DUTIES AND IDEALS IN LEONARD NELSON'S ETHICS

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Every period of history has a way of bringing certain figures to prominence because of the importance of their thought and of leaving a great many others unnoticed and unheralded. Not seldom, however, history is fickle; and one who has gone unnoticed for a number of years is later rediscovered, the originality and intrinsic worth of his work is recognized, and he is restored to his proper place in the development of thought. Such seems to have been the fate of Leonard Nelson (1882—1927), a German philosopher,¹⁾ who was for the most part ignored after his death, due mainly to extraneous circumstances of the German political ferment. Though historians of philosophy paid him little heed, however, the impact he made on his students was great, and partially as a result of their efforts there is today an awakening interest in Nelson's thought and writings, which are deservedly finding their way into translation.²⁾

Nelson is in the philosophical tradition of Kant and of Fries.³⁾ They were his masters. But Nelson was far from a meek follower; for starting from their inspiration he rethought their doctrines, reformulated and continued the work they had begun, and so produced his own significantly distinctive philosophy.

Nelson's work covers the breadth and depth of the field of philosophy.⁴⁾ It is my intention in this paper, however, to consider only certain aspects of Nelson's ethics, with emphasis on those contributions which for their originality seem particularly important. Their worth, moreover, consists not only in what they accomplish, but also — and perhaps more importantly — in that they pave the road to a rich field which others may profitably continue to cultivate.

¹⁾ Nelson taught at the University of Göttingen from 1909 to 1927. He then founded and taught at the Philosophical-Political Academy at Melsungen.

²⁾ Already translated are: *Politics and Education*, trans. W. Ransdell (London: George Allen & Unwin, Ltd., 1928); *Socratic Method and Critical Philosophy*, trans. Thomas K. Brown III (New Haven: Yale University Press, 1949); *System of Ethics*, trans. Norbert Guterman (New Haven: Yale University Press, 1956). A manuscript translation on micro-cards of Nelson's *Critique of Practical Reason* is also available at leading libraries.

³⁾ Jakob Friedrich Fries (1773-1843), Professor of Philosophy at Heidelberg and later at Jena. An opponent of post-Kantian idealism, he was convinced of the validity of the critical method. His numerous works include: *Neue Kritik der Vernunft*, 3 vols., 1807; *System der Logik*, 1811; *Handbuch der psychischen Anthropologie*, 3 vols., 1820-21.

⁴⁾ For example: *Vorlesungen über die Grundlagen der Ethik*, 3 vols., 1917-32; *Die kritische Methode und das Verhältnis der Psychologie zur Philosophie*, 1904; *Die Unmöglichkeit der Erkenntnistheorie*, 1904; and *Vorlesungen über die Geschichte der Metaphysik* (still unpublished).

We shall approach Nelson's ethics initially by noting its basic similarities with Kant's (remembering always that even where Nelson agrees with Kant he does not necessarily draw parallel conclusions); we shall then present those aspects of Nelson's thought which may be considered as a development or correction of Kant; lastly and in greatest detail we shall present and analyze Nelson's original developments, which will include a discussion both of his method and of particular doctrines.

I

Nelson agreed with Kant on some basic issues. A brief look at these points of agreement will serve as an introduction to Nelson, set the tone of his thought, and help place him within the framework of the critical tradition. They may be summarized as follows: (1) Nelson, like Kant, considers duty as the basis of morals.⁵⁾ Duty is indefinable, and it is in terms of it that moral goodness is described, moral goodness being conformity to duty. This point is crucial for Nelson, since he will build his system of morality upon duty, and then with this as a basis extend his ethical system to include the pursuit of the good. (2) Nelson agrees with Kant as to the distinction between the determined order of "is" and the moral order of "ought", and he insists upon the impossibility of deriving the latter from the former.⁶⁾ He argues soundly that because "X does y", it does not necessarily mean that "X ought to do y". From the fact of an action nothing follows automatically concerning the morality of the action. (3) Though Nelson does not by any means agree completely with Kant's *Critiques*, he does adopt the critical method and approach. He admits the distinctions between practical and theoretic reason, analytic and synthetic propositions, and holds the need of a priori propositions, which alone, he claims, can supply the universality and necessity required to make ethics scientific.⁷⁾ Accordingly, he enforces a "silencing of the claims of feeling in favor of scientific thoroughness, rigor, and clarity".⁸⁾ In answer to the question of whether a scientific ethics is possible, he establishes his system. (4) He acknowledges — though he develops it differently — Kant's distinction between a formal and a material presentation of ethics. Nelson is concerned as much with the material as with the formal side of ethics. (5) Together with Kant he is an advocate of the autonomy of the individual free will, and of the doctrine that morality is dependent not on the results of action but on the agreement of the will with duty.⁹⁾ Here too, however, Nelson goes beyond Kant. (6) Nelson recognizes as valid Kant's distinction between hypothetical imperatives which are conditioned by ends and so determined by and derived from experience, and categorical imperatives,

