THE INDIVIDUAL AND THE COMMUNITY

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THE INDIVIDUAL AND THE COMMUNITY

A Historical Analysis of the Motivating Factors of Social Conduct

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Dedicated with Gratitude to

My Teachers

Eastern and Western

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PREFACE

Social determinism is as specious as economic determinism. Not a determinist myself, I believe that the individual, while essentially determined by the community, can become a guide of it, though only by chance. Chance is not to be predicted, but can be expected. It is instant but not constant. So is freedom. Freedom is casual, determinism usual. It is a truism that in the interaction of the individual and the community the many remain at the mercy of the environment while few can dominate over it. Underlining that interaction, there are various threads woven together as social bonds. These ties of human society may be moral or immoral or unmoral ; or they may be legal or illegal or non-legal. Whatever they may be, with them the community disciplines the individual. The individual rarely breaks such chains binding the group either because it is impossible or because it is unnecessary.

The problem of morality against legality has been interesting to me almost since I became fairly able to read Chinese Classics. It is still fresh in my mind that in my kindergarten age I used to repeat : " Mencius discussed moralism, Lord Shang practised legalism." Later on, while taking the undergraduate work at the University of Nanking, I felt immensely attracted to Kant's clean-cut distinction between morality and legality from the first time I studied his ethical teachings. It was, however, not until I happened to study Professor G. H. Mead's illuminating theory of social psychology at the University of Chicago that I began to cherish the idea of making a systematic study of the inter-action of the individual and the community with specific reference to the problem of morality against legality. The study thus carried out in the following chapters is the embodiment of that idea. To the course of this study, however, there occurred a side issue, and that is the problem of chance. Therefore, side by side with the attempt to make a proof of the preposition that the individual is essentially a product of the community, and yet may by chance become

a guide of it, I have had a remote vision in view, that is, to set forth in the concluding chapter a life-view that " Life is chance ".

While there are several approaches to the subject of this study, it was largely due to Professor J. H. Tufts' advice that I definitely chose the historical before the psychological approach. True, through the historical approach there can be made a fairly objective and comparative survey of different efforts to solve the same problem in the past, which will no doubt bring effects upon any present or future work in the same field. Moreover, in the light of the increasing contact between Eastern and Western channels of thought, it seems desirable if I can bring together into a unity the analyses of the motivating factors of social conduct made by eminent thinkers, Chinese and Hindu, as well as Hellenic and Semitic.

Under Professor Tufts' guidance I formulated the whole plan. And, in the tentative analysis of the motivating factors of social conduct I made in the introductory chapter, my classification of the factors into three groups— spontaneous, regulative, and adaptive—apparently derived its suggestion from his division of the course of moral evolution into three stages—instinctive, customary, and reflective—in his *Ethics*, written in collaboration with Professor John Dewey.

While dealing with Eastern thinkers, Chinese in particular, I encountered more than one difficulty in matters of translation and transliteration. In the citations from their works, I have mostly availed myself of the English translations already completed. Yet on account of the great difference between English and Chinese, I have had to use them with the original texts side by side, and passages quoted from them were often improved and adapted without special indications which seemed to me quite unnecessary. As to matters of transcription, I have followed for Chinese the famous Wade's system only with slight variations, and for Pali and Sanskrit those adopted by popular writers.

The work thus extending over such a vast field, I am so much indebted to a number of teachers and friends that I can hardly relate each in detail here. It was to my deep regret that Professor Tufts retired last Christmas, when I had done one quarter of the whole work, and that

Professor Mead passed away last April before I completed
it. Nevertheless, the timely visit of Professor A. P. Brogan
from Texas to Chicago in the winter and spring quarters,
1931, did bring a new encouragement and fresh improvement
to the work which was completed on the eve of his departure.
I am also obliged to Professor E. A. Burtt for the various
suggestions he made in regard to the scope and nature of the
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ments upon my treatment of Chinese and Hindu thinkers
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though I made the bibliography of Eastern philosophers
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and the Congressional Library at Washington, D.C., during
my eastward trip last summer, I must not forget to
acknowledge my indebtedness to my younger brother,
Mr. Liao Wen-i, who has sent me from Nanking, China,
most of the source-materials for the Eastern part wanted
since I started this writing towards the close of last
October.

