50

A challenge for moral rationalism: why is our common sense morality asymmetric?

STÉPHANE CHAUVIER

What is a moral rationalist? A moral rationalist doesn't need to be a moral realist, believing that Good and Evil or Right and Wrong have a *transcendent reality* and could exist even if human agents or at least conscious agents did not exist. But a moral rationalist should at least believe that Good and Evil or Right and Wrong have an *objective reality* or are objects of moral truths of an universal validity. But why is moral rationalism a *ratio*nalism? What is the place or the role of reason in moral rationalism? We could be tempted to say that a moral rationalist believes not only that moral values have an objective reality but also that they are cognitively accessible to human reason and accessible in a non-sophisticated way. For, of course, nothing precludes that an objective reality could remain unknown, being only an object of uncertain opinions. But is the belief in the cognitive accessibility of objective moral values sufficient to characterize moral rationalism? One thing is, for an objective fact, to be cognitively accessible, even easily accessible, accessible to common sense, and another is, for that same objective fact, to be *comprehensible*, to be consonant with the structural laws of reason and deducible from them. But nothing preclude Good and Evil or Right and Wrong to be 1) objective, 2) cognitively accessible *but* 3) irrational or incomprehensible to human reason. Suppose for instance that, somehow, we find out that it is morally good to benefit people from 8 to 12 o'clock, morally good to harm them from 12 to midnight and morally indifferent to benefit or harm them during the night. Perhaps some shrewd philosopher could propose a justification of that complex moral fact. But it is doubtful that such a justification would pass for

a genuine expression of Reason, because rational comprehensibility is consonant with simplicity, evidence, common sensibility and so on. There are therefore three dimensions to moral rationalism: a moral rationalist believes that Good and Evil or Right and Wrong are plainly objective ; he also believes that they are cognitively accessible in a non-sophisticated way, that moral knowledge is not reserved to the happy-few. But he must also believe that Good and Evil or Right and Wrong are fully comprehensible, that moral truths are rational truths or that Good and Evil or Right and Wrong don't appear to human Reason as the result of an objective but irrational *Fiat*.

Bearing in mind the recent and admirable book of Pascal Engel[1], where he pleads for a sort of super-rationalism that one may label "neo-bendatism", I'd like to address to his rationalist zeal what seems to me a challenge or, at least a puzzle for any moral rationalism : why is our common sense morality asymmetric with regard to these two dimensions of altruism that are, to borrow Quine's phrasing[2], "the passive respect for the interests of others" and "the active indulgence of their interests to the detriment of one's own" ? This asymmetry may be summarized in the following manner :

— On the one hand, it is morally worse not to passively observe the interests of others than not to actively support their interests.

— On the other hand, it is morally better to actively support the interests of others than to passively observe their interests.

Or, to put it in a less precise, but more striking way :

— On the one hand, it is morally worse to do harm others than not to benefit them.

— On the other hand, it is morally better to actively benefit others than to restrain from harming them.

The general asymmetry of good and evil could thus be represented in the following manner :

	Good	**Evil**
Maxi	Benefiting	Harming
Mini	Not harming	Not benefiting

[1]. Engel (2012).

[2] . Quine (1987), p. 4. There are few studies devoted to the normative asymmetry between Good and Evil. We could mentioned Hurka (2010), Mayerfeld (1996) and McMamara (1996). The *normative* asymmetry between Good and Evil must be firmly distinguished from the *epistemic* asymmetry, the fact that Evil is much more recognizable or knowable than Good.

This asymmetry is not only present in our common sense morality : it is also validated by the main part of the traditional moral philosophy, with the notable exception of utilitarianism, when it distinguishes duties of right and duties of virtue, perfect duties and imperfect duties or erogatory and supererogatory duties.

How can a moral rationalist reconcile himself with this asymmetry, since, as I will try to show, systems either symmetric or inversely asymmetric are perfectly conceivable or are in no way repugnant to reason ?

1. Illustrations of the asymmetry

I'll start by giving some intuitive illustrations of this double asymmetry:

1. First, subject to qualifications to which I shall come back in a moment, the idea that it is more serious, morally speaking, to harm others than not to benefit them can be widely illustrated.

