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The *Education of Cyrus* as Xenophon’s “Statesman”

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The problem which engenders Xenophon’s *Education of Cyrus*’ is that of ruling human beings. Xenophon begins by noting that all regimes, and especially tyrannies, are subject to being overthrown. Men, unlike herd animals, are ruled only unwillingly, although they often desire to rule. This reflection upon the human situation as one tending to disorder does not lead Xenophon to propose improvements in the constitutions of regimes, but to suggest that humanity requires a master of the art of ruling, one who can rule human beings as other men rule animals. Xenophon presents Cyrus as possessing that power. Cyrus, beginning with a small Persian army, founded an empire extending to the limits of the known world (1.1.4; 8.6.21). Xenophon’s opening statement gives the impression that he considers the problem of rule to be the central political problem and Cyrus to represent its solution. Xenophon identifies the problem of rule with the durability of regimes and Cyrus as the founder of the universal state. But it would be hasty indeed to conclude that Xenophon believes the problem of rule to be identical with the problem of durability, which is essentially the problem of obtaining universal peace. To use a formula, peace would seem to be a necessary but not a sufficient condition for happiness. It is not possible at the outset to know whether Xenophon considers the solution of Cyrus to the problem of rule to be adequate, but it does appear from the opening statement that Xenophon is presenting Cyrus as the best political man. Xenophon, however, does not introduce Cyrus as just or virtuous or philosophic. He says rather that Cyrus “struck all men with fear and no one tried to withstand him” and that “he was able to awaken in all so lively a desire to please him, that they always wished to be guided by his will” (1.1.5). If Cyrus is the best ruler, there will still be the question whether the best ruler is like the best city in not being desired by decent people without reservation.

Xenophon says he will examine Cyrus’ origin, nature, and education with a view to understanding how he was able to excel all others in ruling men. Xenophon intends to reveal the soul of the political man *par excellence*. Xenophon in fact covers the whole of Cyrus’ life, including his death and its aftermath. The recording of the regime of Cyrus and its coming into being would seem to be required if Xenophon intends not only to reveal the soul of the best ruler but

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1 I wish to thank Professors Joseph Cropsey and Nathan Tarcov for comments on this paper and for the education that enabled me to write it.

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also his meaning to political life. However, we must be careful to follow where Xenophon leads, for Xenophon, by emphasizing the origin and especially the nature and education of Cyrus, seems to indicate that the best ruler cannot be fully understood on the basis of his statesmanship. The best political man must have an education which develops his natural capacity, and he must have opportunities (1.4.18; 1.5.4). He does not simply appear on the scene but has a history. The history of his activity will consist not only of visible actions but also of the generating and therefore justifying thought behind them. That thought must be mixed with certain passions trained or not in youth and be derived largely from certain opinions acquired in youth. Cyrus is a successful practitioner of the art of ruling at a very early age (1.4.9; 1.4.12-15). The book's title, which at first appears to be a misnomer, serves as a rather heavy pointer to the fundamental importance of Cyrus’ education to his success. The title is, however, not without ambiguity, for Cyrus both receives an education and imparts (and inflicts) an education. We cannot assume that these educations constitute the education Xenophon intends for his readers; that education must consist of the Education of Cyrus as a whole.

Cyrus’ father is said to have been the Persian king Cambyses and his mother the daughter of the Median tyrant Astyages. Cyrus’ origin is mixed. Xenophon reveals Cyrus’ nature in a brief description of him as handsome, affectionate, devoted to learning, ambitious, and willing to endure great pain for praise. This description presents a problem and a question. First we see that Cyrus’ natural character is a mixture of erotic and heroic elements. The problem lies in the tension between these elements, specifically between Cyrus’ love of human beings and his ambition. It is doubtful that love of human beings will be able to coexist peacefully in the soul with ambition when the ambition is the desire to rule human beings. The question is whether Cyrus’ political ambition is natural to him or is a product of his education. If Cyrus’ political ambition is the result of combining love of human beings with ambition to rule, it would appear that his political ambition is rooted in his nature. Even so, his natural character can hardly be sufficient to explain his great success.

The education that Cyrus undergoes is divisible into three parts: Persian, Median, and kingly. The last, for which he is prepared by his youthful Persian and Median educations, refers to the instruction he receives from his father while en route to Media ahead of the Persian army. The treatment of the parts is different. Cyrus does not appear in the account of Persia; Xenophon limits himself to saying that Cyrus underwent the Persian education as a boy of less than twelve. Cyrus enters first in the pages devoted to his stay in Media, and it is from them that any judgment must be made of whether or how far Cyrus reflected in his early boyhood the regime of which his father was king. Dialogue is absent from the account of Persia, moderately present in the account of Media, and is the form of the kingly education. The ascendancy of speech might be explained by Cyrus’ ascending years were it not that the adolescent Cyrus in Media recalls instruction he received as a boy from his Persian
teacher; Cyrus might have been shown in conversation with his teachers in the section devoted to Persia. Speech, it seems, is to be associated more with the erotic life of the Median tyranny than with the severe life of the Persian aristocracy. The dialogue between Cambyses and Cyrus takes place in Persia but on the way to Media. While the review of Persia is dry and legalistic, the account of Cyrus' visit to Media, which is roughly three times as long, is lively and entertaining. Hunting, for example, is discussed generally as a means by which Persian boys both were trained in courage and learned the art of war; but Cyrus is shown in Media chasing and killing not only wild animals but also men. The law and arrangements of state, prominent in the review of Persia, are appropriately absent from the account of Media.

The education provided by the Persian aristocracy is remarkable for having as its aim not reading or writing but the creation of good citizens. Good citizens, the Persians think, not only obey the law but do not desire anything bad. The highest intention of the Persian education is to lead young men towards manly virtue. It instructs the young in justice, in moderation and in courage. The claim of the Persian education to teach justice is qualified by the Persian identification of the just with the lawful. Persian boys learn justice by bringing and deciding cases against one another under the supervision of their teachers.³ Xenophon points with characteristic subtlety to the problematic character of a civic education which identifies the just with the lawful while maintaining that law-abidingness is only the first prerequisite of good citizenship and not, as most states think, almost identical to it. Xenophon observes that the Persians punish ingratitude as they punish theft and assault, ingratitude being a form of injustice. The prevention of demonstrations of ingratitude or of similar vices (e.g., of illiberality) is aimed at the enforcement of a decorum that at least imitates genuine virtue.

The ruling Persian virtue is moderation, understood chiefly as control of the bodily passions and demands. The Persian education places the training of the passions second only to instruction in justice. The third element of the Persian education is the inculcation of courage through training in the arts of war and the administration of praise and honor. The emphasis upon moderation and courage indicates that the Persians require more than the public display of the gentlemanly virtues: they require the simple but manly virtues of the good soldier. To say that the Persians require certain virtues is to attribute their practice of virtue to necessity. Xenophon acknowledges or rather discloses at the end of the discussion of Persia that the Persian education cannot be understood without reference to the regime it was designed to help maintain (1.2.15). The Persian regime is by law an aristocracy; in practice it is a severe oligarchy in which there are many poor and few rich. By law no one is excluded from sending his sons to the public schools; in practice only those who can afford to maintain their children without work do send them. The few rich (the peers) have to guard against the many poor. They accomplish this by depriving the poor of all but the lightest arms and relying chiefly upon themselves as the
defense of Persia. The arrangement requires the Persian peers to live austere lives of vigilance, beginning with a youthful education intended to be morally and physically toughening. The Persian education succeeds in encouraging competition for honor among the young and in training them to endure hardship. With the help of strong laws, including the threat of ostracism, it succeeds in maintaining among the ruling class something more than the appearance of virtue but something less than true virtue.

