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THE MORALITIES OF THOUGHT
AND THE LOGICS OF ACTION:
SOME REFLECTIONS ON HISTORIC
GRAMMARS OF MORAL DECISION

Benjamin Nelson

Dr. Bruce Raup's remarks constitute one of the most notable recent
efforts to think through the problems of what I would like to call the
multi-dimensional logic of moral decision. It hardly needs saying that
Dr. Raup is not simply content to beseech us, in the manner of "old
fashioned" moralists, to edify our spirits by fixing our minds upon "no-
bler" realms. Nor does he—I shall make more of this later—merely ask
us, as latter-day philosophers are wont to do, to adopt a new posture to
the semantics of ethical analysis. Rather, Dr. Raup appears to be striv-
ing to set in motion a continuing social effort to evolve a comprehensive
fabric of attitudes and methods in virtue of which moral decision,
whether personal or social, might become increasingly permeated by
rational deliberation and uncoerced consensus. This is what I take him
to mean when he calls for the development of "communities of persuas-
ion."

The conviction lying behind Dr. Raup's appeal seems to me to have
been rarely expressed in more felicitious language than it was by Jean
Piaget, whose name occurs inevitably in the present setting. Toward the
close of his masterly The Moral Judgment of the Child—a work with
whose argument Dr. Raup's views seem to me to have great affinity—the
brilliant Swiss educator and philosopher declares: "LOGIC IS THE
MORALITY OF THOUGHT...; MORALITY...; THE LOGIC
OF ACTION." My effort to express my response to Dr. Raup's chal-
lenge will take the form of an attempt to explicate some of the notions
which are suggested to me by this profound maxim.

A number of preliminary considerations and questions occur irresisti-
ibly to one affected, as I have admitted to being, with the historian's
bias. First: Is it true that we are in dire necessity of what I have chosen to call a multidimensional logic of moral decision? To this question I can see only one answer: Yes! Secondly: Can it be that there does not lie to hand a systematic structure of perspectives and reasonings on the conduct of the moral life in the writings of professional ethicists and social scientists? At the risk of compounding my apparent dogmatism, I will answer the second question just as flatly as I did the first: No! No satisfactory structure is now available. Indeed, we do not even command a plausible dialectic of concepts from which any such structure can take its point of departure.

The area of analysis and endeavor to which Dr. Raup directs our attention is, in the present hour, indeed has been for close to a century, a sort of no man's land. Where, let one ask, are issues of this sort dealt with in the university curricula? It would be folly to answer, as some might on first thought be disposed to do: in the courses on ethics in departments of philosophy; or, in the serried array of offerings in the several departments (economics, political science, sociology, anthropology... ) which now constitute the so-called social sciences. Anyone who has ever made the acquaintance of these programs will not fail to recall or observe that ethics as now constituted is principally a logical analysis of the words "good" and "right"—or, to speak more accurately in the dominant philosophical fashion, an analysis of the "current uses" of the words "good" and "right". Such discussions are probably indispensable—may well be the prelude—to any rational organization of the moral life, but it is very doubtful that inevitably and professedly incomplete semantical analyses of the "good" and "right" exhaust the tasks of philosophical morality. Such discussions are only a thread in any properly conceived fabric of moral philosophy.

It is, indeed, only in our own day that men appear to have lost sight of this fact. Let anyone review the history of moral philosophy from the time of the Greeks to the present and he will recognize this fact quickly enough. The work now most celebrated in "advanced" circles as the last word in the logical analysis of ethics is that of Professor Charles Stevenson, *Ethics and Language*. How different in scope and method, to say nothing of tone, is this essay from the structure of moral philosophy as conceived from the time of Socrates to the middle of the nineteenth century?

Some among you may be disposed to counter: The issues which were once assigned to moral philosophy are now, quite properly, reserved for special treatment by the social sciences. To this claim I must enter a demurrer. Once, it is true, the several social sciences constituted parts
of a matrix known as moral philosophy (or theology); today, that connection has been entirely forgotten except by antiquarians and unregenerate Oxford dons. Who would now think of calling the social sciences "moral sciences"? The "social sciences" are replacing the "moral sciences" even in the leading English universities. In our land the disengagement of these "social sciences" from the original matrix of moral philosophy was completed, at least in the pace-setting institutions, by the dawn of the present century.