<div align="right">W. K. LIAO.</div>

CHICAGO, ILLINOIS.
   15th June, 1931.

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INTRODUCTION

A. SCOPE AND PURPOSE

The objective of this study is not to deal with the traditional interpretations of the relation between law and morals in particular, but to trace how eminent thinkers in the West and the East have attempted to analyse the motivating factors of social conduct as judged to be either legal or moral or both; and, in so doing, to inquire into the interaction of the community and the individual through historic studies and comparative investigations. It therefore implies a twofold aim in view: comparatively, to study those eminent thinkers' analyses of the motivating factors of social conduct; and historically, to study how each one as an individual member is determined by his community and how he as an intellectual leader reacts upon it.

That the individual is essentially a product of the community, and yet may by chance become a guide of it, forms the starting proposition of the whole study.

The physiological constitution of the individual is determined by heredity and environment, his outlook of life and frame of mind, largely by his social circumstances. Since there are never two individuals mentally and physically alike, everyone has his own peculiar biography woven out with his personal assets bequeathed by his natural and social circumstances. His "self" is nothing but the accidental composite of such personal assets determined by certain definite factors. Thus, the biography of Goethe vividly reflects certain currents having their original fountains in his natural and social circumstances. Equally in health, wealth, genius, knowledge, demeanour, and longevity, he had a chance of which he made the best use he could. Life is chance—a chance combination of certain unrelated factors. From the cradle to the grave everybody carves out through thick and thin a unique career through his natural and social circumstances.

While the primary interest of this work lies in each individual's analysis of the motivating factors of social conduct with his interaction with the community in the background, since different communities discipline their members by different means and through different institutions, and since different individuals react upon their communities in different ways, if each individual reflects his environment at all, how much more vividly his analysis of the motivating factors of social conduct as judged to be either moral or legal or both, will at the same time reflect the ways his community disciplines him and his fellow members as well as the way he adjusts himself to it. If he is used to solving problems in the light of his intellectual background and through his frame of mind, and if philosophy is the completely and consistently unified knowledge, such a practical problem as that of the motivating factors of social conduct, every great philosopher, whether in the East or in the West, must needs solve in connection with his whole system of thought. Therefore our main task in the following chapters is to describe and interpret how every great historic analysis of the motivating factors of social conduct reveals a peculiar phase of the interaction of the community and the individual.

Because few of the thinkers ever made the analysis of the motivating factors of social conduct the subject of any special investigation and exposition, it is prerequisite to the interpretation, as well as description, of their solutions of the problem that a preparatory working out of certain definitions should be attempted with a tentatively generalized solution of the problem.

B. DEFINITIONS

However unique the individuality of everybody may be, society is unity in diversity. The community, composed of interacting individuals, each with his own peculiar biography, depends for its unity upon the common observance by its members of certain creeds or patterns prevailing as the binding ties of their group life. Every member newly admitted into the community has to learn to conform his behaviour to its social patterns. Thus social life always means education. The transition from

spontaneous action to action well regulated by group disciplines continually goes on until the behaviour of a new-born hungry baby might eventually develop into the conduct of a veteran diplomat at an international banquet. *Conduct* is then action regulated by creeds prescribed by some impelling factor whether it be the church or the school or the state or the individual's conscience. Every phase of human conduct carried in response to the community is necessarily found in accord with the dictates of some one factor and at the same time may be in discord with those of some other factor. It is *social* in so far as it proves contributive to the process of group life; and anti-social if ultimately detrimental thereto. Milton might have regarded his own action in revolting against the government of the Stuart dynasty as social conduct on the ground that although in discord with the previous creeds of the state, it was carried out in full accord with the cherished ideals of his fellow Puritans as well as with the dictates of his own conscience, and that in the long run it would prove contributive to the process of the group life of his community.

Underlying all human action, there are various factors, which in function now co-operate as friends and then compete as foes. These may be classified into three groups : first, *spontaneous factors* such as the impulses of self-preservation and species-perpetuation ; second, *regulative factors* such as the family, the church, the school, and the state ; and third, *adaptive factors* such as the perceiving, feeling, knowing, judging, and reasoning, activities of the mind which in the form of " conscience " functions in moral situations. They are altogether the *motivating factors of social conduct*. Social conduct therefore always conforms to the dictates either of all these factors or of some of them or of only one of them.