⁵⁾ Cf. Immanuel Kant, *Fundamental Principles of the Metaphysic of Morals*, trans. Thomas K. Abbott (New York: The Liberal Arts Press, 1955), p. 24. Leonard Nelson, *System of Ethics*, p. 41. Hereafter, *System of Ethics* will be referred to as SoE.

⁶⁾ Kant, op. cit., p. 44. SoE, p. 4.

⁷⁾ Kant, op. cit., p. 5. SoE, pp. 11, 73.

⁸⁾ SoE, p. 11.

⁹⁾ Kant, op. cit., p. 17; also Immanuel Kant, *Critique of Practical Reason*, trans. Lewis Beck (New York: The Liberal Arts Press, 1956), p. 30. SoE, pp. 46-48, 64, 86.

which are not so conditioned.¹⁰⁾ A hypothetical imperative which for instance would say, "If you want your flowers to grow, you must water them," denotes a "must", concerns the laws of nature, and is based on an insight into the means necessary to secure an end, says Nelson.¹¹⁾ Categorical imperatives — for example, "You ought not murder," or "You ought to respect another person's rights" — on the other hand denote an "ought", are concerned with ethical laws, and have an unconditional character.¹²⁾ The categorical imperative sets ends, while the hypothetical imperatives — based on experience — say what one must do if he is to attain those ends. Hypothetical imperatives yield derived categorical imperatives (or derived duties), which are at least indirectly based on experience.

II

Nelson developed, made explicit, and corrected some basic issues which were confused or only implicit in Kant.

(1) Kant failed to distinguish clearly between objective and subjective right, i.e., between right conduct and moral conduct, concentrating on the latter to the exclusion of the former.¹³⁾ Nelson makes up for this deficiency by making a necessary clarification. By what he terms the principle of moral autonomy,¹⁴⁾ Nelson affirms that an agent can be held responsible for the performance of his duties only if he is aware of them. The duty to respect another person's rights is a categorical imperative binding on all men. But someone who is not capable of becoming aware of the rights of others, cannot be held responsible for respecting their rights. Duties must be personally realized by each individual and cannot be imposed from the outside. To refrain from stealing a billfold inadvertently left on a counter in a department store because we have been told not to steal or because someone will see us, is not to act morally. The morality of a person's action depends on his motive and intent; and for an action to be moral it must be performed from a consciousness of duty and out of respect for duty. Thus far Nelson agrees with Kant.

Nelson then goes on to distinguish the subjective from the objective. Involved here is the affirmation by Nelson that there are objectively right and objectively wrong acts, i.e., that the moral law has a content which exists independently of one's conviction of duty.¹⁵⁾ Should a person perform an objectively wrong act thinking it a good act, his action, though it may be termed "moral" may not be termed "right". By his principle of moral universality (all individuals with the same qualitative traits are liable to the duty in question) and his principle of moral differentiation (duties change with circumstances), he establishes the objectivity of duty;¹⁶⁾ yet, the person unaware of his obligations cannot be responsible for their performance.

¹⁰⁾ Kant, *Fundamental Principles* . . . , p. 31. SoE, pp. 19-21.

¹¹⁾ SoE, p. 20.

