

Reductionism in Alf Ross's Early Philosophy: A Comparison with Georges Politzer and Theodor Geiger

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Abstract. Ross's *Kritik der sogenannten praktischen Erkenntnis* pertains more to moral philosophy than to the philosophy of law, even if its contents are important for the latter, too. Its main objective is to show the theoretical groundlessness of any evaluative judgment. This happens when Ross takes the behaviourist approach of reducing psychology to physiology, which opens up fruitful comparisons with Marxist materialism, and in particular with that of Georges Politzer. Another fundamental question concerns the assumption that theoretical nihilism would lead to practical nihilism, as argued by Theodor Geiger (but denied by Ross). And yet, if Geiger is right, can this have no effect on people's everyday lives?

1. Introduction

During our career as scholars, many of us find ourselves noticing unexpected analogies between seemingly very distant arguments which finally end up complementing each other. Those who do not want to succumb to the temptation to speak of a kind of Leibnizian pre-established harmony, or refer to more problematic instances like fate or luck, have a more realistic solution at their disposal. This means recognizing that philosophy focuses on a limited set of problems, and that these problems have a limited set of solutions, even if these solutions can be debated in different ways.

When it came to understanding Alf Ross's early positions, I was actually greatly helped by my previous studies in psychoanalysis and Marxism in France, and in particular by the work of Georges Politzer, one of the first thinkers to examine Freud's theories in that country. More specifically, I believe there is a kind of closeness between the results achieved by Politzer and what Ross wrote in his early work *Kritik der sogenannten praktischen Erkenntnis* (Ross 1933)—a closeness in problems, if not in solutions. This, above all, allows us to shed light on the intricate question of Ross's value nihilism, which likewise means dealing more clearly with the classical question of the relationship between ethical principles and the law.

Politzer's writings are coeval with this phase of Ross's activity, though Ross does not pay particular attention to this branch of French literature. And yet I think a

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comparison between two kinds of reductionism, which legal realism and Marxism undoubtedly are, could be fruitful. This is true not only for Theodor Geiger, who was at the same time a legal realist and a Marxist (albeit a critical one),¹ but also for Ross, who had always been a steadfast opponent of Marxism. As I intend to show, however, Ross's relation to Marxism was closer than he himself had ever supposed. Indeed, certain crucial issues in Marxism are problems in legal realism, too, particularly, as mentioned, in relation to the question of practical nihilism and theoretical nihilism.

For the sake of clarity, I would like to start by expressing my own position: I am not at all an opponent of realist reductionism (nor, subject to certain conditions, am I opposed to the Marxist variety); but I do think that being a reductionist implies such a radical change of perspective about human existence that I cannot think of a greater one. Instead, as we will see, my impression is that Geiger, and above all Ross in his *Kritik* (but also in his later works), seems to want to disregard the real existential pervasiveness of that question. They interpret it as a philosophical question among others, without any practical consequence (or with only positive consequences, as Geiger seems to think). But this cannot be the case.

2. Physiological Reductionism against Objectivists and Subjectivists

In the first section of the *Kritik*, Ross argues that value philosophies recognize in the knowledge of values a peculiarity which stems from the peculiarity of the consciousness of values itself. The characteristics of this consciousness are immediacy and vitality, and the same can be said for fear, pleasure, and other emotion-related feelings.

And yet, Ross adds, there are two kinds of value theories—objective and subjective—which must be discussed.

The upholders of the former

believe and seek to explain that in value consciousness there is a genuinely objective consciousness of value as an objectively given thing, so that value is given in or for value consciousness, just as the object of reality is given in or for the representation or the judgment. (Ross 1933, 31; my translation, here and wherever no English edition is cited)

Thus, objectivists draw from Franz Brentano, the honorary father of phenomenology, the division of the faculties of human consciousness. For them, there is a faculty that recognizes and elaborates evaluative experience, together with a faculty in which representations and judgments about empirical experience are developed. This means that, in their opinion, moral experience and theoretical experience stem from two different, albeit parallel, kinds of intentionality, because “people have in their *sentiment* (aspiration) an organ for value cognition, which sits at the same level as (is placed beside) their *intellect* as the organ for knowing reality” (Ross 1933, 32; italics in the original, here and throughout, unless otherwise noted). Therefore, the main advocate of

¹ Theodor Geiger was a member of the German Social Democratic Party (SPD) in the Weimar era. He placed himself in the party's reformist wing. This can be explained by saying that, theoretically, he recognized that reality was economically determined, but refused the almost metaphysical unilaterality of certain Marxist theorists (Marx included). His positions on Marx and Marxism are outlined in Geiger 1949, 9–21, 137–47.

objectivism—who, according to Ross, is Alexius Meinong—argues that the objectivity of evaluation acts parasitically on the intellect and its judgments, and takes advantage of its contents in order to assign specific meanings to those judgments.

