

CURRENT LITERATURE.

I. — *Natural Law. An Essay in Ethics.* By EDITH SIMCOX. Boston: J. R. Osgood & Co. 1877. pp. 361.

"HUMAN consciousness is beyond doubt a something distinct and unique, but it is still an open question whether we are to class mental processes on one side and every other natural phenomenon on the other, or whether we should look on man as only the chief and most interesting among the many marvellous products of natural evolution." This is the "open question" of questions, which the work before us attempts, — not to close, perhaps, for the writer seems too true a philosopher to dream of extinguishing philosophy by that final solution at the present stage of human self-inquiry, — but rather to set out in such aspects as may reconcile men to the solution which positive philosophy anticipates. The attempt is no new one, either in aim or plan, but it has never been made by a bolder mind, nor with keener originality of thinking, nor with a broader comprehension of all that the undertaking involves. Accepting no formulas in thinking from any school, the author holds her rationalistic creed quite equally independent of any authoritative name behind her own. She represents the positivism of Comte, reinforced by the evolutionism of Herbert Spencer, and by the physio-psychology of Lewes and Bain; but it is neither as a follower of Comte nor as a follower of Spencer that she enters these vast fields of speculation. Their methods have led her quite wide of the "religion of humanity" which gained a prophet and a ritualist in the one, and quite beyond the halting doctrine of "the unknowable" at which the other paused. She has conceived, in fact, a philosophical system that is quite her own, and she traverses it, in this book, with as firm-footed logic, at least, as that of any among the adventurous explorers of the present day, who bring reports from that chartless realm wherein the very possibilities of longitudinal reckoning have just begun to be known.

It is, of course, impossible to give, in this place, any just account of such a systematic body of thought. The best that can be done is to outline a very few of the main conceptions from which it is evolved.

The author prefers to describe her method of thinking as that of a "naturalist," and she has established a fixed centre for it by a definition of "natural law" which removes all the prevalent confusions that attach to the idea of "law." Her first effort is to modify, if not eliminate, the notions of authority and command which jurists and theologians have alike assisted to identify with that of law. She does this by showing that will and command are insufficient, under any circumstances, to produce the condition of necessity which constitutes law; that even in the case of man, and even in the case of his own political ordinances, those conditions are determined by something in the nature of the subject of the law, which results in obedience, if the law be a true one, and which is a prime factor, therefore, in the idea of law. In accordance with this conception, her readers are requested always to understand by the term *law* "a statement of constant relations, posited by the nature of things," — meaning by "the nature of a thing" the classes of actions (or sufferances) constantly characteristic of it under given circumstances, the tact of such constancy being determined by experience.

The second chapter of the book is devoted to a demonstration of the fact that man possesses a knowable "nature," in the strict meaning of this definition; that he is a subject, therefore, of natural law, in the same sense in which every unconscious part of Nature is subjected; that his own political laws, by means of which he realizes the social state (toward which the circumstances of his existence impel him), are always the outcome of natural law, formulated and declared. It will not do, in the space at command here, to trace at all the interesting and original discussion which occupies this portion of the book, analyzing the growth of customary or common law, the rise of political authority in settled communities, and the passage of that which is originally custom or habit into judgments, precedents, declaratory statutes or decrees, subject all the time to the modifications which go on in the underlying "natural law" of prevalent custom, opinion, and belief.

The grand theme of the book is reached in the succeeding chapter. Having derived from her prior investigations the conclusion that "human law is most intelligible and explicable, if conceived as the mere addition of consciousness to a real causal, or fixed order of relations, as, in fact, *the consciousness of causation*," she now applies this conception to the phenomena of that subjective constraint upon human con-

