

Natural Right and History

by Leo Strauss

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Lecture I

Natural Right and the Historical Approach

The first in the series of six Walgreen lectures by Leo Strauss

I think it is proper for more reasons than the most obvious one, that I should open this series of lectures by quoting to you a sentence from the Declaration of Independence. The sentence has frequently been quoted, but it is made immune by its weight and the elevation to the degrading effects of familiarity, which breeds contempt, and of misuse, which breeds disgust.

I quote: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.”

The nation dedicated to this proposition has now become, no doubt partly as a consequence of this dedication, the most powerful and prosperous of the nations of the earth. Does this nation in its maturity still cherish the faith in which it was conceived and raised? Does this nation still hold “these” truths to be self-evident?

About a generation ago, an American diplomat could still say that “the natural and the divine foundation of the rights of man . . . is self-evident to all Americans. At about the same time a German scholar could still describe the difference between German thought and that of Western Europe and the United States by saying that the West still attached decisive importance to natural right, whereas in Germany, the very terms “natural right” and “humanity” “have now

become almost incomprehensible . . . and have lost altogether their original life and color.”

“While abandoning the idea of natural right, and through abandoning it,” he continued, “abandoning the idea of humanity, German thought created the historical sense,” and thus was led eventually to unqualified relativism.

What was a tolerably accurate description of German thought twenty-seven years ago would now appear to be true of Western thought in general. It would not be the first time that a nation defeated on the battlefield and, as it were, annihilated as a political being, has deprived its conqueror of the most sublime fruit of victory, by imposing on him the yoke of its own thought. Whatever might be true of the thought of the American people, American social science at any rate has adopted the very attitude toward natural right which a generation ago could still be described with some plausibility as characteristically German.

The majority among the learned who still cherish the principles of the Declaration of Independence interpret these principles not as formulations of natural right, but as an ideal, if not an ideology or a myth. Present-day American social science, as practically all non-Catholic present-day social science, is dedicated to the proposition that all men are endowed by the evolutionary process, or by a mysterious fate, with all kinds of urges and aspirations, but certainly with no unalienable rights.

To reject natural right is tantamount to saying that all right is positive right, and this means primarily that what is right is defined exclusively by the legislatures and the courts of the various countries.

Now it is obviously meaningful, and sometimes even necessary, to speak of unjust laws, or unjust decisions. In passing such judgments we imply that there is a standard of right and

wrong independent of positive right, and higher than positive right, a standard with reference to which we are able to judge of positive right.

Many people today hold the view that the standard in the question is in the best case nothing but the ideal or ideals of our society. But according to the same view, all societies have their ideals, cannibal societies no less than civilized ones. If principles are sufficiently justified by the fact that they are accepted as ideals by society, the principles of cannibalism are as legitimate as those of civilized life. If there is no standard higher than the ideals of one's society, there exists no possibility of taking a critical distance from those ideals. But the mere fact that we can raise the question of the worth of the ideals of our society shows that there is something in man that is not altogether enslaved to his society, and therefore that we are able, and even obliged, to look for a standard with reference to which we can judge of the ideals of our society, as well as of any other society. This standard cannot be found in the needs of the society concerned. So that one could reject cannibalism, for example, on the ground that it is not really needed for the societies that practice it, or that that practice is based on demonstrably erroneous beliefs, for society and man have many needs which frequently conflict with each other.

The problem of priorities arises. Can one say that the bodily needs of the individual have first claim over against the spiritual props of society, over against beliefs, however erroneous? Are firmly held beliefs not much more important for getting an integrated culture in which man can find mental security than what modern medicine declares to be adequate satisfaction of bodily wants. Is there no support for the view that the interests which arise out of the bodily needs are divisive, whereas beliefs – agreements regarding fundamentals – have a unifying effect? Needs do not supply us with a valid criterion for judging of the ideals of our own or any other society. For this purpose we would have to know the true hierarchy – the natural hierarchy

of needs. We would have to possess, in other words, knowledge of natural right. It would appear then that the rejection of natural right is bound to lead to disastrous consequences, and it is obvious that disastrous consequences do follow from the contemporary rejection of natural right.

Our social science may make us very wise or clever as regards the means for any objectives we might choose. It admits being unable to help us in discriminating between legitimate and illegitimate, between just and unjust objectives. Such a science is essentially instrumental, and nothing but instrumental. It is bound to be the handmaid of any powers or of any interests that be.

What Machiavelli did apparently, our social science would actually do, if it did not prefer, God knows why – generous liberalism to consistency: namely, to give advice with equal competence and alacrity to tyrants as well as to free peoples. According to our social science, we can be or become wise in all things of secondary importance, but we have to be resigned to utter ignorance in the most important respect.

In ordinary life we understand by a sane man a man who knows what he is doing, a man who knows why he is doing what he does. If we cannot have any knowledge regarding the ultimate principles of our choices – that is to say, regarding their soundness or unsoundness — we are in the position of men who are sane and sober when they are engaged in trivialities, and gamble like mad men when confronted with serious issues. Retail sanity and wholesale madness. In little things we may follow reason, and our choices may be judicious. In the most important things, we must be guided not by thought or light, but by blind choice. If there is no natural right, everything a man can afford to dare will be permitted, and nothing a man can afford to dare will be forbidden. The rejection of natural right seems to lead to nihilism.

Once we realize that our basic principles have no other support than our blind choice, we

cannot as reasonable beings believe in them anymore. We cannot whole-heartedly act upon them anymore. We cannot live anymore as rational beings. To be able to live, it becomes necessary to silence the easily silenced voice of reason which tells us that our basic principles have no other support than our preference or blind choice, and hence are as good or as bad as any other principles. The more we cultivate reason, the more we cultivate nihilism, the less are we able to be members of any integrated "culture." The inevitable practical consequence of nihilism is fanatical obscurantism.

The bitter experience of this consequence has led to a renewed general interest in natural right, but this very fact must make us particularly cautious. It may be perfectly true that a rational life is impossible without natural right. It is therefore natural that we should become indignant about those who reject natural right. But indignation is no argument. Our indignation proves at best that we are well-meaning; it does not prove that we are right.

The seriousness of the need for natural right does not prove that that need can be satisfied. A wish is not a fact. By proving that a certain view is indispensable for living well, one proves merely that the view in question is a most desirable myth; one does not prove it is true. Utility and truth are two entirely different things. Can we rashly exclude the possibility that the world is so ill contrived that man cannot live well but by sacrificing his reason? That untruth or blind assent is a condition of a happy life? Certainly, the gravity of the issue imposes upon us the duty of a detached, theoretical, impartial discussion.

Since natural right is today a matter of recollection rather than of actual knowledge, this means that we are in need of historical studies which will familiarize us with the whole complexity of the issue. We have to become, for some time, students of what is called "history of ideas," but this will aggravate, rather than remove the difficulty of impartial treatment. To quote

Lord Acton, “Few discoveries are more irritating than those which expose the pedigree of ideas. Sharp definitions and unsparing analysis would displace the veil beneath which society dissembles its divisions, would make political disputes too violent for compromise, and political alliances too precarious for use, and would embitter politics with all the passions of social and religious strife.”

We can overcome this danger only by considering the fact that for every conscientious scholar the problem of natural right is not a partisan affair. At a superficial glance, the issue of natural right presents itself today as a matter of party allegiance. Looking around us we see two hostile camps, heavily fortified and strictly guarded. One is occupied by the liberals of various descriptions – to use this somewhat loose term; the other by the Catholic and non-Catholic disciples of Thomas Aquinas. But both armies, and in addition those who prefer to sit on the fence or to hide their heads in the sand, are, if I may heap metaphor on metaphor, in the same boat. They are all modern men. No matter how neutral we may be, we are all in the grip of the same dilemma.

Natural right in its classic form, the only form in which it is defensible, is connected with a teleological view of the universe. All natural beings have a natural end, a natural destiny, which determines what kind of operation is good for them. In the case of man, reason is required for discerning these operations. Reason determines what is by nature right, with ultimate regard to man’s natural end. This teleological view of the universe, of which the teleological view of man forms a part, has been destroyed for all practical purposes by modern natural science. From the point of view of Aristotle—and who could dare to claim to be a better judge in this matter than Aristotle—the issue between the mechanical and teleological conception of the universe is decided by the manner in which the problem of the heavens and the heavenly bodies and their

motion is settled. Now in this respect, which from Aristotle's own point of view was the decisive one, the issue seems to have been decided finally in favor of the mechanical conception of the universe.

Two opposite conclusions could be drawn from this momentous decision. First, the mechanical, or at any rate non-teleological conception of the universe, had to be accompanied by a non-teleological conception of human life. This "naturalistic solution" proves to be impossible. It is impossible to banish ends from the social sciences, or what amounts to the same thing, to conceive of ends as derivative from desires or impulses. Therefore the alternative has prevailed: which means that we have had to accept a typically modern dualism of a non-teleological natural science and a teleological science of man.

This is the position which the modern followers of Thomas Aquinas, among others, are forced to take, a position which implies a radical break with the thought of Aristotle, as well as that of Thomas Aquinas himself. The fundamental dilemma in whose grip we are, is the one caused by the success of modern natural science, a success which is presupposed rather than made doubtful by the so-called crisis in physics. An adequate solution to the problem of natural right cannot be found before this basic problem has been solved.

Naturally, there is no scarcity of elegant solutions to that problem, but the experience of some centuries has shown that modern natural science always survives the elegant solutions of the problems created by and coeval with modern natural science.

Religious faith, faith in Biblical revelation no doubt solves the difficulty, but religious faith is not rational knowledge. Needless to say I cannot even discuss this basic problem; I have to limit myself to that aspect of the problem of natural right which can be clarified within the confines of my department – or if I may be bold – of my division. I shall consider myself most

fortunate if I shall succeed in shedding some light on our problem. I must say that even so the exposition will not always be very easy.

Now, let us then remain within the social sciences. The problem of natural right presents itself today in this form: Natural right is rejected on two essentially different, though mostly connected grounds. It is rejected first in the name of History, and second, it is rejected in the name of the distinction between Facts and Values. I propose to discuss the first problem today, and the next one next time.

Now, as for the rejection of natural right in the name of history, this appears on the most popular level as follows: Natural right is a right that is universally acknowledged. History, including anthropology, teaches us that no such right exists. Instead of the supposed uniformity, we find an indefinite variety of notions of right or justice.

Now, one cannot understand the meaning of the attack on natural right in the name of history before one has realized the utter irrelevance of this particular kind of argument. In the first place, consent of all mankind is by no means a necessary condition of the existence of natural right. Quite a few famous natural right teachers have argued that precisely if natural right is rational, its discovery presupposes the cultivation of reason, and therefore natural right will not be acknowledged universally. One ought not even to expect any inkling of natural right among savages.

Furthermore, the historical variety of notions of right was always known. It is absurd to claim that the discovery of a still greater number of varieties of notions of right by modern students has in any way affected the fundamental issue. Above all, knowledge of the great variety of notions of right or wrong is so far from being incompatible with the idea of natural right, that it is actually the essential condition for the emergence of that idea.

Realization of the varieties of notions of right is *the* incentive for the quest for natural right. The conclusion, from the variety of notions of right, that natural right does not exist, is as old as political philosophy itself. In fact, political philosophy seems to commence with the contention that all right is conventional, or that no right is natural. I shall call this view “conventionalism,” in order not to repeat a whole sentence every time.

To clarify the present-day rejection of natural right in the name of history, our first task must be to grasp the specific difference between the historical view, or historical consciousness of the 19th and 20th centuries on the one hand, and of conventionalism on the other. The conventionalist view, to repeat “that all right is conventional, or no right is natural,” was based on a fundamental distinction between nature and convention. It implied that nature is of higher dignity than convention, or the fiat of society. It implied that nature is the standard, but that “right and justice are conventional.”

This means that right and justice have no basis in nature; that they are ultimately against nature; that they have their ground in arbitrary decisions, explicit or implicit, of social community. They have no basis but explicit or tacit agreement, and agreement may produce peace, but it cannot produce truth.

The modern historical view on the other hand rejects this very premise that nature is the standard as “mythical.” It rejects the premise that nature is of higher dignity than any works of man. On the contrary, the modern view conceives of man and his works, his notions of right and justice included, as equally natural as all other realities, or else it asserts a basic dualism between the realm of nature and the realm of history or freedom, implying that the world of man, of human creativity, is exalted far above nature.

Accordingly, the modern view does not conceive of the notions of right and wrong as

fundamentally arbitrary. It tries to discover their causes; it tries to find intelligible relations in their variety and sequence.

Now what is the significance of this difference between the old and the modern view? Conventionalism is a particular form of classical philosophy. There are obviously profound differences between conventionalism and, in particular the views of Plato and Aristotle. I have to speak of that later.

But both conventionalists and historicists agree as to one most fundamental point, namely as to the legitimacy and necessity of the distinction between nature and convention, for this distinction is implied in the very idea of philosophy. Philosophizing means to ascend from the cave to the light of the sun, to *the* truth. The cave is the world of opinion; opinion is essentially variable. Men cannot live, they cannot live together, if opinions are not stabilized by social fiat. Opinion thus becomes authoritative opinion, or public dogma. Philosophizing means then to ascend from public dogma to essentially private knowledge.

The public dogma is fundamentally an inadequate attempt to answer the question of *the* truth, or of *the* eternal order. Any inadequate view of the eternal order, any erroneous or one-sided view, is judged with a view to the eternal order itself, accidental or arbitrary. This does not contradict the fact that the public dogma is from another point of view necessary. It may be necessarily caused by the ignorance or bias of the society concerned, but this necessity does not do away with the fact that in the decisive respect the public dogma is arbitrary or accidental, and hence conventional.

The fundamental premise of conventionalism is, then, nothing other than the idea of philosophy as quest for the eternal truth. The modern opponents of natural right, on the other hand, reject this very idea. According to them, there is no possibility of knowing the eternal

truth. According to them, all human thought is historical, and hence unable ever to grasp the eternal truth. Permit me to call this view historicism, the view that all human thought, not merely all thought regarding right and wrong, is historical. It is on the basis of the historicist thesis that natural right is rejected today.

It is easy to see that the historicist attack on natural right is of a much more formidable character than was the conventionalist attack of classical antiquity. Historicism emerged in the 19th century under the protection of the view that knowledge, or at least divination of the eternal, is possible. But it gradually undermined the view which had sheltered it in its infancy. It suddenly appeared within our lifetime in its pure form, now rejecting the very idea of eternity

The reasons which motivate early historicism – the historical schools and its students and other social sciences – the reasons which motivated early historicism were not all of them of a purely theoretical character. The historical school emerged as a reaction to the political philosophy that had paved the way for the French Revolution and had guided the French Revolution.

In opposition to the violent break with the past, the historical school insisted on the traditional and on the need of preserving or continuing the tradition. This was harmless, and Aristotle would not have acted differently. The less harmless aspect of historicism, of the historical school, will appear from the following consideration.

The founders of the historical school realized more or less clearly that the acceptance of any universal or abstract principles has necessarily, as far as thought is concerned, a revolutionary, disturbing, unsettling effect. For the recognition of universal principles forces us to measure the actual by the ideal, and the actual is more likely than not to fall short of the ideal. The recognition of universal principles thus normally breeds dissatisfaction, if only theoretical

dissatisfaction, with the actual, and such dissatisfaction could be considered as a germ of treason. “The good man is a bad citizen in a bad polity.”

To get rid of this danger once and for all, to reconcile man absolutely to any established order, the significance, if not the existence of universal principles, had to be denied. This was achieved partly by the radical separation of right or law from morality, and partly by the substitution of the idea or the ideal of justice for natural right. These eminently conservative men did not realize that they were continuing, and even sharpening the revolutionary tendencies of the modern period. That tendency was in opposition to all other-worldliness or transcendence. Other-worldliness or transcendence is not a preserve of revealed religion: It is implied in the original idea of political philosophy as a quest for the best political order. For the best social or political order as Plato and Aristotle understood it, is and is meant to be normally different from the actual, or beyond all actual orders.

Historicism may be described, to begin with, as a much more radical form of modern “this-worldliness” or immanence than the very French radicalism of the 18th century. The historical school wanted men to be absolutely at home “in this world,” and since any universal principles make at least most men potentially homeless in this world, the historical school depreciated universal principles in favor of historical principles. It believed that by understanding his historical context, man would arrive at principles which would be as objective as those of the older, pre-historicist political philosophy, but which in addition would not be abstract or universal, but concrete or particular—principles fitting the particular age or the particular nation, principles relative to the particular age or the particular nation.

In trying to discover standards that combined objectivity or non-arbitrariness with relativity to particular historical situations, the historical school made assumptions of a

questionable character. It assumed the existence of folk-minds and/or of laws of the universal historical process. These assumptions proved to lead to distortions of the historical evidence, or otherwise to endanger unbiased historical research. They were therefore rejected in the second part of the 19th century as “metaphysical,” which means as unwarranted.

And so the infancy of historicism came to its end. The historical school had succeeded in discrediting universal or abstract principles. An unbiased study of history showed that all attempts to derive norms from history as history led to failure, and no objective standards of any kind remained. To the unbiased historian, history revealed itself as a meaningless web, spun by what man did, produced, and thought, no more than by unmitigated chance: It revealed itself as a tale told by an idiot. The historical standards, the standards thrown out by this meaningless process, could no longer claim to be hallowed by sacred powers behind that process.

The only standards that are possible from this point of view are of a purely subjective character, standards that have no support other than the free choice of the individual. Their objective support is nothingness. The view of history as a meaningless web was not novel. In opposition to the classical view, the historicists asserted that the only solid, or the most important knowledge of human life or of man, is that which emerges out of the study of history.

History as history presents to us the depressing spectacle of a disgraceful variety of thoughts and beliefs, and above all, of the passing away of any thoughts or beliefs ever held by man. It shows us, in other words, that all human thought is historical, essentially relative to specific historical situations, destined to perish with the situation to which it belongs.

At first glance, historical evidence seems to be sufficient to support this contention, but it is easy to see that no historical evidence can possibly support this contention. History as history teaches us that a certain idea has been abandoned in favor of another idea. It cannot tell us, as

history, whether this change was reasonable, which means whether the rejected idea deserved to be rejected or not. Only an impartial philosophic analysis of the idea concerned could teach us anything regarding its worth.

