giving it protection, it is said to be a sovereign group. Such a group may be said to be a law unto itself. It is self-controlled and self-disciplined, subject to no laws except those of the cosmic universe, and it is self-protected, having no defence except its own power and internal efficiency. It stands alone facing a hostile or friendly universe, according to the circumstances of time and place. But in order to maintain its place in that universe, surrounded by rival groups whose interests frequently conflict with its own, it must be strong. How can such a state grow strong? One way is so to discipline its individual members as to secure as large a contribution from each to the strength of the whole as possible. The state which fails in this will fail in everything, provided another rival group succeeds better. In that event, the rival group will grow stronger and, should their interests ever come in conflict, it will pursue its own interests to the disadvantage of the weaker group.

The term state is in this instance used in the generic sense of a sovereign law-making power, and not as the name merely of one of the component parts of the American Union. But, because of the confusion likely to arise in the minds of American readers through the use of the word state in this double sense, the term nation will be used as the name of a sovereign group. This is in harmony with American, but opposed to European usage.

As between sovereign groups, though there are frequent conflicts of interest, yet the concept of justice is only vaguely and occasionally effective. Here, and here only in the human world, might makes right, or rather, it takes the place of right. The primordial struggle for existence holds sway, practically unmitigated and only slightly softened by concepts of right or justice. The only influence of such concepts is to reduce the savage ferocity of a conquering army to the rules of civilized warfare, to cause the stronger party voluntarily to show pity to the weaker, and to cause it to fear the ill opinion or open hostility of the rest of mankind. These considerations, however, have little influence upon an international bully whose moral sensibilities do not permit it to feel a sense of pity, or to care for the good opinions of the rest of mankind. When conditions arise under which these sovereign groups are subjected to the will of a higher power which has the physical force to compel obedience, then these groups have surrendered their sovereignty to the higher power. That is what the states of the American union did in 1789, though some of them were not convinced of it until 1865; that is what the states of the German Empire did in 1871; and that is what the states of Europe will do when a new Charlemagne arises. Then justice will have a clear and definite instead of an obscure and indefinite meaning in its application to the relations among groups which are now sovereign.

The concept of justice, as applied to the conflict of interests within a nation, has come to play so large a part in our thinking as to influence more or less directly our thinking with respect to international relations. One symptom of this is the frequency with which it is asked: is it right for a nation to do that which it would not permit one of its citizens, or a group of its citizens, to do ?

The chief purpose of the nation is essentially that of every living being, viz., to keep on living. It is in no better position to consider, judicially, whether it ought to keep on living or not than is the individual. It can be counted on to decide that question in the affirmative as surely as can the individual. It can, therefore, be counted on to do everything within its power and wisdom to enable it to keep on living. If its existence is threatened, either directly or remotely, it can be counted on to exercise all its power, and to scruple at nothing in its own defence. That is precisely what the individual would do were he similarly situated, that is, were he left to defend himself without any protection from a higher power, and to direct himself without any control by a higher power. The individual who wished to keep on living under such circumstances would, if he were wise, keep himself in the best possible condition. So must the nation. This would require the individual to safeguard the interests of every useful organ or constituent part of his body and to train every useful faculty. The state must do the same. It would also require the individual to discipline himself, to hold every appetite or propensity in check which would, if uncontrolled, weaken him and put him at a disadvantage in the struggle. The state is under the same compulsion, it must not only safeguard and encourage every interest which contributes to the strength of the whole, but it must also restrain and hold in check every interest and every propensity of every citizen which in any way weakens the strength of the whole.

One of the first signs of decadence in a nation is its tendency to forget this stern fact. The greatest and most deadly of all intellectual vices is the unwillingness to see things as they are, or the propensity to believe that to be true which one wishes were true. Under what used to be

miscalled the "canker of a long peace," men begin to wish that they had nothing to do but to enjoy themselves. They therefore succeed in believing that to be true. As a result they become impatient of restraint and discipline, they begin to demand freedom to do as they please, which results in general irresponsibility and inefficiency, for which rowdiness is the only good name. It is useless to point out to them that this is the way to national ruin. They do not believe it. Besides, they think that it will not come in their own day. "After us, the deluge," is their cry.

On what principle or principles, according to what rules, shall the state control and discipline its members, and adjust their conflicting interests, protecting some and restraining others ? That is the problem of social justice. It has to do with the internal economy of the nation rather than with its external relations. As to the individual, it has to do with his external relations with his fellow citizens rather than with his internal adjustments.

Since the first duty of the state is to be strong in order that it may live, and since it must adjust the conflicting interests of its citizens, it follows that its duty is so to adjust these conflicting interests as to make itself strong. It must repress and discourage those interests of its individuals which conflict with its own, and it must support and encourage those which harmonize with its own. That is justice. In the most general terms, therefore, justice may be defined as such an adjustment of the conflicting interests of the citizens of a nation as will interfere least with, and contribute most to, the strength of the nation.