The various ways in which these impelling factors determine the action of the individual in the community, may be entirely similar and may be incompatibly different. Through promises of reward or through threats of punishment or through allowances for preferential choice or through tolerance for self-determination, human action is regulated by the dictates of the motivating factors. The ways of determination or the principles of motivation

become "internalized" or "subjectified" as *motives of conduct* as soon as the individual begins to conform his action to the social patterns of his community. It is primarily these competing motives of conduct as found in the sense of fear, of hope, of love, or of duty, that are to answer the question as to whether social conduct is *legal* or *moral*. This is the *intrinsic differentiation* of morality from legality.

Extrinsically, the morality and the legality of social conduct are differentiated by the patterns—either moral or legal—to which action conforms. Intrinsically, however, they are differentiated by the ways of determination on the part of the disciplining community and simultaneously by the modes of obligation on the part of the self-adjusting individual, although both of them are equally derived from the conformity of action to social patterns. They do not necessarily refer to the actual consequences of conduct. The nature of its motive alone can determine them. The conduct carried in conformity to the Ten Commandments or to the precepts of the Twelve Tables, is legal if simply viewed from the extrinsical standpoint, and moral if the dictates of the normative factors coincide with those of the adaptive factors or are approved by conscience. In case the individual encounters too much conflict between the normative and the adaptive factors, too much discrepancy between the dictates of his own conscience and the laws of the state, for instance, he will react upon that environment in some definite way. That is to say, in such a situation he has to readjust himself socially, which may take any of such processes as subjugation, submission, harmonization, desertion, isolation, and repudiation. Hence, the rise of the debate on the question as to the right of revolution on the part of the individual against any social institution within his community, and also the justification of that right on moral and legal bases.

Throughout our whole historic analyses of the motivating factors of social conduct "morality" and "legality" are through and through taken not in the substantive but in the attributive sense. Social conduct is legal in so far as its motive is imposed from without through compulsory determination by means of threats and promises, and its process takes the form of involuntary observance of external

rules.   Owing to the enforceability of its creed by outer authority, legal conduct can thus claim its certainty in principle, uniformity in character, universality in application, and communicability throughout the whole community. Yet, it involves no self-element in any wise so that it is always liable to external formality, irrational habit, and automatic imitation.   Directly contrary to this, moral conduct is voluntary self-expression from within in consequence of deliberate judgment and self-determination with the dictates of conscience as its norms.   It finds its basic motive in those of self-sacrificial love and self-avowing duty with its final controlling intent avoiding no risk and winning no gain.   It is not to be enforced and compelled but to be persuaded and convinced.   The morality of social conduct thus implies privacy in principle, rationality in nature, individuality in application, and initiative in the group life of the community.   However, since its personal liberalism may tend to self-sufficiency and exclusiveness, moral conduct is liable to resort to mere self-approbation of a hollow conscience.

C.   PROBLEMS AND METHODS

To the problem of morality against legality there can be taken at least four main approaches—philosophical (or, to be more exact, metaphysical), psychological, sociological, and historical.   In this study we are going to take the historical approach.   In favour of the proposition that the individual is essentially a product of the community, and yet may by chance become a guide of it, different arguments can be advanced.   If the whole work undertaken in this study be a proof of the proposition at all, it must be a historical one with specific reference to the problem of morality against legality.   Such being the case, in the various treatises as found in the following chapters there will be brought out evidences of proof by enumerating different social orders as well as individual analyses of the motivating factors of social conduct.

By taking the historical approach we shall follow individual thinkers as well as the social and intellectual background of each of them in chronological order as closely as possible, first in the West and then in the East.

Moreover, we must deal with each thinker not only in the light of his social environment and personal career but particularly in relation to his precursors and followers. Finally, to specify a group of thinkers who lived and taught in a special period of history, we shall characterize that period with terms designating some specific phase of the interaction between the individual and the community.