Today the social scientists have little desire to return to the confines from which they have escaped. Rather, they pride themselves on their neutrality and moral detachment. Speaking now as a social scientist— for I have been serving as a journeyman in this area for a goodly number of years now—I fully understand the grounds for the original demand of the social sciences to be freed from tutelage to theological orthodoxy and I support their defense in the present hour against ill-conceived criticisms of their legitimate claims and contributions. Yet, however worthy the original and current demands of these disciplines for autonomy, it has become increasingly evident that the resultant atomization of the sciences (and, one might add, the humanities) is now greatly retarding men's capacities both to comprehend their predicaments and their opportunities and to promote the life of reason in society. Indeed, few persons currently appeal more strenuously for greater integration of the disciplines than leaders in the various social science professions. It has become apparent to them that atomization must be corrected in some fashion at once. Else, the atomized specialists will have, perhaps forever, to abandon the hope which spurred the individual disciplines to their original declarations of independence—a hope still vital, but now drawing each successive breath with greater difficulty—that there might some day be an integrated science of society.

I

It may help to put my central point in old fashioned terms. Once upon a time—it was really not so long ago as historians compute time—moral philosophy ultimately received embodiment in treatises of conscience and its cases. *De conscientia et eius casibus*—such was the title of the work of William Ames, which next to the Bible was the book of life for the Puritan Fathers of this country. We need not go farther back than the Middle Ages to achieve due perspective. Speaking roughly, the fashioning of a systematic logic of moral decision may be said to have begun with Abelard's insistence on the significance of conscience. Before
long, Abelard’s rudimentary analysis of the problematics of moral agency had flowered into a vast literature, both theoretical and practical in character. The conscience seeking to become effective in the midst of moral ambiguities in respect to the cases men actually confronted in the here-now inevitably generated a casuistry. It was this resourceful association of conscience and casuistry which was the summit of the medieval achievement in the logic of moral decision.

It was this association, we shall soon see, which horrified the early Protestant Reformers and it was this association which was eventually sundered in the development of Protestantism. Ames’s treatise, to which we have just made reference was, indeed, not a vigorous expression of a tendency native to Protestantism, but a belated and vestigial reminiscence of an older day. In truth, the historic association of conscience and casuistry had generally come to be viewed as pernicious to the cause both of religion and morality well before the death of Ames.

The dissociation of conscience and casuistry occurred in a number of stages. First, with the Protestant Reformation, the conscience hitherto thought of as the “proximate (not ultimate) rule of right reason” in moral (not theological) affairs came to be applied quintessentially to the religious sphere, from which it had excluded itself or been excluded in the Middle Ages. This striking expansion in the claims to competence of the free conscience, coupled with the deepened antagonism to the claims of casuistry, had effects upon the making of the modern mind and the modern world which were as ambiguous as they were profound.

As a result of the growing conviction in the inerrancy of the liberated and illumined conscience, conscience came to have almost unlimited range and unchallenged authority. This was especially true among the left-wing sectaries of the Reformation. To their outlook, it happens, we owe the growth of many of our most precious liberties. Their appeals to the rights of the free conscience lie behind the establishment of the "inalienable" freedoms claimed today, the freedoms of thought and worship, of speech and press, of assembly and association and others hardly needing to be recalled. The less desirable accompaniments—shall we call them the unintended by-products?—of the new role adopted by conscience have not been so well perceived. By an almost paradoxical reversal, the invasion by conscience of the once privileged sphere of faith was not purchased without a price: the abandonment by conscience of interest in and competence over the governance of moral and social life. The identification of conscience with faith and worship saw the surrender by conscience of its age-old claims to propose courses of action for the conduct of man’s inter-personal relations as fellow
members in their several and joint undertakings in the economy, society, and polity.

In short: the privatization of the conscience—the dissociation of conscience from its cases, the dissociation of moral effort from the ambiguous contingencies of the here-now resulted inevitably from its initial preoccupation with and subsequent confinement to individual religious faith. To many, of course, this dissociation was a blessed consummation. Conscience appeared to now be purged of the dross which had attached to it so long as it took shape in a "hair-splitting chicanery" which seemed to serve no better purpose than to promote the evil designs of an established church. A liberated conscience free of the constraints of "priestcraft", free of the stigma of the confessional—a conscience without casuistry!—this was the goal of man's strivings. Only then, it was supposed, could each man live his own moral life in response to the promptings of the inner light.