Criticising these theories, Ross argues, is not easy. If we say, for example, that an evaluative judgment is structurally subjective, someone might reply that so are theoretical representations. If we add that evaluation, contrary to representation, rests only on itself, this is not a self-evident statement, and this, too, needs to be proved. Moreover, since evaluation often has a religious or practical origin, it can only be dispelled by intellectual progress insofar as “the scientific interest frees itself from its practical-emotional parasites” (ibid., 36), and thus not by counterarguments (actually, Apollo’s nonexistence was never proved, either).

An adequate critique of the peculiarities of evaluation can only be made on the basis of a classification of the characteristics of intentionality. The object of intellectual representation is inserted into the schemes of space and time and is therefore characterised by the identity and unity of its qualities. The qualities of an object, such as its colour, shape, or weight, are different from one another, but they interpenetrate in a unity which marks the singular identity of the object itself. This means that

[t]he object is [...] nothing but the unity of the content of consciousness, or the essence of the properties that are determined by the qualities that complete the content of representation. Thus, “the reference” or “intentionality” merely means that every quality is conceived in the representation as a property of the object, as the moment that completes a unity. (Ibid., 39)

It is quite the opposite for the other instances of consciousness. The attributes they ascribe to an object (good, beautiful, sad, and so on) pertain not to the reality of the object itself, but to the intervention of a subject who has an extraintellectual experience of any kind. Saying that moral or aesthetic intentionality borrows the procedures of representative intentionality, as Brentano and Meinong argue, cannot but mean that they become qualitatively identical to it, because they can frame their object only in theoretical schemes; and this comes across clearly if we consider Max Scheler’s attempt to solve these problems, insofar as the German philosopher ends up speaking of two different cognitive apparatuses, one for physical objects and the other for values, and thus of a sort of “knowledge of values.” According to Ross, we are instead at a crossroads: Either the moral object can be grasped like any other object of representation, but then it has no uniqueness compared to that of representation, or the moral object reaches beyond the field of intentionality, but then it becomes something evanescent, which could only be grasped by a trivial experience. Moreover, a value that has no relation to reality is simply useless and therefore deprived of any possible meaning. If the “is” is what *is* real, the “ought” is nevertheless what *ought* to be real.

Subjectivists take the second position, recognizing

that value consciousness is only a subjective or mental-state consciousness, i.e., a consciousness in which certain states (emotions) are experienced by the subject himself and not otherwise, so that value is only a description of how the object is related to this state in the subject. (Ibid., 32)

A value transmits a subject’s aspiration toward an object that promises a state of pleasure or pain, and exists for as long as the subject retains the object, after which the value goes back to being nothing. Therefore, value “is not [...] a genuinely

objective quality, but rather [...] a projection of our own subjective emotions in the environment" (ibid., 32). Thus, the only theoretical escape for a subjectivist, if the validity of our values is to be borne out, is an overlap between value and interest, something that Ross has no difficulty rebutting—at least from the subjectivists' evaluative perspective.

At any rate, subjectivists emphasise introspection, which they interpret in an all-encompassing way, i.e., as something unique and all-embracing, which excludes any spatial or temporal determination of internal states. Evidently, introspection also excludes any psychic causality, and often resorts to unconscious psychic processes. But, in Ross's opinion, these unconscious psychic processes express nothing but a teleological pseudoexplanation. The stimulus-response scheme, he argues, has in fact only a physiological meaning, and does not need any hypostatization of mysterious natural forces whatsoever in order to be explained, as energetic physics, for example, keeps doing. Behaviourists have understood this well. However, Ross underlines, behaviourism and physiology are almost the same thing because they both share the idea that the behaviour of a living organism consists of spatial phenomena, which, like every spatial phenomenon, are reducible to physical-chemical characteristics.