Looked at from another angle the same idea may be expressed by saying that justice is the name for the moral obligation of the state, as distinct from the individual, with respect to its task of adjusting conflicting interests. Since

the state has this to do, it must find out how to do it. What *ought* the state to do with respect to these conflicts, and how *ought* it to do it? These are the questions of social justice. Since the state is self-ruled, and, what is more important, self-protected, the only answer it can possibly make to these questions is that it *must* do it in such a way as to strengthen itself and safeguard its own existence. This obligation of the nation toward its members is like that of an umpire toward those whose conflicting interests he is called upon to adjust, except that the nation is an umpire whose well-being depends upon the aggregate well-being of those whose conflicting interests he is adjudicating. Such an obligation as this no group, certainly no sovereign group, can avoid. Its own self-preservation demands it.

The rules of justice, that is, the rules according to which these conflicting interests are to be adjusted, may be embodied in positive law, or in mere public opinion or social sentiment. They may emanate from the sovereign group, called the nation, in which case they take precedence, in practice, over all others, or they may emanate from indefinite and intangible groups, variously called "the community," "society," or even "civilization" or "Christendom," in which case they become effective in proportion as they are embodied in positive law and are enforced by the sovereign group.

Not only may positive law be wrong and unjust, though always and necessarily pretending to be just, but public opinion and social sentiment are equally liable to error. But the penalty for mistaken notions of justice is national weakness, and, if they continue and accumulate, national death. If this were not true, there would be no excuse for a study of this kind. How can we be certain that one rule, when applied, works justice and another injustice? The only

way is to find out, if we can, whether the one or the other will strengthen the group, or weaken it. The study must be objective, rather than subjective, that is, we must study the laws of economics and social development, rather than our own sentiments.

At the very outset of this discussion, therefore, it is necessary to do that which ought not be necessary, namely, defend the proposition that social sentiment in its purest form, even though called moral sentiment or intuition, is quite likely to be wrong and unjust. The effectiveness with which a rule is applied to the actual settlement of disputes depends, in a democracy, absolutely upon public sentiment, and the physical force which that sentiment is able to direct and control through governmental agencies. This has led to the not uncommon conclusion that public sentiment, or the popular will, either when expressed directly, or indirectly through constituted agents, is the source of justice. It is merely the source of the power, or physical force exercised by the state which must be invoked in order that a rule may be enforced. The rule and its enforcement may be either just or unjust.

The dictum that "the king can do no wrong" was only one of the many ways in which the idea was expressed that the sovereign will is the source of justice. When the king was supposed to embody in himself the will and sentiments of the people it was easy to conceive that whatever he decreed to be right or wrong must *per se* be right or wrong. But the case is no better when the people themselves express the sovereign will. *Vox populi vox Dei* is no nearer the truth than the formula that the king can do no wrong, in fact it is only another variation of the same error.

The bold assertion that the sovereign people can do no wrong would find, doubtless, as few supporters as the

proposition that the sovereign person can do no wrong. Under certain conditions neither can be held accountable to any human power. There is no process, as Burke pointed out, whereby one can indict a whole people. But that the whole people can do no wrong is another proposition. Yet such is the tacit assumption on which a great deal of our popular thinking now proceeds. In considering an act of government, a few will ask the question, Is it just; but many more will ask, Does it express the popular will? They who raise this question must necessarily assume either that the popular will is necessarily, or *per se* just, or that it is more important that government shall act in accordance with the popular will than that it shall act in accordance with justice. He who consistently believes that the popular will may be wrong is content to judge any act of government on the sole basis of its justice or injustice. If it be just, he will commend it, no matter how universally the popular will opposes it, and if it be unjust he will condemn it no matter how completely it expresses the popular will. In fact he will never ask respecting any policy or proposed policy, Is it popular, or does it really express the popular will? That would be trivial. He will first try to determine whether it is right, and next, if he be a leader of men, he will try to make the right popular.

Yet, such a view is, in every respect, consistent with democracy. One may believe thoroughly that the popular will is frequently wrong and yet believe that it is less frequently wrong than that of an hereditary monarch, or an hereditary aristocracy, chosen by the "accident of birth" rather than on the basis of merit. A person who believes this may be as ardent a supporter of democracy as any one, and yet, when he is convinced that the popular will is wrong may condemn it and try to change it. But when he is con-

vinced that an act of government is unjust, he will not ask the question, does it represent the popular will; he will condemn it regardless of its popular support.

Not only do many of our most voluminous writers and most loquacious statesmen support, virtually, the opposite view, but the general trend of opinion, at the present moment (A.D. 1914), seems unmistakably to be in the direction of the opinion that the popular will must be right. There is comparatively little interest in efforts to make government more just, there is a great deal of interest in efforts to make it more popular. Most of the movements masquerading under the name "progressive" are designed to popularize government rather than to rationalize its acts or make them more just. If as much effort as is now being expended in trying to contrive a fool-proof government were expended in teaching the people how to run the government they have, and how to distinguish between just and unjust acts of government, more real progress would be made. The great question is not how may we ascertain the popular will. It is rather, how may we ascertain what the popular will ought to be.

