Norm and Value

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If a norm stipulates that a certain behavior “ought” to take place, in the sense of “commanding” the behavior, the actual behavior may or may not conform to the norm. The behavior conforms to the norm if it is such as it ought to be according to an objectively valid norm; it does not conform to the norm if it is not such as it ought to be according to an objectively valid norm because it is the opposite of the behavior that conforms to the norm. The judgment that an actual behavior is such as it ought to be according to an objectively valid norm is a value judgment—a positive value judgment. It means that the actual behavior is “good.” The judgment that an actual behavior is not such as it ought to be according to an objectively valid norm because it is the opposite of the behavior that conforms to the norm, is a negative value judgment. It means that the actual conduct is “bad” or “evil.” An objectively valid norm according to which a certain behavior “ought to be,” constitutes a positive or negative value. The behavior that conforms to the norm has a positive value, the behavior that does not conform, a negative value. The norm that is regarded as objectively valid functions as a standard of value applied to actual behavior. Value judgments affirming that an actual behavior conforms to an objectively valid norm and is, in this sense, “good,” or does not conform and is, in this sense, “bad,” must be distinguished from judgments about reality that affirm—without reference to a norm regarded as objectively valid—that something is and how it is.

The actual behavior to which the value judgment refers—the behavior that constitutes the object of the valuation and that has a positive or negative value—is a fact existing in time and space, a part of reality. Only such a fact can, when compared with a norm, be judged to be good or bad. Only such a fact can have a positive or negative value. It is reality that is being valued. Inasmuch as the norms that are the basis of the value judgments are enacted by human, not superhuman, will, the values constituted by them are arbitrary. Other human acts of will can create other norms opposite to the former ones; and these other norms, then, constitute values that are opposite to those constituted by the former. That which is “good” according to the one norm may be “bad” according

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to another. Therefore the norms, enacted by men and not by divine au-
thority, can only constitute relative values. Hence, the validity of a norm
according to which a certain behavior ought to be, as well as the value
constituted by this norm, does not exclude the possibility of the validity
of a norm, according to which the opposite behavior ought to be, con-
stituting an opposite value. For example, there can be a valid norm for-
bidding suicide or lying under all circumstances, and another norm which
is also valid permitting or even commanding suicide or lying under certain
circumstances. Yet it would be impossible to prove rationally that only
one of these two norms, and not the other, is the truly valid one.

If, however, the norm prescribing a certain behavior and thus con-
stituting a certain value is supposed to emanate from a superhuman au-
thority—from God or from a nature created by God—then this norm
claims that the possibility of a norm prescribing the opposite behavior is
excluded. The value constituted by such a norm is described as “absolute,”
in contrast to the value constituted by a norm enacted by human will. The
object of a scientific theory of value can only be norms enacted by human
will and values constituted by these norms.

If the value is constituted by an objectively valid norm, then the
judgment that something real—an actual human behavior—is “good” or
“bad,” expresses the idea that this behavior conforms to an objectively
valid norm: that the behavior ought to be the way it is. The judgment
that it does not conform to the objectively valid norm is a judgment that
the behavior ought not to be the way it is. Then the value as an “ought”
is placed in juxtaposition to the reality as the “is”—value and reality
belonging to two different spheres, just as the “ought” and the “is.”

If the statement that a behavior conforms or does not conform to an
objectively valid norm is designated as “value judgment,” then this value
judgment must be distinguished from the norm that constitutes the value.
The value judgment can be true or untrue, because it refers to a norm of
a valid order. For example, the judgment that according to Christian
morality it is “good” to love one’s friends and to hate one’s enemies is
untrue because a norm of the valid Christian morality commands to love
not only one’s friends but also one’s enemies. The judgment that it is legal
to inflict upon a thief the penalty of death is untrue if the valid law in
question commands punishment of a thief by deprivation of freedom but
not by deprivation of life. A norm, however, cannot be either true or un-
true, but only valid or not valid.