Finally, as we will see, Ross makes a fundamental addition to his discourse. He argues that behaviourism will probably never be able to fully explain stimulus-response processes. But, he adds, this cannot mean that these processes are not regular. His point, explicitly stated, is that "maybe we are not able to give a satisfactory physiological explanation of this fundamental law of behaviourism, but it seems that it is not impossible in principle to do so" (ibid., 66). Our ignorance of the causes of a specific behaviour could also last forever, but physiological reductionism cannot interpret this ignorance as if such causes did not exist at all.²

3. Politzer's Reductionism and Its Similarities to Ross's Philosophy

Albeit with some clarifications that are due, this position is, in my opinion, a constitutive principle of Georges Politzer's doctrine as well of Marxism in general. Indeed, Politzer and Ross share the same interest in behaviourism as a counterpart to any doctrine based on introspection and arguing for the concreteness of the human experience.

Politzer's interest in psychology, and above all in psychoanalysis, dates back to the 1920s and suddenly runs out at the beginning of the 1930s. It has two phases:

² However, it should not be forgotten that, even in these investigations in "pure" philosophy, Ross thinks primarily as a legal philosopher. We can therefore also consider Ross's statements about reductionism as an introduction to the themes of the Danish essay he published only a year later, *Virkelighed og Gyldighed i Retslæren* (Ross 1934). Following Hägerström's lesson, Ross criticizes as metaphysical all theories which in one way or another assume a dualism between reality (*virkelighed*) and validity (*gyldighed*). Validity actually "pertains to rationalizations and constructions, that are produced by the experiences of duty and are covered with an illusion of objectivity" (ibid., 72). In light of a so-called derationalizing conceptual dissolution, validity now appears to be nothing but a series of experiences of validity, i.e., a series of rationalized conceptual expressions of subjective, psychophysical impulses.

a pre-Marxist and a Marxist one (after which Politzer remains exclusively Marxist).³ In the mid-1920s, Politzer begins using psychoanalysis to fight what he calls classical psychology, which in his opinion is only a formal kind of psychology. His aim is to establish, on the contrary, a concrete psychology starting from Freud's theory, even if his relationship with psychoanalysis always remains a critical one. Politzer, who is not particularly interested in the clinical treatment of disease or discomfort, wants his doctrine to be, above all, a psychology—i.e., a science of the individual, his life, and his irreducible particularities. This means that, if in the modern age the development of psychology must share with physics a refusal of any theological or teleological help, psychology should instead avoid morphing into an abstract science—a science in the third person, as Politzer says. Of course, Politzer wants psychology to be a rigorous science which only deals with external facts. Nevertheless, in his opinion it must also treat “all the facts this science can deal with in the ‘first person,’ but in such a way that for the whole being and for the whole signification of these facts, the hypothesis of the first person needs to be *constantly indispensable*” (Politzer 1994, 29).

For Politzer, classical psychology has a paradoxical nature: It starts with introspection, and therefore with an individual narration, but immediately turns out to be an abstract science, which transforms human individual experiences into statistical data. Thus, Politzer's crusade against classical psychology is, first of all, a crusade against the objective schemes within which it tends to cage individuals' lives and reduce the “me” to a mere “functional centre.” In this sense, Politzer argues that he is also fighting realism, though by this term he means something completely different from Ross's definition. His aim is to show that when classical (experimental) psychologists infer abstract data from the analysis of individuals' inner sense, they end up speaking of a meaningless sort of “second” matter or nature, a psychical nature that is parallel to but different from the physical one.⁴

And yet it is important to reiterate that Politzer also rails against introspection of *any* kind. Surely, concrete psychology recognizes it as its fundamental task to grasp the individual peculiarities of all subjects, but this has to unfold outside of any metaphysical reverie. In Politzer's view, individuals are things, parts of nature; they are matter, the only kind of matter that exists, and not spirit. A concrete psychologist must therefore avoid both subjectivism and objectivism. Whereas

³ Politzer died in 1942, at the age of 39, shot as a member of the French resistance against the Nazis. Politzer's 1928 work, *Critique des fondements de la psychologie* (cited as Politzer 1994), is the most important text of his pre-Marxist phase. That he is moving closer to Marxism can be appreciated from some statements in the harsh criticism of Henri Bergson's philosophy he offers in *La fin d'une parade philosophique: Le bergsonisme* (Politzer 1929, under the pseudonym of François Arouet). The most important documents of his “Marxist-psychoanalytical” or “Freudo-Marxist” phase are the only two issues of his *Revue de psychologie concrète* (both published in 1929), where two articles by Politzer appear (Politzer 1969a and 1969b), though in fact only the second article seeks to develop a Marxist psychology, whereas the first one repeats and integrates Politzer 1994. Finally, Politzer 1969c (originally published in *Commune* no. 3, November 1933) marks his detachment from psychoanalysis, which is perhaps primarily due to the demands of his political activism in a complex historical phase rather than to a real change in perspective. Two general works on Politzer's thought—Pardi 2007 and Bianco 2016—have only recently been published.