As usually happens in similar cases, there is a close relationship between this trend of public opinion and the underlying philosophy of the time. When one suggests that there is a test of right and wrong, of justice and injustice, which transcends public opinion, the likes and dislikes of the people, or even their moral sentiments, one runs counter to some very powerful currents of philosophic thought. This is declared to be unthinkable from the very nature of the case. It is contended either that the moral intuitions of mankind, if given free expression, must necessarily be right, or that right and wrong, justice and injustice, have no meaning outside of human likes and dislikes.

Even Westermarck, in his monumental work<sup>1</sup> begins with this categorical statement: "That the moral concepts are ultimately based on emotions, either of indignation or approval, is a fact that a certain school of thinkers have in vain attempted to deny. . . . Men pronounce certain acts to be good or bad on account of the emotions those acts arouse in their minds, just as they call sunshine warm and ice cold on account of certain sensations which they experience, and as they name a thing pleasant or painful because they feel pleasure or pain. But to attribute a quality to a thing is never the same as merely to state the existence of a particular sensation or feeling in the mind which perceives it."

One might think that as there is an objective quality in sunshine which creates the subjective sensation of warmth, and an objective quality in ice which creates the subjective sensation of coldness, so there might conceivably be an objective quality in goodness which creates the subjective sensation of approval, and an objective quality in badness which creates the subjective sensation of indignation. That would be the reply of the intuitionist. However, it is easy to show that whereas the objective quality of coldness in ice *always* produces the subjective sensation of coldness when brought into contact with the human body, yet the subjective sensations of approval and disapproval are not invariably produced by the same objective facts. In other words, the same act which at one time produces the sensation of disapproval may, at another time and place, produce the opposite sensation. From this it is argued that right and wrong can have no objective character, but are determined wholly by subjective conditions. Something like

<sup>1</sup> *The Origin and Development of the Moral Ideas*, by Edward Westermarck, Ph.D., LL.D. 2 vols. Second Edition, London, 1912.

this is intimated by Westermarck in the further statement: "Moral concepts, then, are essentially generalizations of tendencies in certain phenomena to call forth moral emotions."

But are we justified in raising the question: What phenomena *ought* to arouse the emotion of approval and what *ought* to arouse that of disapproval in the minds of the masses of the people? The author seems to imply that we are not — that we have no right to raise such a question; that if certain phenomena actually call forth the emotion of approval, that settles it; there is no higher court of appeal; the phenomena are good. If others actually call forth the sensation of disapproval or indignation, that settles it; there is no higher court of appeal; the phenomena are bad. But suppose certain classes of social acts habitually call forth the sensation of approval in the minds of all the people of a nation or a civilization, but as a result of these acts, the nation weakens itself or the civilization destroys itself, leaving the world in possession of other people or other civilizations in which the sensation of approval is called forth by an entirely different class of social acts? Does this affect the case? In the opinion of the present writer it does.

Instead of raising the question, ought this class of acts to arouse the sensation of approval and that class the sensation of disapproval, it would probably be more to the point to ask: What will happen to a social group wherein this class of acts habitually arouses the sensation of approval, and that the sensation of disapproval? If, as the result of a careful inquiry, we find that such a community weakens itself and endangers its existence by so doing, this conclusion certainly has some practical importance for that group. Whether we are justified in saying that it ought not

approve and disapprove as it does, we can probably say that the chances are that if it continues so to do, it will eventually cease to be, and its territory will be occupied by a group whose approval and disapproval are differently aroused. These elect groups, whose approval and disapproval are given in such ways as to strengthen them and enable them to grow and flourish, need to be studied pretty carefully. They are of vastly more importance than those groups which have become extinct through their own internal weakness.

Another recent work<sup>1</sup> reiterates time and again the proposition: The *mores* are always right; the *mores* can make anything right, etc. This is virtually an endorsement of Westermarck's position. The terms right and wrong have no meaning beyond the sentiments of universal endorsement or disapproval in the minds of the people. Both writers, and a number of others besides, pile up evidence to show what wide variations there have been in social practices among the people of the earth. It is easy to show that almost everything which we *think* to be wrong has been at one time or another thought to be right by whole communities. In many of these communities the same acts which among us would call forth the sentiments of disapproval, call forth there the sentiments of approval, and the very acts which among us call forth the highest approval, among others have called forth the sentiment of intense indignation. Thus it is easy to show that almost any conceivable kind of conduct has, at one time or another, been *thought* to be right, and the same acts have, at different times and places, been *thought* to be wrong.

<sup>1</sup> *Folkways — a study of the sociological importance of usages, manners, customs, mores, and morals*, by William Graham Sumner. Boston, Ginn and Co., 1911.

But have we a right to raise the question: Are they really right or really wrong? Is there a test of rightness and wrongness beyond the mere test of approval and disapproval? The answer of many of these recent writers, especially of the anthropological school, is in the negative.