Cyrus' Median experience interrupts his Persian education at age twelve and lasts four years, that is, during what is usually the decisive period of adolescence. Xenophon’s Cyrus is intelligent, affectionate, and exceedingly charming. That he is not without independence of mind is evident from the favorable impression he has of his grandfather’s appearance; the old tyrant comes complete with wig, purple tunic, eye shadow, rouge, and jewelry. Because Cyrus has experienced only Persian austerity until his arrival in Media, his immediate pleasure in the beauty of his grandfather’s appearance must be owing to his nature. While Cyrus likes the ornate dress, he dislikes his grandfather’s fancy foods and intemperate drinking. Cyrus says that he objects to his grandfather’s drunken parties (cf. Plato, Laws, Bk. I) because during them both Astyages and his guests forget who is the ruler; the basis of Cyrus’ objection is thought about politics and specifically about the necessity of moderation to well-ordered politics (1.3.10). Cyrus’ comment that among the Medes his grandfather is the most handsome but among the Persians his father is the handsomest demonstrates a quick mind and a natural openness to human differences. Cyrus is naturally politic and cosmopolitan.

The existence of a tension in Cyrus between his ambition and his love of human beings (reflexive of his desire to be loved) is confirmed by Cyrus’ youthful pursuits in Media. But these pursuits also demonstrate that Cyrus is already in possession of the understanding which would enable him to reconcile these passions. This understanding is the essential foundation of his success. It is Cyrus’ ambition which prompts him to accept his grandfather’s invitation to stay in Media. He regards himself and is regarded as the best among Persian boys at throwing the spear and running on foot, and he wants to be the best among Median boys at riding horses. It seems important to add that Cyrus always competes honestly and never prevents anyone from doing his best. Cyrus wants to be, and to be acknowledged to be, the best among all men. He wants as well the admiration and love of all. His desire to be loved leads him to desire to have and to benefit friends. The young Cyrus schemes to secure his grandfather’s consent to allow him to take his friends hunting on the open plain. In benefiting his friends he proves his superiority and places them in a dependent position: Cyrus’ ambition to be the best is always in the service of ruling. Clearly, the desire to be the best will in very many situations be in a state of tension with the desire to be loved and admired. Satisfying both these desires will be especially difficult if those from whom love and admiration is
wanted hold themselves in competition for the highest honors. Xenophon states emphatically in the opening reflection of the Education of Cyrus that there is nothing for which men compete more (or with which they are less content for others to occupy) than positions of rule. Political superiority is not as easily demonstrated as, say, athletic superiority, for many eagerly imagine themselves rulers. Political superiority, even when convincingly demonstrated, will not be accepted willingly by those who find its acceptance contrary to their interests. The successful overcoming of the tension between the desire to be loved and the desire to occupy the first position among men in political life proves to be identical with a philanthropy calculated to gain advantage.

The account of Median effeminacy and luxury contrasts sharply with that of Persian discipline and austerity. There is no evidence that Cyrus participated in the vulgar activities of his grandfather. But how, other than in learning to ride horses (perhaps not a small matter), is Cyrus benefited by his coming of age in Media? There is evidence that his closeness to Astyages provided his mind with material on which to ponder the nature of absolute rule (1.6.8). Cyrus certainly found in Media the freedom to test his powers (the political teaching contained in this irony, which concerns those well-connected with the tyrant, was not lost on the young Cyrus). Perhaps Cyrus' absence from Persia during a critical period of his life is what is most significant about his Median experience. The young Cyrus is not upon his arrival in Media thoroughly attached to everything Persian. Cyrus' highly successful Median adventures cause him to be summoned home by his father in order to avoid criticism by the authorities, who might well have feared the Medianization of the crown prince; Xenophon makes the point that upon his return Cyrus is called upon to prove himself to be the best of the Persian youth (1.5.1). Cyrus' Persian and Median educations are in a state of tension, as are his natural characteristics. Xenophon evidently regards a certain divisiveness in the soul as necessary to great political activity, whereas from the Memorabilia we learn that he regards great philosophic activity, namely that of Socrates, as requiring the unity of the soul.

The reputation Cyrus earns in his first battle while still a youth in Media causes him to be selected to lead the Persian troops being sent to aid Media in its defense against Assyria. Cyrus sacrifices to the gods and chooses two hundred men from among the peers to form the upper echelon of the Persian army. The first opportunity to judge the combined effect of Cyrus' Persian and Median educations is his speech to the selected peers. Cyrus begins by saying that the men owe their selection to their having been observed by him to be obedient to the authorities. As for himself, Cyrus wishes to make known why he has accepted the command. He says:

"I have come to realize that our forefathers were no whit worse than we. At any rate, they also spent their time in practicing what are considered the works of virtue. However, what they gained by being what they were, either for the commonwealth of Persia or for themselves, I can by no means discover. And yet I
think that no virtue is practiced by men except with the aim that the good, by being such, may have something more than the bad; and I believe that those who abstain from present pleasures do this not that they may never enjoy themselves, but by this self-restraint they prepare themselves to have many times greater enjoyment in time to come. . . those who practice military science undergo this labor . . . because they think that by gaining proficiency in the arts of war they will secure for themselves great wealth and happiness and honor both for themselves and for their country.

"But when men go through all this toil and then allow themselves to become old and feeble before they reap any fruit of their labors, . . . not even [they] would rightly be considered guiltless of folly.

"Now you, I take it, could make use of the night just as others do of the day; and you consider toil the guide to a happy life; hunger you use regularly as a sauce, and you endure drinking plain water more readily than lions do, while you have stored up in your souls that best of all possessions and the one most suitable to war: I mean, you enjoy praise more than anything else." (1.5.8–12)

Cyrus' speech is aimed at undermining the view that virtue is for its own sake and at supplying a qualified hedonism as the ground for the practice of virtue. The argument runs in part as follows: Virtue is practiced for gaining the good; the good is pleasure; the pleasure of the soldier is great wealth, happiness and honor. The hedonism of Cyrus is qualified by the nobility of his chief pleasure, honor.6 Virtue is good because of the good things that may be acquired by its practice.7 From the point of view of pleasure virtue is a means, but it appears as a necessary negative in forms both passive and active: as either abstention from pleasure or as hard work.8 In both cases virtue is bodily. Cyrus does not speak of gratitude or of other virtues of the soul—these virtues, in their true form, would not seem useful in acquisition; their practice would seem unpleasant from the point of view of material pleasure. Cyrus' reference to "what are considered the works of virtue" may imply that he considers the Persian catalogue (or the conventional catalogue) of the virtues incomplete or mistaken.