⁴ It is also easy to see here a parallel with Ross's critique of Brentano (1921 and 1925) and of Meinong's “second” kind of intentionality (Meinong 1923).

according to the former, individuals have a soul in addition to a body, something a materialist like Politzer cannot accept, according to the latter, a physiological reduction of human life is always possible and scientifically legitimate, but, given the state of our scientific knowledge, it implies reducing human behaviour to mere mechanical regularities.⁵ The only solution is to turn to those external phenomena of human individual behaviour which are not immediately reducible to physiology, that is, to narration (*récit*) and to what Politzer calls “drama” (*drame*), meaning the complex of any individual’s lived experiences. Narration and drama are indeed experiences “in the first person” but present themselves as something objective, external, and detached from their author. It follows that, for Politzer, individuals, with their individual lives, do not again become masters of their psychological states but are only the matter which psychologists deal with. Psychologists know their patients better than their patients know themselves, because, as experts, only they can treat them as objects of science. Furthermore, just as “the mathematician does not expect a function to be a ‘mathematician’” (Politzer 1994, 53), so a psychologist’s patient does not have to know psychology. Resorting to introspection is therefore useless, if not detrimental.

Certainly, Politzer’s terminology is not always clear, and a few spiritualist nuances occasionally crop up in his words, bringing upon him the reproach of another prominent French Marxist thinker Louis Althusser.⁶ For instance, it is not so easy to explain the passage in which he argues that critical psychology “will deserve this name not because it will be a psychology *without a soul*, but because it will be a psychology *without inner life*, and in spite of it, without the least trace of physiology or even biology” (Politzer 1994, 145; italics added). It is likewise problematic to claim that “the only *realities* are in fact, on the one hand, physical nature and, on the other, drama” (Politzer 1969a, 97), and in so doing Politzer exposes himself to the charge of postulating a “second” matter. But, in my opinion, his words could be more convincingly explained as a critique of the levelling attitude of physiology and biology rather than as a critique of their background predominance. As can be appreciated more clearly in Politzer 1929, the French author does indeed have firm political commitments, ones that an excessively radical sort of reductionism could have hindered.⁷ If we consider this, it now appears easy to see where a contact point between Ross and Politzer can be found. Indeed, there is hardly any difference that can be detected by comparison with what I have already remarked in regard to Ross’s doctrine: Even though it is difficult, if not impossible, to find every natural law of people’s lives, that is to say, even though it is difficult, if not impossible, to trace such laws back to their physical-chemical roots, this does not mean that these laws do not exist. Using Politzer’s terms, however, this is not a good enough reason to rely on the simplifications of classical psychology.

⁵ This criticism is directed against John B. Watson’s behaviourism, whose foundations Politzer actually appreciates. On the other hand, Politzer is very harsh on those who believe that it is possible to avoid the mechanistic consequences of behaviourism, and who accordingly try to develop a kind of nonphysiological behaviourism (Politzer 1994, 244–6).

⁶ Unfortunately, Althusser does not speak so much about Politzer, who had actually been very important in his Marxist “conversion.” Above all, we should refer to Althusser 1996, 32–41, which is a passage from a lecture held in 1963.

⁷ Barbaras (2016, 210–7) is very clear about Politzer’s fundamental contradictions.

Perhaps the only difference is that Ross's ultimate goal appears to be a radical physiological reduction of human life, whereas Politzer is concerned with the scientific and political consequences of such a reduction.