Their arguments, however, are far from being convincing. Let us take a parallel case. Suppose a biologist were to take the same pains which these anthropological moralists have taken to describe all the individual variations that can be discovered in a given species of plant or animal life. He could make a considerable catalogue regarding the common house-fly, for example. He could find multitudes of freaks and sports, individuals born without wings, with both wings on one side of the body, with eight legs, or only two legs, and a multitude of other peculiarities. If, after he had catalogued a large number of cases, filling a book of considerable size, he should then pronounce the opinion that one kind of a fly was just as good as another because, forsooth, nature produces all kinds, we should have a right to ask what he meant by a good fly. If the fly with both wings on one side is unable to get a living and comes to speedy destruction and disappears instantly from the earth, whereas the flies with wings on two sides survive, we should at least be justified in concluding that nature had some preferences. These were preferences of course in a purely impersonal sense. In other words, one kind of a fly is better adapted to natural conditions than some other kinds.

It seems to the present writer that these anthropological moralists have never gotten beyond the cataloguing of the moral variations of mankind. Finding that nature seems to produce all sorts of moral variations, and being able to catalogue so many as to fill volumes, these writers conclude that one kind of morality is as good as another, if only the

people think so, or, if it creates the same sentiment of approval and disapproval. But if a certain idea of morality unfits the tribe or community for survival, so that it speedily passes from existence like the fly with both wings on one side, have we not some ground for claiming that nature has her preferences, that one kind of morality seems to work better than other kinds, that one scheme of social conduct enables the people who practice it to get on better in the world than certain other schemes ?

Since Darwin, the world is committed to the idea that progress takes place mainly, if not exclusively, by the process of variation and selection.<sup>1</sup> Whether the variations be small and numerous or occasional and extreme may be open to question. But without variation of one kind or another there can be no selection, and without variation *and* selection there is no progress. This, in the opinion of the writer, is as true of moral, social, or economic progress as of biological progress. It is a universal principle applying to every phase of progress. This is not bringing morality under the laws of biology any more than it is bringing biology under the laws of morality. It is merely stating as a universal principle, wider than either morality or biology, the method of trial and rejection, variation and selection, as the method of all evolution and of all progress. The anthropological school of moralists have never gotten beyond the study of moral variations. What is now needed is a study of moral selection and survival.

One important service, however, the anthropological school of moralists have undoubtedly performed. They have finally and completely demolished the whole structure

<sup>1</sup> It is astonishing how slow the world is to grasp the real significance of Darwin's work. There were multitudes of theories of evolution, but Darwin first demonstrated *how* it took place.

of intuitionism. No one with a sense of humor can maintain the existence of moral intuitions as unerring guides after reading such a catalogue of moral variations as is compiled by the anthropological school.

The study of moral variations has probably gone as far as it can profitably. It is high time, in order to give value to that study, that some one should make a study of moral *selection*. By a study of moral selection is meant an attempt to find out what moral variations work best and enable a people to flourish, to grow strong, to people the earth and have dominion over it. To study this problem impersonally, without prejudice or bias, is one of the most difficult tasks in the world. Our likes and dislikes thrust themselves into the problem so persistently that it is much harder to preserve a scientific balance than in any other field of inquiry. "What is the use of flourishing, of multiplying, or even of surviving," is constantly asked, "if the conditions of survival are the doing of things which I dislike so strongly?" "If the hard-working, frugal, mutually helpful community flourishes, if the community with the despised middle-class virtues expands, while the community with high-toned tastes, which cultivates exquisite loquacity, elegant leisure, and a gentlemanly appreciation of literature, art, golf, and whiskey decays, what does that matter to me; I still prefer the latter," is the common objection to this line of study. But it is depressing to think how little human likes and dislikes count in the long run in social evolution. The world will be what it will be whether we like it or not. If our likes and dislikes are such as to unfit us for survival, we shall eventually cease to count. They whose likes and dislikes fit them for survival will continue to count, and the world will eventually be peopled by them, and their likes and dislikes will eventually be selected for survival.

From this point of view, morality and religion, as the organized expression of moral approval and disapproval, must be regarded as factors in the struggle for existence as truly as are weapons for offence and defence, teeth and claws, horns and hoofs, fur and feathers, plumage, beards, and antlers. The social group, community, tribe or nation which develops an unworkable scheme of morality, or within which those social acts which weaken it and unfit it for survival habitually create the sentiment of approval, while those which would strengthen it and enable it to expand habitually create the sentiment of disapproval, will eventually be eliminated. Its habits of approval and disapproval handicap it as really as the possession of two wings on one side with none on the other would handicap a colony of flies. It would be as futile in one case as in the other to argue that one system was just as good as another. These queer social variations are similar to the biological variations commonly called sports.

As suggested above, morality and justice are not matters of likes and dislikes at all. I may dislike exceedingly a scheme of morality which, if universally practiced within a nation, would make that nation the strongest nation on the face of the earth. Yet in spite of my dislike such a nation will become strong, and there is nothing that I can do about it. I may like exceedingly a scheme of morality and an ideal of justice, which, if universally practiced within a nation, would weaken that nation and make it unable to hold its own in the struggle with other nations, yet in spite of my admiration this nation will eventually disappear. To refuse to see this glaring truth is to commit willful self-murder.