Just as every historian must be fair and just in dealing with any personal figure or group of people whoever appeared in the history in question, he who takes the historical approach to any particular problem by enumerating the unique solutions offered by different writers and thinkers, must dwell firmly upon the impartial standpoint and assume the attitude of *Einfühlung* to any one of them. With responsibility he must speak on behalf of the thinker who can no longer speak. With authority he must act as a fair spokesman of him. To describe the environmental factors of any ancient system of thought in terms of modern social forces is as false as to picture King Solomon dressed in an evening coat. Therefore the guiding principle of anyone who takes the historical approach must be " struggle for objectivity ".

If the study proceeds according to the historical approach, it ought to be more suggestive than exhaustive, especially so since it is unnecessary, if not impossible, to exhaust the historical catalogue of names, ideas, theories, and institutions. What it must hit is those specific points conducive to the goal aimed at. Therefore, details must be subordinated to fundamental ideas, and repetition must be suppressed while initiation must be elaborated with stress.

The comparative method proves helpful to the historical approach the more so when the whole procedure expects to be objective and suggestive. By using the comparative method, the study will eventually centre around those vital points as concerned with the aim in view, and points of difference as well as similarity will come more and more to the fore. Furthermore, it is only by means of the comparative method that one may expect to weave on the same loom threads of thought which are in origin entirely irrelevant to one another, and analyse them into similar categories or subsume them under common headings.

Most important among all, the comparative method always points to the account for the factors of differences. True, since there are certain characteristic differences among the four main channels of philosophic thought in the world— the Semitic and the Hellenic in the West, and the Hindu and the Chinese in the East. We might then ask ourselves, what are the underlying forces of such differences if mankind can claim to have descended from the same ancestry at all ? In reply the comparative method at once leads us directly to their differences in natural and social environment. It admits of no doubt that each intellectual response to life in relation to the world, so long as it is moulded up by a unique phase of environment, natural and social, must take a unique form.

What is true of the general problems of philosophy is also true of the particular problem of morality against legality. Different social orders developed amid different natural surroundings rest upon different bases and produce diverse types of theory. The same environment full of diverse stimuli can call forth diverse types of response, too. On the other hand different individuals react upon the same community in different ways and may attempt to transform it through different means of control. Likewise, the same individual on expressing himself before his environ- ment has the freedom of preferential choice between alter- native modes—between morality and legality. So he chooses between different approaches to the same problem. So we choose to take the historical approach to the problem of morality against legality and use the comparative method to keep it objective and suggestive in the hope that we may arrive at genuinely fruitful results.

In the conclusion there will eventually arise a side issue, and that is the question as to the factors of progress. It is no surprise that whoever believes the individual to be essentially a product of the community will at once raise that question : Why progress has been possible ? In answering such a question we will be led to the problem of chance—the inevitable side issue. While it is not the objective of this work to discuss this problem in detail, some observation of the rôle chance plays in the course of cultural development and social evolution will prove contributory to the starting proposition and helpful to the proof of it.

COMMUNITY VERSUS INDIVIDUAL

FACTORS AND APOLOGISTS OF SOCIAL UNITY IN THE ANCIENT AND MEDIAEVAL WEST

With the *Factors and Apologists of Social Unity in the Ancient and Mediaeval West* for illustration, this chapter attempts to trace how different communities based on different factors of social unity produce different types of mind. Herein we aim to consider such problems as are concerned with the formation and development of different social orders amidst dissimilar natural surroundings, the diverse underlying grounds of social unity among different peoples, the dominant means of social control in their group life, and finally—yet most important of all—the leading types of theory formulated by outstanding apologists with regard to their current social and practical problems. We shall first consider the Greeks, then the Romans, then the Hebrews, and lastly the mediaeval Christians. We deem it legitimate to take into greater account than anybody else Plato and Jesus because their teachings have underlain Western culture and institutions of posterity.

A. CULTURAL CREEDS AND GREEK THINKERS

1. *The Cultural Unity of the Ancient Greeks*

The social unity of the ancient Greeks was essentially a cultural one. While migrating into Greece and reducing to slavery the previous inhabitants they had conquered from the antiquity of 1600 B.C., the Hellenic tribes discarded the ancient Ægean civilization and upon its ruins put their own. Urban life having displaced nomadic life, Greek civilization started from the city organization at once. On account of the topography of the Greek peninsula, the Hellenese had to remain scattered autonomous communities. They could scarcely enjoy any political unity held by themselves. Even the short-lived Macedonian Empire, under which, no doubt, all the city-states had been once brought together, disintegrated upon the death of Alexander in 323 B.C. Their culture, however, while developed in

different cities, was a unity wrought out of diversity ; it was a product of their common interests and ideals, and in consequence became the common basis of their social order.

