A Dialectic of Morals: Towards the Foundations of Political Philosophy. By Morti-
    mer J. Adler.* Notre Dame, Indiana: The Review of Politics, University of Notre
    Dame, 1941. Pp. x, 117. $1.80.

Modern ethical skepticism is, in many ways, one of the strangest products of man's
intellectual history. One looks in vain for any near counterpart of it in the past. Greek
skepticism always had about it something of the flavor of a parlor trick. The Sophist,
for example, seemed to say, "Here is an amusing and original way of looking at things.
Can you show me what's wrong with it?" The modern skeptic, on the other hand,
really believes in his heart what he professes, and takes his disbeliefs with as much
solemnity as men formerly took their beliefs. The skepticism of the seventeenth and
eighteenth centuries was a liberating skepticism. It freed men's minds from the com-
pulsion of institutions and set them on a voyage of ethical discovery. Modern skepti-
cism has become a form of intellectual taboo. It condemns books without reading
them; it ropes off whole fields of inquiry, and castigates those who enter them not for
what they do but for what they try to do.

Against this modern spirit Professor Adler makes what may be described with some
triteness but no exaggeration as a frontal attack. His book may be said to assert, ex-
pressly, or by implication, the following propositions:

1. Judgments of right and wrong rest on objective bases which transcend mere per-
sonal preference.

2. The bases of ethical judgments are not only objective and impersonal, but are
"rational" in the sense that they may be reduced to articulate verbal expression.

3. As a corollary to (2) it follows that the whole subject of ethics is susceptible to
treatment by the "dialectic" method, in which every premise is made to stand the
challenge of critical and rational scrutiny.

4. The result of a free and rational inquiry into the fundamental problems of
ethics is the emergence of a fairly definite body of moral truths, which rest primarily on
two bases: a) the conception of man's nature as revealed in the difference between
him and brute creatures; b) the conception of a harmonious ordering of human desires.

The literary form of Mr. Adler's book is a kind of dialogue in indirect quotation, in
which Teacher sets himself the task of overcoming the moral skepticism of Student.
The method pursued is Socratic. Teacher begins by wringing from Student a series of
minimum concessions concerning the objectivity of ethical judgments. For example,
even if the unhampered pursuit of immediate pleasure were man's only goal, at least
one standard of preference would have validity, namely, that as between two pleasures,
the greater should be preferred. Teacher then proceeds to demonstrate that he who
grants concessions of this sort has actually conceded more than he realizes. Student is
then forced reluctantly to broaden his concessions to include the necessary implications
of what he was originally willing to accept. By a gradual process of widening the circle
of concession, Student is finally brought to an abandonment of his position. In the end,
ethical skepticism is made to refute itself; its own presuppositions prove its undoing.

With all the sympathy I have for Mr. Adler's general purpose, I cannot regard his
book as wholly successful. From a literary point of view it certainly reveals defects.
Nothing of the charm of Plato gets into its "dialectic," which alternately saddens the
reader by its awkwardness and frightens him by its cunning. The contributions of the

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author's foil seem to waver between the tediously obvious and a suspiciously coopera-
tive kind of antagonism. In general, it may be said that the author's attempt to com-
bine the dialogue form with straight exposition has produced a literary hybrid with
none of the qualities of its ancestors, and some peculiar defects of its own.

But I believe it is not only the form of Mr. Adler's book that is vulnerable, but the
substance of his argument as well. It seems to me that his refutation of ethical skepti-
cism starts at the wrong end of the scale. Where he begins with minimal good, I think
it would be wiser to begin with maximal bad. Why not, as a starting point, imagine a
society in which all ordinarily accepted values are reversed—a society in which treason,
murder, and rape are officially encouraged, in which breach of contract is rewarded
and its observance punished, a society where assisting one's neighbor is regarded as a
heinous crime. No sane person would hesitate to call such a society "bad." It would
be bad by every conceivable ethical standard, whether it be the dignity of man, the
maximation of happiness, the fullest realization of human capacities. Even those who
say they rejoice in man's making a beast of prey of himself surely have no wish to see
his predatory powers wasted in a mere scratch for individual survival.