I believe that confirmation of my interpretation can be found by looking at when Politzer becomes a Marxist. Things might seem to get more complicated, but in fact they become easier. In adding a new field of investigation, i.e., the socio-economic field, Politzer indeed introduces a new order into the haphazard variety of human behaviours and makes their physiological reduction easier. Whoever claims that the background of every human behaviour is economic, even when this lies beneath a thick ideological layer, believes at once that behaviours can be traced back, one way or another, to personal interests. But personal interests, in their egoistic or utilitarian meanings, can be easily traced back, one way or another, to physiological reasons.

In order to clarify this further, let us now analyse the dominant traits of Marxism.

Marxism is structurally a sort of economic determinism. But we must agree on what is meant by "economic determinism." In a trivial sense, the concept implies that every behaviour is to be traced back to an economic motive (for instance, I work to earn a salary, I steal because I am poor and unemployed, and so on). But, in a more refined meaning, it only implies that, even after an in-depth analysis, what people do must be traced back to a basic economic mechanism (for instance, under certain circumstances, I steal because I am poor, but under other circumstances I do not steal even if I am poor, as the moral urge I feel because of my religion is stronger than my sense of hunger; but religion is dependent on particular political conditions, which do have an economic basis). These simplifications suffice to explain that we are faced, once more, with the idea that the difficulties of reductionism do not imply its erroneousness. We could say, with Althusser (2005, 87–128, quoting Friedrich Engels), that economic reasons are determining factors only "in the last instance." But what could this mean except that, in the end, these are the only determining factors (even if it does not seem so)?

Despite his contradictions, Politzer is very clear about this when he writes:

The truth is that psychology does not, and never can, enable us to know any beginning (*commencement*). It is not at the "beginning"; it is "in the middle." There is nothing in man—no fact, no manifestation—whose study can be completely accomplished with "psychology," or on which psychology has the last word. Indeed, all that happens to a man is rigorously determined in the context of the facts that he has been through. But, for its part, this context originates in a certain economic structure. Here, we can accurately speak of a determination in detail, moment by moment; and the will to assume the "psychological" explanation as the last one, be it only in what concerns men's knowledge, immediately reveals an idealistic conception of the complex of human things. (Politzer 1969b, 185)

And yet we should remember that Marxism, too, is a form of materialism, i.e., a philosophical doctrine assuming that nothing can exist beyond matter. Therefore, the material explanation should always precede the economic one, or, more aptly stated, matter tends by its nature to express itself economically. As noted, there is a strict and obvious relationship between physiological impulses and their transformation into economic interests.

We can now claim that, after all, Marxist reductionism is not so different from that of its steadfast opponent, Alf Ross. Just like the Marxists, Ross is mainly a determinist and a materialist because his brand of realism evidently cannot be but deterministic and materialistic. Certainly, Ross is right when, from his antimetaphysical standpoint, he criticises the Marxist interpretation of history according to which history seems to have a precise direction. Moreover, Kelsen (1923) had already successfully explained that materialism cannot have a final goal, and Marx's doctrine therefore has a religious meaning in itself.⁸ And, certainly, the Marxism coeval with Ross's *Kritik*, that of the so-called Second International, was imbued with wide economic unilaterality in its doctrines. Nevertheless, I hope to have demonstrated that, philosophically speaking, there is something deeper that unites Ross and the Marxists.⁹

4. The Consequences of Practical Nihilism

What has been said so far also helps, in my opinion, to shed light on some inconsistencies in Ross's nihilism and allows me to further explain the statement I made in the introduction according to which Ross, together with Geiger, seems to want to disregard the real existential pervasiveness of that question. I should now add that whoever believes that philosophy is something that deeply permeates human existence, or at least a philosopher's existence, cannot be indifferent before the unconcern with which some philosophers, like Ross, claim to be nihilists.

When Marxists said that economic laws would necessarily, deterministically lead humanity to socialism, equality for all, and the like, they consequently believed that they could not answer one important question: Why is socialism, and not capitalism or feudalism, morally better for humanity? Once again, and with good reason, Hans Kelsen had argued that a real Marxist should instead be a supporter of capitalism, if economic laws affirmed its eternalness.

Similarly, Ross does not need to uphold any meaning of history, for the simple reason that his reductionism gets rid of every possible meaning of history. If there is an undisputed sway of physics, chemistry, and physiology, at least "in the last instance," everything that happens cannot but happen, and it makes no sense to wonder whether it is just or not. Hegel triumphs: Maybe rationality is not real, but surely reality is rational.¹⁰ Here, there is no problem in itself: Nobody has a philosophical duty to be shocked by the most hateful political crimes, the most brutal murders, or the most abhorrent behaviours. And yet, as is well known, Alf Ross was not a detached observer of the world, an upholder of the idea that anything goes, both morally and politically. This is shown both by his judgeship on the European Court of

⁸ To be sure, Geiger, too, underscores this point, though with less philosophical depth (see n. 1).