The basis of historicism is not history and not historical evidence, but philosophy, a philosophic analysis of thought, a philosophic analysis of thought that allegedly leads to the result that all human thought depends ultimately on fickle and dark fate, and not on evident principles accessible to man as man.

I will not be able today to give you a sketch and a discussion of this central historicist argument. I have to postpone this until next time. Permit me to state only the conclusion at which an analysis of this alleged demonstration of the purely historical character of all human thought would lead.

It would lead to the result, I believe, that the basic issue is not settled. Therefore, the most urgent need is for understanding of the issue, and this means above everything else, for an understanding of the classical alternative to modern thought.

Hence, the most urgent philosophic need today can be fulfilled only by historical studies of a certain type, historical studies which would enable us to reach an adequate understanding of non-historicist thought in its pure form. By an adequate understanding I mean such an understanding as understands classical or medieval philosophy exactly as it was understood by the old thinkers themselves, an understanding of classical philosophy that is not based on the dogmatic assumption of soundness of the historicist position.

We need in the very first place, a non-historicist understanding of non-historicist philosophy, but we need hardly less urgently a non-historicist understanding of historicism,

namely an understanding of the genesis of historicism that does not take for granted the soundness of historicism.

Permit me to explain in a few words. Historicism assumes that modern man's turn to history implied the divination and thereafter the discovery of a dimension of reality that had escaped earlier man; the historical dimension – "History" with a capital H. If this is granted, one will be forced eventually into unmitigated historicism. But if historicism becomes a problem, the question becomes inevitable, whether what was hailed in the 19th century as a great discovery was not in fact an invention, an arbitrary interpretation of phenomena which were always known and were interpreted much more adequately prior to the emergence of the historical approach of the 19th century.

We have to raise the question, in other words, whether what is called the discovery of history is not in fact an artificial, derivative, make-shift solution for a problem that could arise only on the basis of very problematic premises.

I suggest then this general line of approach: History meant throughout the ages primarily—and I think rightly—political history. Accordingly the so-called discovery of history is the work not of philosophy in general, but of political or social philosophy. It was a predicament peculiar to 18th century political philosophy that led to the emergence of the historical school. That political philosophy of the 18th century was a philosophy of natural right. It consisted in a peculiar interpretation of natural right, namely the specifically modern interpretation of natural right, which I will try to discuss in the fifth lecture.

Historicism is the ultimate outcome, I suggest, of the crisis of modern natural right. The crisis of modern natural right, or of modern political philosophy in general, could become a crisis of philosophy altogether only because in the modern centuries philosophy as such had become

thoroughly politicized.

Originally philosophy had been the humanizing quest for the eternal order, and hence it has been a pure source of human inspiration and aspirations. Since the 17th century, philosophy has been a weapon, and hence an instrument. It is this politicization of philosophy as such that was discerned as the root of our troubles by a writer who denounced *la trahison des clercs*, “the treason of the intellectuals.” He committed the fatal mistake, however, of not seeing the essential difference between intellectuals on the one hand and philosophers on the other. In this he remained a dupe of the thing which he denounced, for the politicization of philosophy consists precisely in this: the difference between intellectuals and philosophers, a difference formerly known as the difference between philosophers and gentlemen on the one hand, and between philosophers and sophists on the other, becomes blurred and finally disappears.

Lecture II

Natural Right and the Distinction Between Facts and Values

The second in the series of six Walgreen lectures by Leo Strauss

Natural right is rejected by present day social science in the name of history and in the name of the distinction between facts and values.

In my first lecture I discussed the attack on natural right in the name of history. I tried to show that contrary to a widespread view, the strictly historical evidence, the evidence based upon the indefinitely large variety of notions regarding right and wrong in different countries and at different times, is utterly irrelevant as far as the possibility and the existence of natural right is concerned.

The real basis of the rejection of natural right in the name of history is historicism, by which I mean, the view that all human thought, and not merely thought regarding right and wrong, or moral principles, is historical; that all human thought belongs essentially to specific historic situations and is destined to perish with the situations to which it belongs.

Man cannot grasp any eternal truth. The historicist contention in its turn cannot be proved by historical evidence. Its basis is a philosophic analysis—a philosophic analysis of human thought. A very brief sketch of that analysis is indispensable for my purpose.

All knowledge, all understanding, however limited and objective or scientific, pre-supposes a frame of reference. It takes place within a horizon. It pre-supposes a horizon, which means a comprehensive view of the whole, a “*Weltanschauung*,” as the Germans say. Only such a comprehensive vision makes possible any seeing, any observation or any orientation. That

comprehensive view cannot be validated by reasoning because it is the basis of all reasoning.

Accordingly there is a variety of such comprehensive visions, each as legitimate as the other. We have to choose a comprehensive view with no rational guidance, and it is absolutely necessary to

choose one, for without it there is no meaning, no understanding, no orientation.

Neutrality or suspension of judgment are impossible. Our choice has no support but itself. It is not supported by any objective or theoretical certainty. Our comprehensive view is separated from the nothing, the complete absence of meaning, by nothing but our choice of the view in question. This does not mean that we are free to choose the content of the comprehensive view, that content is imposed by fate.

The horizon within which understanding and orientation takes place is produced by the fate of the individual or his society. All human thought depends on fate, on something that thought cannot master and whose workings it cannot anticipate. Yet the support of the horizon is ultimately the choice by the individual, since that fate has to be accepted by the individual. We are free in the sense that we are free either to choose in anguish the world-view and standards imposed on us by fate, or else to lose ourselves in illusory security, and thus to despair.

This historicist thesis is exposed to a very obvious difficulty—to a difficulty which can be postponed, as it were, so that it will be obscured by considerations of a much more subtle character, but which is bound to reappear in a different guise. That difficulty can be stated as follows: Historicism asserts that all human thought is historical and hence destined to be replaced by other human thought. Now historicism itself is human thought, hence historicism is only of temporary validity. Yet historicism claims to have brought to light a truth which has come to stay, truth valid for all thought, for all time. However much thought has changed and will change, it will always remain historical. Historicism, we may say, thrives or vegetates on the fact

that it inconsistently exempts itself from its own verdict. The historicist thesis is, strictly speaking, self-contradictory or absurd. We cannot see the historical character of all thought without transcending history, without grasping something trans-historical, something eternal.

The historicist rejoinder takes the following line: Philosophy in the earlier sense, in the only tenable sense, claimed to be based on self-evident principles, rejected all dogmatic positions, which means all positions based on principles that are not self-evident. Now the historicist contends that philosophy in this sense is impossible. Every philosophy necessarily rests on dogmatic, non-evident pre-suppositions; the very idea of philosophy as a quest for eternal truth rests on such a dogmatic premise.

The least dogmatic form of philosophy is that of Socrates. Socrates said, "I know that I know nothing," which means, "I know what I do not know." Whether man is capable of solving the ultimate problems is doubtful, but man is capable of understanding these problems. He is capable of grasping the eternal alternatives.

To this, the historicist answers as follows: Eternal alternatives presuppose that there is something eternal accessible to man as man, something eternal that is in principle always accessible. Eternal alternatives presuppose in other words that the core of reality, the essential character of reality, does not change. This precisely is said to be the dogmatic premise of philosophy, for we do not know that there is something eternal or that the core of reality is unchangeable. But this does not quite go to the root of the matter. The old philosophers did not assume the existence of something eternal. They proved it by showing that the manifest changes presuppose something permanent or eternal, or that the manifest contingent beings require the existence of necessary or eternal beings.

This proof indeed was based on a more fundamental premise which may be formulated as follows: Nothing comes into being out of nothing or through nothing. The fundamental principle of philosophy is then the principle of causality, or of intelligible necessity. It is this fundamental premise of all philosophy which is questioned by historicism as a dogmatic assumption. I draw this conclusion: that the real decision regarding the issue raised by historicism cannot be reached by discussion confining itself to the social sciences. The basic problem of causality.

I turn now to the second subject—the rejection of natural right on the basis of the distinction between facts and values. I have to connect this subject with the first.

The historicist assertion amounts eventually to this: That natural right is impossible because philosophy is impossible. Philosophy is meaningful only if there exists *the* absolute horizon—the natural horizon in contradistinction to the historically relative horizons, what Plato called the Cave. In other words, philosophy is possible only if man, while being incapable of acquiring wisdom, of full understanding of the truth, is capable of knowing what he does not know. Philosophy is possible if man as man, is capable of grasping the fundamental problems or the eternal alternatives.

What is true of philosophy in general is true of political philosophy in particular, but there is this difference between what we expect from political philosophy on the one hand and from the purely theoretical branches of philosophy on the other. A full understanding of the eternal political alternatives which are at the bottom of all temporary and accidental alternatives would be of little practical value. A purely theoretical political philosophy could not decide the question of what the ultimate goals of wise or sound policy are. It would have to delegate that decision to a blind choice.

The practical significance of political philosophy, and any natural right teaching, depends on whether the fundamental problems of politics can be solved in a final manner. The whole galaxy of political philosophies from Plato on assumes that this is possible. The assumption ultimately rested on the Socratic solution to this problem.

Socrates started from our undeniable ignorance regarding the most important things. We know that we do not know the most important things, but we cannot say that we cannot know the most important things. While we know that we cannot have full knowledge, there are no assignable limits to the progress of understanding. From this it follows that the most important things for a man as man, is to strive for knowledge, or to philosophize. Our ignorance regarding the most important things appears to be a sufficient reason for suggesting that the quest for knowledge of the most important things is the most important thing, or the one thing needful. That this conclusion is not wholly barren of political consequences is known to every reader of Plato's *Republic*.

Naturally the successful quest for knowledge or wisdom might lead to the result that wisdom is not the most important thing, but this very result can claim our assent only if it is a result, which means, if it has been demonstrated. The very disavowal of reason has to be reasonable disavowal.

The Socratic answer to the question of how man ought to live and hence the question of what constitutes the best society, is today considered obsolete. It is rejected because modern man believes that he knows that man cannot have knowledge of the most important things.

Modern man is a dogmatic skeptic, whereas Socrates was a zetetic skeptic, a seeking skeptic. The utmost modern man dares to assume that we are indeed capable of knowing the eternal alternatives, and especially the eternal alternatives regarding the way we ought to live,

but that the conflict of these alternatives cannot be resolved by human reason. Natural right is rejected not only on the ground that all human thought is historical, but likewise because it is thought that there are a variety of ultimate principles, eternal principles of good, that conflict with each other, and none of which can be proved to be superior to the others.

Substantially this was the position taken by Max Weber. I propose to turn now to an analysis of Weber's position. It seems to me, as well as to many others, that there has not been a single man since Weber who has devoted a comparable amount of intelligence, assiduity, knowledge and devotion to the basic problems of the social sciences. In spite of his shortcomings he was the greatest social scientist of our century.

According to Weber, values are fundamentally distinguished from facts. Questions of facts and questions of value are absolutely heterogeneous. No conclusion can be drawn from a fact as fact as to its valuable character, nor can we legitimately infer the actuality of something from its being valuable. Weber contended that the absolute heterogeneity of facts and values justified the strict limitation of social science to the study of facts; social science can solve questions of fact, it cannot solve problems of value.

I do not have to discuss here the uninteresting complication that arises from the fact that - first, evaluations as factual occurrences are of course as much fact as any others, and second, Weber admits that social science is able to clarify the meanings of values. The decisive point is that social science cannot solve the crucial value conflicts.

The distinction between values and facts would not have found the wide acceptance which it did find if there were not some foundation for it. It is akin to the old distinction between questions of fact and questions of right, and similar distinctions. What we have to wonder about is whether the circumstance that the distinction between facts and values is reasonable within the

certain limits, justifies the radical separation of disciplines, at least to the extent that social science is declared to be fundamentally limited to the study of facts. Weber himself contends that his conception of a value-free, or ethically neutral social science, is fully justified by what he calls the most fundamental of all oppositions, namely, the opposition of the “is” and the “ought” or of reality and the norm. But this clearly is not true.

Let us assume that we had at our disposal general objective knowledge of what is right and wrong, or of the “ought,” or the norm. That knowledge would not have been derived from empirical science, but it would quite legitimately influence all empirical social science, for social science is meant to be of practical value. It tries to find means for given ends. If we would know what the legitimate ends and their hierarchy are, this knowledge would naturally guide all search for experience, it would direct that search. Social science would culminate in objectively true, concrete value judgments. It would be truly policy-making, or architectonic science, not a mere supplier of data for the real policy makers. In short if there were a rational knowledge of the ends, or of the true value system, that knowledge would be the natural foundation for all empirical social science. The true reason why Weber rejects the notion that social science could legitimate value judgments is then not his belief in the fundamental opposition of the “is” and the “ought,” but his conviction that there cannot be any genuine knowledge of the “ought.” He denies to man any genuine knowledge, any science, empirical or rational, any knowledge, scientific or philosophic, of the true value system. Human reason is incapable of solving the decisive value problem. The solution to those problems has to be left to the free choice, not guided by reason, of each individual.

I contend that this view necessarily leads to nihilism. That is to say, to the conclusion that every preference, however evil, base, or insane, would have to be judged before the tribunal of human reason as being as legitimate as any other preference.

It is obviously my duty to substantiate this indictment. In doing that I cannot help thinking, if not talking, of Hitler, but I shall avoid the fallacy that in the last two decades has frequently been used as a substitute for the reduction to absurdity—I mean the reduction to Hitlerism. People sometimes believed that they had refuted lovers of dogs, vegetarians and nationalists by triumphantly observing that Hitler too was a lover of dogs, a vegetarian, and a nationalist.

At first glance Weber seems to stand at the opposite pole of nihilism, since he speaks of the moral commands, of the ethical imperatives. He makes a distinction between the moral imperatives which appeal to our conscience and the cultural values which appeal to our feeling. The individual ought to fulfill his moral duties, but he is under no obligation to actualize cultural ideals. The latter depends upon his wishes. Weber is greatly concerned with keeping unimpaired the specific dignity of moral commands as distinguished from mere cultural values. For a moment, one might think that according to him there are absolutely binding rational norms, the moral laws—but that in addition there are other valuable things in the world, whose value is not guaranteed by morality itself, and regarding whose value gentlemen or honest men might well disagree, such as Gothic architecture, private property, monogamous marriage. Yet this is only a first impression. What Weber really means is that ethical imperatives are as subjective as are cultural values. According to him it is perfectly consistent to reject cultural values in the name of ethics, and vice versa, to reject ethics in the name of cultural values. It is on this basis that Weber develops his concept of the personality, or of the dignity of man.

Human action is free to the extent to which it is not affected by external compulsions or irresistible emotions and appetites, but guided by rational consideration of means and ends. This is, he says, the true meaning of personality. Man's dignity, his being exalted above everything merely natural, consists in his autonomously setting up ultimate values, in making his values his constant end, and in rationally choosing the means for these ends. The dignity of man consists in this autonomy, in freely choosing his norms, his ideals.

At this stage we still have something resembling an objective norm, a categorical imperative, "Thou shalt have ideals." That imperative is absolutely formal in the sense that it does not determine in any way the content of the ideals, but it might still seem to create a universal brotherhood of all noble souls, of all men who are not enslaved to their appetites, their passions, and their selfish interest—in short, of all "idealists," of all men who can justly esteem and respect each other.

But this is only a delusion. Weber himself expresses his equivalent of the categorical imperative by saying, "Thou shalt become what Thou art." This perhaps is not a felicitous expression for a man who insists so strongly on the fundamental opposition between the "is" and the "ought." Let us turn therefore to the other formulation, which is less ambiguous and apparently preferred by Weber himself: "Follow Thy demon" or "Follow Thy God or demon." Now there is, according to Weber, a deadly conflict between the values people might choose. What one man considers following God, another will consider with equal justification following the devil.

The categorical imperative amounts to this: "Follow God or the devil, but whatever you choose, do it with all your heart, with all your soul and with all your power." What is absolutely base is only to follow your appetites, passions, or self interest, and to be indifferent or lukewarm

to whatever are the ideals. In other words, “follow your demon” would be an excellent advice if we could be sure that there are no evil demons.

At this stage we still have some kind of a criterion. Any heroic life, any resolute life is good, Saul or Samuel, Caesar Borgia or Savonarola, Lenin or Albert Schweitzer, but since Weber considers even this formal criterion subjective, he cannot leave it there. He is at least consistent enough to ascribe the same dignity that he ascribed to the cultural values, to what he calls vitalistic values, to the principle, “*Sich Ausleben*,” which means to follow one’s instincts without restraint, or to live freely according to one’s appetites, or to live the life of the senses.

At this point the distinction between one who autonomously chooses his ideals and one who is enslaved to his appetites, passions, and selfish interests, becomes obscure. It is reduced to the difference between one who openly flaunts all conventions and is prepared to shoulder full responsibility for his choice of the life of the senses, and one who surreptitiously and hypocritically gratifies his instincts.

It is hard to defend hypocrisy, but I cannot help noting that while I may be duly impressed by the moral courage of number one, I am equally impressed by his impudence, and I consider it perfectly legitimate to waver when confronted with the choice between the impudent and brutal he-man, and the sober and easy-going moral coward. More generally expressed, if one can legitimately choose vitalistic values in defiance of cultural and moral values, one can with equal right choose the values of the Philistine in preference to those of Greenwich Village. The Philistine is, according to the accepted view, the very opposite of an idealist. Hence Weber’s categorical imperative now undergoes a further transformation. It no longer dictates, “Thou shalt have ideals,” it merely dictates, “Thou shalt have preferences.”

It is obvious that the superiority of the so-called vitalistic values to selfish desires can be defended only by reference to the natural superiority of the former, e.g., health, strength, beauty to the latter, say money. But Weber rejects in principle all attempts to derive ideals from reality, from the natural order.

One last obstacle to complete chaos seems to remain. Whatever preferences I might have or choose, I must act rationally, I must be honest with myself. I must be consistent in my adherence to my preferences, and I must rationally choose the means required by my preferences. But why? What difference can this make after Weber has reduced us to a condition in which a man may, with equal reason, reject or espouse the cause of what he calls the heartless voluptuaries?

We cannot take seriously this belated insistence on sanity—this inconsistent concern with consistency—after we have been told that we should follow God or the devil, or that we should follow our demon. We have been authoritatively informed about the relation between demon and madness, and we know from Plato that a case can be made in favor of madness over and against sanity.

Even we can easily find as good arguments against consistency and rational choice of means in favor of inconsistency, in letting the moment decide, as Weber sets forth against the moral imperatives, and in favor of what he calls cultural and vitalistic values.