Religion failed to furnish the Greeks with any firmly established social bond as it might have done elsewhere. The religion of the ancient Greeks did not develop any priesthood or institutional centre, having no sacred books like the Bible or the Vedas and no authoritative system of ecclesiastical teachings. Religious practice was rather a function of the family and the city-state. The Olympian gods and goddesses were more human in shape and temperament than divine ; they were, as depicted by Homer in his *Iliad* and *Odessey*, by no means morally superior to the Greek people. The epic poems of Homer as well as the tragedies of Æschylus, the comedies of Aristophanes, and the like, however, at least unified the scattered Greeks in their common attitude of literary creation and appreciation. The centre of Greek culture was the " noble man "—man elegantly considered. Indeed, it was literature, art, science, and philosophy, the characteristic cultural attainments of ancient Greeks, that maintained the social unity of the people while they were dispersed in the mutually independent and sometime jealous city-states.

Characteristic of the mentality of the Greeks was their faith in intelligence and love of wisdom. Religious ideas naturally failed to form either the starting-point or the basis of Greek speculation. The divine personalities found in the Homeric poems were repudiated by many a philosopher of later times as fanciful or fictitious. Aside from all sorts of religious bias all eminent Greek thinkers from Thales onward attempted to develop genuine philosophical systems. Though the age was not one of great intellectual discoveries, yet they had the ability of abstract generalization in clarifying and organizing any material bequeathed by their predecessors or accumulated from abroad. At the beginning they considered the problem of the ultimate reality of the universe ; then the problem of change therein involved. Meanwhile, they came to attack the problems of knowledge and conduct. It was not until the social order and unity of the people was challenged by disruptive forces from without and within that great thinkers like Plato and

Aristotle began to take seriously such practical problems as that of the motivating factors of conduct in both private and public life. Therefore, the faith of the Greeks in intelligence and love of wisdom saw its full bloom in Plato and ripe fruit in Aristotle. Philosophy was the most enduring cultural factor of their social unity. In their legacy that has enriched the culture and learning of subsequent generations, philosophy is, no doubt, their highest pride.

Since society for the Greeks was the city-state, in which alone they could realize their social and ethical life, no Greek thinker ever made a clear distinction between " state " and " society ", " political " and " social ", " legal " and " moral ". Legalism was in effect subordinated as a means to moralism—moralism at least among the " citizens ". Such a conception actually dominated the social and ethical teachings of Plato and Aristotle. The prejudice of the Greeks against the conquered people led to the rise of the institution of slavery, which both these thinkers justified. Their close association of the individual with the state reflects the fact that among ancient Greeks the typical member of society was the citizen of the ruling class. So does their conception of laws made by men and for men. The frequent conflicts between city-states as well as social vices found therein, and, what was more, the hidden enmity between the Greeks and the surrounding " barbarians ", brought out the problems of national security and prosperity as well as of human conduct and social organization to which the attention of many a thinker was eventually drawn.

2. *Plato's Personal Moralism*

Development of Moral Personality.—With a deep belief in the power of philosophy to make man and society happy, Plato (427–347 B.C.) advocated the exaltation of moralism as the highest means of social control through the development of moral personality of each individual. His whole philosophical system, with a persistent intention to reform both man and society, was both a fruit and a guide of his age. Most characteristic of it is his life conviction that the philosopher feels it his imperative duty to sacrifice the best of his manhood for public service as a statesman and

legislator, if he has the chance, although the life of serene contemplation of truth forms his supreme happiness. Dissatisfied with the social environment of his day, Plato gave up decisively his own chance for public life, and founded the Academy for his pupils about 380 B.C. He did not believe in democracy on account of his disgust with those who nominally proclaimed themselves democratic while committing lawless violence, as in the case of the condemnation of Socrates, his inspiring master, to death. Throughout his scholarly career he constantly reproached the sophists with their dependence for livelihood upon the fees of their pupils, which was in his eyes intellectual corruption. Therefore, like his master, Socrates, he attempted to find a rational basis for right conduct, on which he developed the entire course of his philosophic thought.