Every one is familiar with the intense struggle for existence that is carried on among the trees of the forest. It is asserted that the struggle is so intense and the issue of life and death is so sharply drawn

among the young pines of a thicket, that the cutting of an inch from the top of one of them will doom it to ultimate extinction. Even that slight difference puts it at a disadvantage in the struggle for light, and it never regains what was lost, but falls farther and farther behind and is eventually killed by its less unfortunate rivals. Now let us imagine that trees were conscious beings, and capable of evolving systems of morality. Let us suppose further that one set of trees possessed a system of morality which stimulated growth and helped them in the struggle for soil and light, while another set of trees possessed a system of morality which retarded growth and hindered them in the struggle. In each group of trees the sentiment of approval or disapproval would be called forth, but by an entirely different class of acts. In the one case the class of acts which call forth approval help the trees in their struggle for existence. In the other case the class of acts which call forth approval hinder them in this physical struggle. Is there any doubt as to which of these systems of morality would ultimately dominate the forest? Those trees which happened to possess the system of morality which helped them would survive, and those which happened to possess the system which hindered would perish, and with them would perish their system of morality.<sup>1</sup>

Over against the opinions of the anthropological school of moralists who, as said above, have never got beyond the study of moral variations, we may set such a moral prophet as Thomas Carlyle, who saw far beyond the variations in moral approval, and whose prophetic soul perceived the great principle of moral selection. This stern old Scotchman had small patience with the idea that whatever the people happen to like is good, or whatever they happen to think to be right is right.

Unanimity of voting, — that will do nothing for us if *so*. Your ship cannot double Cape Horn by its excellent plans of voting. The ship may vote this and that, above decks and below, in the most harmoniously exquisitely constitutional manner: the ship, to get around Cape Horn, will find a set of conditions already voted for, and fixed with adamantine rigor by the ancient Elemental Powers, who are entirely careless how you vote. If you can, by voting, or without voting, ascertain these conditions, and valiantly conform to them, you

<sup>1</sup> *The Religion Worth Having*, by the author, Boston, 1912.

will get around the Cape: if you cannot, — the ruffian winds will blow you ever back again; the inexorable icebergs, dumb privy councilors from Chaos, will nudge you with most chaotic "admonition"; you will be flung half-frozen on the Patagonian cliffs, or admonished into shivers by your iceberg councilors, and sent sheer down to Davy Jones, and you will never get round Cape Horn at all! Unanimity on board ship; — yes, indeed, the ship's crew may be very unanimous, which doubtless, for the time being, will be very comfortable to the ship's crew, and to their Phantasm Captain, if they have one: but if the tack they unanimously steer upon is guiding them into the belly of the Abyss, it will not profit them much! — Ships accordingly do not use the ballot-box at all; and they reject the Phantasm species of Captain: one wishes much some other Entities — since all entities lie under the same rigorous set of laws — could be brought to show as much wisdom and sense, at least of self-preservation, the *first* command of Nature. . . .

If a man could shake out of his mind the universal noise of political doctors . . . and consider the matter face to face . . . I venture to say he would find this a very extraordinary method of navigation, whether in the Straits of Magellan or in the undiscovered sea of Time. To prosper in this world, to gain felicity, victory, and improvement, either for a man or a nation, there is but one thing requisite, — that the man or nation can discern what the true regulations of the Universe are in regard to him and his pursuit, and can faithfully and steadfastly follow these.

Carlyle's favorite idea of the absolute certainty of justice in spite of the wrongs of tyrants and the mistakes of democracy accords perfectly with this modern notion of moral variation and selection. However popular an idea of justice may be, if it does not accord with the eternal laws of right and wrong, if it be not in harmony with the order of the universe, it will come to naught. But more specifically, we know, under the operation of Darwin's law of variation and selection, the method by which it will come to naught, namely, it will fail in competition with sounder systems which happen to harmonize a little more closely with the decision of these "ancient Elemental Powers." The scourge of God is prepared for the whipping of the nation

which weakens itself. But this scourge is not wielded by invisible hands which work in darkness.

Another writer, who in many respects differed from Carlyle, namely, James Anthony Froude, resembled him in the conception of this great primal moral fact. In his essay on "History as a Science," he asks the question: "What, then, is the use of History and what are its lessons? . . . First, it is a voice forever sounding across the centuries the laws of right and wrong. Opinions alter, manners change, creeds rise and fall, but the moral law is written on the tablets of eternity. For every false word or unrighteous deed, for cruelty and oppression, for lust or vanity, the price has to be paid at last, not always by the chief offenders, but paid by some one. Justice and truth alone endure and live. Injustice and falsehood may be long-lived, but doomsday comes at last to them, in French revolutions and other terrible ways."

Perhaps it would be better to say that whatever is written on the tablets of eternity *is* the moral law.

Again, in the same essay, the same writer declares: "One lesson, and only one, history may be said to repeat with distinctness; that the world is built somehow on moral foundations; that, in the long run it is well with the good; in the long run it is ill with the wicked."