¹²⁾ Ibid.

¹³⁾ This results from Kant's insistence on will rather than on law. Though morality is respect for law, the content of law is not developed by him. See the general tenor of his *Fundamental Principles* . . . , and of the second *Critique*.

¹⁴⁾ SoE, p. 46.

¹⁵⁾ SoE, pp. 46-48.

¹⁶⁾ SoE, p. 44.

(2) Nelson also distinguishes *moral* guilt which depends on the person's knowledge and intent, from *lawful* guilt which depends on law.¹⁷⁾ Moral guilt is measured against the agent's subjective notion of his duty; an agent cannot be morally guilty for performing an objectively wrong act which he considers to be right. An African headhunter, consequently, who thinks it is a good act to kill strangers incurs no guilt in so acting. For moral guilt depends on the agent's awareness that the act is unlawful. Lawful guilt, on the other hand, is concerned not with the agent's insight, but with the conformity of the act to the objective norm of the law (be it natural or positive law). Killing strangers may be against the objective norm of the law no matter what the agent thinks. The act is then lawfully imputable, even where it is not necessarily morally imputable, to the agent.

(3) Claiming that moral evaluation is based on the relation between an agent's will and his consciousness of duties, Nelson next proceeds to a discussion — lacking in Kant — of degrees of imputability, designating clearly and distinguishing accurately the criterion for deciding when and to what extent a being is morally responsible. This includes such considerations as what can be designated as an act, the difference between "intended result" and "purpose", and the rules for the imputation of "negligence".

(4) In consonance with popular attitudes, common sense, and positive law, Nelson acknowledges degrees of subjective guilt and of objective wrong (consider for instance the legal difference between petty theft and murder, and among involuntary homicide, manslaughter, and premeditated murder). Nevertheless he is still able to hold with Kant that violation of duty represents an absolute disvalue.¹⁸⁾

(5) Nelson observes that Kant's doctrine which states that in an ideal world the degree of happiness and the degree of virtue of a person would coincide¹⁹⁾ is unproven and rests on optimism. Consequently, whereas Kant concludes that man is bound to make the happiness of others his moral end, Nelson concludes that all we can do is to strive to promote the morality of others by removing impediments to their morality.

III

Still more important than correcting Kant, however, Nelson attempts to complete him, first by deducing a material as well as a formal theory of duties, and secondly by denying Kant's moralism and replacing it by a theory of ideals, called "categorical imperatives". This is Nelson at his most original.

We arrive here at the heart of Nelson's method, and before entering into the details of his systematic development, a word about his method is in order. As we have said, duty for Nelson is indefinable and is the foundation of morality. The concept of duty, moreover, Nelson makes the basis for his "Theory of Duties". In addition to duties he holds that

¹⁷⁾ SoE, p. 69.

¹⁸⁾ Kant, *Fundamental Principles* . . . , pp. 51-52. SoE, p. 53.

¹⁹⁾ Kant, *Critique of Practical Reason*, pp. 126-127.

there is much that is worth doing, even though we are not duty-bound to do it. These actions he includes under what he calls his "Theory of Ideals", and the observance of the aspirations towards these ideals he calls "culture". Ethics includes both morality (which is the more basic) and culture. Nelson divides each of these "Theories" (of duties and of ideals) into a "Formal" and a "Material" part. The form concerns those characteristics implied in the concept "duty" or "ideal", regardless of the content. "Respect the rights of all persons" and "Disregard the rights of all persons" are both compatible with the formal theory of the concept "duty". The material aspect of duty or of the ideal concerns the content of these concepts. The formal theory can be derived from the concept itself, and is arrived at entirely a priori through an analysis of the *concepts* of duty and ideal (with the addition of one synthetic proposition each, viz., the propositions asserting the existence of duties and of ideals).²⁰⁾ The material theory of duty must be based on the *content* of duty and of ideals, and so requires additional synthetic propositions based on empirical investigation of the world and of human nature. Nelson's development is: Formal Theory of Duties; Material Theory of Duties; Formal Theory of Ideals; Material Theory of Ideals.