duct which is variously described as "moral law," "moral obligation," "sense of duty," and so on. We can almost convey a fair idea of the process of her reasoning by picking here and there a conspicuous sentence from her work. "A real tendency or impulse . . . toward the effecting of any particular result becomes present to consciousness as a desire for that result." "Men become conscious of law as a check on desire." "'Ought' is what I feel obliged to do, because for ages and ages the stream of human tendency has set in favor of such doing, and my present inclinations have been moulded by the stream; if completely, I do easily and willingly what I ought; if not, I may leave it undone and repent, or do it grudgingly and with pain, or I may set myself against the stream and deny the obligation; but, in the ordinary use of words, I am a 'good' or 'bad' man in proportion to the completeness and spontaneity of my obedience." "By natural good we mean, as will probably be allowed, *the perfection of any thing after its kind*, understanding by such perfection only a statement or inference from experience that there are certain types to which beings of different species do actually tend to approximate, and this so generally that, though the perfect type may never be realized in one individual specimen of the class, still, every particular partial divergence from it appears as an exception to the general rule." "We conceive moral good as the pursuit of natural (not sensible) good *under difficulties* without which the pursuit would not be self-conscious." "The natural good of any species may vary indefinitely with whatever modifications of the specific type actually take place, but as there always *is* a type, the standard of natural good is at least relatively fixed." "The highest form of virtue, or moral excellence, according to this view, would lie in the conscious tendency toward conformity to the type as it is going to be, but as, except in a few chosen specimens, it is not yet discernible to be." "Morality advances when the sense of moral obligation is onerous and distressing, because the necessity then experienced by the moral teachers of the race is made by desires going forward after the unattained, not by motives already present to sense." These sentences contain, we think, the essence of the moral philosophy of the book, although the real fulness of it cannot be indicated by them at all. In the discursive thought which flows through and around the main argument, with constantly surprising incidental effects, — washing away, for example, the foundations of Utilitarianism, which is the basing of morality upon the pursuit of "sensible good," instead of "natural good," — there is much that ought to be noticed, if space did not forbid. But the kernel of doctrine, which the whole work is an effort to plant, is this: that the moral "good" which man recog-

nizes, and the moral "right" by which he is constrained, are the acting and reacting "stream of tendency" in himself and in his fellows toward "perfection after their kind" (according to their "nature," that is), developed to consciousness by the resistances which obstruct it, and there manifested in the idea of moral law, the sentiment of duty, the dictate of self-denial and sacrifice.

It is not difficult to see the criticism to which this theory of morality is most exposed. While the author accepts fully the doctrine of evolution, and builds upon it, she yet seems to be importing into that doctrine something which cannot be reconciled with it. The strict evolutionist cannot possibly admit into his philosophy the factor that is represented by such phrases as "the perfection of a thing after its kind," "types," "standards," "natural excellence," and so on, no matter how guardedly they may be used nor with what qualifications. It is true that they are not employed here in their every-day sense; it is true that the "perfection" contemplated is something relative to changing conditions, and that the conceivability of an entirely different moral "good" under different conditions is fully recognized; yet the whole idea of a tendency in things to the "perfection of their kind" is alien to evolutionary philosophy. Such conceptions are excluded from it by its very terms. The abstract notion of "perfection" is a generalization, an imagination, about which it cannot assume to know anything or to frame any hypothesis. It sees in things only their *adaptation*, not to any fancied end or purpose or knowable outcome whatsoever, but simply to the external fact of the relations by which their existence is conditioned. It contemplates each thing of every kind as merely striving to continue to be by satisfying the terms on which its continued existence is found possible under the play of those determined interactions in Nature which, when we have ascertained them by experience, we call natural laws. It knows no tendency in any thing, except the tendency, if it may be called so, to continue or persist in being, which would be resolved in the last analysis, perhaps, into a certain plasticity, by virtue of which it adapts itself to the conditions of its existence. It can allow no other meaning, therefore, to such words as "perfection," "good," or "best," than that of mere completeness of adaptation.