The corruption of the principle of aristocracy does not meet with any objection from the peers. Their easy conversion to the view of virtue as the means to the greatest pleasures (and to the view of the good life as being identical with the pleasant life) indicates either a serious flaw in the Persian education or the impossibility of a completely successful citizen education to virtue which understands virtue as being its own reward. The latter case would arise if virtue were not teachable, or teachable to only a very few. Here it is useful to recall that Xenophon's philosophic mentor was Socrates, whose most famous teaching was that human beings lack knowledge of the most important things and should therefore conduct themselves with moderation. The understanding that virtue would not be fully teachable if it were not fully knowable carries the obvious implication that the Persian education to simple virtue was hindered by the ultimate unknowability of true virtue. In the Memorabilia Xenophon says that Socrates never claimed to teach virtue, but made his companions hope to
become like him by imitating him (1.2.8). Xenophon also says in the Mem-
rorabilia that the good and noble things are acquired by practice and that the
society of good men is training in virtue. If virtue, or something akin to it,
may be acquired through habituation, then the Persian education cannot have
been simply unsuccessful. This thought encourages a reconsideration of the
regime. In particular, the opinion of Persia advanced above, that the regime is
legally an aristocracy but is in fact an oligarchy, is not adequate, principally for
the reason that the Persians aim at making the best men (of wealth) preeminent
(cf. Aristotle, Politics, 1293b2). The impurity of aristocracies in practice is
owing to a certain fact, namely, that the virtuous are always too few to fill the
many offices of government (cf. Aristotle, Politics, 1283b6). The description
of Persia as a simple oligarchy would offer the doubtful explanation that what
appeared to be the easy corruption of the peers is not a corruption at all, oligar-
chy being the regime dedicated to wealth. The description of Persia as an im-
pure aristocracy (an aristocracy of notables) would explain the corruption of the
peers by maintaining that the Persians always viewed virtue as mostly instru-
mental—not to wealth but to preservation. Accordingly, the corruption of the
peers consists in the replacement of noble self-preservation with vulgar self-
satisfaction as the end of virtue.

Cyrus must have felt this corruption necessary to his project. We cannot
know from his speech to the peers whether he contemplated empire seriously
from the beginning. He does appear at the outset to have a larger ambition than
is required by his commission and to wish to establish great ambition in the
hearts of the peers. But the ambition he wishes them to feel is for wealth; his
own ambition, which must be political, he keeps prudently to himself. As the
Persian practice of virtue is instrumental, it is not difficult to persuade the peers
that there is something better than preservation that is the end of virtue. Cyrus
concludes his speech by assuring the peers of the justice of the Persian mission.
One may wonder whether the act of stating the just nature of the Persian cause
is the first act made necessary by Cyrus' corruption of Persian virtue. The
problematic character of that virtue is intimated by Cyrus when he calls the
peers not lovers of virtue but lovers of praise. Cyrus, however, would not
change his army for any other, even for one many times larger. This is because
for Cyrus the virtue of the soldier consists in his love of praise, for "lovers of
praise must gladly undergo every sort of hardship and every sort of danger"
(1.5.12). It will become a question whether courage may be sustained in the
face of the corruption of virtue. Cyrus is able without difficulty to combine the
manly virtues of the peers together with the natural human desire for pleasure.
To use and maintain this highly problematic combination would appear on its
face to require a very great political wisdom. Concerning this we must turn to
the instruction Cyrus receives from his father Cambyses on the way to Media.

This section is an example of Xenophon's Socratic rhetoric. It contains the
political teaching necessary to successful rule. It begins and ends with discus-
sion of the gods. It begins with Cambyses observing that as the signs of the gods may be manipulated by soothsayers Cyrus ought always to rely upon his own reading of the divine revelation, and it ends with Cambyses teaching Cyrus of the limit of human wisdom and the necessity of divine wisdom. The opening observation is followed by Cyrus agreeing with his father that the gods help those who help themselves, while the last ends with the assertion that the gods are under no compulsion to help anyone. Man would appear to be on his own in a world where successful political activity belongs to energetic and gifted calculators favored by good fortune.

Having indicated to Cyrus that it is possible to manipulate believing men through interpretation of the divine signs and having underscored the importance of self-reliance, Cambyses recalls a discussion they once had in which they agreed that while it is a great task to prove oneself truly good and noble, it is equally great and equally worthy of a man to provide for himself and his household. And worthy of the greatest admiration is to understand how to govern other people so that they have all that they need and become all that they ought. This is to say that to rule wisely and well is more worthy than to be truly good and noble. It might be suggested that in Cyrus’ case the elevation of politics and the political good over the soul and the private good is mitigated by absolute kingship being the regime in which the private good of the ruler is most nearly identical with the political or common good. But Cyrus does not begin as an absolute king; his very beginning is owed not to his being the monarchical heir of an impoverished aristocracy but to youthful success upon the field of battle. It seems that success in politics demands that one sacrifice or compromise something of one’s private virtue; this fact is obviously of less importance if virtue is understood to be wholly instrumental. When Cyrus says he is prepared to trust the Medes to supply his army with provisions, Cambyses teaches the important lesson of relying upon one’s own arms for obtaining provisions and securing revenue. Simple trust is dangerous; things should be arranged in such a way as to make it unnecessary. The possessor of an army may often gain what he wants through intimidation: an army makes one’s words persuasive (1.6.9–10).

Following the discussion of provisions, a perhaps concerned Cambyses asks whether Cyrus recalls the other points which they had agreed must not be neglected. Cyrus recalls the education he received as a boy from an incompetent military instructor and Cambyses’ review of the failings of that education. Cyrus had not been taught how to obtain provisions, how to ensure health, how to construct the artifacts of war, how to create enthusiasm, or how to ensure obedience, but had learned only tactics. This list of topics is nearly that now reviewed by Cambyses, with the following exceptions: in place of the discussion of tactics are discussions of love and taking advantage, while the arts of war are subsumed under taking advantage. One cannot help wonder whether the tactics used in love and in taking advantage are comprehensive. It is note-
worthy that Cambyses sent his son to receive instruction in those fields not taught by his incompetent military instructor. Cambyses had refused at that time to teach generalship. Does he now teach it? Or does the replacement of tactics with love and taking advantage signal the replacement of the teaching of generalship with the teaching of rulership? If tactics may be subsumed under love and taking advantage, generalship would appear to be subsumable under rulership (1.6.12–14). However this may be, the review of Cyrus’ education now undertaken by Cambyses reveals that education as falling short of the education needed by the ruler. The two topics following discussion of provisions—health and enthusiasm—indicate, first, that Cyrus conceived of the ruler’s task too narrowly and, second, that he approached it too straightforwardly. He conceived of health as something to be regained by doctors when lost, rather than as something to be carefully maintained (the ruler’s foresight must extend to maintenance as well as to acquisition). He thought enthusiasm was best created by inspiring men with hopes but did not consider the danger of creating false expectations. Cambyses suggests that Cyrus say nothing of which he is not certain but make “certain others” his mouthpiece (1.6.19; cf. 2.2.17; 7.5.55; 8.4.11).

Cyrus believes that the chief incentives to obedience are praise and honor for the obedient and punishment and dishonor for the disobedient. This, says Cambyses, is the road to compulsory obedience, but there is a shorter and better road to willing obedience. “For people are only too glad to obey the man who they believe takes wiser thought for their interests than they themselves do” (1.6.21). Cambyses cites the case of the sick willingly obeying their doctors. But the sick obey their doctors not only because they think their doctors possess the knowledge needed to become healthy but also because they trust their doctors to apply that knowledge in their interest. The doctor must not only in fact be wise in medicine, he must seem to the patient to be wise. The doctor’s most valuable possession is his good reputation. Cyrus, displaying his keen political understanding, immediately interprets his father to mean “that nothing is more effectual toward keeping one’s men obedient than to seem to be wiser than they.” Human beings typically choose the course they think most advantageous to themselves; it is then a large part of the ruler’s activity to convince those he would rule that following him is the most advantageous choice available to them. It is obviously a question whether or how far the same course may be advantageous, or be made to appear advantageous, to different people. Cyrus asks how to acquire a reputation for wisdom. Cambyses denies that there is any shorter road to a reputation for wisdom than really to be wise in the things in which one wishes to seem wise. The risk in feigning wisdom is that one will be proven an impostor. Cyrus asks not how one may become wise but how one may become wise in foreseeing that which will prove to be useful. Cambyses replies that Cyrus ought to learn all that is possible to acquire by learning, but to those things which are not possible either to learn or to foresee, Cyrus may
apply the soothsayer’s art and thus prove himself wiser than others (1.6.23). The employment of the soothsayer’s art—the feigning of divine knowledge—is the art made necessary by the inability of human beings to foresee the future. Human beings can at best plan and prepare.