Instead of saying that history teaches that the world is built on moral foundations, it would be as well to say that whatever history really teaches *is* morality *per se*. That the good *are* they with whom it is well in the long run and the bad are they with whom it is ill in the long run.

But the modern critic asks: Is the world built on moral foundations? Is there a moral order of the universe? On the contrary, it is asserted that science is unable to perceive anything resembling a moral order. The difficulty with

these queries and contentions is that we fail to get the right point of approach. We are trying to apply *our* sense of approval and disapproval to the laws of the universe, beginning with the assumption, somewhat resembling that of the anthropological school, that whatever we think to be right, or more accurately, whatever creates in us the sensation of approval, is for us right. And then, finding that the universe does not always conform to this principle, that is, the universe does not always create within us the sensation of approval, therefore we are unable to perceive a moral order. In short, since it only means that the universe does not create within us the sense of approval, it does not settle anything; it merely raises the question as to whether it is the universe or our moral sense which is wrong.

If, however, we could get away from this anthropological, as well as from the intuitional viewpoint, and look upon the whole moral problem as a problem of adaptation and adjustment, we should reach a different conclusion. The ultimate problem of any variety of life, including the human race, is that of adjustment to the material universe. All other problems are subordinate to that, and all values are derived from their relation to this ultimate problem. Anything which facilitates the adjustment of man to the universe is, for man, good. Anything which hinders that process of adjustment is, for him, bad. Any class of actions which help in this process of adjustment *ought* to create in us the sensation of approval whether they do or not, and any class of actions which hinder in this process *ought* to create the sensation of disapproval whether they do or not. Otherwise there is no room for the existence of moral sentiment. That is the function of the moral sentiments and they are abortive when they fail in that function. From this point of view it would be silly to ask is there a moral order of the

universe, for whatever the order of the universe happens to be, that *is* the moral order. Instead of saying that nature is non-moral or that science is unable to discover a moral order in the universe, we should say that nature is the final authority on morality, and our opinions, likes and dislikes, approvals and disapprovals, must be modified to suit that final authority. That nature is non-moral or that the scientist is unable to discover anything resembling a moral order is virtually to say that nature does not seem to conform to our preconceived notions of morality, or that the scientist is unable to discover in the order of the universe anything resembling what he has been taught to regard as the moral order.

If one had been taught a peculiar system of hygiene and afterwards discovered that nature seemed to pay very little attention to his system, he might then say that nature was non-hygienic, that nature did not know anything about physiology, or that science was unable to discover a hygienic order of the universe, all of which of course would be extremely silly. It would not, however, be one whit less silly to say that nature knows nothing of morality. If we once perceive that morality is merely social hygiene, and that anything is moral which works well for society in the long run, which prolongs its life and enables it to grow and flourish and hold its own in competition with other societies, and beat out all those which are organized on immoral bases, we should no more think of questioning the moral order of the universe than we now do of questioning the hygienic order. We should then say frankly that whatever the order of the universe is, that, *per se*, is the moral order, likes and dislikes, approvals and disapprovals to the contrary notwithstanding. We should then say that whatever social customs and conventions are found to fit into the order of

the universe, and whatever private conduct is found to permanently strengthen the social group, that is *per se* morality.

This view agrees with that of the intuitionist in that it assumes that there is a moral order. It differs in that it denies that this moral order is intuitively understood. We must discover the moral order by experience and observation, precisely as we discover the hygienic order. This happens also to be consistent with the highest form of religious thought which the world possesses today. The most thorough-going religionist is he who believes that the universe is not only created by the divine will, but is momentarily recreated by the perpetually creative activity of that will; that all the phenomena of nature, so-called, are merely manifestations of divine activity; that, like the moving picture which is reproduced on the screen rather infrequently, but frequently enough to deceive the physical eye, so the material universe is recreated by the divine creative energy every mathematical instant of time, so frequently, in other words, as to deceive the mental eye and create the illusion of permanency. "Therefore the observed uniformities commonly called natural laws are merely the observed uniformities of the operation of the divine will; that the moral laws, like the laws of nature, are the expressions of that continuously creative activity; that the laws of natural selection are identical with the laws of divine approval; and that the process of exterminating the unfit or the unadapted is only the manifestation of divine disapproval." <sup>1</sup>

But whether one be a religionist of this most thorough-going kind or a thorough-going materialist who sees nothing back of the physical processes, and regards the universe

<sup>1</sup> *The Religion Worth Having*, pp. 83-85.

only as a huge impersonal machine, grinding out its impersonal results without rhyme or reason, one's conclusion must be very much the same, namely, that they who conform to the machine, or to the divinely guided universe, will get on and flourish, and they who do not conform will perish and disappear. In either case that which will be, will be. Instead of saying, therefore, that whatever is, is right, which would carry with it the conclusion that whatever was, was right, we should say that whatever inevitably tends to be is right, for the right is that which inevitably tends to be under the laws of variation and selection.