Can one not make a strong case for men who undergo in their lives a number of radical changes—of conversions from one value system to another, from one demon to another? Does not one necessarily imply the depreciation of rationality and everything that goes with it in the moment in which one declares it legitimate to make vitalistic values one's supreme value?

Weber would probably insist that, whatever preference a man adopts, he must at least be honest with himself; that he must not make a dishonest attempt to give his preferences an objective foundation, which would in every case only be a lie. But, if Weber would insist on this, he would merely be inconsistent, for according to him it is a matter of free choice whether we will truth or not. It is equally consistent according to him not to will truth, but to prefer beauty to exalted truth, and hence to prefer pleasing delusions to the truth.

Let us now consider some of the consequences of Weber's value theory on social science as a purely theoretical pursuit. The rejection of value judgments would lead to the consequence that we are allowed to give a strictly factual description of the overt actions that take place in concentration camps, for instance, and possibly an equally factual analysis of the motivations of the persons concerned. We would not be permitted to use the term "cruelty," which implies a value judgment. Every reader who is not perfectly stupid would of course see that the actions described are cruel. The factual description would amount to a circumlocution, to the deliberate suppression of knowledge, or to use Weber's favorite term—"to an act of intellectual dishonesty." But I will not waste moral ammunition on things which are not quite worthy of it.

The whole procedure reminds one of a childish game in which you lose if you pronounce certain words, to the use of which you are constantly incited by your playmates.

Weber waxes indignant about those who do not see the difference between Gretchen and a prostitute. Which means he is dissatisfied with people who fail to see the nobility of sentiment present in one case and absent in the other.

Prostitution is a subject of sociology. This subject cannot be understood if the degrading character of prostitution is not seen at the same time. To see the fact, prostitution, and not an arbitrary abstraction from that fact, you have to make a value judgment.

Weber discusses the influence of Puritanism on poetry, music and so forth—a special case of religion and the arts. He notes, on the whole, the negative effect of puritanism on art. The relevance of this fact, if it is a fact, arises exclusively from the circumstance that here a genuine religious impulse lead to a decline of art. For clearly, no one would attach any significance to a case in which a languishing superstition lead to the production of trash. Weber is in fact concerned with a situation in which a genuine and high religion lead to the decline of art. The cause is genuine and high religion, the effect is the decline of art. Both cause and effect become visible only on the basis of value judgments.

The only way to avoid value judgments would be to accept strictly the self-interpretation of the objects one studies, for example, to accept as morality religion, art, knowledge—whatever claims to be morality, religion, art or knowledge.

As a matter of fact, I gather that there exists a sociological concept of knowledge in which everything that pretends to be knowledge, even if it is manifest nonsense, is accepted as knowledge. But this leads to certain difficulties. It exposes one to the danger of falling victim to every deception and self-deception of the historical actors. It would penalize every critical attitude towards these actors, and would deprive social science and history of all value. The self-interpretation of a blundering general will not be accepted by the political historian. Still, within limits, the kind of objectivity that consists in the avoidance of evaluations, or critical appraisals, is legitimate and indispensable.

Before one can appraise a thing one must know it. As regards such phenomena as teachings, in particular, one cannot judge the soundness of a teaching before one has understood the teaching as the author meant it. Now it is curious to observe that Weber reveals a strange blindness regarding this sphere, where non-evaluating objectivity would seem to be required.

When discussing the question of what is the essence of Calvinism, Weber says: “Judgments on what is essential in such matters are either value judgments, expressing what these historians consider essential of permanent values, or else one understands by what is causally significant,”—which means that aspect of the phenomenon through which it exercises the greatest historical influence.

We must note that Weber does not even allude to a third possibility, namely that precisely for the historians the first claim to be considered the essence of Calvinism, would have to assign to what Calvin himself considered the characteristic feature of his lifework.

The neglect of this factor, the neglect of the fact that the basis of all studies in the history of ideas has to be impeccable interpretation, affects Weber’s most famous historical study on the spirit of capitalism and Protestant ethics in an adverse manner. The thesis of that study is that Calvinist theology was a major cause of the capitalist spirit. Weber stresses the fact that this effect was in no way intended by Calvin, that Calvin would have been shocked by it and, what is more important, that the crucial link in the chain of causes, namely a peculiar interpretation of the dogma of pre-destination, was rejected by Calvin, but emerged quite naturally among the “*epigoni*, and among the general run” of his followers.

If one deals with a teaching of this kind and rank, the mere reference to “*epigoni* and the general run of men” is very likely to miss a crucial point. Weber’s crucial value judgment is perfectly justified in the eyes of anyone who has really understood the theological doctrine of Calvin. The peculiar interpretation of the doctrine of predestination that allegedly lead to the emergence of the capitalist spirit is based on a radical misunderstanding of Calvin. It is a corruption of his doctrine or, to use Calvin’s own language, “It is based on a carnal

understanding of a spiritual teaching.” The utmost that Weber could reasonably have claimed is that Calvinist theology led to the emergence of the capitalist spirit.

Only by means of this important qualification can Weber’s thesis be brought even into an approximate correspondence to the facts to which he refers, but Weber was prevented from making this crucial qualification because he adopted the taboo regarding value judgments. By avoiding value judgments he was led to give a factually incorrect picture of what happened, for his rejection of value judgments forced him to identify the essence of the historical phenomenon with its historically most influential aspect; he avoided the natural identification of the essence of Calvinism with what Calvin himself considered that essence because Calvin’s self-interpretation would naturally act as a measuring rod for any of his followers, and would necessarily lead to objective value judgments.

Still, there is an element in Weber’s view of the social sciences that is not affected by our previous criticism. Let me consider this. The corruption of Calvinism led to the emergence of the capitalistic spirit. This implies an inevitable value judgment on vulgar Calvinism. They unwittingly destroyed what they honored most highly. But Weber’s thesis, reduced to a defensible form, does not imply a value judgment on the corruption of Calvinist theology in general, for assuming that Calvinist theology is a bad thing, its corruption was a good thing, for what Calvin would have rejected as a carnal understanding could be accepted by other people as a secular or this-worldly understanding that led to such good things as secularized individualism, secularized democracy, and so forth.

Even from this point of view vulgar Calvinism would appear as an impossible position, but preferable to Calvinism proper for the same reason that Sancho Panza may be considered preferable to Don Quixote. In other words the issue of Calvinism-capitalism essentially leads us

to the question of religion versus irreligion. It is this conflict that, according to Weber, cannot be settled by human reason, as little as the conflict between different genuine religions.

Weber's whole notion of the function of the social sciences rests on the allegedly demonstrated fact that the conflict between ultimate values cannot be resolved by human reason.

I will not have the time to go into the matter but I will be forced to devote a short part of the next lecture to a brief discussion of Weber's proofs, and then I shall turn to the third subject.

Lecture III

The Origin of the Idea of Natural Right

The third in the series of six Walgreen lectures by Leo Strauss

I discussed last time the implicit but all the more powerful rejection of natural right that is made in the name of the distinction between facts and values. This particular approach is naturally associated with the work of Max Weber. The work of Max Weber is perhaps the only point where these lectures touch on a subject whose legitimacy and respectability is universally acknowledged by present-day social science. I will therefore take the liberty of devoting somewhat more time than I ought to to this particular subject.

Weber's whole notion of the scope of the social sciences rests on the allegedly demonstrated fact that the conflict between ultimate values cannot be resolved by human reason. At the threshold of Weber's attempts to demonstrate this thesis, we encounter two striking facts. The first is that Weber, who has written thousands of pages, has devoted hardly more than thirty pages to the thematic discussion of the very basis of his whole position.

Why was that basis so little in need of proof? Why was it so self-evident to him? A provisional answer is supplied by the second observation we make prior to any analysis of his proofs. As he indicates at the beginning of his earliest discussion of the subject, his thesis is only a generalized version of an older and more common thesis, the thesis that there is an insoluble conflict between ethics and politics. The actualization of political values is sometimes, he says, impossible without incurring moral guilt, that is to say, without transgressing the moral law. The spirit of *realpolitik*, of power politics, seems to have begotten Weber's nihilistic position.

Nothing is more revealing than the fact that in a related context, when speaking of conflict and peace, Weber puts the term “peace” in quotation marks, whereas he does not take this precautionary measure when speaking of conflict. Conflict is for Weber an unambiguous thing, whereas peace is not. There may be “phony peace,” there cannot be “phony war.”

As for Weber’s proofs themselves, I must limit myself to the discussion of two examples. The first is one that Weber used in order to illustrate the character of most issues of social policy. Social policy is concerned with justice, but what justice requires cannot be decided, according to Weber, by any ethics. Two diametrically opposed views are equally legitimate or defensible, two views which we may identify as those of Marxism on the one hand and of Stakhanovism on the other.

“Whether one owes much to the most efficient, or whether one should demand much from the most efficient, whether one should, for instance, in the name of justice (inasmuch as other considerations, for example that of the necessary incentives, have to be disregarded when justice alone is the issue) accord opportunities to the genius, or whether on the contrary one should attempt, like Baboeuf, to equalize the unequal distribution of mental gifts through rigorous provision that the genius should not exploit for himself his unusually great opportunities in the world, since he has already the great advantage of a most gratifying feeling of superiority,—this question can hardly be answered on the basis of ethical premises.”

Let us grant that this is so. What would follow? That we have to make a blind choice? That we have to grant the same right to Baboeuf’s view and to Stakhanovism? Not at all. If no solution is morally superior to the other, the problem has to be transferred from the tribunal of ethics to that of convenience or expediency. And considerations as to which of the two solutions offers the best incentive to socially valuable activity would, of course, be decisive. Precisely if

Weber is right, a man like Baboeuf, who makes an unwarranted demand in the name of justice, and makes a lot of fuss about it, would have to be characterized by social science as an objective science, as a crackpot.

I need not dwell on the fact that envy in general, and envy of superior mental gifts in particular, has no right to be heard when questions of justice are discussed, and that it is absurd to make society responsible for alleged injustices committed by nature in unequally distributing her gifts.

My second example of Weber's demonstration is the allegedly insoluble conflict between the ethics of responsibility and the ethics of pure intention. According to the ethics of pure intention, my responsibility does not extend beyond my action. It does not extend to its consequences, even though they are clearly foreseen. According to the ethics of responsibility, on the other hand, my responsibility extends to the foreseeable consequences of my action.

Weber illustrates the ethics of pure intention by the example of syndicalism. The syndicalist is concerned not with the success of his revolutionary activity, but with his own integrity, with the preservation in himself and the awakening in others, of a certain moral attitude that requires fulfillment or expression in revolutionary action, without any regard to results.

According to Weber's interpretation, even the proof that in a given situation such action would be absolutely reckless and destructive, for all foreseeable future, of all possibility of the existence of revolutionary workers—even such a proof would be no valid argument against what Weber calls the “real” syndicalist. It seems to me that Weber's real syndicalist is a construction, as is indicated by Weber's own remark that if the syndicalist is consistent, his kingdom is not of this world.

There can be no doubt that what Weber understands by the ethics of pure intention is a certain interpretation of Christian ethics. A good illustration of what Weber means by the opposition between the two types of ethics is afforded by the contrast between John Brown and Lincoln. Now, if the ethics of pure intention is essentially Christian, and not of “this world,” or purely rational, it has no basis or is not defensible within the context of the social sciences which, as Weber admits, are limited to matters of this world. The ethics of pure intention would become defensible not on the basis of the personal conviction of any individual, but only on the basis of Divine revelation. In this case, on the basis of the New Testament.

The question would then be this: does the New Testament support the view that man has no responsibility for the foreseeable consequences of his action? I do not think so, for why did Jesus demand that one should combine the innocence of doves with the wisdom of serpents? This issue is at bottom the same as another one also discussed by Weber as an example of insoluble conflicts, namely the ethics of resistance to evil, which is the ethics of this world, and the ethics of non-resistance to evil, which is other-worldly.

As Weber sees it, resistance to evil is required from the this-worldly point of view, since non-resistance makes man responsible for the consequences of the evil which he tolerates. Again, I fail to see that Weber is a sound interpreter of the New Testament, for according to my understanding, if Weber were right, there would be a flat contradiction between the commands to love one’s neighbor and not to resist evil. Men would not be permitted to resist evil in order to help their neighbors. The resistance to evil that is rejected, it seems to me, is identical with self-assertion. At any rate, we cannot help feeling that there is a glaring disproportion between the scope and the definiteness of Weber’s fundamental assertions and the complexity of the problems involved.

We cannot leave it at that. The issue called ethics of pure intention versus ethics of responsibility is, according to Weber himself, at bottom the same as the issue of Biblical morality versus secular morality. The fact that reason cannot resolve the conflict between the two types of ethics means for Weber that reason is unable to supply a basis for a purely secular position.

Both the Biblical and the secular position rest not on reason, but on faith. The pillar of secularism is philosophy or science. Accordingly, Weber contends that science or philosophy rests ultimately not on evident insights, at the disposal of man as man, but on faith. The value of science or philosophy cannot be established by science or philosophy. There is then a fatal weakness in the very idea of science or philosophy.

The quest for evident knowledge does not itself rest on evident premises. It is his realization of this problem, his despair in the face of this problem, that ultimately accounts for Weber's position. Permit me to explain this.

Man cannot live without light, guidance, knowledge. Only through knowledge of the good can he find the good that he needs. The basic question is therefore whether men can acquire that knowledge of the good without which they cannot guide their lives, individually or collectively, by the unaided efforts of their natural powers, or whether they are dependent for that knowledge on revelation by an omnipotent and omniscient God. No alternative is more fundamental than this—human guidance, or divine guidance.

The first alternative is that characteristic of philosophy or science in the original meaning of the term. The second is presented to us in the Bible. This dilemma cannot be evaded by any harmonization or synthesis, for each of the two antagonists proclaim something as the one thing needful, as the only thing that ultimately counts, and the one thing needful proclaimed by the

Bible is the opposite to that proclaimed by philosophy—a life of autonomous insight versus a life of obedient love.

In every attempt at harmonization, in every synthesis however impressive, one of the two opposed elements is sacrificed more or less subtly, but in any event surely, to the other. Philosophy, which intends to be the queen, must be made the handmaid of revelation, or vice-versa.

Now if we take a bird's eye view of the secular struggle between philosophy and revelation, we can hardly help receiving the impression that neither of the two antagonists has ever succeeded in really refuting the other. All arguments in favor of revelation seem to be valid only if belief in revelation is supposed, and all arguments against revelation seem to be valid only if unbelief is presupposed.

This state of things would appear to be but natural. Revelation is always so uncertain to unassisted reason that it can never compel the assent of unassisted reason, and man is so built that he can find his satisfaction, his bliss, in free investigation, in recognizing, if not in solving the riddle of being. But, on the other hand, man yearns so much for a solution of that riddle, and human knowledge is always so limited, that the desirable character of divine illumination cannot be questioned, and the possibility of revelation cannot be refuted.

Now it is precisely this state of things that seems to decide irrevocably against philosophy and in favor of revelation. Philosophy has to grant that revelation is possible, that the idea of revelation is not self-contradictory, but to grant that revelation is possible is tantamount to granting that philosophy is perhaps something infinitely unimportant, that philosophy is perhaps not the one thing needful. To grant that revelation is possible means, at any rate to grant that the philosophic life is not necessarily the good life.

Philosophy, the life devoted to the quest for evident knowledge, available to man as man, would itself rest on an inevident, arbitrary, or blind decision. This would merely confirm the thesis of faith that there is no possibility of consistency, of a consistent and thoroughly sincere life without belief in revelation. The very fact that philosophy and revelation cannot refute each other would be the refutation of philosophy by revelation.

Whatever we may think about this idea, Weber knew all too well that this difficulty cannot be overcome by reference to the practical value of science. For the question arises immediately as to whether control of nature (or however one might describe the practical role of science) is really and evidently a good thing. Since Hiroshima, this point does not have to be labored. At any rate, there is a difficulty created by the fact that science or philosophy is unable to legitimate itself in its full meaning. Once the possibility of revelation is admitted, Weber's skepticism and despair is explained.

He partly succeeded in concealing this despair from himself by vacillating between two diametrically opposed views about our age and our situation. On the one hand he believed that our age was the first to have eaten of the tree of knowledge; that is to say, that it was the first in which man could face his true situation without any delusions. But on the other hand, he believed that we are headed for a situation in which we will be confronted with this alternative: either the completely empty existence of specialists without vision and voluptuaries without heart, or else a religious existence guided by new prophets or the old ones.

He tried to remain faithful to the cause of autonomous reason. He refused to make the sacrifice of the intellect which, he said, is required by every religion; but he despaired when he was brought face to face with the fact that science or philosophy itself requires such a sacrifice. In other words, that science or philosophy itself rests ultimately on dogmatic premises.

Weber's social science owes its peculiar character to Weber's absolute perplexity when he was faced with the gravity of the religious problem. But let us hasten back with all possible speed from these awful depths, to a superficiality which, while not exactly gay, promises at least to be harmless.

Having come to the surface again, we are met by about 600 large pages covered with the smallest possible number of sentences and the largest possible number of footnotes, and devoted to the methodology of the social sciences. Yet we feel very soon that we have come if not from the frying pan into the fire, at any rate from the fire into the frying pan, for Weber's methodology is something different from what methodology is supposed to be.

All intelligent students of Weber's methodology have felt that it is philosophic in an unusual way, and certainly in a way rare even among professional philosophers. One can express the feeling of these students as follows:

Methodology, as a reflection on the correct procedure of the sciences, is a necessary reflection on the limitation of the sciences; and if science is indeed the highest form of human knowledge, methodology is a reflection on the limitations of human knowledge. And, if it is *knowing* that constitutes the specific character of man among all earthly beings, methodology is a reflection on the limitations of humanity: it is a reflection on *la condition humaine*, on the true situation of man as man. Weber's methodology meets this test.

Expressing this idea in a slightly more technical language, we may say that Weber's notion of science, both natural and social, is based on a specific concept of reality. According to him, all science consists in a peculiar transformation of reality. The meaning of science cannot be clarified, therefore, without a previous analysis of reality as it presents itself prior to conceptual transformation.

Reality is characterized by Weber as an infinite and meaningless sequence of unique, infinitely divisible, and in themselves meaningless events. All meaning, all articulation, originates in the activity of the subject or of the observer.