Reviewing the terrain thus far covered by Cambyses we notice that, excluding the opening references to the gods, there has been a constant ascent: provisions such as food and clothing are necessary to mere life, while health is necessary to the good life, or at any rate to creating the political conditions of the good life; from concern for the healthy body the discussion ascends to concern for the enthusiastic soul, and from the enthusiastic soul to the self-understanding soul, that knows it serves itself best by willingly obeying him who knows best. Cyrus now attempts to ascend from willing obedience to love. The “love of one’s subjects” is to him “one of the most important questions.” Cyrus suggests “the same course that you would take if you wished to gain the affection of your friends,” namely, “you must show yourself to be their benefactor” (1.6.24). Cambyses cautions that it is difficult to always be in a position to benefit those whom you will; one may instead show sympathy and an eagerness to help (cf. 8.2.1). Cyrus does not yet see, as Cambyses does, that there will be limits to philanthropy and that not all subjects can be friends. Cambyses adds that the sight of the general enduring physical hardships better than his soldiers (made possible by his being the center of attention) contributes to his being loved by his men; one may be excused for thinking that this love has a lot in common with fear (consider 2.4.3 together with 2.4.28–29). In the impossibility of completing the ascent from willing obedience to love, the discussion would seem to have reached its peak. This peak proves to be a plateau. Cambyses has thus far prepared Cyrus to receive the core of the statesman’s wisdom: of what sort he himself must be. Cambyses’ moderation of Cyrus’ inclination to elevate the importance of love to successful politics is critical to Cyrus’ successful indoctrination.

Cyrus suggests that when the army achieves its best fighting form it is wise to engage the enemy at the first opportunity. Cambyses, however, says that one ought never to engage the enemy unless one expects to gain some advantage from it (thus the condition not only of one’s own troops but also those of the enemy must be considered). Cyrus asks what is the best way to gain advantage over the enemy.

“By Zeus,” said [Cambyses], “this is no easy or simple question that you ask now, my son; but let me tell you, the man who proposes to do that must be designing and cunning, wily and deceitful, a thief and a robber, overreaching the enemy at every point.”

“O Heracles, father,” said Cyrus with a laugh, “what a man you say I must become!”

“Such, my son,” he said, “that you would be at the same time the most righteous and lawabiding man in the world.”(1.6.27)
When Cambyses says Cyrus' question is not simple, he means that there is no single answer that may be consistently applied. The art of the statesman consists in rightly judging of and acting upon the demands of an individual situation. The complete application of this art requires a complete freedom of mind. Cambyses gently (and without difficulty) leads Cyrus away from gentlemanship, from its moral restraint and straightforwardness. Cambyses refers again to Cyrus' early Persian education, reminding Cyrus of the devices he used in hunting small game. If Cyrus will apply these to men, he will not fall short of any enemy. (Obviously it is a question who the enemy are for the man whose desire to rule is limitless, and whether the devices to be used upon the enemy are not in principle identical with those used upon subjects and friends.) The kingly education is not the perfection of the Persian gentleman's education but rather its undoing (1.6.31). The ruler needs a reputation for piety and law-abidingness, however, for the same reason he needs a reputation for wisdom. In the beginning the ruler rules with the consent of the ruled, and the ruled are more willing to obey the god-fearing; but, when no longer needing consent, the ruler, being the consummate calculator, continues to prefer to rule by consent rather than by force.

Cambyses perfects Cyrus' understanding of calculation, an art for which Cyrus has a natural taste, first, by liberating him from the moral conventions and, second, by stimulating him to creativity. The ruler is one who thinks literally night and day and who is an inventor of new schemes. But having encouraged Cyrus to calculation, Cambyses warns of man's fallibility—the knowledge necessary to foolproof calculation is unavailable to man. Because "mere human wisdom" does not know how to choose what is best," man must wait upon the gods. From the practical wisdom of the ruler Cambyses ascends briefly to the theoretical wisdom of the philosopher. Cyrus, for his part, asks no questions about wisdom; Cambyses, after crossing with Cyrus into Media and praying to the Median gods, departs for home.

We have seen that Cyrus' first act is the revaluation of Persian virtue: whereas virtue had been understood to be both good in itself and useful to preservation, it is now promulgated to be merely useful, and not merely to preservation but also to acquisition. This act would be of little significance had Cyrus been without the means to acquire. Indeed, it is Cyrus' very modest means—an army consisting of one thousand peers trained to fight hand to hand and thirty thousand commoners experienced only with bows and spears—which necessitates his second act, the reorganization of the army. This is accomplished in two steps. The first step consists in asking the commoners to fight hand to hand alongside the peers in exchange for an equal share of future successes. The peers accept the new arrangement out of concern for their safety, the commoners out of desire for gain. The second step consists in staging discussions that affirm the principle of reward according to merit. Cyrus prepares the army for this by instituting a system of promotion uncontrolled by
social position. Cyrus’ aim is the creation, or rather unfettering, of a natural aristocracy in the army, but it will be an aristocracy in which the best are those most obedient and most capable as military officers. The emergence of a natural aristocracy must subvert the conventional aristocracy: Cyrus’ reorganization of the Persian army effects an unauthorized and therefore illegal democratization of about one fourth of the whole citizen body (commoners as well as peers).

Cyrus’ corruption of Persian virtue and social democratization of the army represents a return to nature. At the center of the account of the reorganization of the army, Xenophon includes a scene from Cyrus’ dinner table in which he raises the question whether the commoners are any worse off than the peers because they have not received the Persian education. Cyrus wishes to make the commoners acceptable to the peers as equal partners in war. He does not in fact believe in the equality of the commoners: he describes them as strong in body but having souls needing training in courage. Even courage and strength together will not gain the highest honors, however: only one commoner, “a gentleman at heart,” ever reaches a position of superiority (2.1.11; 8.3.5; see also 5.2.17). The peers tell stories ridiculing the commoners, and Cyrus laughingly says that the commoners can be made friends “with even a little piece of meat” (2.2.10). A peer known for extreme austerity rebukes the storytellers for inciting laughter; this friend of the old order sees that the new preference for pleasure over virtue undermines the peers’ claim of superiority over the commoners. The laughing peers express their complaint against the new order (i.e., the lowering of their status) in a manner not offensive to Cyrus; the austere peer, although finally induced to smile, is not heard of again. Now occurs the first of two staged discussions of reward according to merit, a measure Cyrus wishes to be accepted “for the sake of the peers” (for even they would be made better—more obedient, more competitive, more desirous to please—by it) and one which shame prevents them from rejecting. One of the peers laughingly tells of a commoner who also is against share and share alike—against, that is, receiving an equal share of hard work. Cyrus knows perfectly well that in relying upon man’s natural preference for the pleasant to motivate his soldiers he risks infecting them with viciousness, “for the vicious are often able to demonstrate that vice does gain some advantage.” The vicious must be weeded out at any cost and replaced with the best “from all sources” (2.2.26).