Formal Theory of Duties. The foundation of this section is the simple, basic concept of duty. The method Nelson here employs is to enunciate the formal components of this concept. He determines that duty denotes a categorical imperative or an obligation, which entails what he calls "the moral law". Continued and detailed analysis of this leads to the elements which every "ought" proposition must contain, viz., "(1) a reference to the subject of the obligation; (2) a predicate expressing the obligation; and (3) an assertion concerning the relation between subject and predicate, in which the subject of the obligation is subordinated to the law."²¹⁾ Analysis of these elements leads to a series of principles, such as those of moral autonomy and objectivity, and of moral universality and differentiation, which we have already encountered above. Here too are considered the problems of moral and lawful imputation, and the criteria for morality. The only duty deducible from the formal theory of duties is the duty of moral truthfulness which "enjoins us to strive for the possession of that insight which is needed to arrive at a sufficiently clear sense of duty".²²⁾ This imperative is the transition to the material theory of duties where Nelson will develop this "insight", and arrive at the objective content of the moral law.

In the Formal Theory of Duties Nelson presents us with an admirable and fruitful analysis of the concept "duty". His method is clear and exacting, and he indeed shows the possibility of systematically developing an ethics from a basis of the concept "duty". It is with care, nonetheless, that we must approach the results of his analysis, however much we may be inclined to agree with them for other reasons. For they are the results of an analysis of one concept of duty, in particular of *Nelson's* concept

²⁰⁾ SoE, p. 37.

²¹⁾ SoE, p. 44.

²²⁾ SoE, p. 84.

of duty. They are not, therefore, demonstrably universal or necessary. Nelson claims to start from "the concept of duty".²³⁾ But "the" concept is in fact his own concept of duty. Nowhere does he establish — or attempt to establish — that the concept of duty he presents is the only one or can be the only valid one. Nowhere does he consider the possibility of another concept of duty, or of someone's disagreeing with his characterization of the notion of this indefinable concept. His notion of duty is colored by the content he associates with it; but one from a different culture or with a different view of ethics may associate a different content with the concept, and so characterize it differently. Though this criticism does not vitiate his system, it does open up the possibility that perhaps Nelson's Theory of Duties is not the only possible self-consistent and fruitful theory of duties.

Material Theory of Duties. Nelson is not open to the charges — so often raised against Kant — of formalism and of having a morality devoid of content. In this section Nelson's purpose is to determine the content of the moral law and to formulate the consequences deriving from it. The concern here is with the criterion for determining objective right and wrong. Furthermore, he seeks to avoid Kant's moralism²⁴⁾ by claiming that morally indifferent actions (being neither good nor bad per se) are possible at least in theory,²⁵⁾ for duties are restrictive or prohibitive in character; he insists that room must be left for positively valuable acts. He thus rejects the claim that every act either fulfills or violates duty.

So far as duty is concerned, though its material content depends on circumstances, the criterion applied to circumstances is independent of them.²⁶⁾ The formal theory of duties at once bids us to seek after knowledge of the objective content of duty,²⁷⁾ and (because of the principle of moral autonomy) guarantees that the content can be found,²⁸⁾ though it is not self-evident.

Nelson begins his material theory of duties by denying the possibility of formulating a moral code, i.e., "a systematic catalogue of duties, which would tell us how we ought to behave in each given situation".²⁹⁾ This follows from the fact that the influence of circumstances in determining a moral situation cannot be determined a priori, and from the fact that the individual, to act morally, must act from moral insight and not merely follow the rules of another. By defining "moral code" as he does, I doubt that anyone would object to this doctrine. For no moral code is ever particular in the sense Nelson outlines, but is generally the experience

²³⁾ SoE, p. 41.

²⁴⁾ Nelson says, "I call 'moralism' a system of normative principles sufficient for the positive regulation of life. In other words, moralism excludes the possibility of morally indifferent actions. According to it every action must be characterized as either fulfillment or violation of duty." SoE, p. 89.

²⁵⁾ SoE, p. 89.

²⁶⁾ SoE, p. 92.