Very few people today will be satisfied with this notion of reality, which Weber had taken over from neo-Kantian empirio-criticism, and which he modified merely by adding some strongly emotional touches of his own. It is sufficient to remark that he himself was unable to adhere consistently to that notion of reality. In addition he could not deny that there is an articulation of reality that precedes all scientific transformation of reality. That articulation, that wealth of meaning, we have in mind when speaking of the world of common sense, or of the natural understanding of the world. Weber's social science lacks completely a coherent analysis of the social world as it is known to common sense, that is to say, of social reality as it is actually experienced in social life or social action. In accordance with his view of the character of the social sciences, the place of such an analysis is taken in his work by definitions of ideal types, which means of artificial constructs, which are not even meant to correspond to the intrinsic articulation of social reality.

In addition, they are meant to be of a strictly ephemeral character. They are meant to express primarily the questions that the present-day social scientist addresses to present-day social reality. I will not insist on the fact that such ideal types are real obstacles to any genuine understanding of social phenomena of the past, or of cultures other than our own. It is more important to note that ideal types of this kind preclude every possibility of a truly critical attitude toward present-day social reality. This is, of course, in agreement with Weber's notion of a non-evaluating social science.

But the question arises as to whether a social science based on a comprehensive analysis of social reality as we know it from actual life (and as men have known it since the beginning of civil society) would not make possible, and even necessary, an understanding of social phenomena that would supply a solid basis for the evaluation of these phenomena.

In the spirit of a tradition of three centuries, Weber would have rejected the suggestion that the basis of social science has to be an analysis of social reality as experienced by common sense. According to the modern tradition, common sense is hopelessly subjective, a hybrid, begotten as it were, by the absolutely subjective world of the individual sensations, and the truly objective world discovered by science.

This view stems from the 17th century, when modern thought emerged by virtue of the break with classical philosophy. The originators of modern thought still agreed with the classics in this, that philosophy or science is a perfection of man's natural understanding of the natural world. They differed from the classics insofar as they opposed the new philosophy or science as a truly and natural understanding of the world, to the perverted understanding of the world by the schoolmen. The victory of the new philosophy or science was decided by the victory of its decisive part, namely, the new physics. That victory finally led to the result that the new physics and the new natural science in general became independent of that rump of philosophy, which from then on came to be called "philosophy," and in fact became the authority for "philosophy." Thus, not modern philosophy, but modern natural science came to be considered the perfection of man's natural understanding of the world.

This view still dominates Kant's *Critique of Pure Reason*, for instance. But in the 19th century it became more and more obvious that a distinction had to be made between what was then called, and is still called, scientific understanding, or the world of science, and the natural

understanding, or the world in which we live. It became obvious at the same time that a scientific understanding of the world emerges by way of a specific modification of the natural understanding. Since a natural understanding is therefore the presupposition of the scientific understanding, one cannot analyze science and the world of science before one has analyzed natural understanding, the natural world, or the world of common sense.

The natural world, the world in which we live and act, is not the object or the product of a theoretical attitude. It is a world not of mere objects at which we detachedly look, but of things and affairs which we handle.

Yet we must be aware that by identifying the natural world with the world in which we live, we are dealing with a mere construct. The world in which we live is already the product of science, or at any rate is profoundly determined by the existence of science, to say nothing of technology. The world in which we live is free from ghosts, witches, and so forth; and, but for the existence of science, it would abound with beings of that kind.

To get hold of the natural world as a world that is radically pre-scientific or pre-philosophic, one has to go back beyond the first emergence of philosophy or science. It is not necessary for this purpose to engage in extensive and fundamentally hypothetical anthropological studies. The information that classical philosophy supplies about origins suffices, especially if it is supplemented by consideration of the basic principles of the Bible, for reconstructing the essential elements of the natural world.

In doing this, we are able to understand the origin of the idea of natural right; I turn now to this subject.

To understand the problem of natural right, we must start not from the scientific understanding of political things, but from their political understanding—from the way in which political things present themselves in political life, when we are concerned with them for the sake of taking action, when they are our business, when we have to make decisions. Does political life then know natural right as a matter of course?

Not necessarily. Natural right had to be discovered, and there was political life prior to that discovery. But we must also say that a political life ignorant of the idea of natural right is of a character that is incompatible, not only with the existence, but even with the idea of social science, however understood.

The idea of natural right must be unknown as long as the idea of nature is unknown. The discovery of nature is a work of philosophy. Where there is no philosophy, there is no knowledge of natural right as such. Accordingly, the Old Testament, for example, whose basic premise may be said to be the implicit rejection of philosophy, does not know nature. The Hebrew term for nature is unknown to the Hebrew Bible. It is unnecessary to say that heaven and earth are not the same thing as nature. By the same token, there is no natural right proper in the Old Testament. The discovery of nature necessarily precedes the discovery of natural right. In other words, philosophy is older than political philosophy.

Philosophy is a quest for principles, for the principles of all things, which means literally for the beginnings of all things, or for the first things. In this philosophy is at one with myth, but the *philosophos*, the lover of wisdom, is not identical with the *philomythos*, the lover of myth. Aristotle calls the first philosophers “Men who discoursed on nature,” and he distinguishes them from the men who preceded them and who discussed the gods.

Philosophy as distinguished from myth came into being when nature was discovered, for the first philosopher was the first man who discovered nature. The whole history of philosophy is nothing but the record of the ever again repeated attempt to grasp fully what was implied in that crucial discovery, made by some Greek in the 6th century or before.

To understand the significance of this discovery, in however provisional a manner, we must return from the idea of nature to its pre-philosophic equivalent. The purport of the discovery of nature cannot be grasped if one understands by nature the totality of phenomena; for the discovery of nature consists precisely in the splitting up of that totality into phenomena which are natural and phenomena which are not natural. Nature is a term of distinction. Prior to the discovery of nature, the characteristic behavior of anything or any class of things, was conceived of as its custom or its way. This means that no fundamental distinction was made between customs or ways which are always and everywhere the same, and customs or ways which differ from nation to nation.

Barking and wagging of the tail is a way of dogs; menstruation is a way of women; the crazy things done by mad men are the ways of mad men, just as not eating pork is a way of Jews, and not drinking wine is a way of Moslems. Custom or way then is the pre-philosophic equivalent of nature.

While everything or every class of things has its custom or way, there is a particular custom or way that is of particular importance—"our" way, the way of "us" living here, the way of life of the group to which a man belongs. We may call it the paramount custom or way. Not all members of a group remain always in that way, but they mostly return to it if they are properly reminded. The paramount way comes into sight as the right way. Its rightness is proved by its oldness. I quote Edmund Burke: "There is a sort of presumption against novelty drawn out

of a deep consideration of human nature and human affairs, and the maxim of jurisprudence is well laid down, *Vetustas pro lege, semper habetur.*”

But not everything old everywhere is right. “Our” way is the right way not only because it is old, but our own as well, or because it is both “home-bred” and prescriptive. Just as “old” and “one’s own” originally were identical with “right” or “good,” “new” and “strange” originally stood for “bad.” The notion connecting “old” and “one’s own” is “ancestral.” Pre-philosophic life is characterized by the primeval identification of the good with the ancestral. It is for this reason that the right way necessarily implies thoughts about the ancestors, and hence about the first things.

Originally the question of the first things was answered by authority, for authority as the right of human beings to be obeyed, is essentially derivative from law, and law is originally nothing other than the way of life of the community. The first things cannot become questionable, or the goal of a quest. Philosophy cannot emerge, or nature cannot be discovered, and still less, natural right, if authority is not doubted as such. That is to say, as long as at least any general statement of any being whatsoever is still accepted on trust. The emergence of the idea of natural right presupposes the doubt of authority.

Plato has indicated by the conversational settings of his *Republic* and his *Laws*, rather than by explicit statements, how indispensable is doubt of authority or freedom from authority for the discovery of natural right. In the *Republic*, the discussion of natural right starts long after the aged Cephalus, *the father*, the head of the house in which the discussion takes place, has left in order to take care of the sacred offerings to the gods. The absence of Cephalus, or of what he stands for, is indispensable for the quest for natural right. Or, if you wish, men like Cephalus do not need natural right. Similar considerations apply to the *Laws*.

The original form of the doubt of authority, and therefore the original direction of philosophy, or the perspective in which nature was discovered, was determined by the original character of authority. One cannot reasonably identify the good with the ancestral if one does not believe in the absolute superiority of the ancestors, if one does not believe that the ancestors, or those who established the ancestral way were gods, or sons of gods, or at least dwelt near the gods.

Accordingly, the identification of the good with the ancestral leads to the view that a genuine law must have been given by gods, or sons of gods, or pupils of gods. It must be divine law.

Seeing that the ancestors are ancestors of distinct groups, one is led to believe that there is a variety of divine laws or codes, each of which is the work of a divine or semi-divine being. But the admission of a multiplicity of divine codes leads to difficulties, since the various codes contradict each other. One code absolutely praises actions which another code absolutely condemns. One code demands a sacrifice of one's first born son, whereas another code forbids all human sacrifices as an abomination. Similarly, the rites of one tribe provoke the horror of another. But what is decisive is the fact that the various codes contradict each other regarding the first things. The views that the gods were borne by the earth cannot be reconciled with the view that the earth was fashioned by the gods. Thus the question arises as to which code is the right code, or the truly divine code, and which account of the first things is the true account. The right way is now no longer guaranteed by authority. It becomes a quest. The primeval identification of the good with the ancestral is replaced by the fundamental distinction between the good and the ancestral. The quest for the right way or for the first things is the quest for the good as

distinguished from the ancestral. It will prove to be the quest for what is good by nature, as distinguished from what is good merely by convention.

The quest for the first things is guided by two fundamental distinctions which antedate the distinction between the good and the ancestral. Man must always have distinguished, for example in judicial matters, between hearsay and seeing with one's own eyes, and have preferred what he saw to what he merely heard from others. But the use of this distinction was originally limited to particular matters. Regarding the most weighty matters, the first things or the right way, the only source of knowledge was hearsay.

Confronted with the contradiction between the many divine codes, someone—a traveler—a man who had seen the cities of many men and recognized the diversity of their beliefs—suggested that we apply the distinction between seeing with one's own eyes and hearsay to all matters, and especially to the weightiest matters. Everything known only from *hearsay became suspect*; judgment on or ascent to the divine or venerable character of any code or account is suspended until the facts upon which the claims are based have been *made manifest* or demonstrated. They must be made manifest—manifest to all in broad daylight. As a consequence, man becomes alive to the crucial difference between what his group considers unquestionable, and what he himself observes.

It is thus that the “I,” the ego, is enabled to oppose itself to the “we” without any sense of guilt. But it is not the “I” as “I” that acquires that right. Dreams and visions have been of decisive importance for establishing the claims of the divine codes or the sacred accounts of the first things. By virtue of the universal application of the distinction between hearsay and seeing with one's own eyes, a distinction is now made between the one true and common world, perceived in waking, and the many untrue and private worlds of dreams and visions. Thus it

appears that neither the “we” of any particular group, nor a unique “I” endowed with special privileges, but man as man is a measure of truth and untruth, of the being or non-being of all things.

The divine codes and the sacred accounts of the first things were said to be known not from hearsay, but by way of super-human information. When it was demanded that the distinction between hearsay and seeing with one’s own eyes be applied to the most weighty matters, it was demanded that the super-human origin of all alleged super-human information be proven by examination in the light, not of traditional criteria used for distinguishing between true and false oracles, for instance, but of such criteria as were derived in an evident manner from the rules which guide us in matters fully accessible to human knowledge.

The highest kind of human knowledge that existed prior to the emergence of philosophy or science was represented by the arts of the shoe-maker, carpenter, and so forth. The second pre-philosophic distinction that originally guided the philosophic quest for the first things was the distinction between artificial things and things that are not man-made. Nature was discovered when man embarked on the quest for the first things in the light of the two fundamental distinctions between hearsay and seeing with one’s own eyes on the one hand, and between things made by man and things not made by man on the other.

The first of these two distinctions led to the demand that the first things must be brought to light by starting from what all men can see now. But not all visible things are equally adequate starting-points for the discovery of the first things. The man-made things lead to no other first things than man, who certainly is not the first thing simply. The artificial things are seen to be inferior in every respect to the things that are not man-made.

Now the artificial things are seen to owe their being to human contrivance, or more generally, to forethought. If one suspends judgment regarding the truth of the sacred accounts of the first things, one does not know, to begin with, whether the things that are not man-made owe their being to forethought of any kind; or, in other words, whether the first things originate all other things by way of forethought or by way of blindness.

Thus one realizes the possibility that the first things originate all other things in a manner fundamentally different from all origination by means of forethought. The assertion that all things have been produced by thinking beings, or that there are any super-human thinking beings, requires henceforth a demonstration: a demonstration that starts from what all men can see now.

Once nature is discovered, it becomes impossible to interpret equally as customs or ways the characteristic behavior both of natural groups and of the different human tribes. The customs of natural beings are recognized as their natures, and the customs of the different human tribes are recognized as their conventions. The primeval notion of custom is split up into the notions of nature on the one hand, and of convention on the other. The distinction between nature and convention is therefore coeval with the discovery of nature, and hence with philosophy.

It follows from this that the emergence of philosophy radically affects man's attitude towards political things in general, and towards law in particular, because it radically affects man's understanding of these things. Originally the authority, the root of all authority, was the ancestral. Through the discovery of nature, the claim of the ancestral was uprooted. Philosophy appeals from the ancestor to the good, to that which is good intrinsically, to that which is good by nature. Yet philosophy uproots the claim of the ancestral in such a way as to preserve an

essential element of it: for when speaking of nature, the first philosophers had in mind the first things, the oldest things.

Philosophy appeals from the ancestral to something older than the ancestral. Nature is the ancestor of all ancestors, the mother of all mothers. Nature is older than any tradition; hence it is more venerable than any tradition. The view that natural things have a higher dignity than things produced by man is based not on any surreptitious or unconscious borrowings from, a residue of, mythical opinions but on the conscious and straight-forward discovery of nature itself.

Art presupposes nature, whereas nature does not presuppose art. Man's "creative" abilities, which are more admirable than any of their products, are not themselves produced by man. The genius of Shakespeare was not the product of Shakespeare. Nature supplies not only the materials, but also the models for all arts. "The greatest and fairest things" are the works of nature as distinguished from art. By uprooting the authority of the ancestral, philosophy recognized that nature is *the* authority.

It would be more accurate, however, to say that by uprooting authority, philosophy recognizes nature as *the* standard, for the human faculty that, with the help of sense perception, discovers nature and the natural, is reason and understanding, and the relation of reason to its object is fundamentally different from that of obedience without reasoning why, which corresponds to authority proper.

By calling nature the authority, one would blur the distinction by which philosophy stands or falls, the distinction between reason and authority. By submitting to authority, philosophy—which includes any particular political philosophy, would lose its character. It would degenerate into ideology; that is to say, apologetics for a given social order.

With regard to the situation in the 18th century, Charles Beard has said: “The clergy and the monarchists claimed special rights as divine right. The revolutionists resorted to nature.” What is true of the 18th century revolutionists is true *mutatis mutandis* of all political philosophers who recognize natural right.

Lecture IV

Classic Natural Right

The fourth in the series of six Walgreen lectures by Leo Strauss

Today natural right is frequently rejected as reactionary. In the 19th century natural right was rejected by continental reactionaries as revolutionary. This fact alone shows how inadequate all partisan approaches to natural right are.

If we approach the issue of natural right in an impartial manner we note that natural right is and always has been revolutionary in the most fundamental sense. The very idea of natural right pre-supposes the doubt of all authority; that is to say, man's inner independence of all authority.

Natural right is a standard higher than all authority, a standard by which all authority is to be measured, and this standard is in principle accessible to man as man.

The idea of natural right implies that man can rise above the accidental historical standards accepted by particular societies, or that man is not forced to be the slave of all large or small collectivities, or that man is not by nature destined ignobly to jump on every band wagon of every wave of the future. Only by virtue of natural right is man capable of distinguishing between the cause that is victorious and the cause that is just.

The present-day discussion of natural right suffers from the fact that the idea of natural right is taken too much for granted by its adherents as well as by its opponents. For this reason we were forced to pay some attention to the tremendous effort that was required so that the very idea of natural right could emerge.

The discovery of natural right pre-supposes the discovery of nature. The discovery of nature is identical with the emergence of philosophy or of the scientific spirit. To understand the discovery of nature one has to clarify the character of pre-philosophic life. Pre-philosophic life is characterized above all by two facts—first, the identification of the good with the ancestral; and second, the pre-philosophic equivalent of the concept of nature, the concept of custom or way.

The discovery of nature consists in the splitting up of the primeval notion of custom or way: into nature, that is to say, the essential character of the thing, on one hand; and convention—that is to say, the arbitrary decision of society about a thing—on the other. The discovery of nature results in the abandonment of the primeval equation of good equal to ancestral, and leads to the distinction between what is good by nature and the ancestral—the good by convention.

The discovery of nature, or the fundamental distinction between nature and convention, is a necessary condition of natural right. It is however not a sufficient condition, for prior to investigation one cannot rule out the possibility that all right is radically conventional. Hence, the basic controversy in political philosophy turns to this question: Is there or is there not a natural right? Considering the inseparable connection between right and civil or political society, this question is equivalent to the following: Is the polis or civil society natural or is it non-natural, and perhaps even unnatural? It seems that prior to Socrates the negative answer prevailed, and that the adoption of the negative was by no means characteristic of the sophists alone.

At any rate, we cannot understand classic natural right before we understood the position in opposition to which the classical natural right doctrine was elaborated. I shall call that position conventionalism.

Conventionalism is the view that all right and even all moral distinctions in general are conventional, not natural. That philosophers should first incline towards conventionalism is what one would expect; for right presents itself to begin with as inseparable from law. And law or convention comes to sight with the emergence of philosophy, as the very opposite of nature.

I quote the crucial pre-Socratic text on this subject: Heraclitus says: “For God all things are fair and good and just. But man has made the supposition that some things are just and others are unjust.” That is to say, all principles of preference, and in particular all notions of justice, which of course necessarily implies the distinction between just and unjust, are merely human suppositions, human conventions. In the language of the 19th century, the distinctions between good and bad, between moral and immoral, between just and unjust, are purely subjective.