The corrosion of Persian virtue once begun is perhaps hastened by the attachment to the army of increasing numbers of nations. There clearly ensues a general decline of discipline and morale (5.4.15; 6.2.13; 7.1.30; 7.2.6). Cyrus feels it necessary to exhort his men to courage before the great battle—something he refused to do before the first battle on the ground that no speech could make men instantly good. Cyrus maintains obedience after the great battle by immediately dividing among his men the Lydian spoils, which he obtains
peacefully (plundering would have rewarded the disobedient and destroyed the city—this is one of many examples of justice deriving indirectly from Cyrus' calculations [7.2.5 together with 7.2.11]).

We are now in a position to understand Xenophon's philosophic intention behind his explicit intention to show how Cyrus solved the problem of rule. Underlying Cyrus' corruption of Persian aristocratic principles is an understanding of the natural human condition not dissimilar to that presented by such modern writers as Machiavelli and Hobbes, that is, one of violent struggle necessitated by man being grasping and competitive in a world of limited wealth. Given the character of the human condition, how does one build a stable politics? More fundamentally, what is the basis of political life? Three answers suggest themselves: kinship, friendship, coercion. Kinship is ruled out by the fact that kinship without friendship is insufficient to mitigate the natural condition (1.6.32). Friendship seems on its face a dubious answer, but it is the answer explicitly and publicly given by Cyrus at the peaceful end of his long life (8.7.13). Cyrus cautions that friendship does not arise naturally, meaning that the basis of friendship is not love, and asserts that faithfulness in men must be created and maintained by acts of kindness; he denies it can be compelled. Perhaps Cyrus considers this last claim to be a noble lie. The first alliance gained by Cyrus' efforts, that of Armenia, is secured most emphatically by force. The Armenians become allies by a self-interested calculation in which the weightiest factor is fear of violent death. Cyrus' initial kindness to the Armenians consists in sparing their lives, in returning their women, and in taking only a small part of their money, in exchange for their participation in the campaign. The political life of the subjugated slaves, whether they are Persian commoners in Persia or defeated Babylonians, rests upon coercion, but this fact is, for two reasons, alleviated and even concealed under the rule of the best ruler (8.1.43-44). First, the best ruler practices coercion by degrees: of the three enemy forts taken by Cyrus, one is taken by force, one by intimidation, and one by persuasion (5.4.51). Second, the best ruler desires as far as possible to make all enemies into friends, for the reason that his desire for the honor of mankind is unlimited except by his desire to rule mankind, which is limitless.

The ruler is he who can by management turn naturally faithless human beings into faithful friends. The art of managing friends demands that different men be treated according to their differences. Men follow Cyrus chiefly because he knows how to harm enemies and enrich friends; some of the best men follow because they are attracted by his natural excellence, by his superior manliness and good looks, or because they wish to requite some service he has done them (4.1.23; 4.2.9). Xenophon emphasizes in various ways how impressive Cyrus is in appearance. He looks and behaves like a leader among men themselves noted for physical endurance and courage. However, Cyrus' love for other men bears a resemblance to the love other men have for their dogs. He certainly looks upon individual men as tools, who are better or worse only
insofar as they are useful (5.3.46). For Cyrus, men are useful not only in their virtues but in their vices, loves, and hates; indeed, they become useful through appeals to their strongest passions, whether noble or ignoble.15 The largest obstacle to transforming men into friends is the limit of good things to give away. Cyrus maximizes the political good will of his philanthropy by keeping his wealth in circulation (8.2.20). While Cyrus shares wealth, he does not share the highest political honors. There will always be those who envy the ruler and who consider themselves equal to him. These armed and capable men are a constant source of sedition, and must be made jealous of one another through contests and the circulation of positions of honor.

Once Cyrus establishes himself in Babylon, he considers how to maintain and enlarge his empire. Concluding that it is necessary to persuade the peers and other men of influence to remain together practicing virtue and waiting upon the king at court, Cyrus gives a speech urging the establishment of Persian practice. Cyrus, as an established peacetime ruler, needs the Persian virtues as the Persian regime needs them. Cyrus assures his "friends and allies" that they have not acquired their wealth unjustly and warns that without the continued exercise of self-control, moderation, and care they will lose it.16 The measures taken by the peers to rule hostile commoners must now be taken by the peers and allies to rule far more hostile peoples (7.5.77). But Cyrus does not justify the institution of Persian virtue only on the ground of necessity, for he says that they must claim the right to rule over their subjects only on the ground that they are their betters (7.5.79). For Cyrus, the best men are those most capable of successful political action, the fundamental form of which is war. Masters of political action possess certain virtues common to gentlemen but, as Cyrus learns from Cambyses, they do not possess them in the same way or for the same reason. Cyrus does not go so far as to say that the rule of the peers and allies over the conquered nations is just because the rule of the best is just, or that their rule will remain just only as long as they themselves remain better than the ruled (7.5.83–84). As it is unjust for those who are superior in one respect to have superior shares of everything, the absolute and permanent subjugation of civilized peoples will always be unjust. Moreover, Cyrus subjugates peoples whose only offense is their independent existence (8.6.19–20). What of the justice of Cyrus' gentle but absolute rule over the peers and allies? Following Cyrus' speech, chief officer Chrysantas tells the peers and allies that they distinguish themselves from slaves only by their obedience to Cyrus being willing obedience; their obedience can be willing because, as they have common enemies, Cyrus' rule is to their common advantage (8.1.4). The justice of Cyrus' absolute rule and his just title of king are found in the extent to which his interest is identical with the interest of the governed. This identification reaches its limit under Cyrus, with the result that for the willingly subjugated, there is only one ruler and only one interest.
The imitation of the Persian practices will not establish the Persian virtues. The peers had been imitators of virtue, but they had understood virtue to be both good in itself and useful; they and the allies will now imitate the imitation of virtue, but it will be a thoroughly vulgarized practice without faith in its independent goodness. For this reason, the return to Persian virtue through Persian practice is impossible. Xenophon provides an annotated list of the virtues Cyrus wished represented in himself and the nobles, which is conspicuous for allotting justice to second place and speaking of it as a deterrent to improper gain. Piety occupies the first position (god-fearing men being less likely to commit crimes against the king); justice the second; showing respect the third; obedience (not, of course, practiced by Cyrus) the fourth; and last is moderation (8.1.23–30). It seems that the heavy emphasis upon obedience reduces the need for moderation among the subjects. Obedience is secured through a vast network of spies known as the “king’s eyes,” created by Cyrus’ “rewarding liberally those who reported to him whatever it was to his interest to hear.” Xenophon says plainly that “people are everywhere afraid to say anything to the discredit of the king” (8.2.10–11). Competition under Cyrus is not for honor among gentlemen but for Cyrus’ favor.

Cyrus’ regime is then of an altogether different character than that of the Persian regime. There is no indication that he ever intended to reproduce that regime on a large scale, or that he desired to produce a regime superior to Persia in the cultivation of individual excellence. Cyrus’ adoption of the Median costume and lavish giving are not done with a view to improving upon Persia by alleviating its harshest aspects, but are part of Cyrus’ political calculations (to make himself and the nobles formidable in appearance and to make sedition on the part of the nobles less likely). Not even if the good life is defined as the obtaining and enjoyment of wealth can Cyrus be said to create a regime aiming at the good life, for in truth no one but Cyrus owns anything (8.1.17; 8.2.15–19). The achievement of the best political man is a regime in which as king he is called father (8.1.44).