²⁷⁾ SoE, p. 86.

²⁸⁾ SoE, p. 87.

²⁹⁾ SoE, p. 92.

of the ages formulated into general precepts. Nelson wishes to avoid the automation of a person acting merely because he has been told so to act by authority, and this certainly seems valid. He then goes on to deduce certain a priori duties, such as truthfulness, trustworthiness, respect for personal dignity, and the like, which are general objective duties which must be applied to circumstances — just, it might be added, as are the traditional ten commandments.

In developing the material theory of duties Nelson is led to the "postulate of personal dignity" which is expressed by the imperative "Respect personal dignity."³⁰⁾ This is a recognition of the fact that in so far as other persons are the objects of my action, the moral law demands that I restrict my action by regard for the interests of these other persons. From each one's personal dignity follow certain rights which each person has against any other; and from these rights of others — for those capable of recognizing them — arise duties for oneself. Thus each person limits and is limited by every other whenever their interests conflict. From this Nelson is led to the principle or command of equity of person: "Each person per se has equal dignity with every other person."³¹⁾ Each person, insofar as he is a person counts for one, and noone for more than one. Hereby he avoids both egoism and altruism, while at the same time maintaining that a difference in individual qualities may nonetheless justify difference in treatment of persons.

The moral law, for Nelson, concerns the rights and duties of persons and is based on justice. From an analysis of the duty of justice he arrives at the principle of equity, which "commands us to refrain from any actions injuring any interest of another person unless our own interest in such actions preponderant",³²⁾ and the law of just retribution which says, "You ought to assent to a disregard of your interests equal to the disregard you have shown for the interests of others,"³³⁾ (which disregard refers rather to equality in degree than in kind, and so could be a basis for a modern criminal code, rather than for such a code as "an eye for an eye"). Nelson tells us, "These two laws together . . . constitute the entire content of the imperative of justice and, by the same token, of the moral law."³⁴⁾

Nelson then discusses duties under the classification of those (1) to others, (2) to animals, and (3) to ourselves. The results he arrives at are sometimes startling, and though consistent within his system, they are not always conclusive. They indicate Nelson's courage to follow his principles wherever they lead, and his ability to leave feelings and prejudices by the wayside in his rational quest for truth. And he does show the method and demonstrate the possibility of deducing a material theory of duties — a possibility which has been so often denied. His deduction also indicates, however, the dangers involved in breaking new ground, and the necessity of rethinking every step of a logical deduction.

³⁰⁾ SoE, p. 98.

³¹⁾ SoE, p. 110.

³²⁾ SoE, p. 120.

³³⁾ SoE, p. 123.

³⁴⁾ SoE, p. 125.

(1) Under duties to men Nelson deduces the obligations of compatibility ("men engaged in relations with each other ought to be willing to conclude agreements freely delimiting their respective sphere of rights"³⁵), trustworthiness, truthfulness, and faithfulness to promises. His deduction of obligations is a good example of his method of developing the content of the moral law. One would, moreover, scarcely deny that these obligations form part of the objective content of duty derived from the principle of justice as it regulates the relations between men. The deduction, however, seems incomplete. Continued analysis could certainly derive the duties of distributive justice, of ownership and honesty, of faithfulness in marriage, of duties of man towards (a possible or actual God, of duties of children towards parents, and the like. These are as much contained (directly or indirectly) in the principle of justice as are truthfulness and faithfulness to promises, and deserve a place in a complete system of ethics.

(2) In regard to our duties to animals, I believe Nelson is inaccurate rather than merely incomplete. Nonrational persons, according to Nelson, have rights but not duties. Calling animals non-rational persons, he then derives man's duties towards animals, and he claims these duties are not indirect but direct duties. By classifying animals as persons Nelson opens up a flood of consequences. He argues that since animals are persons, they are to be included under the principles of equity, according to which every person — be he man or animal — is to count for one. "In no event is it permissible to regard the animal's interest as inferior [to man's] without good reason."³⁶ Since an animal has interest in life, qua person, therefore, we cannot say a man's life is always more important than an animal's, merely because he is a man. Indeed, there is no more reason to eat animal flesh than to eat human flesh, for both are the bodies of persons.