— Making someone poor seems more serious than not helping him to get out of his poverty.

— Depriving someone of his favourite music seems more serious than not playing him a tune of his favourite music.

— Punishing an innocent seems worse than not forgiving a guilty party.

— Abandoning our children seems worse than not adopting orphan children.

— Giving birth to a child that we know to be genetically condemned to a short life of intolerable suffering seems worse than not giving birth to a child who is devoid of any known genetic problem.

Of course, when we say that it is more serious to do A than to do B, we don't intend to say that it is indifferent to do B. But we indicate that there is a hierarchy in evil, that there is a maxi-evil and a mini-evil.

2. These various asymmetries in the registry of moral blame can also be found in the registry of moral praise.

— If it is more serious to make someone poorer than to not help him to get out of his poverty, it is most laudable, more meritorious to help someone to get out of his poverty than to aggravate his poverty.

— If it is more serious to deprive someone of his favourite music than not playing him a tune of his favourite music, it is more praiseworthy, more meritorious to play someone a tune of his favourite music than not depriving another of his favourite music.

— If it is more serious to punish an innocent than not to forgive a guilty party, it is much more laudable, more meritorious to forgive a guilty person than to not punish an innocent.

— If it is more serious to abandon our children than not to adopt children of others, it is more commendable to adopt orphan children who need us than not to abandon our children.

— If it is more serious to give birth to a child that we know to be genetically sentenced to a life of intolerable suffering than not giving birth to a child that we know to be devoid of any genetic problem, it is or should be more praiseworthy, more meritorious to give birth to a child without serious genetic disease than not to give birth to a child with severe genetic disease.

3. I don't deny the fact that, by presenting these illustrations as obvious, one can imagine concrete situations where these various hierarchies lose their obviousness. But the reason is that the asymmetry of maleficence and beneficence in the registry of praise as of blame can be disturbed by the effect of an extra-moral distinction : the distinction between doing and letting happen or between acting and not intervening.

Suppose a person is in an urgent need of some basic goods. One can either exacerbate her situation by stealing the little that remains to her, or one can not improve her situation, although one could. When we say that it is more serious to aggravate her case than not to improve it, we do not say, as we have already pointed out, that it is indifferent to do nothing for her. However, it seems intuitively less severe to lack compassion than to aggravate shamelessly the situation of an already miserable person. But what disturbs this intuitive moral hierarchy between harming and not benefiting, is that there are situations that could be called dynamic, as opposed to static situations. In the previous example, a person is in need and can remain statically in this state. But the intuitive appreciation changes if one considers a person whose need is gradually increasing up until the point of causing her death. Because of this dynamic situation, the clear duality between aggravating and not ameliorating gives way to a much tighter distinction between accelerating the worsening of the situation of the person and letting her fate become worse. In other words, "not improving" becomes in this case equivalent to "letting things worsen".

Are these dynamic situations a challenge to the general asymmetry between harming and not-benefiting or between non-harming and benefiting ? Not really. They only indicate that, due to the dynamic nature of a situation, we sometimes have to make a semantic decision when we evaluate from a moral point of view the contrast between worsening and not improving. In

the literature devoted to the difference between acting and letting happen, the main cases considered are dynamic situations with fatal issues, as when a baby is drowning in his bath : in such a case, it seems difficult not to equate "not improving" with "letting aggravate" and "letting aggravate" with "aggravating". But if we consider less tragic dynamic situations, it is not clear that the asymmetry between harming and not benefiting cannot find its place. For example, there is a clear difference of moral seriousness, when we set aside any fatal perspective, between misleading someone into lying and not disabusing him or letting him sink into error. If we introduce death into the issue, it will tend to crush the asymmetry on the most serious side. But if the ultimate issue of the dynamic situation is not death but a benign outrage, we will maintain the asymmetry, we will estimate that deceiving others is worse than not having disabused them.

2. Semi-formalization of the asymmetry

Before attempting to interpret this asymmetry, I'll try to characterize it in a semi-formal way.