We shall arrive at a better understanding of conventionalism by means of the following consideration: However indifferent to moral distinctions the cosmic order may be thought to be, man himself is a natural being, and he is compelled by his nature to make choices. Thus a question arises whether human nature does not supply us with natural principles of preference—or to illustrate the point by the best known pre-Socratic doctrine—atomism—if we grant that there is no good or bad or right or wrong as far as the atoms are concerned, the same is not necessarily true of all compounds of atoms, and especially of that compound popularly known by the name of man. Man does have preferences that are not merely conventional. We must therefore distinguish between those human desires which are natural, or in accordance with nature—that is to say, human nature—and desires that are destructive of human nature and perversions of human nature, and hence against nature, as well as desires that originate in conventions only.

We are thus eventually led to the notion of a life—a human life, that is good because it is in accordance with nature. The life according to nature is *the good life*. The question is then—how is the life that agrees with nature related to justice and civil society? In order to arrive at a clear distinction between the natural and the conventional we have to return, according to the suggestion of the ancient thinkers, to that point where convention could not yet have affected man’s nature and desires. Such a point would seem to be the moment of birth. There can be no doubt that throughout the history of the doctrines of natural right, reflection on how man is “immediately from the moment of his birth,” played the crucial role. But there are obvious limitations to this procedure. The most important one is that man’s growth to adulthood would be as natural as babyhood. Thus it became more important to find out what adult man is like before he is affected by convention. This means, what does man look like prior to his entry into civil society? It depends on the answer to this question whether civil society will be thought to arise naturally, or in accordance with nature, or else against nature.

The question of natural right is then from the beginning inseparable from the question of the origin of civil society. As will be shown later on this does not at all mean that the notion of natural right is inseparable from the notion of a state of nature. It is to be admitted that the modern identification of the issue of natural right with the issue of the state of nature has obscured to a considerable extent the fundamental meaning of the question of the origin of civil society. As a consequence the question of the origin of civil society has been rejected as irrelevant for ascertaining the purpose of civil society. Today people make a distinction between the problem of the “rational justification” of the state and the problem of its historical origin, and they assert that the latter question is very unimportant.

This modern notion can more simply be explained as a consequence of the opposition of the “is” and the “ought,” or of reality and the norm. We cannot arrive at any norm from any reality; we cannot learn anything about right and wrong from the origin of right and wrong. It is for this reason all the more necessary that we should understand the fact that the question of the origin of civil society was absolutely fundamental for all pre-modern thought. The answer to that question decides about the dignity of civil society, for it decides whether civil society is in accordance with nature or against nature.

According to conventionalism, civil society is not natural because man is by nature not a social animal. The question of the origin of civil society has an entirely different meaning, if one supposes that there is an origin of man, than if one supposes that the human race is eternal. If the human race is eternal every foundation of a given civil society will have been preceded by the disintegration of earlier society. The pre-political stage is always at the same time a past-political stage. On the other hand if the human race has a beginning, and if the emergence of civil society presupposes at least some conscious cooperation on the part of man, there must have been a time, however brief, in which man could not have lived in civil society—a time which absolutely preceded civil society.

The conventionalist thesis presupposes that the human race had a beginning. What then was man like when he made his first appearance on earth? This question is answered today by the theory of evolution. But the theory of evolution was unacceptable to earlier thinkers, for the reason that what we constantly observe is not the evolution of one species out of another but the permanence of species. Dogs generate dogs, cats generate cats. There was only one way in which the genesis of the human race could be explained naturally without recourse to evolution; equivocal generation. The first man had to be conceived to have sprung from the earth - to be

earth born, like mushrooms. We smile at this theory, but we have to admit that the demand it makes on our credulity is not essentially greater than that made by the theory of evolution. The genesis of man out of non-man remains the same old mystery. However this may be, the earth-born could not have been babies; babies would have perished at once. They had to be adults. Being born as adults they did not need the help of other human beings in order to survive; hence man by nature is a-social. But this argument is insufficient to establish the view that man is by nature a-social, for by the next generation the offspring were already in need of human beings from the moment of birth.

The conventionalist thesis must then be based on an additional assumption, a more important assumption. To discover that assumption we start from the following consideration. In the most famous attempt to establish the existence of natural right against the conventionalist denial, the conventionalist thesis is identified with the view that the good, what is by nature good, is the pleasant. The basis of conventionalism seems to be hedonism—that the good is identical with the pleasant. Conversely we see that hedonism, if it is consistent—think of Aristippus and Epicurus—leads to a depreciation of the whole political sphere, and hence in particular of right; to a depreciation which can be expressed adequately only in terms of the thesis that all political things, and in particular right and wrong, are merely conventional.

It would not be surprising at any rate if the primeval equation of “the good is identical with the ancestral” had been succeeded first of all by the equation, “the good is identical with the pleasant.” For if the identity of the good with the ancestral is rejected in the name of nature, the things depreciated by ancestral customs or divine law inevitably present themselves as emphatically natural and hence good. The things forbidden by ancestral custom are forbidden

because they are desired, and the fact that they are forbidden by convention shows that they are not desired on the basis of convention. They are then desired by nature.

Now, what induces man to deviate from the narrow path of ancestral custom or divine law is desire for his own pleasure, and an aversion to his own pain. The natural good is pleasure and ease; the conventional good is what ancestral custom declares to be good. Thus orientation by pleasure almost inevitably becomes a first substitute for orientation by the ancestors. Consider the importance in all early law of sexual taboos. Sexual pleasure will at first appear as the greatest natural good. There is more than one classical text in which pleasure is simply identified with Venus.

The most enticing expression of this is found in the comedies of Aristophanes. In trying to say a few words on this fact I am forced at the same time to explain why it is not generally known. Aristophanes presents himself as a teacher of citizen virtue and of justice—one of his masks bears the name “Dicaeopolis” or “Just City.” In the interest of a just polity, conducted in the spirit of the ancestral order Aristophanes ridicules the excesses, the foolish innovations of Athenian democracy. It would be stupid and in fact it is quite impossible to disregard this aspect of his comedies, but it is clearly only their most obvious aspect. Equally important, ultimately more important is the glorification of pleasure, and especially of the pleasure of sex. Now it is decisive that from Aristophanes’ point of view the fully understood claims of the city and justice are incompatible with the claims of pleasure, and that this conflict is identical with that of convention and nature.

This result is confirmed by the fact that we find in Aristophanes’ work a third great theme apart from the themes of “city” and “sex;” that third theme is represented by the human type who is aware of the fundamental opposition between nature and convention, and of its significance—

and this is the wise man. Aristophanes himself is of course a wise man in the sense—in the pre-Socratic sense. His close connection with pre-Socratic philosophy is clearly indicated in Plato's *Banquet*, where he is made to change his place in the appointed sequence of speakers with a physician who proves to be a natural philosopher in the pre-Socratic style.

Being a wise man Aristophanes makes the wise man the central theme of his thought on human affairs. In the *Clouds* he presents a wise man who is a failure, Socrates; and in the *Thesmophoriazusae* he presents a wise man who is a success, Euripides. The wise man who succeeds, who gets away with the wisdom, is a poet. It is for this reason that Socrates fails. Wisdom unprotected by poetry fails. A wise man who wants to express his views in public has to put his head on the executioner's block. Therefore, as is shown in the same comedy, the wise man will express his views only after having put on the rags of Euripides' tragic heroes.

Aristophanes himself was a poet in this sense, and this explains why his fundamental problem does not meet the eye of every reader on every page. The fundamental problem to repeat, is a conflict between nature and convention, which is practically identical with the conflict of pleasure and right.

I have now to sketch the reasoning that leads up to the thesis that all right or civil society is conventional. On the basis of materialism the primary criterion will be sense perception. Accordingly the criterion of sound preference will be the pleasure of the senses, a pleasure, a good, that is produced by nature itself, and therefore in no way dependent on the whims and follies of man. This substantial good appears to be the opposite of that shadowy good called right or justice.

In the first place, right or justice is closely akin to what the Greeks call *to kalon* or what we would call the moral, the noble or fair; and the noble is essentially related to praise, to public

praise. But the element of praise is opinion, the opposite of knowledge, and hence of nature. Or, to express the same thought differently, only pleasure is one's own good, to which one naturally tends, whereas right is other peoples' good, which is not naturally attractive to one's self, but only on the basis of social discipline and hence on the basis of convention.

Arguments such as these sound silly to us. They seem to be based on a total disregard of the obvious fact that we cannot normally enjoy pleasure but on the basis of security produced by right or civil society. That is to say, we'd argue that since right and society are necessarily required for the enjoyment of pleasures, right and society are natural. But the early thinkers knew these facts very well, and they had an answer to our objection.

"Right and society are needed for the sake of pleasure." This means that reasoning or calculation teaches us that they are needed for that purpose. Hence right and society are desired only on the basis of calculation, and not through natural primary impulse. If things originating in sound calculation were for this reason natural, all products of the arts would be natural; and this would destroy the basic distinction between nature and art on which the very idea of philosophy depends. There are indeed things that originate in calculation and are nevertheless natural. They are natural because they eventually become intrinsically pleasant. The great example is friendship. Now, civil society does not have this character. Civil society is necessary indeed, but not intrinsically pleasant, and therefore ultimately against nature. More precisely, convention, as such, need not be against nature. It might fill a gap left by nature, but nature in the sense of the essential character of the compound of atoms is opposed to force or violence. What a thing does naturally is opposed to what it does under compulsion—what it does under compulsion is against its grain, against its nature. Now, all coercion, all forcible restraint, is for this reason against

nature. But coercion and forcible restraint are essential to civil society; hence civil society is against its nature.

It would seem to follow from this that the only life according to nature is primitive anarchy, or primitive non-coercive society. This conclusion was drawn by quite a few classical thinkers who thus gave rational support to the myth of the golden age at the beginning. But this conclusion could not be consistently maintained by philosophers, for it is hard to see how philosophy could have been possible in primitive society, and they could not conceive of the good life, of a life according to nature, that lacked philosophy—the source of the highest and most solid pleasures. The following view prevailed: the strictly a-social life in the beginning was unpleasant in spite of the absence of restraint, because of its insecurity. Civil society is then needed for the sake of pleasure. But civil society with its coercion substitutes the pain arising from coercion for the pain arising from constant insecurity. The solution which suggested itself on this basis was the following: the good life, the life according to nature, is the retired life of the philosopher, who lives at the fringes of civil society. Right and civil society are necessary indeed, but they are necessary evils, they are not by themselves according to nature.

Probably the most sophisticated version of this view occurs in the work of the Epicurean poet Lucretius. According to Lucretius the best and most happy society was early society—the society antedating by far the foundation of cities. Originally man roamed in forests without social bonds of any kind. Their weakness, and the dangers threatening them from wild beasts, induced them to unite for the sake of protection. After entering society the original savage life was replaced by one of kindness and fidelity. The destruction of these habits is, however, characteristic of life in cities. On the other hand, philosophy has its home in cities. There is thus a disproportion between the requirements of philosophy, [] and the requirements of society, [].

This disproportion is necessary for the following reason: The happiness or innocence of early society was fundamentally due to the reign of a salutary delusion. The members of early society lived within a closed horizon. They trusted in the eternity of the visible universe, in the protection offered by the walls of the world. Their trust was not yet shaken by reason, by reasoning about natural catastrophes, or by drawing any lessons from such catastrophes. However, once this trust was shaken, man had no choice but to seek support and consolation in the belief in beneficent gods who would guarantee the firmness of the walls of the world, or whose goodness would be a substitute for that firmness.

But the belief in active gods, which grows out of fear for “our” world, and of attachment to “our” world—the world of sun, moon, stars, and the earth covering itself with fresh green every spring, as distinguished from the unattractive but eternal elements out of which our world has come into being and into which it will again perish—this belief in active gods engendered unspeakable evils. The only remedy lies in breaking through those walls of the world at which religion stops, and in becoming reconciled to the fact that we live in an unwallled city, and that nothing, absolutely nothing, that a human being can love, can be eternal. In other words, the only remedy lies in philosophizing, which alone affords the highest and most solid pleasure. Yet philosophy is repulsive to the people—who however cannot return to the happy simplicity of the early age. The only true happiness belongs to an entirely different epoch from that of the happiness of society. The practical consequence is the withdrawal of the philosopher from political life. Since the life according to nature is the life of philosophy, political life is life devoted to civil society and justice, and hence cannot be according to nature. Accordingly the dignity which it necessarily claims is purely conventional.

The previous argument implies the admission that right and civil society are necessary for the sake of the truly natural life. It does not dispose wholly of the suspicion that right and civil society are after all natural. The gap (if it is a gap) is filled by the following considerations: Right and civil society belong together, but civil society is essentially against nature because of its essentially arbitrary origin and character. By nature all men belong to one and the same community, that of the species. This community is the only natural community. The family, for instance, is not natural. I refer to the argument of the *Republic*, which is much older than Plato as is shown by the parallel of Aristophanes' *Assembly of Women*. Only the community of the species is natural. There is no natural difference between citizens and foreigners. This difference has its only basis in an arbitrary fiat of society. Certain human beings are declared to be citizens, and others foreigners. But are not the citizens the natural products of citizens—is not a citizen begotten by a citizen father and mother? Yet there is the curious fact that “natural” children are not legitimate children, and what legitimate children are depends not on nature but on law; and the equally curious fact called “naturalization” by virtue of which a natural foreigner is artificially transformed into a natural citizen—to say nothing of the fact that first generations cannot have been children of citizen fathers and mothers.

It is, then, convention that arbitrarily cuts off one segment of the human race and sets it against the rest. This is not legitimated by the fact of language, for language was admittedly conventional. Accordingly the difference between Greeks and barbarians is purely conventional, a most unnatural division, as unnatural as if we were to divide all numbers at the number 10,000—and place some of the numbers on one side and all other numbers on the other. What is perhaps more important still—the distinction between free men and slaves is purely conventional. It is based on the arbitrary agreement that people taken prisoners in war and

ransomed are to be made slaves. Arguments such as these are at the bottom of the conventionalist thesis, and not the observation of the variability of laws and notions of right. The observation that fire burns in Persia as well as in Greece, whereas property is not inherited in the same way in Persia as in Greece, was only a secondary and extraneous confirmation of what was known or believed to be known through more solid or less ambiguous considerations.

My account of the conventionalist thesis differs somewhat from the usual. The technical reason for the difference is this: The usual account is based chiefly on the presentation of the sophistic doctrines in Plato's dialogues. I am unable to accept these presentations as historical evidence. Plato was not concerned with historical truth but with a deeper truth. He wants to let us see what a sophist is; and sophistry, according to Plato, is not a phenomenon of Greek life, but an eternal human possibility. He characterized the sophist by typical teachings. He imputes to the historical sophists such teachings as are most in character with the various types of sophistic life. Hence, Plato's presentation of sophists cannot be used as historical evidence for ascertaining what the teachings—that is to say, the conscious views of the sophists were. Still less can they be used for ascertaining the character of the conventionalist position in general, for the conventionalist position is the work not of sophists but of philosophers. The sophists used the already existing conventionalist teachings of pre-Socratic philosophy. Sometimes they may have modified it.

Still, even Plato's presentation of sophistic teachings reflects the fact I have tried to set forth. For example, in the first two books of the *Republic* we are brought face to face with the view that right and civil society are against nature because by nature man desires not equality but superiority; that is to say, the natural desire incompatible with right and civil society, whose natural character explains why right and civil society are merely conventional, is the desire for

superiority, for having “more than” others. Now this view pre-supposes that superiority is the highest good, and that it is the highest good because it is the most pleasant thing. This means right and civil society are against nature because they are destructive, not of all pleasures, but of the highest pleasure, of that pleasure which is highest by nature.

The difference between the conventionalist philosophy and the *sophist* would then seem to be this: The conventionalist philosophy finds the highest pleasure in wisdom or philosophy, whereas the sophist finds the highest pleasure in superiority, in renown or prestige, and consequently also in wealth. We see from this example that the teachings which Plato ascribes to the sophists is meant to make the sophists express in speech what they were doing in deed, what they were living. The sophist, Plato lets us see, is a man who somehow knows that philosophy and wisdom is superior to all other human activities, but who is concerned with wisdom not on account of its intrinsic goodness, but because it is most highly honored. As for the teaching of the most famous sophist, Protagoras, Protagoras accepted the conventionalist thesis without any qualification. The myth which Plato imputes to him does not at all contradict the report of the *Theaetetus*, which is confirmed by other sources. The myth of Protagoras is based on the distinction between nature, art, and convention—nature is represented by the subterranean work of the gods, and especially of Epimetheus. Epimetheus, the one in whom thought follows production, is the allegorical representation of nature materialistically understood, in which thought comes after blind working. The subterranean work of the gods is work without light, and therefore has a similar meaning as Epimetheus. Art is represented by Prometheus, by his theft, his rebelliousness. Convention is represented by Zeus’ gift of right and sense of shame, a gift that does not become effective but through the punitive activity of civil society. I would say that it is impossible to interpret the myth of Protagoras without considering the context of that remarkable

display, inferior only to Socratic display. The context shows that the myth serves the purpose of defending Protagoras against the suspicion that he is undermining Athenian democracy by asserting that special training is necessary for becoming politically competent.

It is more important for the present purpose to note another implication of the alleged or real insight into the essential arbitrariness of the conventional character of civil society. That insight need not be made the basis of conventionalism. It can be made the basis of a natural right doctrine. In fact the earliest form of natural right doctrine arises from the view that civil society is essentially conventional. The conventionalist argument, it will be recalled, was based on the opposition of what is natural and what is violent; but violence or force was also understood as the opposite of justice or right. Hence, the natural could be identified with the right. The identification could be justified as follows: We understand by right something good, but if whatever is against nature is for this reason bad, it follows that what is against nature is certainly unjust. From this point of view the question as to whether the origin of civil society is according to nature or against nature becomes identical with the question as to whether or not the origin of civil society is just or unjust. For example, when Aristotle is so anxious to prove the natural character of the polis, he is not concerned with disproving the notion that civil society is made, or a work of art, and not growth, or in proving that it is an historical product, for he holds that the city is both growth and a work of art. No, he wants to prove that civil society is fundamentally just.

Now, if civil society proves to be essentially arbitrary, it proves to be essentially unjust. Civil society was thought to be against nature because it seemed to be based on an arbitrary distinction between free men and slaves, for instance. This means, in other words, that by nature there are no slaves, by nature all men are free. But if all men are by nature free, no man is by

nature subject to any other man. All subjection is conventional. By nature all men are equal. Therefore a condition that disagrees with natural freedom and equality is unjust; and hence civil society as such, is unjust. Yet civil society may prove to be indispensable and what is really indispensable cannot be unjust.