For Cyrus, virtue and friendship are merely useful for the obtaining of rulership of the largest possible empire. But what is rulership of empire for? A possible answer is universal peace. But the state of peace must itself be for something, for, say, the cultivation of domestic life; or for leisured conversation, or thought, about the world, and ultimately about the most important things of the world. It almost goes without saying that the adult Cyrus is never shown participating in family life. As a young man in Media, Cyrus does not show any interest in an Armenian philosopher; as general, he fails opportunities to show interest in the nature of wisdom and the soul (1.6.46; 6.1.41–42; 7.2.28–29); at his death, Cyrus professes an interest in the question of the immortality of the soul, but apparently has not seriously studied it. Whereas a state of peace is necessary to contemplation, a state of contest is necessary to
political activity; we have already noted that Xenophon seems to think this applies equally to the soul. The state of being at peace, or at rest, seems fundamentally unattractive to the political man.\(^\text{17}\)

Cyrus considers, or at any rate thinks others consider, empire to be a good in itself (4.5.16). He does not say, however, that rulership of empire is the good or is the aim of the best life. He says rather that he counts most happy the one who can “acquire the most and use the most to noble ends” (8.2.23). Empire then is like the original Persian conception of virtue in being a good in itself and for the sake of noble ends. Cyrus believes that he dies leaving his friends and country happy to such an extent that he should be justly accounted an immortality of fame. Cyrus is able to live for an immortality of fame and yet be never more than mildly interested in the immortality of the soul because he doubts the immortality that supports virtue. The best political man lives entirely for the highest political end—unceasing and unequalled honor. The man most loving of honor is a political man for the reason that, while one can live honorably alone, one cannot bestow honor upon oneself. Cyrus himself “honored those who unhesitatingly obeyed more than those who thought they exhibited the greatest and most elaborate virtues,” meaning that Cyrus loved those who loved him, more than he loved the good (8.1.29).

The \textit{Education of Cyrus} contains two prominent examples of politically active men superior to Cyrus in their attachment to virtue. One is Cambyses, who while possessing the knowledge necessary to empire, is ever the first of the Persians to obey the authorities (1.3.18). Cambyses is restrained by the understanding that aristocracy is a better political solution than is absolute beneficent monarchy because the regime in which gentleman are dedicated to virtue is better than the regime in which nobles are dedicated to prosperity. We do not know how far Cambyses might have pursued either the enemy or Persian ambitions had he been in Cyrus’ place, but we may consider references to Cyrus’ being recalled by his father after the first great battle (6.1.4–5) and to the cool reception Cyrus receives upon his return to Persia as the Great King, at which Cambyses warns him against subverting the Persian constitution with a view to self-aggrandizement (8.5.21–24). The other man is the commoner Pheralus, who while possessing the skill of the ruler, possesses the soul of a gentleman and therefore cares more for virtue than for gain. The case of Pheralus shows that, while Cyrus himself is incapable of leading men to virtue, it is not impossible under Cyrus’ rule both to succeed and to practice virtue, if one is willing to take unusual measures (8.3.7; 8.3.47–50). The conclusion that the best political man is not the best man even on the political plane would seem justified if it is true that Xenophon does not regard virtue as merely useful. Fortunately, Xenophon is the author of a book devoted to Socrates, whom he calls at its end “the best and happiest man.” Xenophon does not call Cyrus happy, but rather calls him, at the beginning of the \textit{Education of Cyrus}, “deserving of all admiration.” Xenophon invites comparison of Socrates to any other man, but invites
comparison of Cyrus only to any other ruler (*Memorabilia*, 4.8.11; *Education of Cyrus*, 1.1.6).

That Xenophon could think Cyrus the best political man and think Socrates the simply best man reflects the disjunction of politics and philosophy brought about on the one hand by the political man's disinterest in fundamental questions and the philosopher's disinterest in active political participation, and on the other hand by the inferior scope of politics: the best political man lives untouched by philosophy, while the philosopher lives in association with political life. But perhaps no man ever participated as fully as Xenophon in both politics and philosophy. One cannot fail to be impressed that the same man wrote both the *Anabasis* and the *Memorabilia*. The most extensive claim one might make for Xenophon is that in exceeding Socrates in manliness and Cyrus in serious reflection, Xenophon is more than either the complete man. Xenophon, but not Xenophon's Cyrus, knows that there is a higher aim than the political aim. He does not for this reason despise politics or the life devoted to it. One would have to turn to the *Memorabilia* to know whether Xenophon thinks the philosophic aim requires the political aim to be the virtuous regime in which free men live in the exercise of noble actions.

The *Education of Cyrus* by itself teaches the need of the simple but manly virtues not only to self-preservation but also to healthy political life. In teaching, in the context of the grandest political activity, the precariousness and therefore remoteness of justice and goodness in political life, on the one hand, and, on the other hand, the possibilities and therefore the limits of the life of the best political man, the *Education of Cyrus* teaches a true political moderation.

NOTES


2. It would be interesting to know whether in Xenophon's view the coming into being of a statesman on the level of Cyrus does not require more complicated and more specific conditions than does the coming into being of the philosopher, who, appearing in Armenia, might appear almost anywhere (3.1.38).

3. During his youthful training in Persian justice Cyrus is once punished by his teacher for awarding to a big boy the big tunic of a little boy rather than the small one which belonged legally to him (1.3.16–17). The story emphasizes Cyrus' natural freedom of mind, a quality which turns out to be essential to him.

4. Given Cyrus' nature, to what extent does he need an education to successful political activity? The answer is partly indicated in the comparison of Cyrus' performance in his very first battle while still a youth in Media with his performance as general in the great battle with the Assyrians. In the former he takes the lead like a "well-bred but inexperienced hound" (1.4.21). In the latter he surveys the whole scene from a tower and dons the same armor as his staff (7.1.39; 7.1.2).

5. The freedom Cyrus has by virtue of his relationship with Astyages is not unrestricted; its successful use requires considerable skill. Cyrus is a contriver of pleasure for others (1.4.15) but finds philanthropy difficult to practice under tyranny (1.4.26).

7. In his speech Cyrus links virtue to gain. Later he will need to link it to maintenance (7.5.82–85).

8. Cyrus uses in his speech the word for self-restraint, *enkrateia*, but not the word for moderation, *sophrosune*. Moderation is the ruling virtue, including self-restraint and deriving from prudence. Is there something immoderate or imprudent about the Persian expedition? See note 16 below.

9. Does training in virtue share a relationship with true virtue similar to that shared by philosophy and wisdom? The thought is that the gain from training in virtue is imperfect virtue as the gain from philosophy is imperfect wisdom.

10. The list recalled by Cyrus from his boyhood conversation with Cambyses is as follows: provisions, health, arts of war, enthusiasm, obedience, tactics. Their present discussion reviews: provisions, health, enthusiasm, obedience, love, taking advantage (1.6.12–14).

11. The *Education of Cyrus* contains numerous comparisons of men to animals; subjects and potential subjects are compared to herd animals (1.1.2), friends to domestic animals (8.2.4), enemies to wild animals (1.6.39).

12. Whereas Cambyses had formerly used the word *phronesis*, indicating practical wisdom, he now uses *sophia*, indicating theoretical wisdom (cf. 1.6.22 with 1.6.46).