⁹ Moreover, Ross 1947 shows a particular political attitude of the author, who does not reject the idea of an inner dynamics of economic development. In Ross's opinion as well, socialism will sooner or later inevitably be established, at least in the Nordic countries. Thus, his tones are not so far from the Marxist ones except for the fact that he thinks of a development that cannot be so brutal and, above all, must not endanger the principles of democracy, as happened in Russia. We could venture the idea that, in this essay, Ross shows a reformist attitude, more in Eduard Bernstein's sense than in the current meaning of its definition.

¹⁰ There is no contradiction, I think, between this assertion of mine and the critical description of this point of Hegel's philosophy in Ross 1933, 409–16.

Human Rights and by his several essays in which, with inspired feelings, he speaks about democracy, even considering its “ethical” value.¹¹

Nevertheless, Alf Ross was always an advocate of theoretical nihilism. Despite its great scientific interest, we can set aside the controversy between Ross and Theodor Geiger about the overlap between theoretical and practical nihilism. Actually, its meaning is more taxonomical than practical, and it also appears to be mainly a dispute about Axel Hägerström's memory.¹² I simply think that Geiger cannot be wrong: If values are valid in theory, they cannot but be valid in practice as well. Moreover, *en philosophes*, we can rely on Immanuel Kant's authority, since he explained the untenability of the common saying: “That may be correct in theory, but it is of no use in practice” (Kant 1996).

Apart from everything else, what unites Geiger and Ross is the idea that values are absolutely nothing, i.e., *flatus vocis* and illusions, which can only imply that concepts like free will, fault, guilt, merit, and so on are likewise nothing at all. And yet neither Ross nor Geiger seems to be willing to draw from that position its only possible consequence: There is no reason, philosophically speaking, for considering Jesus Christ to be better than Barabbas, Gandhi better than Hitler, Martin Luther King, Jr., better than a member of the Ku Klux Klan, and so forth.

Surely, in his *Vorstudien*, Geiger rightly argues that

[i]f I know that the axiological idea (*Wertidee*) of goodness is a reverie, this need not change my aversion to theft and cruelty against animals, and my sympathy for helpfulness and fidelity to promises. (Geiger 1947, 264)

“I do not have to,” he could have added, “but I surely can. And nothing would change.”¹³ Perhaps when Geiger notices this consequence, he adds that social dynamism will avoid a social catastrophe: If axiological morality collapses—or even because axiological morality has collapsed—“the obligatoriness of the standards and of the codes, an obligatoriness which social interdependence preserves, instead remains undisputed” (*ibid.*, 266).

¹¹ Democracy is characterized by Ross as “the people's active control of the state,” and he wonders if it could also be defined as “a great idea which is mankind's mark of nobility.” Most likely, he believes so, but prefers to stop “at the borders of a metaphysical interpretation of life” (Ross 1952, 245). Ross's antimetaphysical idea of democracy, also expressed in Ross 1945, is that democracy is primarily a method of government, a procedure which, by virtue of the law, monitors the acts of the holders of political power. A direct, albeit secondary, consequence of this method lies in the clear advantages that can accrue to the entire population, including in economic terms, only if democracy effectively means that all citizens participate in political life.

¹² On this point, I can refer to Serpe 2017 and 2019. Nevertheless, Ross also expresses a deeper critique of Geiger's sociology insofar as it assumes that the only valid norm is an existent one. In Ross's opinion, this means putting aside validity as an object for legal science. Thus, both Ross and Geiger think that judges' decisions are predictable; but Geiger's radical choice of behaviourism leads him to misunderstand the judges' inner lives, i.e., the ideology that moves their judgments (see also Ross 1950a and 1950b).

¹³ A quote might well exemplify the poverty of Geiger's concepts: “If attributing the quality of goodness to actions is wrong, it is logically no less wrong to attribute the quality of evil to them.—Moreover, practical value nihilism surely does not mean, morally speaking, that one may do what one likes. More properly: as a value nihilist, one may not do that to a greater extent than before” (Geiger 1947, 263–4). Surely, Geiger does not want to be a philosopher; but we should treat him as such when he reflects philosophically.