There must then be a way to establish civil society in accordance with natural freedom and equality. The only way in which this can be done is free consent, or more precisely, contract. Consent or contract is the only just basis of civil society. The ideas of natural equality and liberty, and of the social contract, have then to be considered as the earliest form of natural right doctrine. It is more than doubtful however whether these doctrines were of any political importance in classical antiquity. It is even doubtful whether they were meant as political theses, and not rather as theses setting forth the questionable character of all civil society. For it cannot be emphasized too strongly that as long as nature was considered the standard, the contractual theory implied, and of course meant to imply, a depreciation of civil society, even if the necessity of civil society was not questioned. As long as nature remained the standard, whatever had its origin in human agreement was of inferior character.

This must be borne in mind if one wants to understand the specific character of the doctrines of the classic age of contractualism in the seventeenth and eighteenth centuries. For in modern times the necessary depreciation of the contractual in favor of the natural was abandoned, together with the idea of the natural as a standard. But in pre-modern times it is safe to assume that this depreciating implication is present whenever we are confronted with a contractual doctrine. This is confirmed rather than refuted by the fact that Catholic thinkers adopted the contractual doctrine, for that doctrine brought out most clearly the inferiority of the earthly city, or of the power temporal, to the city of God, or the power spiritual. The Catholic

thinkers in question characteristically ascribed contractual origin not to the spiritual power, but to the temporal power.

Another proof is offered by one of the earliest mentions of the contractual doctrine which has come down to us. In a passage of Plato's *Crito*, Socrates derives his duty of obedience to the city of Athens from a tacit contract. To understand this passage we have to consider it with a passage in the *Republic*. In the *Republic* he says that the philosopher's duty of obedience to the city is not derived from any contract. The reason is obvious. The city of the *Republic* is the best city, the city in accordance with nature. But the city of Athens, that democracy, was from Plato's point of view a most imperfect city. Only the allegiance to an inferior community could be derivative from contract, for an honest man keeps his promises to everyone, regardless of the worth of him to whom he makes the promise. On the basis of such notions, those classical philosophers who were really concerned with politics and justice in the city rejected the contractual doctrine as an insufficient explanation of civil society.

This is all I wanted to say about the origin of the idea of natural right. I regret to say that my schedule has been somewhat modified. I shall be forced to devote Wednesday's lecture to classical natural right and Friday's lecture to the last two subjects—modern natural right and the crisis of modern natural right.

Lecture V

Modern Natural Right

The fifth in a series of six Walgreen lectures by Leo Strauss

When opening a work like Locke's *Second Treatise of Civil Government*, the present-day reader is struck by the way in which Locke takes it for granted that all men are by nature free and equal. He is likely to assume that Locke was naive, that he did not reflect on a highly questionable premise. The present-day reader usually does not consider the alternative possibility, namely that Locke's premise is self-evident, and that our failure to see its evidence is due to the fact that we approach the problem in the wrong perspective.

Whatever might be true about Locke in particular, there can be no doubt that the problem of natural right in general cannot be properly understood on the basis of present-day thought; that in order to understand it as a most important problem, a change of perspective is required. To effect such a change is always difficult. It cannot be effected by a single argument or by an accumulation of arguments. It requires an ever-repeated, relentless effort. The technical term for efforts of this kind, for efforts in changing one's perspective, is history of ideas, or history of thought. No one will undertake the trouble involved in all studies of this kind if he is not convinced that a change in perspective is absolutely necessary; and this conviction, if it is to be reasonable, must be based on the insight that in our present-day perspective the most important things are almost invisible. In short, one is unable to understand the problem of natural right, if one does not realize at the same time the hopeless difficulty into which modern thought has led us. All serious students in the field of history of thought are guided and inspired by the sense that

they have to recover something of utmost importance that has been lost, not to say squandered; that we have to learn something of utmost importance, not about the great thinkers of the past, but from them; that we have to learn something of utmost importance from the great thinkers of the past which we cannot learn from any contemporary, however intelligent and learned and wise.

By classic natural right, I understand the natural right doctrine that was originated by Socrates, and developed by Plato, Aristotle, the Stoics, and the Christian thinkers, especially Thomas Aquinas. The tradition that was founded by Socrates remained unshaken in political philosophy until the 17th century, when it was superseded by a new type of natural right doctrine that I shall call modern natural right.

I spoke first of what I called conventionalism, which means the view that there is no natural right, or that all right is conventional. Prior to the emergence of the historical approach, all men who denied natural right were conventionalists if they were philosophers. Now that is one position. But we also found a natural right doctrine prior to Socrates which I will call for convenience sake, pre-Socratic natural right. I tried to sketch the character of the doctrine last time. To repeat: classic natural right is the natural right founded by Socrates and predominant until the 17th century. And by modern natural right, I understand that which was originated in the 17th century. Since there are all kinds of mixtures, it is needless to say that I cannot possibly go into details.

As we have seen, classical natural right was preceded not only by conventionalism, but also by an earlier natural right doctrine that survived by the side of the more powerful and more splendid Socratic tradition—we might almost say survived subterraneously throughout the centuries. That pre-Socratic natural right is characterized by the assertion of the natural freedom

and equality of all men. It became the starting point of modern natural right which, however, is as fundamentally distinguished from pre-Socratic natural right as it is from classic natural right. I will discuss the characteristic feature of modern natural right next time.

For the moment it suffices to note the most striking difference between pre-Socratic and classic natural right. Classic natural right asserts a natural inequality of man, and hence it asserts that by nature some men are the rulers of others, or that by nature some men are subordinated to others. This implies a denial of the natural freedom of all men, freedom understood in the political sense.

From the point of view of the classics, the issue raised by conventionalism, or the denial of natural right, was much more important than the issue raised by egalitarian natural right. In fact, the issue of conventionalism is more fundamental than the issue raised by egalitarian natural right. This explains why it is much easier to derive from the writings of the classics a clear picture of conventionalism than of egalitarian natural right. It is reasonable to suppose that conventionalism was philosophically of a higher order than ancient egalitarianism. At any rate, the basic fact of the classical natural right teaching is the critique of conventionalism.

Since conventionalism is ultimately based on the identification of the good with the pleasant, the basic part of the classic natural right teaching is a critique of hedonism. The basic thesis of the classics can be stated as follows: The good is different from the pleasant. The good is more fundamental than the pleasant. The most common pleasures are connected with satisfaction of wants. The wants precede the pleasures. The wants supply, as it were, the channels within which pleasure can move. The wants determine what can possibly be pleasant for man. The difference of wants accounts for the difference of pleasure. The differences between pleasures cannot be understood in terms of pleasures, in terms of greater and smaller,

purser or mixed pleasures, but only by reference to the wants or the satisfaction of wants, or to the activities which are more fundamental than the pleasures. Think of the difference between the pleasures of food and the pleasures of hearing.

Now, man's natural wants are not unconnected with each other. There is a natural order of these wants, an order pointing back to man's natural constitution, which determines the order, that is to say, the hierarchy of the various wants. It is a hierarchic order of man's natural constitution, and in particular of the human soul, which is the basis of classic natural right. The supreme place in that order is occupied by understanding, by the awareness of essential necessities. A thing is good if it does its proper work well. Man is good if he does well the proper work of man as man. That proper work consists in understanding and in intelligent action. A good life is a life that is in accordance with the natural order of man's being. The life, as it were, flows from a well ordered or healthy soul. It is a life according to nature. Therefore, it is possible to call the rules defining or circumscribing the general character of the good life as the natural law. The life according to nature, the life of human excellence or virtue, the life of a high-class person, and not the life of pleasure as pleasure is the right life.

The classical view can best be illustrated as follows: The thesis that the life according to nature is a life of human excellence is defensible and has been defended on hedonistic grounds. Yet the classics always protested against this manner of understanding the good life. From the hedonistic point of view, nobility of character is good because it is conducive to and even indispensable for a life of pleasure. Nobility of character is not good for its own sake. According to the classics, this is a distortion of the phenomena of what every unbiased and competent—that is to say, not morally obtuse—person knows from his experience. We admire excellence without any regard to our pleasure or to our benefits. We admire, for instance, the strategic genius of the

head of the victorious army of our enemies. There are things that are admirable or noble by nature, intrinsically, and nothing is more admirable than the aspect of a well-ordered soul.

The phenomenon of admiration of human excellence cannot be explained on hedonistic or utilitarian grounds, except by means of *ad hoc* hypotheses. These hypotheses amount fundamentally to the assertion that all admiration is a kind of telescoped calculation of benefits for ourselves. These hypotheses are the outcome of a materialistic or monistic doctrine which dogmatically rejects the possibility that there are phenomena which are absolutely irreducible to others, and especially to their conditions. These hypotheses are not conceived in the spirit of a truly empirical science.

Man is by nature a social animal. Man is so constituted by nature that he cannot live well but by living with others and, more specifically, but by living in civil or political society. More than that, there is a natural relation, a natural kinship of all men as men. It is the natural sociability and sociality of man that is the basis of natural right in the narrow and strict sense of right. There is no relation of man to man in which man is absolutely free to act as he pleases, or as it suits him, and all men are somehow aware of this fact.

Every ideology is an attempt to justify before one's self and others such behavior as is somehow felt to be in need of justification. That is to say, it is felt to be not obviously right. Why did the Athenians believe in their autochthony but because they knew that conquest—taking their land from others—is not just, and that a self-respecting society as distinguished from a gang of robbers cannot become reconciled to the idea that its very foundation was laid in crime?

By virtue of his rationality, man possesses a latitude of choices that no other being on earth possesses. The sense of this latitude, this freedom, is accompanied by a sense that the full and unrestrained exercise of that freedom is not right. Natural freedom, we may say, is

accompanied by a sacred awe, by a kind of divination that not everything is permitted. This awful anxiety restraining man from the unrestrained exercise of his natural freedom may be called the natural conscience. Restraint is therefore as natural, as primeval as freedom. As long as man has not cultivated reason properly, he will have all sorts of fantastic notions as to the limits set to his freedom by nature. He will elaborate absurd taboos. But what prompts savages in these savage doings is not savage, but the divination of right.

These very sketchy remarks about the basis of classical natural right must here suffice. As for the edifice erected on that basis, there is considerable difference of view among the various representatives of classic natural right. Very roughly speaking, I would like to emphasize this “very roughly speaking,” we may distinguish three types of classical natural right teaching, types which I shall call first, the Socratic-Platonic; second, the Aristotelian; and third, the Thomistic view. As for the Stoics, it seems to me that their natural right teaching is of the Socratic-Platonic type. This may sound paradoxical, since we have been taught by A. J. Carlyle and others that the Stoics originated an entirely new type of natural right teaching. But, to say nothing of other considerations, Carlyle’s construction is based on the disregard of the close connection between Stoicism and Cynicism, and Cynicism was originated by a personal disciple of Socrates. For the sake of brevity, I will disregard in this lecture the differences between [the] Socratic-Platonic [type], on the one hand, and the Stoics, on the other.

Socrates’ teaching concerning justice presents itself at first glance as a flat rejection of the distinction between nature and convention, or of the distinction between natural right and conventional or positive right. He contends that the just is identical with the legal. Justice consists in giving everyone what is due to him, and what is due to the other is prescribed by the law, by the law of the city. The identification of the just and the legal is certainly not Socrates’

last word on that subject, but it is, of course, well considered. There is an important kinship between justice and legality. Justice is opposed to violence, to arbitrary or emotional action, and to partiality. Law as law meets these requirements of justice, but it is clearly not the whole story.

In the first place, there are unjust laws. In the second place, all laws being made by men, reflect the character of the man who made them. More precisely, all laws are ultimately relative to the political or social order, to the regime. Democratic laws differ from oligarchic laws not only in regard to the legislative process that produced them, but above all, as regards their substance. Think of the difference between oligarchic and democratic tax laws. Thus the study of justice is driven back from the laws to the most fundamental social fact which, according to the classics, is the regime, for the character of a society is decisively determined by the character of the ruling or authoritative human type in it. Such types are, for instance, Hereditary Nobility, Priests, the Rich, the Common Man, and so forth.

Justice in the full sense is possible only in a regime in which the just qua just rule. But justice proves ultimately to be identical with, or at least inseparable from, wisdom. The absolutely just regime is then the rule of the wise. Now, it would be absurd to hamper the free flow of wisdom by any regulations or laws. Hence, absolute rule of the wise is needed. It would be equally absurd to hamper the free flow of wisdom by consideration of the unwise opinions and wishes of the unwise. Hence, no responsibility of the wise rulers to the unwise subjects. The wise alone will be able to rule justly. They alone will be able to give to everyone what is due to him, not according to a possibly foolish positive law, but according to nature.

Take the famous example of a big boy who has a small coat, and a small boy who has a big coat. The big boy is the rightful owner of the small coat because he or his father bought it. But it is not good for him; it does not fit him. We are then confronted with the paradoxical fact

that what is just is not good. Yet we assume that justice is good. We get rid of the paradox by means of a distinction, of the distinction between what is just by convention and what is just by nature. The big boy is the just owner of a small coat, according to convention, but he will be the just owner of a big coat according to nature. In other words, just ownership must be divorced from legal ownership. If the wise rule, the wise ruler will paternally assign to the two boys what they really deserve, what is good for them—to the big boy the big coat, and to the small boy the small coat. They will not give anything to anyone except what is good for him, or what he can use well, and they will take away from anyone what he cannot use well.

Justice requires then the abolition not only of laws and rule of laws and responsible government, but of private property as well. Nor is this the whole story. Justice requires that one give to everyone what is good for him—no partiality is permitted. But the existence of political societies, which are necessarily closed societies, leads to the consequence that citizens are treated differently from foreigners; especially in war one is not concerned with giving enemies what an impartial and discerning justice would consider their due. Political society necessarily has a different standard of morality in peace than in war. In peace deception, for example, is considered unjust, but in war it is considered praiseworthy. Justice requires then finally the abandonment of political society altogether in favor of a world society, without private property and under the absolute rule of the wise.

According to Socrates and his followers, this solution, while theoretically the only just solution, is practically impossible. To mention only one aspect of the problem, the absolute rule of the wise requires that the wise are freely obeyed by the unwise. It requires previously that the wise are recognized as wise by the unwise. These conditions are extremely unlikely to be met, and if they are not met, the rule of the wise degenerates into tyranny, a regime wholly

incompatible with the most elementary demands of justice. The indispensable requirement for wisdom has then to be qualified by the requirement of consent. But the admission of the need for consent is tantamount to the admission of a right of folly, which means of an irrational, if inevitable, right. Social life requires a fundamental compromise between wisdom and folly, and this means—from this point of view—a compromise between natural right and the right that is based only on opinion. Social life requires the dilution of natural right by merely conventional right. Natural right, in other words, would act as dynamite for society. What is by nature good must be diluted by the ancestral in order to become politically good or salutary.

I have to add one important point regarding which there is full agreement among all the classics. They conceived of the reconciliation of the requirements of wisdom with those of consent or freedom as follows: A wise legislator frames a code that the citizen body freely adopts. That code should be as unalterable as possible. The administration of law should be entrusted to a type of people who are most likely to be capable of equitable administration. The classics call this type of people gentlemen, which means in practice an urban patriciate that derives its income from agriculture. They devised or recommended various institutional techniques that appeared to be conducive to this order, which they called aristocracy. Aristocracy is a mixed regime - mixed of kingship, aristocracy, and democracy. In the mixed regime, the aristocratic element, the gravity of the senate, occupies the intermediate - that is to say the central or key position. The mixed order is really—and it was originally meant to be—aristocracy, strengthened and protected against its inherent dangers by the admixture of monarchic and democratic elements.

But the classics knew very well that the best regime is not always possible, or that the actualization of the best regime depends on conditions over which man has practically no

control. As they put it, the actualization of the best regime depends on chance. Under more or less unfavorable conditions, only more or less imperfect regimes are the only practicable solution, which means that the classics made a distinction between the good and the just regime. A relatively bad regime may offer the only just solution for a given society. I emphasize this point because it is absolutely essential for the proper understanding of modern natural right, in which the distinction between the best regime, and the just or legitimate regime was eventually abolished, and therewith the flexible character of pre-modern political philosophy was replaced by a peculiarly modern doctrinaire rigidity.

It might seem to be impossible to believe in the superiority of modern liberal democracy, to all practicable alternatives, and at the same time to believe in the superiority of classical political philosophy to modern political philosophy. But those who hold both views make a distinction between the approach, the technique, the conceptual framework of classical political philosophy on the one hand, and its results on the other. It is perfectly possible, in fact, to hold the view that the questions addressed by the classics to social reality were more adequate, more lucid, more profound, more comprehensive than the questions raised by modern political philosophy and modern social science in general, and at the same time to take issue with the answers given by classical political philosophy. But what goes too far is a somewhat cowardly attempt to make the classics out to be champions of liberal democracy. We have to face the fact that classical political philosophy was anti-democratic. I shall not stoop to dwell on the equally undeniable fact that the classics would, of course, be still more opposed to Bolshevism and Fascism, two regimes they would have rejected as tyrannies.

Let us rather try to understand why the classics were opposed to them. According to a widespread view, this was simply due to their class situation. Belonging to the urban patriciate,

they of course went with their families. A minor difficulty arises from the circumstances that Socrates was a plebeian, but this difficulty has been disposed of not unelegantly by the suggestion that Socrates was adopted by the patriciate, or that he succeeded in climbing up the social ladder.

Now, much can be said in favor of the view that when studying a political doctrine, one has to consider the political interest or bias, and even the class interest of its originator. But the problem consists in identifying properly the class to which the individual in question belongs. The widespread Marxist or crypto-Marxist view overlooks the fact that there is a class interest of philosophers qua philosophers. Philosophers do not go with their families. As Lord Monmouth put it when speaking to his grandson in Disraeli's novel *Coningsby*, "You will go with your family, sir, like a gentleman. You are not to consider your opinions, like a philosopher or a political adventurer." We know from our own limited experience that very young boys and girls are capable of that extraordinary intellectual feat that enables a human being to liberate his mind from the influence of the class in which he was raised. It is reasonable to suppose that this feat was not beyond the capacities of Socrates and Plato and Aristotle.