Again, a new interpretation is put upon the dictum that that is right which is capable of becoming universal. Instead of interpreting this to mean that that is right which we with our present likes and dislikes, approvals and disapprovals, would like to see made universal, we must interpret it to mean that that is right which is capable of making itself universal whether we like it or not, of winning out in the struggle with other conceptions of right, and of forcing itself upon the world by the sure process of selection which, as indicated above, is the only method by which progress takes place.

The foregoing argument has been designed to show that the duties and obligations of the state, while they may be derived from the expressed will of the people, are not finally determined by that expressed will. While it would probably be inexpedient to say that the state should act contrary to the expressed will of the mass of the people, for that involves a very different question, it is at the same time false and dangerous in the extreme to say that whatever the state does in harmony with the supposed will of the people must *per se* be right.

This raises, of course, the question as to which is the safest method of finding out what is right and what is wrong for the state to do. If the mass of the people are less likely to be mistaken than any individual, such as the king, or any small aristocratic group which might be selected, then as a practical expedient the state should follow the will of the people; that is to say, it is less likely to do wrong if it follows this guide than if it follows any other that, humanly speaking, can be designed. Nevertheless the point must be insisted upon with the clearest emphasis that, though the will of the people may be the safest guide, still even that guide may fail and the state may be going directly toward perdition while following this guide implicitly. The only comfort would be that if it followed any other guide it would head toward perdition with still greater certainty.

Another variation of the same general theory is found in the doctrine that the closest possible approximation to practical justice is to be found in the general trend of judicial decisions as they are given out in the actual adjudication of conflicting interests. This may mean that the probability of error is less when we follow this general trend of expert opinion as given out by men who are charged with the task of administering justice than when we follow any other guide. That is reasonable, but it leaves undecided the question as to what nation to choose as the basis of study. The judiciary of our country does not always agree with that of another, and the general trend of judicial opinion will depend somewhat upon the country, or the judicial system, selected as authoritative. On the other hand, it may mean that the general trend of judicial opinion is the embodiment of the mature and enduring opinions and sentiments of the people on matters of justice. Admitting this to be true, the question still remains, are the mature and

enduring opinions and sentiments of the people at large necessarily sound on such questions? This would be answered in the affirmative both by the intuitionist and the anthropological schools. The former would say that since every man has an intuitive knowledge of right and wrong, at least in their general aspects, therefore in the universal opinions and abiding sentiments of mankind we necessarily have a criterion of what is right and what is wrong in the settlement of conflicting interests, that is, in matters of justice. But the anthropological school would deny that there are any universal opinions or abiding sentiments as to what is right and wrong, in this or any other field, thus destroying the basis for the intuitionist's conclusion. The present writer agrees with the anthropological school on this point.

But the anthropological moralist would say that there is no such thing as a universal principle of justice, that that is just in any one nation which that nation, in the mass, unites in approving, and that unjust which it unites in disapproving. Therefore, if one can find out what are the matured and enduring opinions and sentiments of any nation with respect to justice, one has found out all there is to be known about justice for that nation. Since judicial opinion is the best expression of those matured and enduring opinions and sentiments, it is only necessary to study these decisions. The present writer cannot agree with this opinion, believing that even the matured and enduring sentiments of a whole nation on the subject of justice may be wrong.

It may be argued, however, that where a nation is actually progressing, where it is improving its material condition, where its people are uniformly satisfied with the treatment they receive, where the arts and sciences are advancing, and all the other earmarks of genuine progress are present, there

is a strong presumption in favor of the proposition that justice prevails. Justice is that system of adjusting conflicting interests which makes the group strong and progressive rather than weak and retrogressive whereas injustice is a system of adjusting conflicting interests which makes a nation weak and retrogressive rather than strong and progressive. But there are other factors besides justice and injustice. With a new and rich continent to exploit, with untold natural resources waiting to be developed, a nation may be rich and prosperous, for a time, and its people uniformly well satisfied with the situation, in spite of many injustices. Therefore, while growth in power, national progress and general satisfaction create a presumption that justice exists, this presumption falls far short of proof. If one could once be certain that practical justice did actually prevail in a nation, one would then be justified in assuming that the trend of judicial opinion would give him the principles of ideal justice. But this amounts very nearly to saying that if one is certain that judicial decisions are just he can then find out from these decisions what justice is. This means virtually that if one assumes that judicial decisions are, in the main, just, one has already assumed the thing which one is starting out to discover.

There probably never was a time when the people who had their way did not think they were progressing. They have always thought that the step which they have decreed was a step of progress, yet when viewed in a historical perspective we are now able to see that they have frequently gone wrong, and what they thought was progress was retrogression. Yet from the standpoint of the anthropological school we have no right to raise this question. If the steps they were taking created within them the sensation of approval those steps were right and proper, and nothing

else is involved. From the point of view here outlined, however, if the steps they were taking were, in Carlyle's language, "leading them into the belly of the abyss," they were not progressing but retrograding. *The purpose of this work is not, therefore, to find what political steps are necessary in order to satisfy our likes and dislikes, our sentiment of justice, or to create within us the sensation of approval; but to find out what political and social acts will facilitate our adjustment to the material universe in which we find ourselves, and make our society a strong rather than a weak society.*