I am not as sure as Geiger about this. He thought that if we remove God's watching over men, or we remove the voice of their conscience, a deeper awareness of social responsibility will then take their place, but this idea strikes me as no more than a late-Enlightenment illusion. Still, this is not where the real problem lies. The problem is that the expression "social catastrophe" itself has an evident ideological background. The problem is that Geiger insists on speaking of the "improving and deepening of the social differentiation and of the emancipation of personality" (Geiger 1947, 266), something that would be guaranteed by the end of axiological morality. But, evidently, only some people, however numerous, can consider these values more important than their opposite, just like not everyone necessarily considers a state better than anarchy (which, incidentally, the practical nihilist Geiger also does, since he writes that "the sober thinker may assume that social interdependence is something honest, though scarcely impressive [*unfeierlich*]" [ibid., 267]). After all, I think I can conclude that Geiger wants to abolish axiological morality for moral axiological reasons.¹⁴

It is even worse in Ross's *Kritik*. As an opponent of practical nihilism, he argues that

[w]e could think that ethical systems may have a certain truth value, though a different one from that which they strive for. In fact, it would be quite improbable that both experience and insight should not be settled in these constructions, which sharp-witted minds have conceived over the centuries, in spite of their worthlessness as "practical" knowledge. (Ross 1933, 436)

We therefore need a new science, able to understand morality in its peculiarities, without losing its anchoring to spatiotemporal data. And yet, Ross concludes:

How, one could ask with good reason, is such a change of viewpoint possible if we are still to speak of the same thing? But one cannot demand, with the same good reason, that I answer this question. (Ibid., 437)

¹⁴ A quote from Geiger's work shows another perspective: "I cannot definitively understand the axiological ideas of Beauty or Good as illusions, superstructures of emotional relations—and then cheerfully proceed, in all seriousness, to characterize things or actions as beautiful or good, ugly or evil [...]. I must stop formulating *value judgements*, i.e., making assertions that are nothing but apparently theoretical superstructures of my emotions. I must be a practical value-nihilist if I am a theoretical one. Despite my theoretical awareness, I can keep feeling and acting as usual, but I cannot maintain the apparently theoretical superstructure of these emotional states and ways of acting if I have understood their theoretical untenability" (Geiger 1947, 264–5). It seems to me that, although Geiger uses the verb *müssen* instead of *sollen*, being a practical nihilist not only implies for him the possibility (the desirability?) of recognizing himself "as usual" in the values that support society and avoid anarchy, but also comes with a "moral" duty to be a consistent *theoretical* nihilist. The posthumous *Demokratie ohne Dogma* (Geiger 1964), a text I unfortunately cannot but quote in its Italian translation, is even clearer when it states: "The inclusion [of values] in the constituted social order—with the reservation that the aim is to modify them—which is motivated by an acceptance of the pure and simple vital need for social interdependence, is certainly also a kind of ethics. But it is ethics in a different meaning compared to the usual one, which is based on the ethics of value: For it stands or falls with the practical refusal of value judgments and is an intellectual discipline, a social kind of ethics that presupposes a high level of intellectuality" (Geiger 1970, 503). As Barberis (2020, 35) clearly states, "Geiger [...] does something original in comparison with other legal realists: He grafts a sort of normative ethics (practical nihilism) onto a sort of metaethics (theoretical nihilism) and presents it as a sort of 'practical humanism,' which is suited to a 'sober society.'" In my opinion, there is absolutely nothing to add to these words.

It is hard to believe that a philosopher of Ross's calibre could have written this statement. And, at any rate, in his later works as well, above all in Ross 1953, he does not seem to make significant progress in this direction.¹⁵ From a critical perspective, we can only add that Ross's words are not unequivocal. He speaks of a change of viewpoint on the same thing, as we have already seen, adding that it would be provided by ethology as a real science of morals (and not a simple science of moral behaviour). If the "same thing" is the same moral obligatoriness to do something, now provided with a scientific consolidation, this would be a great advance, though a very problematic one; and Ross should not get himself out of it. But he also says: "We no longer want to consider the impulses expressed in morality 'from the inside' as a state of consciousness, but 'from the outside' as *psychophysical phenomena in a psychophysical organism*" (Ross 1933, 437). Thus, the change of viewpoint could simply be the realization of the already described physiological reductionist approach, which Ross does not feel qualified to take, even though he thinks it will sooner or later be possible, "if only a sufficiently sharp-witted mind thinks about it long and sharply enough" (*ibid.*). If we are to find a solution, we can only go by the words in which Ross tells us that a science of morals is a science "of the real ethos that lives in the hearts of men" (*ibid.*, 445), and that