We can be tempted to compare the asymmetry between harming and non-benefiting with another (alleged) asymmetry, the asymmetry between duties and virtues or between the language of duties and the language of virtues. Thus, if it is virtuous to sacrifice our life for others, it seems difficult to argue that there is a duty to sacrifice oneself, something like a "You must sacrifice your life to save the one of others". In reality, as suggested by this example, the asymmetry between virtue and duties has its source in the existence of supererogatory conducts, *i.e.* conducts that are worthy of moral praise, which are virtuous, but which are not duties or are beyond the duty, beyond the *debitum*. But it does not seem that the moral difference we are interested in here, the difference between not harming and benefiting overlaps with the difference between the erogatory and the supererogatory. A very large number of conducts of active altruism are traditionally regarded as *debita*, and not just as heroic conducts. To take some Kantian examples, benevolence, charity, sympathy are not heroic conducts: they are genuine erogatory conducts. So if we accept that the moral difference between passive and active altruism or between non-maleficence and beneficence falls within the field of *debita*, we have to conclude that the only way to formally express the difference between the duty not to precipitate others into misery and the duty to contribute to alleviating their misery is to introduce a difference between two modalities of

duty or between two degrees of "moral imperativity", if you will.

In standard systems of deontic logic, we only find a single concept and a single operator of duty : Ob (¬p) ⇔ ¬Pe (p) ⇔ For (p). "It is obligatory that non-p" is logically equivalent with "it is not permissible that p" and with "it is forbidden that p". And we understand these equivalences if *p* represents the action of taking from others the little that they have. But such an unique operator of moral obligation does not capture what we have previously expressed in terms of a scale of moral gravity or, conversely, in terms of a scale of moral merit. If the obligation to respect the life of others gives rise to an absolute prohibition of killing them, the obligation to actively advance the interests of others produces only a *conditional or modulated prohibition* of not helping, which can go until a legal and even a moral tolerance of its opposite.

Therefore, it does not seem possible to represent the logic of obligation to help others, at least as it is commonly understood when we set aside the tragic dynamic situations we have evoked, as involving an absolute prohibition of not helping. "You must help others" means here: "You must strive to help others" but not "It is forbidden not to help others". Doubtless it may seem paradoxical, given standard logical habits, to say that the obligation to do something is not equivalent with the prohibition of not doing that thing. But it is also quite surprising that deontic logicians have been inclined to believe that such a logic of obligation could apply to all our effective and not supererogatory moral duties.

Without going into the complexity of the construction of a more adequate formalism, we propose, in order to capture the intuitive difference between the obligation of not-harming and the obligation of benefiting to introduce two concepts and therefore two operators of moral obligation:

— the strict or narrow obligatory, the contrary of which is prohibited.

— the wide or large obligatory, the contrary of which is excusable.

What these two forms of moral obligation have in common is that the obligatory, whether strict or wide, is the non-optional or the non-indifferent. But the difference is that the strict obligatory is also the non-omissible, which the wide obligatory is not. However, and this is where there is a problematic lacuna in the standard systems of deontic logic, when we say that the wide obligatory is different from the non-omissible, we don't mean that the opposite of the wide obligatory is permitted. What we express by the proxy notion of the Excusable designates a medium between the Prohibited and the Permitted, a medium which corresponds to reproach or blame, in contrast with punishment on one side, indifference on the other.

These two forms of obligation which I'll henceforth label the Mandatory Obligation and the Latitudinal Obligation relate mostly, for the first, to the conducts of non-harming and, for the second, to the conducts of beneficence. However, we say "mostly" because there are limit-cases:

— On the one hand, there are forms of beneficence that, as we have seen, fall under the Mandatory Obligation: those that are connected to dynamic situations where a person is in pressing danger and that are discussed in the literature under the name of the problem of the Bad Samaritan.

— On the other side, there are forms of side-effects, that are intentional or internal and not external, but that, because of their lightness and inevitability, fall within the scope of the Latitudinal Obligation and form the thin register of the *sub*erogatory[3]. For instance, pushing people to make space in a crowded subway seems an excusable violence.