This is the problem of the student. We must then trust to the preacher of righteousness to create such mental and spiritual conditions within the people as to enable these acts which facilitate the process of adaptation to create the sentiment of approval, and those which hinder adaptation to create the sentiment of disapproval among the people. The dictum "Righteousness exalteth a nation" means, from this point of view, that whatever in the long run exalts a nation is righteousness, and the purpose of the preacher of righteousness is to adjust the sentiments of the people to this fact, so that very class of acts which actually exalt and build up a nation shall create the sensation of approval in their minds, and every class of acts which make for weakness and degeneracy shall create the sensation of disapproval and indignation. It is only by this process that our people and our civilization shall eventually prove their fitness for survival, or that we can ever justify our claim to be the chosen people. Who are the chosen people is not a historical question. It is a question of fact, adaptation, and survival. What is the true church will never be determined by archaeological and historical investigation. It will be determined by the laws of selection and survival. What is the true system of morality, will never be determined by the

test of popular approval, but we shall determine whether the popular mind is sound or not by waiting to see whether the things which the popular mind approves work or not, whether they make our people the strongest people in the struggle for survival.

What ought the state to do? What ought the people to approve in the way of social control? What schemes of social control, what social institutions, what systems of economic organization, production, distribution *ought* to meet the approval of the masses of the people? This is the real question of social justice, not what *do* the people actually approve, or what would the reader or the writer or any one else *like* to see in the way of a social system. Self-preservation has become the first law of nature for the state rather than for the individual. Justice is an essential part of the program of self-preservation. But we must not delude ourselves into thinking that the state which does that which creates the sensation of approval within us will, in some inscrutable way, be preserved. Rather must we labor to discover what will preserve the state and then train our consciences to approve that. If we do otherwise we shall ourselves be involved as individuals in the destruction which overwhelms the state of which we are a part.

“For the strength of the pack is the wolf  
And the strength of the wolf is the pack.”

Lest this should be misinterpreted as a glorification of militarism, the author wishes to point out that, in the long run, any nation which develops militarism beyond that which is necessary to defend its territory against actual invasion, or its commerce against actual destruction, weakens rather than strengthens itself. But in our advocacy of peace we must not forget that it is national suicide not to be able to defend ourselves, so long as there are international

bullies abroad in the world. There is no reason for believing that the Attilas, the Genghis Khans, the Tamerlanes, and the Napoleons have all disappeared from the world. In order to be strong, therefore, it is essential, first and primarily, that as much of our energy as possible shall be directed, and directed as intelligently as possible, toward productive ends, and secondarily, that as much energy shall be put into the military arm of the nation as is necessary for purposes of actual defence. But on this point we must not be too economical. To err on the side of too much preparation for defence means, at most, only a moderate financial loss. To err on the side of too little may mean national death. To err on the side of sybaritism, either material or spiritual, that is, on the side of too little production and too much seeking of pleasure, either physical or spiritual, leads certainly to death. "For strait is the gate and narrow is the way that leads to eternal life" for a nation as well as for an individual.

It is as necessary to be careful in defining strength as in defining goodness. That is strength which in the end brings survival. That is weakness which in the end brings extermination.

That the meek shall inherit the earth is probably a scientific statement. It means that the unmeek, the proud, the haughty, shall be exterminated. If so it will be precisely because meekness, that is teachableness and willingness to mind one's own business, is strength, while pride and vanity are weaknesses:

If meekness is strength it is precisely because it is a quality which makes a strong nation when it is possessed by all its citizens. If pride and vanity are weaknesses, it is precisely because they make a weak nation when they characterize the citizens.

When the superman of our own wild west rode into a cow town to attempt one of his Gargantuan stunts, and began by announcing that he was a bad man and was looking for trouble, — that he was half horse and half alligator and ate people alive, — or that he was a mean hog and didn't care where he rooted, — he was promptly hanged to a telegraph pole by the quiet and peaceable citizens who did not want to have their business of branding calves and selling steers interfered with. It was precisely because they were quiet and peaceable, and attending to the important business of raising cattle, that the community grew strong. If they had all been of the superman type, the community would have been weak, because neither cattle-raising nor any other useful, strength-sustaining occupation could have flourished.

“Only by pride cometh contention,” said the wise man. A proud and contentious spirit, either in an individual or a nation, creates enemies. It is not prosperity but ostentation which creates enmity against the prosperous; it is not power, but swaggering, which creates hatred against the powerful. The meek will become not only rich and powerful, but, so long as they retain their qualities of meekness and usefulness, they make friends rather than enemies, and that adds to their strength and prosperity. They who are rich in goods, but poor in spirit, who are powerful for war, but meek and gentle in spirit, they of whom it can be said, “In thee shall all the nations of the earth be blest,” stand the best chance, so far as one is now able to see, of inheriting the earth. The wise man also said, “After pride cometh shame,” and “Pride goeth before destruction and a haughty spirit before a fall.”

However, it is the present purpose, merely to affirm that virtue and strength are identical, and that strength is not to be defined according to some of our own perverse notions, but according to its ability to make itself universal.