Now the burden of proof for these and similar radical doctrines of duties to animals is with Nelson. And I do not think he has presented an adequate defense of his points. His difficulty seems to lie in his definition of person. Kant in defining person says, "rational beings... are called *persons*, because their very nature points them out as ends in themselves".³⁷ Nelson dissents and says, "To subsume a being under the concept of person, it is sufficient that this being be capable of experiencing pleasure and pain: for pleasure and pain designate those interests of which we are conscious independently of any judgment..."³⁸ This definition he arrives at a priori, and it is only by reference to experience, he claims, that we can determine who is a person. But though this definition is supposedly a priori, the reason for choosing pleasure and pain as the

³⁵) SoE, p. 148.

³⁶) SoE, p. 142.

³⁷) Kant, *Fundamental Principles...*, p. 45. Boethius' definition was the basis of most mediaeval and of many modern (including Kant's) formulations: "*Persona est naturae rationalis individua substantia*" (*Liber de persona et duabus naturis*, Cap. III). For a fuller treatment, see A. Trandelenburg, "Zur Geschichte des Wortes *Person*", *Kant-Studien*, XII (1908).

³⁸) SoE, p. 100.

criterion for personality is not sufficiently defined. Nelson evidently thought that only persons could be subjects of rights, and since he based rights on interests, and animals evince interests (namely pleasure and pain), he extended to them the dignity of persons. In his formulation of the principle of equity, however, he tells us that all persons qua persons are equal. Now this follows only where each person is an end in himself, this being the source of his personal dignity. Beings that are capable by their very nature of living only in the determined order of the world, are subject to its laws. Rational beings are raised above this level, and so are ends in themselves. Nelson has not shown that interests alone render beings who have them ends in themselves. He is not justified then in equating beings who are ends in themselves with those who are not, in virtue of his principle of abstraction from numerical determination of person. Each person should indeed count for one. But Nelson has not reconciled his definition of person with his theory of ends. Furthermore, all his arguments in defense of the rights of animals are built on this definition of person. But there is a difference in kind — not merely in degree, as Nelson would have it — between man and animals; and so while the infant as well as the man with fully developed reason is an end in himself, the animal is not (or has not been thus far shown to be). That men have indirect duties to animals can certainly be held; that animals have rights in some sense might also be developed; but that Nelson has successfully done either, is open to serious doubt.

(3) Nelson holds that man has only indirect duties to himself.³⁹) We need not spend much time on this for Nelson introduces — with one exception — the regularly assigned duties to oneself under the guise of indirect duties to oneself. His argument is chiefly that all duties must be deducible from the command of justice; but justice regulates our relations only with other persons; therefore from it we can derive duties only towards them. We can derive duties towards ourselves only via duties towards others. The force of the argument is not conclusive, however, since I am a person, and qua person also come under the laws of justice and the principle of equity. Negative arguments make up the rest of his case: that we have no duty to uphold our rights, that if we had duties to ourselves it would violate the principle of equity, that we have no duty to respect our dignity for with reflection our true and actual interests will coincide.⁴⁰) But to maintain that we do not need to deduce duties to ourselves, or that there are dangers in so doing — which is what his arguments say — is not to show that we do not have direct duties to ourselves, which is Nelson's claim.

The duty which Nelson refuses to introduce even indirectly is the prohibition against suicide. He claims that just as sometimes we are allowed and even obliged to kill another, the same may apply with regard to one's own life. He says, "a man who seeks only pleasure at the expense

³⁹) On this point Kant says: "Reason then refers every maxim of the will... to every other will and also to every action towards oneself." (*Fundamental Principles*..., p. 51; italics mine.)

⁴⁰) SoE, p. 107.

of others ought to say to himself that he forfeits his right to live by refusing to work, and hence, insofar as he refuses to work that he should renounce his life, because only in that way can he free himself from his duty to work".⁴¹⁾ But the strength of the word "should" must be considered. Surely Nelson cannot be proposing that this is a categorical imperative; and so it cannot be a duty. More important still, it does not follow that if a man does not work, not only should he not eat (as John Smith claimed in the Jamestown settlement), but that indeed he "should" commit suicide. It would seem rather that the conclusion to be drawn so far as duty is concerned is that such a man has a duty to *change* his life, rather than *end* it.