3. Four moral systems

If we accept the distinction between the two regimes of obligation and the idea that, essentially, these two regimes cover the distinction of non-maleficence and beneficence, we can define, in a purely formal manner, four possible moral systems, four way to deal morally with the both sides of altruism that are the passive compliance and the active support of the interests of others, the non-harming and the benefiting sides of morality. If we note *Obst* "It is strictly obligatory " and *Obla* "It is latitudinarly obligatory", we can obtain the four following combinations :

1. Our asymmetry or **System of Gracious Goodness**.

Obst (not harming) ⇔ It is forbidden to harm.

Obla (benefiting) ⇔ It is excusable not to benefit.

2. Reverse asymmetry or **System of Double Effect**.

Obla (not harming) ⇔ It is excusable to harm.

Obst (benefiting) ⇔ It is forbidden not to benefit

3. Imperious symmetry or **System of Severe Goodness**.

Obst (not harming) ⇔ It is forbidden to harm.

[3] Driver (1992).

Obst (benefiting) ⇔ It is forbidden not to benefit

4. Latitudinal Symmetry or **System of Great Tolerance**.

Obla (not harming) ⇔ It is excusable to harm.

Obla (benefiting) ⇔ It is excusable not to benefit.

From a strictly formal point of view, these four systems have no inconsistencies. The second could perhaps be suspected : How can it be excusable to harm and prohibited not to benefit ? But besides the fact that "excusable" does not mean "permissible", one has just to contemplate the cases where one harms somebody while benefiting another. If benefiting were an imperious duty, the cases of double effect could become more frequent. It is the reason why I call this system the *System of Double Effect*.

Then, if we admit that none of these four systems is repugnant to pure reason, the question arises to why we are morally living in the first. And it seems to us that the explanation is mainly extra-moral.

4. Attempts to justify or to explain the asymmetry.

Justifications ?

First, could we justify the moral asymmetry between passive and active altruism ? The main rationale for such a justification is the one proposed by Kant who distinguishes duties of right and duties of virtue. This justification can be thus summarized : the imperious character of the obligation of passive altruism, by contrast with the latitudinarian character of the obligation of active altruism derives from the fact that the duty of not harming others has its basis in the rights of others of not being harmed, while the duty to actively support the interests of others is not correlated to a right of others to be supported in their interests. The problem with this justification is that it presupposes that rights are knowable independently of duties. But nothing can exclude that the inverse is true, that it is the binding force of moral duties which permits us to identify natural rights. Let us indeed consider the system of the Imperious Symmetry : it prohibits both harming and not benefiting. Why couldn't it be said that, in such a system, each person has the right of not being harmed *and* the equal right of being supported in the advancement of his interests? Of course, if others, but not me, had this right, I should become in some way

the slave of others. But if these rights are reciprocal, what we obtain is only another system of natural rights than the one that is involved in the System of Gracious Goodness, a denser system, but not necessarily an inconsistent system. On the one hand, I could have a full right of ownership to certain things, such that others should not undermine it. But, on the other hand, others may be entitled to demand of me that I use my things for the advancement of their interests. Why should all these rights not be compatible? It is therefore doubtful that the asymmetry could be justified by appealing to a substructure of rights, since nothing demonstrates that rights are *logically* prior to duties.