Before too long, however, the liberated conscience itself was under attack. Its increasing disrepute in advanced circles was already evident to many in the course of the seventeenth century. In the nineteenth century the progress of rational science, evolutionary biology, anthropological exploration, seemed inevitably to doom the idea of conscience and its neighboring notion, with which it was often confused, the "moral sense." It was not, however, until our own (enlightened) time that the notion of conscience was to undergo its nadir. Today, the conscience is denounced as the prime vestige of the sense of guilt, the built-in ("introjected") censor forced upon men by group repression—the bar to free expression of impulse—the enemy within the gates.

These vicissitudes of conscience—first the abandonment of its link with casuistry, then the privatization of its sphere of action, finally the denial of its authenticity and its autonomy—were not the only sources of the dissociation between conscience and casuistry. Other forces were no less effective. The complex issues which arose in the consideration of the cases of conscience came, as time passed, to require exhaustive treatment in their own terms. At first, it was supposed that such treatment would greatly assist in cueing intelligent decisions as to moral alternatives. Finally, the cases came to be studied not only in their own terms, but for their own sake, for the sake of science itself. Thus the several spheres in which these issues seemed to classify themselves hastened to shake free from the matrix of moral philosophy in which they had been originally embraced. The increase in autonomy from surveillance of all those once coordinated sciences was imperceptibly but inevitably accompanied by the increasing isolation of one science from an-
other. Some aspects of the preliminary phases of the growth of autonomous disciplines in the early modern era have been movingly described in the writings of Mr. R. H. Tawney. The newer developments in the dissociation which waited until the nineteenth century have yet to find their historian.

In my terms, Dr. Raup is asking us to re-integrate the study of conscience and its cases. To this request I give echo with all the power at my command. It is exactly the approach I have been advocating whenever the opportunity has presented itself. Indeed, this re-examination of the interrelations of conscience and casuistry constitutes the core of my current researches on the evolution of the logic(s) of moral decision in the West. Such attempts at re-integration appear to me to be the necessary prelude to any reconstructing of humanistic perspectives upon the moral life. There is great reason to hope that this undertaking will not be without fruit. Our day is witnessing the one effective assault on the perverse over-specialization which marked the "machine age" in a neighboring science, or, if you prefer, art. I refer to the progress of the psychosomatic outlook in medicine. Analogously, the re-integration of the study of conscience and its cases will generate frameworks of understanding which promise to be as productive for exploring the pathology and proposed remedies for moral confusion and social disorganization as psychosomatic medicine is proving in clarifying the diagnoses and cures of once obscure or imperfectly defined syndromes.

II

Perhaps it will be clear now why I was particularly impressed by Dr. Raup's allusion yesterday afternoon to the relations between man's efforts to achieve rational uncoerced consensus in the moral sphere with the workings of the judicial process. In older days—again I must add: not so long ago as historians compute time—jurisprudence was barely distinguishable from moral philosophy. This was not because, as so many voices are now claiming, there was a universally received doctrine of the natural law. It was simply because the work of the law in vindicating right and promoting justice was felt to be moral through and through, the most comprehensive effort made within society to apply reason and reasonableness in the reconciliation of individual purposes and social goals. It is not being claimed that moral philosophers and jurists did not equally tug at the reins which held them in harness. Both aspects of the matter can be readily grasped if we think of the work of two men: the one, Justice Holmes, about whom we spoke yesterday; the
other, Martin Luther, whose career will perhaps be more or less easily recalled in these parts.

Justice Holmes, speaking as a jurist, had a horror of the anarchism which appeared inevitably, in his judgment, to be introduced into the law by its confusion with moral philosophy. In this attitude, he was of course one with many other jurists before and after who prefer the "minimum" but seemingly definite morality embodied in the law to the "maximum" but apparently arbitrary or capricious morality expressed in ethics of intention or in what has come to be called "cadi" justice.