Regarding the motives of human conduct Plato started from his conception of the dualistic character of human nature—the material, physical, and sensual on the one side, and the spiritual, mental, and intellectual on the other. Man is " the soul using the body ", and therefore he must subordinate the body to the soul, the lower to the higher elements of his nature. The soul was created by God, and existed in the divine, spiritual world before it became entombed in the body. On account of its divinity the " tendance of the soul " in life—which A. E. Taylor interprets as the development of moral personality [1] — is the supreme business of both individual and state ; and imitation of God is necessary as right and reasonable rule of conduct.

Human nature is essentially good but for the hindrance of the soul by the body. Accordingly, there are two principles of basic motives of human conduct—love of good and love of pleasure. Good and pleasure do not always coincide. The former is spiritual and regulative, the latter largely bodily and spontaneous. In the tendance of the soul pleasure must therefore be disciplined by wisdom, which Plato considers as the highest virtue, the moral insight or right judgment of good and evil. The primary aim of life is to attain to happiness, and true happiness must be a good and virtuous one. Its ultimate goal is the Good which is the highest world-governing power and

[1] Taylor, *Plato*, p. 207, f. 1.

purpose ; it is the virtue of virtues. As regards the various guiding motives of human conduct, Plato worked out in the *Republic* a scheme of practical and particular virtues——wisdom, courage, and temperance—based on a threefold analysis of the human soul into the rational, the spirited, and the appetitive. The right attribution of these virtues as characteristic to different sections of the community, which brings about a general harmony in character and good order in conduct, Plato describes as " justice ". Such virtues as these are *a priori* " forms " or " patterns " which are constituents of reality in the spiritual world ; and it is conformity to these patterns that constitutes the basis of right conduct whether social or legal or moral.

As to how to conform our conduct to these *a priori* social patterns, Plato advocates the acquirement of true knowledge, which he regards as virtuous, as the mental attainment by means of which man can function in the way nature meant him to do. This confusion of virtue with knowledge leads Plato to make practically no distinction between will and intellect. The supreme function of knowledge is to lead the conduct of life towards the attainment of the true good—in short, to develop moral personality.

Virtue as Foundation of Law and Government.—If conduct finds its end and motive in virtue, the foundation of law and government must be virtue, likewise. Identifying philosophic goodness with knowledge of true good, Plato maintains goodness to be " teachable ". Education with music for the cultivation of the mind and gymnastics for the training of the body, is therefore the most significant factor underlying the improvement of conduct and the development of moral personality. As the real object of tending the soul is to make us fit for citizenship both in the temporal and in the eternal world, society as the highest organization of human beings which originates with their perception of its utility, must have as its ultimate purpose the moral education of its members. Thus, in his *Republic*, Plato emphatically contends that statesmanship is nothing but the practice of the tendance of the soul on the large scale, and therefore its indispensable qualification is wisdom leading to knowledge of moral values. It is the science of the right conduct of affairs and the right ménage of life.

The function of the state is to conform its citizens to the various ideal standards of virtue according to their respective individual fitness—the statesmen to wisdom, the warriors to courage, and the workers and the rest to temperance. The laws of the state which originate in the mutual agreement or convention among men who have both done and suffered injustice, are but means serving these moral purposes. Conventional in origin they are sometimes made by the sayings of wise men. Wise men make wise laws. Only a moral hero, a saint, is fit to be a supreme ruler of men ; for he possesses enough wisdom and moral insight. The king therefore must be a philosopher. It is the imperfection of men that makes imperfect laws.

With the thought that, if the ruler is mistaken about his own interest in what he commands, and thereby gives law in error, obedience to such commands is not justice, Plato naturally tends to identify the laws of civil right with laws of personal morality or at least to justify the right of resistance on the part of the citizens to tyranny on a moral basis. Politics being included in ethics, the laws of the ideal city-state should realize the moral education of the citizens. Education must therefore be operated under the control of the legislative body. If the character of the citizen is sound, laws are unnecessary ; if unsound, laws are useless. The basis of social order is " personal moralism ". Law is simply a means to morals : *legality is to be justified by morality*.