An evolutionary system of morals, then, must be one which shows that the several states of human feeling and the several qualities in human conduct which we call moral (static and dynamic) have become what they are, and attained the kind of character of sovereignty that is conceded to them, by the triumph of survival only, and by the fitness for being which survival represents. This our author does not

seem to do in any systematic way, although in her chapters on "altruism" and on "customary and positive law" she analyzes with much acuteness the process of adaptation that goes on between man and man in the evolution of the social state. But all her thinking is colored by an assumption which nothing in her philosophy justifies, so far as we are able to see, — namely, that man "feels impelled to be, himself, *as fine a specimen of humanity as he can*, to realize, that is to say, all the capabilities of action and passion that are in him." We do not mean to say that this is untrue. We only question whether it can, with due consistency, be assumed as a fact, without accounting for it, in a system of philosophy which proposes to consider man as a "product of natural evolution." If it be true that man feels thus impelled, there would seem to be something evolved in this one product of evolution which appears in no other; something which strives, at least, to be independent in its evolution, going out to solicit conditions and make selections for itself. A phenomenon, surely, which demands explanation before any other.

This logical unsatisfactoriness in the doctrine of the book finds its sufficient reason in what follows. Underneath all the philosophical contentment which she has striven with intellectual courage to attain, there is an unexpressed craving of religious sentiment, asserting itself in her nature, and commanding her to rationalize it, if she can. This is the manifest motive of the work. She cannot apotheosize Humanity with Comte, and no form of theistic or pantheistic conception is satisfactory to her mind. She seeks for a purely subjective religion, or for something which shall justify religious emotion with every object of religious adoration withdrawn. In that questionable postulate, that man feels himself impelled toward perfection after his kind, she appears to find what she seeks. Acting alone, the impulse would carry each individual man in pursuit of his own specific natural good; but he is overruled by the fact that he is "placed in a world the natural good of which requires sacrifice . . . akin to the partial sacrifices of inclination within the individual enjoined by its [his] own moral nature." Out of this she can trace the possible growth of a "disinterested feeling and intelligence of the *universal good*," which may endure through each imposed sacrifice, and habitually induce "an active coöperation of the individual will with all the real forces of the universe in proportion to their reality." But — and here the doctrine becomes very nearly mystical — to sustain such a moral attitude in man toward the "universal good," "the supreme religious influence of the general tendencies of the not-self," she says, must be "*felt*, as a clear and present reality, not constraining or controlling the will, but absolutely

transforming it, moulding it into acquiescence or conformity with all that exists." She maintains with warmth that there is such a "natural and intelligible revolution in the feelings, which follows upon the apprehension of a new truth of vital importance, or, more commonly, upon some moral crisis which causes an old belief suddenly to acquire fresh force and significance;" that it is akin, on the one hand, to the spiritual revolution which constitutes the "new birth" of the Calvinists, and, on the other hand, to the sudden illumination which mathematicians have experienced while groping amid the obscurities of the differential calculus. "The change of heart by which the saints felt themselves released at once from the bondage of natural iniquity and of the law of natural morality, may be described as the discovery by a soul that had been out of harmony with its surroundings, that harmony, though not happiness, is possible — at a price; that, though the self cannot remodel the universe in conformity to its own best impulses, all its own best impulses can find scope and satisfaction in conformity with true tendencies in the not-self." And thus she appropriates for her own naturalistic creed the whole of the emotional contents of every self-abnegating religion, and provides for a piety which needs no pantheon.

We shall not undertake to discuss these views, nor even to say how far, if they stood by themselves, they would seem to be satisfactory or unsatisfactory. But in their connection with the system of philosophy which the writer professes, our criticism upon them has been indicated already. Their consistency with the logic of positivism or naturalism is doubtful, — more than doubtful, — and another book will be needed to establish quite a number of the grounds on which the writer has built venturously in this.

J. N. L.

2. — *The Conflict between Labor and Capital*. By ALBERT S. BOLLES, author of "Chapters in Political Economy," and editor of the "Norwich Morning Bulletin." Philadelphia: J. B. Lippincott & Co. 1876. pp. 211.

THE greater portion of this little book was written, as we are informed in the preface, while the author was traveling in Europe, where the wealth of facts bearing on the present relations of labor and capital with which his pages are crowded was gathered by personal inquiry