The “judgment” pronounced by a judge, is no more a judgment in the
logical sense of the word, than the norm that he applies. That “judgment”
is, instead, a norm—an individual norm, limited in its validity to a con-
crete case, as distinguished from a general norm, called a “law.”
The value constituted by an objectively valid norm must be distinguished from the value that consists, not in the relation to a norm, but in the relation of an object to the wish or will of an individual directed at this object. If the object is in accordance or not in accordance with the wish or will, it has a positive or negative value: it is "good" or "bad." If the judgment describing the relation of an object to the wish or will of an individual is designated as a value judgment and the object which is in accordance with the wish or will as "good," and the object which is not in accordance with the wish or will as "bad," then this value judgment is not different from a judgment about reality. It describes only a relation between two facts, and not a relation between a fact and an objectively valid norm. It is therefore only a special judgment about reality.

If a statement by somebody that something is good or bad is merely the immediate expression of his emotional attitude toward a certain object, or an indication that he wishes something or does not wish it but its contrary, then the statement is not a value "judgment," because it is not a function of cognition, but a function of the emotional component of consciousness. And if this emotional reaction refers to the behavior of an individual other than the speaker, then it is the expression of emotional approval or disapproval, akin to the exclamation "bravo!" or "phooey!"

The value that consists in the relation of an object—particularly of behavior—to the wish or will of an individual can be designated as subjective value, in contradistinction to the value that consists in the relation of a behavior to an objectively valid norm which can be designated as objective value. If the judgment that a behavior is good merely means that it is wished by another individual, and if the judgment that a behavior is bad merely means that the opposite behavior is wished by an individual, then the values "good" and "bad" exist only for the individual who wishes the behavior, but not for the individual whose behavior is wished. If a judgment that a behavior is "good" means that the behavior conforms to an objectively valid norm (and if the judgment that a behavior is "bad" means that it does not conform to an objectively valid norm), then the values "good" and "bad" exist for the individuals whose behavior is being judged, that is, for all individuals whose behavior is regulated by the objectively valid norm. Their behavior, then, has a positive or negative value, not because it is wished or not wished, but because it conforms, or does not conform, to a norm. The act of will, whose objective meaning the norm is, does not come into consideration as far as the value judgment is concerned.

Value in the subjective sense—that is, the value that consists in the relation of an object to the wish or will of an individual—is also distinguishable from value in the objective sense—that is, the value that
consists in the relation of a behavior to an objectively valid norm—because subjective values can have various degrees. The wish or will of an individual is capable of different degrees of intensity. A graduation of an objective value, however, is not possible because a behavior can only conform or not conform to an objectively valid norm, but cannot do so more or less.

If a norm prescribes a behavior which is possible in differing degrees, it looks as if the norm could be obeyed in differing degrees, that is, more or less. This is a fallacy, however. If, for example, a norm prescribes that murder ought to be punished by twenty years in prison, and then one court punishes murder by life imprisonment and another court punishes murder by ten years' imprisonment, it is not true that one judgment is "more" in conformity to the norm to be applied and the other "less," because neither is in conformity. And if a norm prescribes only that murder ought to be punished by imprisonment, without determining the length of the term, then a judgment imposing life imprisonment is not "more" in conformity with the norm to be applied, and a judgment imposing twenty or ten years not "less," because all three judgments are equally in conformity with the norm. The "more" and "less" do not refer to the conforming but to the punishment.

Value judgments that state an objective value are designated as objective-value judgments; those that state a subjective value as subjective-value judgments. If thus defined, the adjectives "objective" and "subjective" refer to the stated values, and not to judgment as a function of cognition. As a function of cognition any judgment has to be objective, that is, it must be performed without regard to the wishes of the judging individual. This is possible. It is possible to determine the relationship of a specific human behavior to a normative order—namely whether the behavior does or does not conform to the order—without taking an emotional position, either approving or disapproving, toward this order. Take, for example, the question whether according to Christian morality, it is good to love one's enemies. The answer to this question, and therefore the value judgment that goes with it, can and must be given without regard to whether the one who has to give the answer approves or disapproves of loving one's enemy. Or take another example: The answer to the question whether according to a valid law the death penalty ought to be imposed upon a murderer and consequently whether—legally—the death penalty in case of murder is valuable, can and must be given without regard to whether the one who has to give the answer approves or disapproves of the death penalty. Only then is the value judgment objective.