In the *Statesman* Plato attempts to decide definitely for constitutionalism and, in particular, to commend limited monarchy. The tyrant rules by forces and threats ; but the king is accepted by freemen willingly as their ruler. The law should be supreme over the monarch as over anybody else.[1] Yet, monarchy, the rule of a single person, is the best form of government if it is strictly subject to good fundamental laws. Tyranny is simply the sheer personal rule without laws. The laws should rule in general. The legislator, while unable to provide exactly what is suitable for each particular case, enacts law for the general good. " He will lay down laws in a general form for the majority, roughly meeting the cases of individuals ; and some of them he will deliver in writing, and others will be

[1] *Statesman*, 294 et seq.

unwritten ; and these last will be traditional customs of
the country." [1] All laws based on convention, experience,
and sayings of wise men of the age, require renewal in the
course of time. Nevertheless, even though any reformer
knows how the existing laws may be improved, he must
first persuade his own state of the improvement, and then
he may legislate, but not otherwise.[2]

While in the *Republic* Plato looks to an ideal community
with wise rulers prescribing wise laws, his *Laws*, in which
he sets forth his realistic points of view, clearly refers to
the political life of his age. The apparent division of
sovereign power between personal rule and public opinion
is further developed therein. Since the foundation and
criterion of law is virtue, those laws, in so far as they
tend to promote virtue as a whole, are good. The object
of such reasonably good laws—of the Cretan laws for
instance—is to make men happy.[3] The common law of
the state is " the sacred and golden cord of reason ", and
its supremacy is the salvation of the state.[4] Obedience to
impersonal law which is the sole sovereign of good govern-
ment is the necessary attribute of every ruler as well as
every subject. Laws are useless unless the rulers have been
trained in habits of law. Any change in the manners of
the state is easily affected by the example of the ruler in
indicating the lines of conduct. If the ruler takes the
lead, persuasion alone is enough, compulsion unnecessary.
The uttermost emphasis on the educational function of the
state thus leads to the advocacy of government by example.

In a Platonic community judicial administration is
simply a kind of moral education. The purpose of law is
partly for instruction and partly for those who refuse to
be instructed. In the former case, the impartation of the
knowledge of law is necessary. Only the tyrant and never
the wise legislator wishes to overawe the subject into
obedience by mere threats and promises. The legislator
would use persuasion as well as compulsion : he should not
merely enunciate an enactment of law and provide it with
a sanction in the form of a penalty for transgression, but
also try to enlist the sympathies of decent men on the side
of the law by prefixing to his whole legislation and to the

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[1] Op. cit., 295 *b*.   [2] Ibid., 296.
[3] *Laws*, 631 *b*.   [4] Ibid., 713 *e*–715.

principal divisions of it " preambles " explaining that the aims of the legislation and the bases of its enactments are the fairness of the penalties for transgression.[1] These preambles are intended to create goodwill, in the person addressed, towards the law, and to make it more acceptable.

Since the very substantiality of criminal justice, according to Plato, does prove the teachableness of goodness,[2] the true aim of punishment is the reformation of the offender and death is only for the incurable.[3] Since " all wrong-doing is involuntary ", the penal code cannot be based on any distinction between voluntary and involuntary, but on the distinction between the causing of hurt or loss, and the violation of a right. This external distinction leads to the consequent distinction between an action for damages and a criminal prosecution. The court can settle the former case by the award of compensation, but in the latter case it must impose upon the offender a penalty intended to make his soul better. Thus in criminal jurisprudence Plato has to choose between the vindicative and educational theories of punishment. He does emphasize the latter on the ground that the judge passing sentence on a criminal is a physician of the criminal's soul.