13. This advice has a significant effect upon Cyrus, who describes himself at the time of his peaceful death as always having lived as he wished but as always having feared that he "might see or hear or experience something unpleasant" (8.7.7).

14. Cf. 3.3.50–55 with 6.2.13–22 and 7.1.10–22. In the great battle the infantry follow the Persian cavalry, whereas in the first battle the Persian infantry precede the Median cavalry; the switch from hand-to-hand fighting on foot to hand-to-hand fighting on horseback seems to indicate a decline in Persian courage (7.1.26). In the great battle (but not in the first battle) Cyrus makes extensive use of devices, such as scythe-bearing chariots, towers, and, to frighten horses, camels (7.1.34, 7.1.47–48).

15. Compare Araspas with Abradatas (6.1.36 and 6.4.9). Other examples are the justified but consuming hatreds of Gobryas and Gadatas for the Assyrian king. Note that Cyrus goes to help Gadatas against the Assyrian king that he may "gain an advantage to ourselves" (5.3.31–32).

16. In Cyrus’ original pronouncement upon virtue, he had concluded by assuring the peers that their mission is not unjust; he now twice assures them and their allies that they have not been unjust (*adikos*). In the original pronouncement Cyrus used only the word for self-restraint (*enkrateia*); he now uses both this word and the word for moderation (*sophrosune*). Perhaps this change reflects the difference between the demands placed upon the nobles in time of war and in time of peace, when they participate in governing (cf. 1.5.8 with 7.5.74 and 1.5.13 with 7.5.73; 7.5.77).

17. A state of peace is necessary not only to contemplation but to hedonism: in willing the satrapy of Media to his younger son, Cyrus says that Tanaoxares shall have every human pleasure without the interruptions to happiness brought by royal power, which power leaves “one able to find no rest.” Tanaoxares would seem to be thus encouraged to live as the self-indulgent Cyaxares lived (8.7.12; see 4.1.13–18).

18. The *Anabasis* is Xenophon’s account of Cyrus the Younger’s failed campaign against the Great King and of Xenophon’s leading the Greeks safely back to Greece. Xenophon reports in the *Anabasis* (5.6.15) that he was accused of desiring to found a city.
Belfagor: Machiavelli’s Short Story

THEODORE A. SUMBERG

"Your letter was short and in rereading it I made it long." Thus Machiavelli to a friend (Opere a cura di Franco Gaeta [Milan: Feltrinelli, 1961] VI:228). The meeting of minds that is friendship helps in making letters long, but un-stated meanings are hard to come upon with friendship absent. They will be sought, however, if believed of value. Hence our effort to enlarge upon the central meaning of Machiavelli’s short story (some eight pages) on how a devil, Belfagor, took a wife. What appears merely as a comic trifle recalls upon rereading several important themes in The Prince and The Discourses on Livy.

The story begins in hell. Its ruler, Pluto, sends a fellow-devil to earth to investigate the complaints of the many men descending among them that their wives are at fault. The devil chosen, instructed to live as a man among men, settles in Florence, where he marries the beautiful daughter of a poor nobleman. Very much in love, the devil-man indulges his extravagant wife in her every whim, soon using up the large sum given him for his earthly mission. Forced into debt he cannot pay off, he flees Florence, coming upon a farm laborer near by who, under promise of a rich reward, protects him from his creditors in hot pursuit.

Narrating his mission to the peasant, the devil-man out of gratitude makes a pact with him. Reassuming diabolic powers, the devil will take possession of the souls of the daughters of rich men who will pay the peasant handsomely when he calls out the cooperating devil. After two lucrative exorcisms, the devil, feeling that his debt of gratitude is paid up, threatens the peasant with death if he importunes him again. Pockets full, the peasant is content.

Later, however, the same devil enters a daughter of the King of France. Mindful of the devil’s threat, the peasant, now famous for his exploits, refuses the royal request for aid, but the king also threatens death. Much troubled, the peasant devises a clever scheme carried out in Paris. While speaking into the ear of the possessed girl, he parries the menacing anger of the devil by warning him that his abandoned wife is coming after him. In a panic the devil leaves the girl. Free at last of the “marriage yoke,” the devil returns to the peace and security of hell. His abrupt return, while confirming men’s complaints about their wives, yet cuts short a mission planned for ten years. Meanwhile, with his daughter healed by the hoax, the French king rewards the peasant generously. Laden with gold, the peasant returns home “entirely happy,” to quote the last words of the ingenious comedy.

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At the outset Pluto delivers an important address to the "infernali principi." "I alone possess this realm and I can rule it as I wish. I choose to rule it under law and in consultation with fellow-devils." True to his word, Pluto calls them together, and after open discussion, in which different views are freely expressed, they decide to send earthward one of their own. The devil chosen, though unwilling at first, consents to go in a spirit of civic sacrifice typical of a political regime that is broadly based. Machiavelli notes the longstanding political stability of the nether world. In fact he pays more attention to the political arrangements of hell than the logic of the plot requires. Why? Where is good government to be found? In hell. His readers know well enough that it is not found on earth. He wants them to share his joke about the political superiority of the imagined kingdom of hell.

Machiavelli even claims for hell a concern for truth and justice. Assembled for consultation, the devils hold that they would show little love for justice were they to fail to investigate men's complaints. Is this alleged love of justice that pushes them to seek the truth. Where on earth are truth and justice found?

The storyteller carefully sketches the limited monarchy of hell. Now, limited monarchy is superior to absolute monarchy according to his tracts. But absolute monarchy prevails in heaven, as everybody knows, so the story suggests hell's superiority over heaven as well as over the earth. It may well be that Satan, having made good his revolt against God, has set up a better regime than the one he rebelled against. The story quietly leads the reader to such insidious thoughts.

For centuries man has been urged to look to the heavens (or the divine) for guidance and inspiration. Machiavelli challenges this tradition in offering the advice, advanced between jest and earnest, to look down, not up. Especially when he prettifies hell, he slyly carries out his apparent aim to undo popular veneration for heaven. There may be a prudential law of opposites at work here. You weaken the hold of heaven on men's minds when you exalt its opposite. The safest way to attack Caesar, Machiavelli has pointed out, is not to attack Caesar but to praise Brutus (Discourses, I:10, in Opere a cura di Mario Bonfantini [Milan, Naples: Riccardo Ricciardi, 1963], p. 120).

The law-loving noble regime of hell is not the only invention of Machiavelli. Hell cares for men; after all, lacking sympathy it would not heed their complaints. This view is the very opposite of the conventional one. Hell is where demons torture the damned in dread punishment. Classical mythology also pictures hell as a dark, gloomy place inhabited by pitiless devils (Hesiod, Theogony, 455). It seems that Machiavelli wants it understood that it is not God alone who loves man. If hell's residents also love man, then the traditional
belief in the uniqueness of divine love is called into question. Apparently Machiavelli wants his readers to entertain such subversive thoughts even if he does not state them openly. You will reach your goal, he notes in the Discourses, by hiding your intention (1:44 in Opere, Bonfanti ed., p. 185).

II

On earth—the middle regime—nothing seems to work out well for its "mi-seri mortali." Once in Florence, for example, the devil-man becomes vulnerable to all its evils, listed as poverty, jails, sickness and many others. The city's evil is so entrenched that it seems to defeat the compassionate intervention of heaven and hell alike.