Formal Theory of Ideals. Where Nelson is most original and most significant in the critical tradition is in his introduction and development — formally and materially — of what he calls the "Theory of Ideals". Nelson claims that Kant erred in confining ethics to the domain of morality and asks, "Is it ... correct to maintain that the pursuit of the good is coextensive with morality?"⁴²⁾ His answer is a decided "No". "We should do not only our duty", he says, "but more than that, namely all that which is worth doing, which deserves to be done, even if we are not duty bound to do it."⁴³⁾

Next to the categorical imperative which prescribes duties which we "ought" to do, Nelson makes room for what he terms "categorical optatives", which we "should" do. The ideal is the norm for optatives, and its observance is termed "culture".⁴⁴⁾ The ideal denotes goals or tasks worth striving for, possessing positive value, but to which there is no certainty that we can arrive. According to Nelson, there can consequently be no duty to reach the ideal, though we should strive to do so. There is no duty to act solely from a sense of duty, nor is every action either prescribed or forbidden. Beyond the realm of duties there is a wide realm of the ideal.

Nelson points out that the categorical optatives are built on the categorical imperatives, and that ideals require duties as a basis. The answer to the question, "To what extent is one required to seek the Ideal?", however, remains uncertain even for Nelson. The strength of the "should" characterizing the tasks of the ideal remains vague, and a more precise definition of the relation between the two types of categorical tasks, as well a further delineation of weaker obligations and ideals, need to be more completely worked out. But Nelson has here already made a giant stride beyond Kant's ethical system, for through the ideal — which has objective and positive value as a goal of action —

⁴¹⁾ SoE, p. 129.

⁴²⁾ SoE, p. 33.

⁴³⁾ SoE, p. 34. There is perhaps some ground for holding that the ideal and positive value was at least latent in Kant. See his "laxer (meritorious) duty" *Fundamental Principles* ..., p. 51), his "rules of skill" and "counsels of prudence", his imperfect duties, and his ideal of the holy will. Without doubt, however, if they were latent in him, they were not obvious. Nelson has given ideals a more fitting treatment.

⁴⁴⁾ SoE, p. 184.

Nelson is able to formulate a positive system concerned with values, calling for action, and so constructed as to inform such spheres as law, politics, and education.⁴⁵⁾ Though his goal is ideal, moreover, Nelson claims to be a realist, for "Realism is a virtue inseparable from clarity of mind".⁴⁶⁾ He is not a visionary, but a man grounded in the real and striving towards the ideal.

Nelson's development of his Theory of Ideals parallels his development of his Theory of Duties. His Formal Theory of Ideals has as its foundation the concept "ideal". The goal set by the ideal is the categorical optative. This development, however, is open to the same comment made concerning the Formal Theory of Duties, viz., that its basis is questionable. Nelson starts from *his* concept of the ideal. So it turns out that this section, too, presents a theory of the ideal, but not demonstrably the only or definitive such theory.

Material Theory of Ideals. This section develops the content of the ideal. This content Nelson designates by the term "culture", which is "nothing but rational self-determination".⁴⁷⁾ It calls for a cultivation of one's knowledge and interests, and in a broad sense calls upon us to harmoniously develop our capacities. An analysis of the ideal of developing one's reason yields the specific ideals: love of truth, love of justice, and love of beauty. Love of truth calls not so much for the accumulation of quantity of data as for the autonomous assimilation of knowledge. It urges truthfulness where duty does not demand it, provided it does not forbid it. By love of justice Nelson says, "we strive to make the rule of right in society independent of its members' sense of duty and of their willingness to do their duty . . . and we strive to enforce right, even where good will is lacking".⁴⁸⁾ Love of beauty is not the desire for pleasure from beauty, but rather concern that beauty exist.