The selfish or class interest of the philosophers qua philosophers consists not so much in finding a market for their books—Socrates never wrote a line—but in being left alone, in being allowed to live the life of the blessed on earth, by devoting themselves to thinking, to investigation, to contemplation of the truth.

Now, it is an experience of many centuries in very different natural and moral climates that there was one and only one class that was habitually sympathetic to philosophy—not intermittently, like kings—and this was the urban patriciate. The common people had no understanding of and no sympathy for philosophy. The common people of earlier centuries were

given to fanatical obscurantism rather than to enlightenment. As Cicero says, “The philosophers are suspect to the many.” Only in the 19th century—in the Anglo-Saxon countries a little bit earlier—did this state of things radically change. The true reason why the classics rejected democracy was their view of natural right. They argued as follows: democracy as rule of majority is the rule of the common people. That is to say, the rule of the uneducated, because in former ages education depended on certain economic conditions. But the educated have a higher right by nature than the un-educated, for education is participation in philosophy and wisdom, and the only absolutely legitimate type of rule is wisdom.

After this digression, which dealt with classical political philosophy in general, I turn now to the natural right doctrine peculiar to Aristotle. It is very difficult to establish the precise character of the doctrine, and I speak about the subject only with a great deal of trepidation. The only thematic utterance of Aristotle on natural right which certainly expresses his own view covers barely one page of the *Nicomachean Ethics*. The statements on natural right that occurred in his Rhetoric very probably have to be taken as expressive of topics he recommended for rhetorical use, and not as formulations of Aristotle’s own views. The difficulty of that crucial passage of the Ethics is sufficiently illustrated by the fact that the two most celebrated medieval commentators, Averroes and Thomas Aquinas, understood the passage in diametrically opposite ways.

Before discussing the controversial issue, I have to clarify that aspect of Aristotle’s natural right teaching regarding which there can be no doubt. Aristotle denies that there is a fundamental disproportion between natural right and the requirements of political society; he denies that political society essentially demands a fundamental compromise between reason and unreason. In this, as well as in many other respects, he opposes the divine madness of Plato and,

by anticipation, the paradoxes of the Stoics in the spirit of his unrivaled exactness - that is to say, fidelity to the phenomena and sobriety. If Socratic and Platonic natural right is admittedly incompatible with political society, and man is admittedly by nature a political animal, as he gives us to understand, what is the use of considering that right (i.e., Socratic-Platonic) natural right?

The basic difference between Plato and Aristotle would seem to be this: Plato never discussed any subject, be it political or biological or whatever else—but with a view to the Socratic question: “What is the right way of life?” And the right way of life is philosophic. Plato defines natural right with direct reference to the fact that the only truly just life is a life of philosophy. Aristotle, on the other hand, treats each of the various levels of human existence on its own terms. When he discusses justice, he discusses justice as everyone knows it, and especially as it is understood in political life, and he refuses to be drawn into the dialectical whirlpool that carries us beyond justice in the ordinary sense of the term towards a philosophic life. Again, Aristotle does not deny the ultimate right of that dialectical movement, but he asserts that the intermediate stages of the process, while not absolutely consistent, are sufficiently consistent to be described on their own terms, especially since these intermediate stages are of the utmost practical importance. In this spirit Aristotle says that natural right is a part of political right. This must be rightly understood. Not all natural right is political right. For example, the relation of justice that obtains between two complete strangers who meet on a deserted island is not one of political justice, and yet it is determined by natural right. What Aristotle suggests is that the most fully developed form of natural right is that natural right that obtains among fellow citizens. Fellow citizens have many more things in common which fall within the province of justice than do any other people.

Up to this point, everything is clear. Immediately thereafter we are confronted with Aristotle's surprising assertion that all natural right is changeable and mutable. According to Thomas Aquinas, this statement must be taken with a qualification. The fundamental principles of natural right, the axioms from which the more specific axioms of natural right can be deduced, are universally valid and immutable. What is not universally valid are the more specific propositions. For instance, it is not always right to return deposits. We must not return a gun that a mad man has deposited with us. The Thomistic interpretation is based on the premise that there exists a *habitus*—which means having at our disposal—of practical principles, a *habitus* which may be called conscience, or more precisely, in Thomism, *synderesis*. The very terminology shows that this line of thought is alien to Aristotle. It is of patristic origin.

In addition, Aristotle says explicitly that all right, or natural right, is changeable. He does not qualify that statement. Let us now look at the alternative version, the Averroist version, which is characteristic of the Islamic in general, as well as of the Jewish Aristotelians, and which was set forth within the Christian world by Marsilius of Padua in the 14th century, and presumably by all Christian or Latin Averroists.

Averroes understands by natural right “conventional natural right” or, as Marsilius of Padua puts it, “Natural right is only quasi-natural right.” Actually it is conventional, but it is distinguished from positive right by the fact that it is based on universal, or rather ubiquitous conventions. The idea is this: In all civil societies certain views of right and wrong necessarily develop. They specify the minimum requirements of society. They correspond roughly to the second table of the Decalogue, but include the command of Divine worship. In spite of their universality and evident necessity, they are conventional for this reason: What society really needs are not immutable rules of conduct, for in certain situations the disregard of the basic rules

may be needed for the preservation of society. But for pedagogic reasons, society is compelled to present these general rules as universally valid. Since the rules in question obtain normally, all teaching must proclaim these rules and not the rare exception. The effectiveness of the general rules depends on their being taught without qualification, without ifs and buts. But the omission of all qualifications, which makes the general rules effective, makes them at the same time untrue. The unqualified truths are not natural right but conventional right. Truths which in truth are utilitarian and only generally valid are conventionally presented as sacred and immutable. The Averroistic view agrees with Aristotle insofar as it admits the mutability of all rules of justice, but it disagrees with Aristotle insofar as it denies the existence of natural right proper.

How then can we find a safe middle road between these formidable opponents, Averroism and Thomism? I make this suggestion: When speaking of natural right, Aristotle does not think primarily, as both Thomas and Averroes do, of any general propositions, but rather of concrete decisions. All action is concerned with individual cases. Hence justice and natural right reside, as it were, rather in concrete decisions than in general rules. A just law which is the just solution of the problem peculiar to a given country at a given time is just to a higher degree than any general proposition of natural right which, because of its generality, may be positively misleading in a given case. In every human conflict, there exists the possibility of a just decision based on full consideration of all relevant factors and their respective weight, a decision as it were demanded by the situation. Such decisions, and nothing else, constitute natural right.

But, one may object, in all concrete decisions general principles are involved, - those principles which Aristotle analyzed under the headings commutative and distributive justice, and these principles would seem to be universally valid. What then does Aristotle mean by saying

that all natural right is mutable, or in other words, why does natural right reside in concrete decisions, rather than in general rules?

There is a meaning of justice that is not exhausted by the principles of commutative and distributive justice. Before being the commutatively or distributively just, the just is the common good. The common good consists normally in what is required by commutative and distributive justice, or by the other virtues, but the common good comprises also the mere existence, the mere survival, the mere independence of the political society. Let us recall an extreme situation, a situation in which the mere existence or independence of the political society finds itself in clear and present danger. In extreme situations, there may be a conflict between the requirements of the self-preservation of society and the requirements of commutative and distributive justice. In such situations, and only in such situations, it can be said that the public welfare is the highest law, for in man the laws are silent, even in regard to the general rules of natural right.

A decent society will not go to war but for a just cause, but what it will do during such a war will depend to a considerable extent on what the enemy, possibly an absolutely unscrupulous enemy, forces it to do. There are no assignable limits to what might be just reprisals. But war casts its shadow on peace. The most just society cannot survive without “intelligence,” which means without espionage. Espionage in its turn is impossible without a kind of suspension of certain general rules of natural right. Let us cover this necessity with a veil of charity. The crucial point is this, that political society requires that the normally valid rules of natural right are justly changed, that they are changed in accordance with natural right, in extreme situations, and Aristotle seems to contend that there is not a single rule of natural right which is not subject to this qualification. Natural right is mutable because what is intrinsically just in a given situation depends on whether the situation is a normal or an emergency situation, and no general rule can

be formulated which defines in advance the precise character of emergency situations. An emergency situation is one which an intelligent and conscientious statesman on the spot would judge to be one. Every dangerous external or internal enemy is inventive, to the extent that he is capable of transforming what on the basis of previous experience were considered normal situations, into emergency situations.

Natural right must be mutable in order to be capable of coping with the inventiveness of wickedness. As in all other interesting moral issues, there is no substitute for practical wisdom. What cannot be decided in advance by general rules, what can be decided in the critical moment only by the most competent persons on the spot, can be made visible as just, in retrospect, to all. The convincing discrimination between extreme actions that were just, and extreme actions that were unjust, is the highest duty of the true historian.

The Aristotelian view of natural right is based ultimately on the distinction between the just and the noble. In many cases the just is noble and vice versa, but not universally. To pay one's debts is just, but not noble. To be justly punished is just, but not noble. Accordingly, the wise statesman who reluctantly bows to harsh necessity and orders harsh reprisals on a savage enemy acts justly but not nobly. Noble actions require, as Aristotle says, a certain equipment, without which equipment they are not possible. Hence, noble actions are not possible under all circumstances. Therefore, the requirements of nobility can be and are relatively inflexible, but we are obliged to act justly under all circumstances. Therefore, the requirements of justice have to be much more flexible in a situation in which there exists no alternative for men who are not of heroic virtue. In such a situation the demands of justice coincide with those of necessity. Consider the case of the two shipwrecked men clinging to a plank which can support only one of them.

It is a recognition of the flexibility of natural right that makes it unnecessary to demand, as Plato did, the dilution of natural right. It is important that the difference between Aristotelian natural right and Machiavellian be clearly understood. Machiavelli denies natural right because he takes his bearings by the extreme situations. Furthermore, he feels no reluctance as regards the deviation from what is normally right. On the contrary he seems to derive no small enjoyment from their contemplation, and he is not concerned with the punctilious investigation of whether these deviations are really necessary or not. The true statesman in the Aristotelian sense, on the other hand, as distinguished from and opposed to Machiavelli, takes his bearings by the normal situation, and by what is normally right. And he reluctantly deviates from what is normally right only in order to save the cause of justice or humanity itself. No legal expression of this difference can be found. Its political importance would seem to be obvious. The two opposite extremes—cynicism and idealism—combined in order to blur it, and they have not been unsuccessful, for extremes are always simpler and easier to grasp than the right mean, which discloses itself only to mature discretion.

As regards Thomistic natural right, I must limit myself to a very few sentences. I can do this all the more readily since I know that there are a number of gentlemen on this campus, notably my colleague Mr. Kerwin, who are much more competent to discuss this subject than I am. Thomistic natural right may be described as a synthesis of Socratic-Platonic and of Aristotelian natural right. Thomas agrees with the Socratic-Platonic over against Aristotle as to the immutability of natural right, which means as to the fact that there are certain universally valid propositions of natural right, although there is a difference between Thomas and the Socratic-Platonic as to the content of these propositions. On the other hand, Thomas agrees with

Aristotle over against Socrates and Plato as regards the fundamental harmony between natural right and civil society.

But the Thomistic synthesis, as well as any other synthesis, comprises more than the elements supplied by its two antithetic opponents. The notion that made Thomism possible, and that is alien to the Socratic-Platonic as well as to Aristotle, is the inseparable connection of natural right with the personal God who created everything out of nothing. Divine omnipotence makes certain the ultimate triumph of justice, because it leads to the substitution of particular providence for the chance of the ancients.

In particular, creation guarantees that natural law is sufficiently promulgated to all men, and therefore that it is absolutely obligatory on all men. Above all, natural reason can show, according to Thomas, the insufficiency of the natural goal or end of man, or that the ultimate end of man cannot consist in philosophic investigation, as all ancient philosophers thought. Thus natural reason creates at least a prejudice in favor of the need for a positive Divine law that completes or perfects natural law.

The ultimate consequence of the Thomistic interpretation of natural right was then that natural right became practically inseparable not only from natural theology, which means from a natural theology which is in fact based on the Bible, but even from revealed theology. Modern natural right was partly a reaction to this absorption of natural right by theology. The modern effort was based on the premise, which would have been acceptable to the classics, that the moral principles have a greater evidence than the teachings even of natural theology, and therefore that natural right should be kept separate from theology and its controversies.

The second important respect in which modern political thought may be said to have returned to the classics, in opposition to the Thomistic synthesis, is illustrated by such issues as

the indissolubility of marriage and birth control. A work like Montesquieu's "Spirit of the Laws" can only be understood if one considers the fact that it is directed primarily against the Thomistic doctrine of natural right. Montesquieu tried to recover for statesmanship a latitude that had been considerably restricted by the Thomistic teaching. What Montesquieu's personal beliefs were will always remain controversial, but there can be no doubt as to the fact that what he explicitly teaches as a student of politics, and as politically defensible and right is nearer to Plato and Aristotle than to Thomas.

Lecture VI

The Crisis of Modern Natural Right and the Turn Toward History

The sixth in a series of six Walgreen lectures by Leo Strauss

The most famous and by far the most influential of the modern natural right teachers was no doubt John Locke. But Locke makes it particularly difficult for us to recognize how modern he is, how much he deviates from the tradition of natural right. He was an eminently prudent man and he reaped the reward of superior prudence: he was listened to by many people and he wielded a tremendous influence on men of affairs and on a large body of opinion. But it is of the essence of prudence to know that there is a time for speaking, and a time for silence. Acting in this spirit Locke had the good sense to quote only the right people, and to be silent about the wrong people, even if he had more in common, in the last analysis, with the wrong people than with the right ones.

His authority seems to be Richard Hooker, the great Anglican divine—the judicious Hooker, as Locke called him. Hooker's conception of natural right is fundamentally the Thomistic conception. The Thomistic conception in its turn goes back to the church fathers, who in their turn were disciples of the Stoics.

We are then confronted with an unbroken tradition of utmost respectability beginning with Socrates and leading to Locke, inclusive. But the moment we take the trouble of really confronting Locke's teaching with that of Hooker, we become aware that, in spite of a broad agreement between Locke and Hooker regarding certain institutional consequences of natural right, the natural right concept of Locke is fundamentally different from that of Hooker.

The natural right concept had undergone a change from Hooker to Locke. A real break in the tradition had occurred in the meantime, it couldn't have been otherwise. For the period from Hooker to Locke witnessed the emergence of modern natural science, of non-teleological natural science, and therewith the destruction of the basis of traditional natural right, that basis being a teleological natural science.

The man who was the first to draw, nay to see, the consequences of that momentous change of natural right, was Thomas Hobbes; that imprudent, impish, and iconoclastic extremist, who is yet so enjoyable a writer on account of his lucid and boyish straightforwardness, and never failing humanity. But Hobbes was punished for his recklessness by the Anglo-Saxon nations, and especially by the Carnegie Classics of International Law, who reprinted the work of many nonentities who had learned their decisive lessons from Hobbes, yet refused to reprint anything by Hobbes. In the Anglo-Saxon world Hobbes is still considered the black sheep in an otherwise respectable family. Yet he exercised an enormous influence on all subsequent political thought, on continental and even, incredible as it may seem, on Anglo-Saxon thought—and especially on Locke, the judicious Locke, who judiciously refrained from quoting him.

To Hobbes we shall have to turn if we want to understand the specific character of modern natural right. The work of Hobbes was decisively prepared by two earlier changes which might seem somehow to have been pre-destined to converge. The first is the work of Machiavelli, the second is the work of Galileo.

Machiavelli had rejected the whole tradition of political philosophy proper, as useless or utopian, because it had taken its bearings by human excellence or virtue, or by how men ought to live. The right way of answering the question of the right order of society ought to be the realistic one that takes its bearings by how men actually live. This demand followed from

Machiavelli's reflections on the formation or roots of civil society. All legitimacy has its roots in revolution or usurpation i.e., in illegitimacy. All moral orders have been established by morally questionable means. Civil society in general has its roots, not in justice, but in injustice.

The founder of the greatest of all commonwealths, Rome, was a fratricide. The Bible had taught the same lesson. According to the Bible the first founder of a city was a man who was a fratricide, the first fratricide. But Machiavelli was attracted and spellbound by what the Bible considered a most terrifying warning, and he draws all conclusions from his basic conviction: that if civil society has its roots in injustice, civil society as such cannot aspire to being a just society. The foundation of civil society, the supreme case in politics, is repeated within civil society in all extreme situations.

Machiavelli takes his bearings by the extreme case because he thinks the extreme situation is more revealing of the root and hence of the true character of civil society than are the normal situations. In the spirit of Machiavelli, Hobbes and his successors will make the right of self-preservation the clue to civil society, for the right of self-preservation is the right classically exercised in the extreme case of conflict between individuals. Machiavelli implies that the fundamental character of society is determined sufficiently by its roots. Independent consideration of its purpose is irrelevant if not impossible. The ultimate justification of this view requires the banishment of the idea of purpose from all scientific or rational considerations.

It is at this point that the Machiavellian revolution joins hands with the Galilean theories, with the foundation of modern natural science. Modern natural science is mechanistic and mathematical. It is a combination of Epicurean mechanistic physics with Platonic mathematical physics. Machiavelli's politics is a combination of Epicurean notions of the origin of civil society with the Platonic concern with the good order of society.

Machiavelli's ancient and classical predecessors—think of the arguments of Glaucon, Callicles, Carneades—are concerned with the right life of the individual, but they are indifferent to the question of the right order of society. By combining the Epicurean or sophistic teaching regarding the origin of society, with the Platonic concern with the right order of society, Machiavelli became the originator of that characteristically modern position that may loosely be described as political idealism based on materialistic science.

In Machiavelli's own case that combination led to the substitution of patriotism, or merely political virtue, for moral virtue and the contemplative life. It was a difficulty in the substitution of merely political virtue for moral virtue—the difficulty implied in Machiavelli's admiration for the wolfish policies of the Romans—that induced Hobbes to attempt the restoration of moral philosophy, and especially of natural right, on the plane of Machiavelli's realism. The predominant school of thought had defined natural right, or more generally, natural law, with a view to the natural end or perfection of man as a rational and social animal. What Hobbes attempted to do, on the basis of Machiavelli's fundamental objection to the utopian teaching of the tradition, if in opposition to Machiavelli's own solution, was to maintain the idea of natural law, or of the moral law, but to divorce it from the idea of man's perfection.