The same treatment can be reserved to another justification advanced by Kant, in conjunction with the preceding one, namely that the difference between mandatory obligation and latitudinal obligation is related to the difference between immoral acts that may be objects of a public repressive constraint and acts that may not. This rationale raises a problem that is of the same nature as the previous one : what does it mean "to be [the] object of a public repressive constraint"? Is it because the duty not to harm is imperious that people *may* be publicly compelled to respect it or is it because we *can* compel people to not harm others that they have an imperious duty of not harming? In the first case, we have a "may" with a normative meaning. In the second case, we have a "can" with a physical sense. But we can reject the second interpretation : the normative status of an obligation couldn't be founded on the contingent fact that only a certain kind of acts can be objects of a public repressive constraint. The difference between Mandatory Obligation and Latitudinarian Obligation cannot be founded on the contingent fact that some acts are punishable and that others are not or that some acts are more readily punishable than others. It is therefore more likely to say that the existence of a public constraint is itself a consequence of the importance attached to certain duties and therefore of the severity attached to some moral transgressions, rather than conversely. But, if the existence of a public constraint is a consequence of the hierarchy between two kinds of obligation within the system of Gracious Goodness, it follows that the public constraint cannot serve as a justification of that hierarchy. Within another system, the public constraint could be attached to none, to both or to another kind of duties. For instance, in the system of Double Effect, the transgressions of the duties to actively support the interests of others would be sanctioned by a public repressive constraint, but not the transgressions of the duties to passively respect the interests of others.

Therefore neither public constraint nor rights can justify the difference between imperious duties and latitudinal duties, since it is that difference that

permits us to identify the rights and to define the area of the public constraint. The system of rights and the scope of legitimate public constraint would vary according to the moral system that could be adopted.

Are other explanations conceivable ? For instance utilitarian justifications ? Would the System of Gracious Goodness be the one in which the general well-being would be the greatest ? This seems clearly false. From the standpoint of the maximization of the overall utility, the System of Severe Goodness outperforms the System of Gracious Goodness, since the latter differs from the former by the fact that non-beneficence is prohibited in the former and excusable in the latter. And in fact, it is to such a system of Severe Goodness that the utilitarian doctrine leads, by promoting universal beneficence as the basic moral imperative and by treating non-harming as a consequence of the principle of maximization of overall welfare.

So the appeal to the principle of utility is not more relevant than the appeal to natural rights or to public constraint in order to justify the asymmetry. Perhaps some other justifications could be tested, but the most common are ineffective or inconclusive.

Explanations

If there are no moral reasons that can justify the fact that we are living and reasoning within the System of Gracious Goodness rather than within one of the three other systems, could we at least *explain* the fact that we are leaving and reasoning in that system, that we treat asymmetrically passive and active altruism ?

We will mention three explanations, but, in our view, only a combination of the three can be a sufficient explanation.

1. It is worse to suffer than it is good to enjoy.

The first possible explanatory factor is well known : there is a natural or affective asymmetry that, with the concourse of sympathy, may explain the normative asymmetry. As Popper writes in a footnote in chapter 9 of *The Open society* : "there is no symmetry between suffering and happiness or between pain and pleasure[4]". And he infers from that natural fact that, from a moral point of view, it is more urgent, more pressing to alleviate the suffering of others than to increase their happiness.

[4] Popper (1966), p. 284.

How can this natural asymmetry be mobilized to explain the normative asymmetry? At the condition that we admit the validity of the following oblique inferences:

(1) It is worse to suffer than it is good to enjoy.

Therefore :

(2) It is worse to inflict pain than it is good to give joy.

Therefore :

(3) It is worse to inflict pain than not to give joy.

And therefore :

(4) It is better to give joy than not to inflict pain.

Obviously "better" and "worse" mean here “sympathetically more pleasant” and “sympathetically more painful”. A complete explanation of the asymmetry would then be that there is, in morality, an unnoticed influence of sensitivity on the fixation of the meaning of the normative moral concepts of Good and Evil.

2. The passive respect for others is necessary to society while the active support of their interests is only a social ornament.

This very different explanation was advanced by Pufendorf :

> “That some things should be due to us perfectly and others imperfectly, the reason amongst those who live in a state of natural liberty is the great diversity of precepts of nature’s laws, of which some conduce to the very being, others only to the well-being of society. And therefore since there is less necessity of performing these latter than the former, reason shows that the former may be required and executed by more severe courses and means, whereas in regard to the latter; it is mere folly to apply a remedy more grievous than the disease.” Pufendorf, *The law of nature and people*, I, vii, 7[5].