These three ideals, moreover, are interdependent, and the danger of any one of them dominating must be avoided. Action must be combined with contemplation, lest the development of man's potentialities be not harmonious. Nelson here is very close to the self-realizationists, and develops a theory calling for the harmonious realization of man, allowing that this best happens when one potentiality is most developed, that one constituting one's vocation.⁴⁹⁾

Ideal vocations Nelson describes as vocations which serve ideal ends. These are consequently vocations in the service of truth (the researcher, the thinker, the scientist), in the service of beauty (the artist, the religious person, the creator), and in the service of justice (the statesman, the politician, the pedagogue). Considering the active approach to life preferable to the contemplative, Nelson develops vocations serving justice

⁴⁵⁾ Some of Nelson's writings in these fields are: *Politics and Education; Socratic Method and Critical Philosophy; Vorlesungen über die Grundlagen der Ethik*, III (Leipzig, 1917-32), especially vol. II, *System der philosophischen Ethik und Pädagogik*, and vol. III, *System der philosophischen Rechtslehre und Politik*.

⁴⁶⁾ SoE, p. 173.

⁴⁷⁾ SoE, p. 184.

⁴⁸⁾ SoE, p. 189.

⁴⁹⁾ SoE, pp. 201-202.

into an educational and political philosophy.³⁰⁾ He states the same could be done with science and art . . . and these would indeed be fruitful endeavors.

To the ideal of individual culture Nelson adds the ideal of common culture, which yields a very fine section on friendship, "the highest form of community".³¹⁾ Here he brings in mutual respect, love, sociability, and benevolence . . . all of which are considered as ideals and not as duties. It is noteworthy, however, that for Nelson "love of mankind can be shown only by striving to procure for others a chance to realize their true interests through autonomous activity".³²⁾ One cannot help but wonder whether this ideal is not too rationalistic a benevolence, and whether an even higher ideal is not that of "laying down one's life for a friend".

The ideals of community life that go beyond friendship result in the ideal of public life, and include community-mindedness, purity of community spirit and clarity of spirit. The ideal of society is that "each individual has the material opportunity for attaining culture".³³⁾ It leads to the removal of obstacles of poverty and oppression and strives towards economic and social justice. To attain his perfect state Plato put power in the hands of the philosopher statesman. Nelson puts it in the hands of the adequately cultured, whom he calls upon to organize to attain their ends. "A man who has attained clarity about the ideal of public life is directly faced by the challenge of taking up the cudgels for them."³⁴⁾ The cultured members of society should accordingly organize in their fight for justice, and go it alone against all opposition. Indeed, "whoever evades this task, forfeits his claim to be called a cultured man . . . and . . . does not even meet the condition that would entitle him to be called a moral man".³⁵⁾

Nelson may well be forgiven here for interpreting the last task in so specific a manner and against so specific and empirical a concept of government. But his enthusiasm itself makes manifest that here is a man who is interested in the concrete, for whom ethics is to be taken seriously, applied and lived, for whom action and not merely contemplation is the task of life, though to be sure all action is to be guided by reason, to be based on duty, and to be in conformity with the ideal of rational self-determination. It is also not difficult to understand why he was officially ignored in the Germany of pre-World War II.

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Nelson has laid down the outlines and pointed the way towards a fruitful, critical system of ethics. He has gone beyond the formalism of Kant, as well as his moralism. He has placed the individual in his social context and has extended his tasks beyond those of duty to include positive values of the ideal, the striving after which is the call to perfection. It must be admitted he has made mistakes. His task is certainly

³⁰⁾ See footnote 47 above for some of his works in these areas.

³¹⁾ SoE, p. 214.

³²⁾ SoE, p. 220.

³³⁾ SoE, p. 236.

³⁴⁾ SoE, p. 252.

³⁵⁾ SoE, p. 260.

not finished. His system of ethics is only an outline in which there is still much room for development — certainly of indirect duties, and probably of a more complete list of virtues, as well as some consideration of sanctions. But to Nelson must go the credit for having shown the way for the development of a full-blown critical system of ethics. He deserves to be better known.