3. *Aristotle's Social Moralism*

Aristotle (384–322 B.C.), the Greek philosopher who could best organize thought systematically, elaborated his moralism—the legacy of his age as well as of his master—on the basis of the instinctive sociality of human nature. In his thinking the aftermath of Plato's ideas seems inevitable, and yet from the very beginning of his scholarly career he found his disagreement with his master and thenceforth attempted to emancipate his own thought from his master's position which he often criticized so minutely. He founded the Lyceum about 335 B.C. and taught pupils under his own roof. The difference between Platonism and Aristotelianism, however, was essentially due to their difference in intellectual background. The Pythagorean influence upon Plato was clearly reflected in his mathematical way of reasoning. His method was deductive

[1] Op. cit., 718–722 *a*.　　　　[2] *Protagoras*, 323 *c*–324 *d*.
[3] *Laws*. 862 *e*.

and synthetic, starting from assumptions drawn from contemporary life and experience tinged with Hellenic tradition and mentality as well as with Homeric anthropomorphism. The material for his writing, on the whole, was largely derived from his own intellectual speculation. In contrast with this the early interest of Aristotle in physical science and biology, due to his descent from a medical family, eventually led him to base his scientific inquiry not on the abstractions of mathematics but on the more concrete subject of biology. Political and social chaos in his days naturally drew his attention towards empirical observation. Corresponding roughly to Plato's relation to Dionysius II,[1] Aristotle's association with Alexander the Great of Macedonia greatly intensified his interest in political subjects and also his sympathy for the monarchic form of government. His method was inductive and analytical, his approach biological and objective ; although like Plato he had a supreme faith in reason and attempted to conform his thought to rational principles as closely as possible.

Metaphysically Aristotle maintained reality to be " form " expressed in " matter ". " Matter " being the principle of potentiality and " form " the principle of actuality, reality is rather a potentiality in the continuous process of actualization. A real human being is therefore the unity of soul and body which is similarly found in a continuous process of actualization. This metaphysical doctrine forms the basis of his analysis of the motives of human conduct, wherefore Aristotle started from his conception of the instinctively social character of human nature and teleological activity of human mind.

Every human act, according to Aristotle, is due to a purpose which belongs to a graded series of motives, such as pleasure, honour, wealth, and contemplation. The highest or supreme purpose is to attain to true happiness, the rational perfection of the self through the control of the intellect over the senses. It is the contemplative life—the enjoyment of wisdom—that is the highest form of mental activity. The virtues concerned with this are

[1] In 367 B.C., Plato even proceeded to Syracuse to convert to a philosophic life Dionysius II, the untrained, simple-minded, son and successor of Dionysius the Elder.

intellectual as differentiated from moral virtues, such as courage, temperance, etc. By rational self-perfection Aristotle means the perfect development of human nature which includes (1) a perfect development and true regulation of the feelings and desires in virtue or moral excellence, and (2) a perfect development of the intellectual faculties in mental culture. This is true happiness, and is virtue in action. Since reason is the highest element in the soul, for the philosopher contemplation is the main ingredient in happiness, and the virtue that gives the contemplative life its value is wisdom.

True happiness and virtue are inseparable and virtue depends on three elements—nature, habit, and a reasoned rule of life. Nature is inborn; but habit and a reasoned rule of life are cultivated and it is with these two that education is concerned. Reason often functions against habit and nature, and yet harmony among them is necessary in order to attain to virtue.[1] The ultimate basis of ethical conduct is well-cultivated character which is a habit of rational desire. Knowledge has very little influence upon character whose determination is in the will. The "autonomy of the will" is indispensable to virtue. All moral actions are done, not under compulsion, but with knowledge of the circumstances, and by preferential choice whose object is the result of previous deliberation. Hence, the formation of good habits is the best way to exalt one's character. As to the basic motivating factor of human conduct as involved in the process of self-realization, Aristotle implicitly intimated that since God, the unmoved mover, is the ultimate cause of all motion and development, man's ultimate destiny in the course of self-realization is directed to the nature of God.

The main sources of evil Aristotle found in excess or defect of activity. All action involves a feeling, a capacity, and a disposition. What differentiates virtuous from vicious action is the mean between any two extremes in amount of activity or an intermediate between excess and defect. Desires moving between opposites, a just mean between two opposite errors is virtue. Thus, courage as a virtue is the mean between cowardice (defect) and rashness (excess). Virtue Aristotle defines as "a state of character

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[1] Aristotle, *Politics*, Bk. VII, 13, 1332 *a* 11–1332 *b* 12.