Luther, on the other hand, it will be remembered, had a horror of confusing religion with legalism. One who believed in justification by faith alone, as he did, could only be enraged at the presumptions involved in the codification of the moral life in the form of precepts. It is no accident that the decisive stages in Luther's assumption of his career as a reformer are associated with his casting into the flames of the Corpus iuris canonici, the codification of the laws of the medieval church, and the Summa angelica de casibus of Angelus de Clavasio, the most popular manual of moral theology and guide to the cases of conscience in the late fifteenth and early sixteenth centuries. If, therefore, Justice Holmes, speaking in the name of the legal profession, rejected transcendental ethics in the name of law, Luther rejected law and moral casuistry in the name of religion and the free conscience.

It is my profound conviction that some separation between law and moral philosophy is both inevitable and necessary. I will not indulge myself in the luxury of going into details on this point, save to suggest that the effort to identify the two leads easily to unwanted authoritarianism. Yet, I would insist, the complete divorce of the various realms from one another has results hardly less fatal than authoritarianism. If the confusion of religion with morals runs the risk of Pharisaism, the divorce of religion from morals surely deprives religion of the opportunity of temporal fulfillment and robs morals of the stimulus of a transcendental perspective. True, the identification of law with morals leads easily to unwanted authoritarianism, but the isolation of law from morals leaves law no recourse but to become fiat and dooms morals to go without public embodiment.

We must, therefore, set about reviewing old and exploring new ways of integrating conscience and its cases. If this is what Dr. Raup means—and I think this is what he must mean—then I agree with him. It hardly needs saying that in these projected re-integrations, ingenious and informed use will have to be made of the truly productive contributions, however technical their expression, of the sciences and the humanities.
I oppose the view that the social sciences need to be yoked into a unity which they do not desire and which, if unintelligently effected, would surely threaten their creative existence.

Rather, I urge that all men who seek to enhance the measure of humane value in this imperfect world need to be alerted to the opportunities which lie to hand in the construction of two-way thoroughfares from a revitalized moral philosophy to social science and from a revitalized social science to moral philosophy. Indeed, before we had gone very far in the attempt to meet Dr. Raup's challenge, we should discover the need for the formation of a new profession. I refer to a gathering of all those, not only professional educators, who would dedicate themselves to the building of such bridges between the sciences, the humanities, and the moral life; who would without cease seek to improve the understanding of the logics of moral decision and to quicken the disposition both to rational analysis and moral activity. The motto of such a profession might well be the maxim with which this discussion began: "LOGIC IS THE MORALITY OF THOUGHT; MORALITY THE LOGIC OF ACTION."

Some among you may be concluding that I must be a victim of Utopian illusions. Let me, therefore, quickly enter a strong caveat against any such interpretation of my views. I do not anticipate that these proposed re-integrations will effect the total and final deliverance of moral men from the labyrinth in which they now—and always—find themselves. Those who devote themselves to living a moral life and who take occasion to reflect on their own successes and failures in meeting their moral opportunities will not need to be reminded of how winding is the road and how many are the ambiguities which lurk at every turn.

Let me only mention, in concluding, three ambiguities which struck me as I listened to Dr. Raup's exposition. (I must add that I do not pretend that I see how to resolve these dilemmas:)

1) The ambiguity which lurked in the allusion to Justice Holmes and the moral enterprise. I offered some clues on this score yesterday afternoon. Now I will show my hand without reserve. It would be wonderful if we were in a position in moral affairs to emulate the workings of the judicial process. It is my conviction that a great quickening both of moral philosophy and the social sciences would come from a careful scrutiny of the processes of collective decision-making in the law. Yet, there is one catch in this analogy. The "formally peaceful", as Max Weber would say, reconciliation of claims, can occur in the law, because the rules applied in the law or the rulers who apply the law can claim or possess an authority or power which is not generally or easily
put in question. In such a setting, the judicial process acts as a form of social invention in which new claims are reconciled with old expectations through the subtle devices of a casuistry. The judicial process proves to be mediatorial in its nature and it makes its greatest contribution when it effects innovation without outraging tradition. The social and moral understandings by which the group symbolizes its quest for continuity are constantly being rethreaded by the loom of the law. Sophisticated representatives of the bar may tell us that decisions by the bench are no better than arbitrary dictates of the judges, that the courts simply choose or create one of many possible chains of precedent. That judges will innovate is inevitable and desirable—if the character of their work of innovation be rightly understood. What these latter-day thinkers have yet to demonstrate is that the courts, as we know them, feel free to abandon the pretence of following chains of precedent, to declare law without reference to the judicial tradition.