once the moral phenomena of a specific milieu and a specific period have been determined and described (but what a gigantic task that is in itself!), the even more difficult task of determining the general laws that govern the occurrence of moral phenomena in comparison with other phenomena comes next. (*ibid.*, 446)

It seems clear that this new science is also an inductive and not only a deductive one, as he had already explained in Ross 1929, 270–89. Unfortunately, he comes to the end of his book commenting that further investigations into this problem have "no place here" (Ross 1933, 446); and they will have no place in any of his later works, either.

5. Conclusions

I hope I have already explained in this text why, in my opinion, Ross's nihilism appears to be problematic, even if it is nonetheless worthy of being deeply evaluated and discussed. And yet, since I began by stating my position in the debate, I think it would be appropriate to close this essay by coming back to the general, philosophical reasons that prompted me to choose this subject.

Despite all the criticism expressed, I still consider myself close to Ross's reductionism, not excluding the moral consequences that we must infer from it. I merely want to underline that it is impossible not to feel uneasy before them, as if they were simple inconveniences in his philosophical work. Thus, I do not share, but I do understand, the concerns that led phenomenologists to seek an autonomous field for philosophical thinking, which means for moral thinking as well. As in the

¹⁵ This is also pointed out by Bersier Ladavac and Sardo (2020, 15), who remark that "Ross takes good care not to revisit or rectify his *Kritik* in his later works, and rather merely quotes its fundamental passages, both in order to reject natural law and to characterize his [most important] notions."

title of Edmund Husserl's essay, philosophy for them was to be a rigorous science (Husserl 2002), even if in their opinion this science needed to distance itself from the unilaterality of the natural sciences. This was an unsuccessful rather than an unjustifiable attempt.

Therefore, phenomenologists did not deserve Ross's lack of understanding. And, in any event, between them and Ross, Hans Kelsen's religious anxiety should also be considered.¹⁶ The early Kelsen (1911, V–VI) admits with some embarrassment that he cannot find a contact point between "is" and "ought," and therefore cannot help defining himself as a dualist.¹⁷ It is certainly true that we can find a monistic solution—in favour of the "is," of course—as early as the first edition of the *Pure Theory of Law* (Kelsen 1934), though Kelsen did not say it explicitly, and then again we can find such a solution in his later works. But, unlike Ross and Geiger, Kelsen cannot and is not willing to ignore the real extent of a moral kind of nihilism. His anxiety is too strong not to occasionally come to light, almost abruptly. Otherwise we could not explain, for instance, what he wrote in 1963 in his essay "Politics, Ethics, Religion, and Law": True science does not reject the existence of a sphere beyond the realm that is accessible to its knowledge and "is well aware of the fact that this realm [...] is surrounded on all sides by a secret" (Kelsen 1963, 5). This is a short sentence that reflects an undeniable inner conflict.¹⁸

I can therefore conclude by saying: While I surely endorse most of Ross's analysis, I cannot help, *a fortiori*, feeling Kelsen's anxiety as my own, too.

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¹⁶ Religious anxiety is also a characteristic of certain phenomenologists, at least in their personal lives. We can recall Husserl's conversion to Lutheranism; the conversion to Catholicism of his pupil Edith Stein, who became a nun; and Max Scheler's swaying between Judaism and Catholicism. Moreover, phenomenology had a certain influence on Kelsen's early works (and Kelsen, too, had a complex religious life, since he converted from Judaism to Catholicism and then, perhaps with greater conviction, to Lutheranism).

¹⁷ Ross (1933, 51–3), speaks of Kelsen's impracticable attempt to solve this dilemma by assuming a neutral substrate common to "is" and "ought."

¹⁸ Actually, a background anxiety can also be detected, though less explicitly, in Scarpelli 1982, which could perhaps be explained by its author's existentialist youth. On the other hand, Irti 2004 is a book that comes to terms with nihilism ruthlessly, but with remarkable depth.

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