To sum up: If the judgment pronounces the relationship of an object (especially of human behavior) to the wish or will of an individual (that
is, a subjective value), then this value judgment is "objective" if the judging individual pronounces it without regard to whether he himself approves or disapproves of the behavior, but simply ascertains whether one individual or many individuals wish or will an object (or its opposite), or, more particularly, whether they approve or disapprove of a specific behavior.

We are distinguishing, then, between value judgments that state an objective value describing a relationship between a behavior and a norm regarded as objectively valid, and are therefore fundamentally different from a judgment about reality; and value judgments that state a subjective value by describing a relationship between an object (specifically a behavior) and the fact that an individual or many individuals wish this object or its opposite (specifically approve or disapprove a definite behavior), and are therefore merely specific judgments about reality. This distinction has been criticized on the ground that the former value judgments are also judgments about reality, because—it is argued—the norm that is the basis of the value judgment is created by a human command or by custom and therefore by empirical facts. It is further argued that the relation of a fact (specifically of actual behavior) to a norm is therefore merely the relation between two empirical facts. This objection fails to distinguish between the act of command or the acts constituting the custom and the norm that is created by these acts: the former is a fact, the latter a meaning. Therefore, the relation between an actual behavior and a norm, and the relation between this behavior to the fact whose meaning the norm is, are two different relations. It is entirely possible to describe the relation between a behavior and the norm stipulating that this behavior ought to be, without taking into consideration the act of command or custom by which the norm was created. This is obvious, for example, when we think of norms that were established a long time ago; of norms created by the acts of men long dead or forgotten; or of norms, especially, created by the custom of earlier generations, so that the men whose conduct is regulated by these norms are aware of them only as meanings. When a specific conduct is judged to be morally good or bad (because conforming or not conforming to a moral norm regarded as valid), one is usually not aware of the custom that created the moral norm on which the judgment is based. Above all, however, the acts by which legal norms are created come into consideration as objects of legal cognition only so far as they are determined by legal norms; and the basic norm, the ultimate reason for the validity of these norms, is not created by a real will at all, but is presupposed in legal thinking.

By "value" we also mean the relation of something, specifically human behavior, as a means to a certain end or purpose. Suitableness, that is, to
be suitable for a certain purpose, is the positive value; unsuitableness, the negative value. The purpose may be objective or subjective. An objective purpose is one that *ought* to be realized. This means a purpose that has been stipulated by a norm regarded as objectively valid—a purpose, in other words, prescribed for nature in general or for man in particular by a supernatural or superhuman authority. A *subjective* purpose is one established by man himself, a purpose that he wishes to achieve. The value, therefore, that consists in the conformity to a purpose, is identical either with the value that consists in conformity to a norm or with the value that consists in conformity to a wish.

Disregarding that a realized purpose is something that conforms to a norm or to a wish, the relation between means and end manifests itself as a relation between cause and effect. Something is suitable for a purpose if it is fit to realize that purpose—to bring about, as cause, the effect that constitutes the purpose. The judgment that something is purposeful can be a subjective or objective value judgment, depending on the subjective or objective character of the purpose. But such a value judgment is possible only on the basis of an insight into the causal relationship between the facts that are regarded as means and those regarded as end. If it is recognized that a relation of cause and effect exists between \( a \) and \( b \) (that \( a \) is the cause and \( b \) the effect), then, and only then, can we arrive at the (subjective or objective) value judgment: If \( b \) is wished as a purpose, or "ought to be" according to a norm, then \( a \) is purposeful, that is, suitable for the purpose. The judgment concerning the relation between \( a \) and \( b \) is a subjective or objective value judgment only to the extent that \( b \) is presupposed as a subjective or objective purpose.