One finds an echo of that argument in a passage of Kant’s *Doctrine of Virtue* :

[5]. *Pufendorf (1729), p. 81.*

> "Casuistic question. Would it not be better for the well-being of the world generally if human morality was limited to duties of right, fulfilled with the utmost conscientiousness, and benevolence were considered morally indifferent (adiaphora) ? It is not so easy to see what effect this would have on human happiness. But at least, a great moral adornment, love of man, would be missing from the world. Love of man is, accordingly, required by itself, in order to present the world as a beautiful whole in its full perfection, even if no account is taken of advantages (happiness)." Kant, *Doctrine of Virtue*, §35[6].

The explanation involved in these two passages of Pufendorf and Kant seems to us very strong. It makes the structure of our morality depend on an essential feature of human society: namely that the course of social life renders it largely possible to serve the interests of others by first taking care of our own. The asymmetry may thus be explained by the fact that nature, in part, takes charge of the reciprocal support of interests, while it does nothing to help their passive respect. In other words, according to this view, the urgency of the obligation of non-maleficence would result from the *social necessity* to prevent maleficence artificially, while the latitudinarity of the obligation to actively support the interests of others would be the expression of the fact that, in most cases, voluntary support to the advancement of the interests of others is a simple adornment of social life.

3. Maleficence is very recognizable, whereas beneficence is subject to dispute.

That third explanation may be compared with one of the ways by which Kant explains the difference between duties of right and duties of virtues :

> "Ethical duties are of wide obligation whereas duties of right are of narrow obligation. [...] for if the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a latitude (latitudo) for free choice in following (complying) with the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty. But a wide duty is not to be taken as permission to make exceptions to the maxim of actions, but only as permission to limit one maxim of duty by another (e.g. love of one's neighbour in

[6]. *Kant (1991), p. 251.*

> general by love of one's parent). [...] Imperfect duties are, accordingly, only duties of virtue. Fulfilment of them is merit (meritum = +a); but failure to fulfil them is not in itself culpability (demeritum= −a), but rather mere deficiency in moral worth = 0, unless the subject should make it his principle not to comply with such duties" Kant, *Doctrine of virtue*, introduction, VII[7].

Besides the appeal to the rights and to the public constraint that we have already mentioned, Kant also explains the difference between two kinds of duties by distinguishing duties that command certain actions and duties that command maxims of action or that command one to target some ends. Thus we can distinguish the duty to give back to others what we have borrowed from them and the duty to contribute to advancement of the happiness of others. In the first case, the agent must only remember what he has borrowed from others, for instance how much they have lent to him, whereas in the second case, he has to determine a) whose interests he has to actively support b) by doing what and c) by taking into account his others obligations and purposes.

We could summarize this distinction by saying that passive compliance with the interests of others requires less expenditure of epistemic energy than the active support of their interests. The difference between the Imperious and the Latitudinal obligations would derive from a difference of epistemic order.

5. Conclusion

To the question we asked: "Why do we judge that it is worse to harm others than not to benefit them and better to benefit others than not to harm them" we can now propose a synthetic answer by mixing the three preceding explanations : "Because it is more painful to suffer than it is pleasant to enjoy, because it is more expensive, epistemically and pathologically, to benefit others than not to harm them and because also it is socially less necessary to support actively and voluntarily the interests of others, since an invisible hand accomplishes, partly, that task."

If, on the one hand, these three concurrent explanations are plausible and if, on the other hand, the system of Gracious Goodness is only one of the systems of morality that are logically possible, then it follows that our common

7. *Kant (1991), p. 194.*

sense morality cannot be seen as a system of rational moral truths, the contrary of which is inconsistent. Alternative moral systems are conceivable and could have been ours if the contingent features that explain our adoption of the system of Graceful Goodness had been different.

The pluralism that we find at a systematic level in Morals makes a pair with the pluralism we also find in Ontology. Systematic pluralism doesn't condemn rationalism, but it introduces a component of decision at the heart of the reason, and a decision that cannot be itself rational or, at least, *a priori*[8]. As a geometry, a moral system is an axiomatic possibility that we have adopted for reasons of empirical convenience, but that cannot be proved to be the only deontic articulation of Good and Evil that is rationally conceivable.

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