The simple recognition that a society can be "bad" in a sense that transcends mere
personal preference, seems to me an adequate refutation of the position of dogmatic
skepticism. This form of refutation has, I think, advantages over that adopted by
Mr. Adler. It does not commit the anti-skeptic to proving more than he is in a position
to prove. It permits him to concede that, though we know that some things are "good"
and some are "bad," we cannot exactly define the line of distinction between goodness
and badness. It allows us to grant the existence of a wide area of human conduct that
is not subject to moral rule at all. Mr. Adler's method does not permit any such con-
cessions. He works his way forward by establishing one principle of goodness after
another. His course is exactly charted and he undertakes to report latitude and
longitude at every station of the journey.

Now that the position of ethical skepticism is being subjected everywhere to a criti-
cal scrutiny that it has for years escaped, it is, I think, important to separate two ques-
tions: 1) Does a distinction between good and evil exist? 2) Can we define that dis-
tinction with exactness? One of the favorite devices of argument from the skeptical
side is to confuse these questions and to assert that, since we cannot define the distinc-
tion, it must have no existence. Kelsen writes in a recent article, for example, "The
usual assertion that there is indeed such a thing as justice, but that it cannot be clearly
defined, is in itself a contradiction."[1] This is like saying that although we think we can
tell the difference between a dead man and a live one, the difference does not actually
exist because we cannot give a definition of "life." By taking on himself a burden of
proof which embraces both the propositions I have distinguished above, Mr. Adler
seems to me to play into the hands of his enemies.

On the other hand, Mr. Adler's attempt to found his system on "the nature of man"
seems to me a real contribution toward the restoration of a proper balance in our ethi-
cal thinking. He is, I think, fully justified in repeatedly reminding us that man has a
"nature," for this is something that has been pretty thoroughly forgotten during the
past century. The modern notion is that man's nature is what he does. Since he can
decide what to do, he can choose his own nature. He can, for example, follow Spengler's

[1] Kelsen, The Pure Theory of Law and Analytical Jurisprudence, 55 Harv. L. Rev. 44, 48
(1941).

advice and "will himself a beast of prey." Of course, well brought-up, wholesome American people do not will things like that, but they could if they wanted to.

If there is anything that distinguishes our ethical thinking from that of former times, it is the disappearance of the notion of man's nature. This is the missing constant in our thought. It is the lack of it that explains the relativism which inheres in all our ethical judgments, for without it, no condemnation of evil can carry real conviction. Jefferson and Marshall would never have defined our present differences with the Führer as a choice between different "ways of life." They would have said quite simply that Hitler is *wrong*. They would have said that man cannot make himself a beast of prey without ceasing to be a man, without losing, in other words, his capacity to enjoy what he seeks to obtain through rapine. They would have regarded *Mein Kampf* not simply as a wicked book, but as a mistaken book. It would have been possible for them to do this because they believed that man has a "nature" about which he can make mistakes as easily as he makes mistakes about the physical world that surrounds him.

Mr. Adler has, I believe, performed a real service in restoring the notion of man's nature to a central position in our thought. Where he seems to me to go wrong is in attempting to reduce this nature to syllogisms. Here, I think, he bites off more than he can chew, and considerably more than anyone should be expected to swallow. As for what man's nature really is, everything seems to me to point to the fact that there enters into the mixture a little plasma along with the syllogisms. We would do well to recognize this fact even though it embarrasses somewhat the neatness of our demonstrations. That man's nature exists, that we can be mistaken about it, that it furnishes a standard for judging our actions, that it is wise for us to study it—none of these things seems to me to require us to pretend that we already understand it fully. In assuming the contrary, Mr. Adler seems to me to do a disservice not only to the cause of ethics, but to the cause of rationalism, as well. For I believe that rationalism should teach a persistent effort to understand, not a denial of the reality of that which is not yet understood.

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Sociology of Law. By Georges Gurvitch.* New York: Philosophical Library and Alliance Book Corporation, 1942. Pp. xx, 309. $3.75.

Georges Gurvitch has set himself two main tasks in this book. On the one hand, he wants to give a thorough and comprehensive accounting of the sociology of law, taking stock of accomplishments and failures from Aristotle and Montesquieu tó Duguit, Max Weber, and Roscoe Pound. On the other hand, he means to elaborate, by way of avoiding past impasses, a system of valid concepts about the approach to legal phenomena, on the basis of which the necessary tasks would become clearly intelligible. It must be said that both attempts have been crowned with conspicuous success in this relatively little book, notwithstanding some shortcomings.

The book consists of an introduction and five chapters of unequal length. After a somewhat lengthy exposition of the problems which he found in the field, the author devotes the physical bulk of the book to a brilliant survey of the writers, past and

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