Only if natural law has its roots, or rather its sufficient reason in how man actually lives, in something that is fully actual in all men or most men most of the time, can it be effectual or of practical value. Which means, the foundation of natural law must be found not in impotent reason but in an emotion, in the most powerful of all emotions; and according to Hobbes that emotion is the fear of death, and more particularly the fear of violent death at the hands of others. It is this emotion that expresses most clearly the most powerful of all drives, the desire for self-preservation.

Now, if the desire for self-preservation or the fear of violent death is the root of natural right, of all justice, this means that the fundamental moral fact is not an obligation or duty but a right. All moral duties are derivative from the fundamental and inalienable right of self-preservation. Furthermore, all moral duties are only conditionally binding. They are binding only to the extent to which their performance does not endanger our self-preservation. But the right of self-preservation itself is unconditional or absolute. In technical language, by nature there exist only perfect rights, but no perfect duties; and finally, since natural right as distinguished from natural duty is the fundamental and absolute moral fact, the functions as well as the limits of civil society are to be defined in terms of natural right, as distinguished from duty or virtue or perfection. The state has a purpose, not of producing or promoting a virtuous life, but of safeguarding the natural rights of each, and the actions of the state find an absolute limit in these rights. Even a criminal justly condemned to death does not lose his natural right to kill the guards, and if need be anyone else, to escape from the electric chair.

I cannot dwell on the obvious inadequacies of Hobbes' doctrine as he himself developed it. These inadequacies must not blind us to a much more important fact, namely, that Hobbes originated an entirely new type of doctrine, a type which one could call for want of a better term, the liberal doctrine. According to this type of doctrine, the fundamental facts are the rights and not the duties of men. Justice does not consist therefore in complying with standards that are independent of the wills of individuals, for example the just price, but in granting to others the same rights which one claims for himself. For example, a man who has a great natural talent for acquisition of wealth is just if he grants to those less gifted in this respect the same right to unlimited acquisition that he claims for himself. His justice is not impaired by the fact that he is a ruthless competitor, provided he grants to others the same right to ruthless competition that he

claims for himself. Justice is not defined by an objective and substantive norm but by an agreement among the members of the society. Justice ceases to be material justice, it becomes purely formal.

The final formulation of this view is Rousseau's concept of the general will. The general will, that is, the will of society, is a substitute for substantive natural law. No appeal from the general will to natural right can be justified. The general will is sacrosanct for no other reason than because it imposes the same demands equally on all. The content of these demands is irrelevant. The basis of Rousseau's teaching is the same as that of Hobbes, the natural right of self-preservation.

No change in moral orientation has been more important than the shift of emphasis from natural duties or the duties of man to natural right or the rights of man. A comparison of Locke's doctrine with that of Hooker would show that this precisely is the decisive difference between Hooker and Locke. Hooker, like Thomas Aquinas, puts all emphasis on men's duties, whereas Locke puts the emphasis on a man's natural rights.

Another element of Hobbes' basic reasoning must be considered in this context. If everyone has by nature the right to self-preservation he has to have all means conducive to self-preservation. This means, in the first place, the right to all proper means. Man does not have the right to all things, but only to those things that are really needed for his self-preservation.

At this point the great question arises: "Who is to be the judge of what means are proper?" The classics would have said the natural judge is a man of practical wisdom, a wise man. Hobbes finds fault with this decision. He does not so much question the superior wisdom of the wise man, but he questions the wise man's interest in or concern with the self-preservation of the fool. The fool may be a poorer judge of what is conducive to his self-preservation but he is

most seriously concerned with his self-preservation. Therefore, if every man has a natural right to his self-preservation, he has to be allowed to be the sole judge of the proper means. Thus the fundamental objection to equalitarian natural right is overcome by Hobbes and it leads to the following consequences.

In both the classical and the modern scheme the solution of the political problem consists in a synthesis, that is meant to satisfy the requirements of wisdom on the one hand, and the requirements of consent or freedom on the other. But whereas in the classical scheme the priority was assigned to wisdom, in the modern scheme the priority is assigned to consent or freedom.

The tradition which Hobbes opposed assumed that man can reach his perfection only in and through civil society, and therefore that civil society is, strictly speaking, prior to the individual. And from this the tradition was led to the conclusion that the primary moral facts are duties and not rights. Natural rights came to sight in the pre-modern era, if they did come to sight, only as derivative and conditional. The primacy of natural right required the denial of the thesis that civil society is prior to the individual; or, positively expressed, it required the assertion that there is a state of nature.

It is only since Hobbes that the doctrine of natural right is essentially a doctrine of the state of nature. Most earlier thinkers had granted that civil society is in fact preceded by a pre-political life but, whatever the text book may say, they had not conceived of the pre-political life in terms of a state of nature. Prior to Hobbes the term "state of nature" was at home in Christian theology rather than in political philosophy. The state of nature was distinguished especially from the state of grace, and it was subdivided into the state of pure nature and the state of fallen or corrupted nature.

Hobbes dropped this subdivision, and he replaced the distinction between the state of nature and the state of grace by the distinction between the state of nature and the state of civil society. Hobbes, in so doing, denied, if not the fact, at any rate the importance of the fall of man, and accordingly asserted that what is needed for remedying the deficiency or inconveniences of the state of nature is not divine grace but strong and orderly human government.

This anti-theological implication of the concept of the state of nature can only with difficulty be separated from its intra-political meaning, which is the primacy of rights as distinguished from duties. Civil society achieves its primary, if not its sole function, in safeguarding these natural rights. Accordingly, what is needed is not so much the formation of character as the devising of the right kind of institutions. From Hobbes' point of view: "When commonwealths come to be dissolved by intestine disorder, the fault is not in men as they are the matter, but as they are the makers and orderers of them." That is to say, man as maker of civil society can solve once and for all the problem inherent in man as the matter of civil society. As Kant expressed it more than a century later it is not true that the erection of the best society requires a nation of angels. No, the best society can be established in a nation of devils provided they have sense. That is to say, provided they follow enlightened self-interest.

The new notion of natural right leads then to the divorce of law from morality, a divorce which was once considered a major triumph of modern political thought. But in the moment the insufficiency of mere institutions becomes apparent, institutions are replaced by social conditioning in the most comprehensive sense. That conditioning takes the place of the direct, straight-forward simple awakening, and possibly mortifying, moral appeal.

The new type of natural right doctrine is based on Machiavelli's critique of classical political philosophy. Classical political philosophy was primarily the quest for the best political

order, an order that was possible indeed but whose actualization was admittedly very unlikely. Its actualization was thought to depend on the availability of particularly favorable conditions, which are not likely to come together very frequently. The actualization of the best regime was thought to depend on chance.

Machiavelli's doctrine can be expressed as follows: Let us dismiss this impractical and utopian society, let us try to discover a sound order of society whose actualization is probable, not to say certain. In the hands of the modern natural right teachers, Machiavelli's suggestion took on the following form: Let us replace the quest for the best regime with the quest for the legitimate regime, for whereas the best regime is admittedly almost utopian, legitimate regimes are everywhere practical. That is to say, let us establish, on the basis of the new natural right of the inalienable rights of each individual, that social order, sufficiently defined by natural right, that can alone claim to be a just order in all cases, regardless of circumstances. Let us replace the idea of the best regime, which does not and is not meant to supply an answer to the question of what is a just order here and now.

Let us replace that idea by the idea of the just order which answers the fundamental political question regardless of place and time. In other words, whereas, according to the classics, political theory was in need of being supplemented by the practical wisdom of the statesmen on the spot, the new type of political theory as such solved the crucial practical problem, - the problem of what order is just here and now.

In the decisive aspect there was no longer any need for statesmanship, as distinguished from political theory. We may call this type of thinking "doctrinarism," and we shall venture to say that doctrinarism made its first appearance in political theory—for lawyers are altogether in a class by themselves—in the 17th century. Its external sign was the splitting up of political

philosophy or political theory in the old sense, into a natural constitutional law or natural constitutional right on the one hand, and the Machiavellian “reason of state” type of political science on the other.

It is in the spirit of the 17th-18th century natural constitutional law that, to mention one case, Thomas Paine declared democracy to be not only the best regime but the only legitimate regime. And it is in the same spirit that even today, when the insistence on the unique character of each moral situation has become almost an obsession, that quite a few people, and especially those who ridicule all universal principles, and see nothing but unique situations, rebel a priori against the notion that, given this unique world situation, and unique circumstances of Turkey, Portugal, Yugoslavia, etc., the regimes of the types Kemal, Salazar, Tito, etc., might be lesser evils than all practicable alternatives, and therefore justly be tolerated and even assisted. For natural constitutional law leads to the consequence that the crucial difference between what is best, and therefore not always possible, and what may be justly done under more or less unfavorable circumstances—that this difference, which is the indispensable condition for all sound statesmanship, becomes obsolete.

I have tried to indicate how powerful the impact of modern natural right is even on present day thought, but it must be added immediately that modern natural right affects present day thought not qua natural right, but rather as an almost undefinable ingredient of the moral climate of our time—for in present day thought natural right has been replaced by history.

My final task in these lectures will be to sketch the manner in which the historical approach of the 19th and 20th centuries emerged out of the crisis of modern natural right. I shall try to illustrate this process by one example, the example of Rousseau. Rousseau arrived at his position by whole-heartedly accepting and thinking through to its ultimate conclusion the basic

premise of Hobbes, namely the primacy and sufficiency of the right of self-preservation, or, what amounts to the same thing, the idea of the state of nature as the state characterized by the absence, not only of society, but even of sociability. He deviates from Hobbes for the same reason for which he deviates from all previous political philosophers: “the philosophers who have examined the foundations of society have all of them felt the necessity to go back to the state of nature, but not one of them has arrived there.” All of them have painted civilized man while claiming to paint natural man, or man as he is in the state of nature.

Hobbes as well as all others attempted to establish the character of natural man by looking at man as he is now. This procedure was intelligible and defensible as long as one accepted the view that man is by nature social. On this basis one was justified in drawing the line between the natural and the conventional by identifying the conventional with what is directly and explicitly established by positive law or convention.

One could take it for granted that at least all sentiments that grow in man independently of the fiat of society are natural. The situation changes radically when one accepts Hobbes’ critique of traditional natural law. Once one denies, with Hobbes, that man by nature is sociable, one has to consider the possibility that many things that grow in man as we observe him, are due to the subtle and indirect influence of society, and for that reason not natural. Rousseau deviates from Hobbes because he accepts Hobbes’ principle. Hobbes is grossly inconsistent because on the one hand he denies that man is by nature social, and on the other hand he tries to establish the natural constitution of man by referring to his experience of man, which is the experience, of course, of social man.

I think this criticism of Hobbes by Rousseau is absolutely justified. On the basis of the premise that natural man is social, Rousseau attempts to reconstruct the state of nature or the

natural constitution of the human mind by using the following criterion: Those types of mental acts that presuppose society do not belong to man's natural constitution. Proceeding in this manner he arrives by impeccable logic at the conclusion that man is by nature good. But another conclusion, or rather another formulation of the same conclusion, is more important in our present context, namely: "It is not so much the understanding that constitutes the specific difference of man among the animals, as his quality of a free agent." A truly epoch-making redefinition of man. Rousseau goes on to say however that this definition is exposed to doubt and he therefore replaces freedom by perfectibility. Man is by nature not the rational animal, but is almost infinitely perfectible. That is to say the infinite malleable animal.

We have arrived right at the threshold of present-day social science. Rousseau contends that reason itself is acquired. To have reason means to have "general ideas." But general ideas as distinguished from memory or the imagination are not the products of a natural or unconscious process. They presuppose definitions, they owe their being to definitions, hence general ideas presuppose language, and since language is admittedly not natural, reason itself cannot be natural.

Now, the salient point in Rousseau's thesis is not the denial of the natural character of reason, but the ground of the denial. "General ideas" owe their being not to a natural process, but to a conscious construction, and that construction and it alone leads to truth. In opposition to all nomination Rousseau contends that the general ideas are not confused but clear—clearer than any other ideas. That is to say, clear knowledge of the truth requires a break with the naturally formed ideas, or with the world of common sense, or with the trust in the natural working of the human mind.

The underlying view can be stated as follows: Knowledge based on the natural working of the human mind remains exposed to doubt. Pre-modern philosophy or science which did not question the reliability of the natural working of the mind was therefore always accompanied by skepticism, and hence not genuine science. To arrive at genuine science one has to find the beginning that is not exposed to any doubt. Only such thoughts are not exposed to any doubt as are absolutely within the power of the human mind. But only such thoughts whose truth depends on the human mind alone—that is to say, only the conscious and artificial products of the human mind—meet this condition.

This dogmatism based on the most extreme skepticism was a serious temptation for anyone who was satisfied that teleological physics had failed, and therefore that a materialistic mechanistic physics was inevitable. But we have been informed by Plato and Aristotle about the skeptical consequences of materialism. The possibility of materialistic natural science could be guaranteed however without assumption of a soul or mind irreducible to matter, provided that one could show that man is able to establish an absolute beginning of science that would not be threatened by the fortuitous consequences of blind and aimless processes, an absolute beginning whose pre-history in terms of its mechanical or psychological causation would be utterly irrelevant. These absolute beginnings are the basic definitions. They are meant to create an island exempt from the flux of the mechanical processes. Only the anticipatory revolt against the materialistically understood nature could make possible the science of such nature. The assertion of man's "creativity," or of "a hitherto little known spontaneity" of the human mind was the inevitable supplement of the materialistic science that was informed by Aristotle and Plato about the limitation of materialism.

I return to Rousseau's argument. If Rousseau does not believe that reason belongs to man's natural constitution, how then was it acquired? Rousseau suggests an answer on the basis of his analysis of thought. "We do not seek to know but because we desire to enjoy" things other than knowledge itself. Reason is essentially later than wants, and essentially the wants of the body. Reason emerges in the process of satisfying these wants. Reason is essential in the service of this satisfaction, or more generally expressed, of self-preservation. Yet, these wants being simple and uniform, reason could never develop but for the fact of the change of circumstances—of the "environment"—change that forces man to think, to invent, in order to survive. The mind progresses in exact proportion to the manner in which the basic wants are modified by the circumstances. The specific manner in which the wants are satisfied molds man. Once man is thus molded, he develops new wants, and in satisfying them his mind develops further. The progress of the mind is then a necessary process. It is necessary, however, not because the mind as a natural faculty has a natural tendency to its own actualization, but because external and accidental circumstances force understanding and its development upon man.

It is true, grave errors were committed in man's progress from the state of nature, in which man was nothing but a stupid animal, to civil society. As these mistakes were so grave, said Rousseau, he can't help deploring the progress, or at least a substantial part of it. But this does not contradict his contention that the progress was necessary for what was caused by necessary error is necessary, and it was necessary that early man, with his lack of experience and philosophy, should fall into all kinds of traps. Yet in and through society, however imperfect, reason develops. Eventually the original lack of experience and philosophy is overcome, and it becomes possible to establish public right on solid grounds. In this moment, which is Rousseau's moment, man will no longer be molded by fortuitous circumstances, but by his own reason.

Man as a product of blind fate eventually becomes the seeing master of his fate. This great hope of Rousseau was based on his belief that he had discovered the true public right, the true public right which is based on natural right. And the moment this belief is abandoned, Rousseau's hope becomes a sentimental wish, or a manifest delusion, for man cannot be the master of his fate if he does not know with certain knowledge what the right direction is.

Rousseau did not abandon natural right. He was clinging to it as the only protection against absolute chaos, but he had already uprooted it by thinking through Hobbes' idea of the state of nature.

Natural right is a right which man has in the state of nature, but man in the state of nature proves to lack all human traits. By being pre-social he proves to be pre-rational, and hence pre-moral. He is nothing but a stupid animal. As Rousseau says, what sense does it make that we should seek the standard for our action, the standard of justice, by returning to such a natural man? Can humanity or justice consist in imitating a stupid animal? Had not Rousseau himself shown that what is really of value is not a state of nature, is in no sense a gift of nature, but what man did in order to overcome nature - that everything valuable was due to the historical process through which and through which alone, man became human?

Hobbes had denied that man has a natural end. He had believed that he could find a natural, non-arbitrary basis for justice, by limiting himself to the beginning which means to man's most basic impulse, the desire for self-preservation. Rousseau showed that this beginning lacks all characteristically human traits. The inevitable result was that the basis of justice could no longer be found in nature, in human nature, at all.

For a moment—the moment lasted more than a century, it seemed wiser to seek the standard of justice in the historical process that lead from the stupid animal to civilized man. But

this approach presupposed that the historical process or its results were unambiguously preferable to the state of nature.

But was Rousseau not right in suggesting that there are periods of decline in which man falls below the beasts, and can we speak of *the* historical process, *the* process of civilization? Is there not a variety of civilizations, each with a value system of its own, and does not the study of history confront us therefore with a variety of incompatible standards?

Rousseau's solution, the orientation by the state of nature is no doubt absurd, but it is not more absurd than the historicist solution of the 19th century. Indeed, if there are degrees of absurdity one may say that Rousseau's solution is the least absurd, insofar as it keeps alive at least the recollection of the necessity of natural standards.

After the collapse of historicism, as well as all the other attempts to find a rational solution of Rousseau's problem on the basis of the rejection of classic natural right, no choice is left but to return to classic natural right. Such a return was attempted at the last minute by Edmund Burke. I do not have the time to discuss the basic idea of Burke's theory in this lecture.

Permit me to conclude these lectures with a personal remark. The subject of these lectures has been of such a nature that I could not help touching on issues regarding which all men of good will feel strongly. I do not believe that I have hurt anyone's feelings, but I may have said things that conflict with the most cherished convictions held by some of you. This cannot be helped.

One cannot try to reach clarity on the issues regarding which clarity is most needed without questioning all cherished convictions, whether they are one's own or those of others. Whether we like it or not we have to follow the model of the master of those who know. It has

been well said of Aristotle, *Solet Aristoteles quaerere pugnam*, “Aristotle has a habit of seeking a fight.” He is seeking a fight not because he loves fights and enmity but because he loves peace and friendship; but true peace and friendship can only be found in the truth. Truth demands that we prefer her to all human friendship—*amicior veritas*—and if necessary that we sacrifice to her considerations of kindness and politeness. To her inflexible demands we are obliged to obey to the best of our powers, for it is not in our hands whether we shall succeed or fail. From this sacred obligation, all freedom of inquiry, all academic freedom is derived. There is no other support for this most precious natural right-which most happily is recognized by the fundamental law of this country.

Transcription by Colen.

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