The judicial process is conservative in the best sense of that term. It is society's most comprehensive attempt to achieve orderly resolutions of the conflicts which inevitably, I think, occur among men over the management and distribution of scarce values—I do not mean only or peculiarly "economic" values. The point of view of the judicial process embraces many dimensions of time and value, is directed toward the culture's durational manifold, the communities' continuing history through time. If I may adapt some happy phrases of my colleague, Professor Norman De Witt, the outlook of the law is not only punctual—that is, addressed to the immediate, the passing present—it must be retrospective and prospective, as well. It must, in other words, be durative. (An earlier version of these distinctions appears in T. H. Gaster's *Thespis*, 1949).

Why does the moral life not develop in the same way? Why do men not today resolve their moral disagreements through these ordered and orderly processes of judicial decision? The reasons are too many and complex to explore here. I wish only to mention one. Some moral disagreements either are or seem to be fundamental differences in the very scaling of values. When men clash over fundamental orientations, when they recognize no authority, no power, no legal processes, no dialectic of moral decision to which they commonly give allegiance, their differences cannot be adroitly reconciled. Knowing no common law, their clash may call forth weapons more lethal than the arguments of rival attorneys.

2) The second ambiguity I seem to feel in Dr. Raup's remarks relates to the conviction that the extension of the channels of communica-
tion will surely yield fuller and deeper communication. The increase in the area of communication is surely a necessary—but it is not a sufficient prerequisite in the achievement of community. When the matter of communication is regarded in the light of the workaday world, as is not sufficiently done in the notable pages of Dewey's *The Public and its Problems*, from which Dr. Raup's discussion seems to take its point of departure, it becomes apparent that communication, especially in the way it functions in our mass society, gives the semblance but not the reality of community. This leads to my final remark.

3) It is sometimes supposed that the achievement of the moral community will come when right is vindicated against might, when right is vindicated against wrong. The moral life would be easier to live and the moral community easier to achieve if the conflicts could be so easily defined and explained. We must never allow ourselves to forget that many of the most distressing and tangled conflicts in the moral life occur when "right" is pitted against "right". In what court shall one decide the conflicts among men over the very principles by which the entire structure of society ought to be organized?

Here, for the last time, I will be permitted to make an allusion to some of my own researches. Many of the most sanguine battles in the history of men have been fought over the interpretations to be given to ideals which men have claimed to hold in common. Let him who may doubt this survey the historical record on the internecine conflicts which have raged in the name of liberty, equality, and fraternity. In an essay of mine published recently, *The Idea of Usury* (1949), I have taken occasion to emphasize the contrasting meanings assigned in the history of the Christian West to the Jewish and Christian ideals of brotherhood.

The subtitle I gave this essay, "From Tribal Brotherhood to Universal *Otherhood,*" may serve to introduce my closing observation. The different contents with which different individuals and groups have invested the same ideal—perhaps we should simply say the same word—are rarely distinguished with proper shadings. In the hope of making the shadings in the contrasting terms clearer, I resorted to a rarely successful expedient, the coining of a new term, the awkward word *Otherhood.*

I would reserve the term "Universal Brotherhood" for a moral (as distinguished from a merely spatial) community in which all men are associated by the closest of bonds, as, say, brothers are assumed to be in a family. If the bond serves to unite only a portion of mankind and to exclude others as enemy aliens or unloved outsiders, I would use the term "Tribal Brotherhood." I introduce the term "Universal Otherhood" to describe a form of brotherhood which many in this
country and elsewhere regularly confuse with Universal Brotherhood. By "Universal Otherhood" I mean a brotherhood in which all men are brothers in being equally others. The element of Brotherhood in this form of association, it may be noted, consists in the fact that men view one another as equally rather than differentially others.

How, say, shall the issues between these different versions of brotherhood—how, say, shall the issues between the different versions, now current, of democracy be resolved in the courts? Will education and communication suffice in our time to heal the breach? I hope for the best but I fear the worst.