As a woman ruined Paradise for the first man, so a woman ruins the earth for the devil-man. Knowing Lucifer, he finds his wife more prideful. She is also insolent, capricious, ungrateful, querulous, foul-mouthed, deceitful, demanding and wasteful. Her only art lies in quickly separating her husband from his money. Her servants too find her insupportable; the little devils accompanying the devil-man to earth as servants soon return to hell "to be in the fire rather than live in the world" under the wife's rule. Happiness seems to lie in successful flight from woman. Most comedies end with the lovers marrying and living happily ever after. This one ends in the escape of the husband from the "vexations of matrimony." Marriage is no panacea.

The wife's name is Onesta, which means decency. She was probably chaste before marriage, but afterwards she practices a sort of cuckoldry on her husband in loving him little, if at all, in favor of her family. She persuades her husband to pay for the dowries of her three sisters and the business enterprises (all failures) of her three brothers. Love of family, not only marriage, appears in a poor light in this story. Even chastity itself lacks the radiance of virtue because it does not carry over into decent dealings of the wife with people outside her consanguineous family. The traditional view that chastity is the glory of woman may be misguided. Machiavelli may also be insinuating that women with virtue do no less harm than women without virtue. The impish storyteller is all smiles throughout.

The evils of the earth's "tumultuosa e inquieta vita" arise not from natural defects but from society's corruption. It is respect for public opinion in particular that ruins the earthly career of the devil-man. Once on earth he seeks praise from fellow Florentines, and in fact he forms himself in their image. Machiavelli specifies that the devil-man soon "takes pleasure in the honors and pomp of the world." Prompted by his wife, he even surpasses other Florentines in festivals and other conspicuous signs of lavish living. Amour propre defeats him.

Entering the world, the devil was instructed to submit to "all the human
passions.” He took a wife? No—the wife took him and without “mercy and concern.” The passion of love took him. Love is the demon that overpowers even demons. The devil-man’s name of Belfagor merits a word here. According to Saint Jerome, its origin is traceable to the Hebrew equivalent of Priapus (Opere, Bonfantini ed., p. 1036, n. 7). So what stands for man’s strength is his weakness. Machiavellian irony is endless, and he laughs at men as well as at women.

III

Fortune is an active player in the story. By lot Belfagor was chosen over other devils for the earthly mission. By luck the peasant gained his chance to help the devil-man when in flight. What counts, however, is not luck alone but the bold seizure of opportunities that come along. Chance well used leads to comedy, while chance overwhelming inept man leads to failure.

Machiavelli reports that although the devil’s ally in the hoaxes is only a peasant, he is a “uomo animoso.” He is spirited, resourceful, clever and strong-willed. Advancing from success to success, he embodies that “astuzia fortunata” that his creator calls for at the start of Prince 9. Machiavelli even specifies in the story that one cannot liberate oneself of earthly evils except with deceit or astuteness (“inganno o astuzia”). If the earth is not made for man, it can yet be made a suitable place for human enterprises to prosper.

The storyteller also notes that the peasant works on a farm owned by another. Farm tenancy is not the theme here; Machiavelli wants to show rather that one can rise high from a very low rung on the ladder, with good lineage, moreover, not counting at all. In his three adroitly managed exorcisms, the peasant outfoxes a rich merchant, the King of Naples and even the King of France. An unarmed man, if clever, can win over armed men. Fraud is enough to prevail over force. Such thoughts come easily to the wideawake reader.

The peasant even outwits the devil-man. This one, knowing both heavenly pomp and infernal fury, according to Machiavelli, knows less than the peasant. What the peasant knows—how to make his way on earth—counts for more than the sum of the knowledge of heaven and hell. So the earth, miserable abode that it has been, can yet be an arena of success once energy, courage and intelligence are mobilized properly. One can add that if the past is a mistake, there is yet no room for despair were vigorous new leadership to arise.

The peasant is very ordinary in one sense—he seeks wealth. Why? To buy land, not pleasures, according to Machiavelli. Indifference to pleasures is extraordinary in all classes of men. Yet it may be needed, the story suggests, to favor those seeking economic advance. The pleasure of love, on the other hand, is in particular to be avoided because it is the element in man’s life that escapes his control. So attests not only the unhappy experience of the devil-
man but also the absence of women, family and marriage in the peasant’s success.

Machiavelli’s two chief tracts tell the new prince how to act. This story tells the nonpolitical man how to act. It therefore appears that Machiavelli is engaging in the kind of moralizing exhortation that he disavowed openly in Prince 15. But he can defend himself from the charge of inconsistency by claiming that he is not urging noble or high goals, as was the custom of past philosophers and theologians. The modest one of economic success is certainly open to all, even to a farm laborer, without great strain.

IV

With his first words Machiavelli states that he plucked his story from the oral tradition of ancient Florence, specifically from the report of a “santissimo uomo” lost in prayers. Can one imagine a more pious beginning? That such a man is held responsible for narrating all the outrages in Belfagor is the greatest outrage of all. For example, such a man allegedly reports that resort to holy relics fails to carry out exorcisms that are arranged easily by the devil openly amused by that failure. Machiavelli also attributes to that very saintly man the view that the devil is made flesh, lives among us, suffers tortures on earth and then returns to his point of origin, hell. All too clear is the blasphemous parallelism between the devil-man and the God-man. One must not overlook that Machiavelli wrote for people who saw things through the prism of the Bible. Literate or not, the people’s imagination was made up of scriptural stories, ideas and so on. He could therefore trust some of his readers to understand his story in the blasphemous way that he apparently intended. Open blasphemy would of course have outraged his readers excessively.

There is nothing pious about the exemplary peasant save his name: John Matthew. Mammon, not God, is the motor of his energy. Even worse is his shameless use of religion to advance his avarice. He insists in carrying out the three sham exorcisms amidst elaborate religious ceremony, especially the third one that he stages before Notre Dame in Paris in the company of the king, barons and bishops. The most solemn moment in the story is the biggest hoax. If religious ceremonies in the past have been tricks played upon the common mind by prince and priest—well, they will now be turned against them, as Belfagor illustrates.

Machiavelli is carrying out an exorcism of his own. He wants to cast out of the souls of his readers the respect for rituals, relics, miracles and mysteries—the whole farrago of man’s religious life of past centuries. Folly as catharsis of folly is his tactic. Half-gentle, half-malicious irony will empty minds of the awe nurtured on blind and terrified credulity. The process will of course take time, so Belfagor may be considered part of Machiavelli’s long-range plan. The
plan itself is entirely political, for once you change people's imagination, you change the political order in which they live. A change in mentality is the change that lasts the longest. With playfulness and gravity the storyteller therefore works for the political philosopher.

John Matthew takes hold of the chances that come his way; why should his creator be less opportunist? With self-confidence Machiavelli will insert serious thoughts in his little comedy. Why indeed should anything less be expected of a writer having strong convictions that are at war with those dominant in his time? Also not to be overlooked is the oft-repeated goal of Machiavelli to be useful—indeed he is the first philosopher dedicated to utility. The reformist and imagination-dissolving character of *Belfagor* is no surprise.

V

The quickest way to open the eyes of the people, Machiavelli claims, is to descend to particulars (*Discourses*, I:47 in *Opere*, Bonfantini ed., p. 191). This is the game he is playing here, where this descent has special resonance because the reader is asked to look down, not up. As to particulars, a story is a string of them that are made attractive to simple souls by plot and characters. Machiavelli probably wrote his story for the ever-expanding number of people learning to read Italian in cheap editions rolling off newly installed printing shops. He would certainly not give them the technical generalities common to scholastic treatises in wide circulation in schools and monasteries.

Machiavelli also separates himself from the humanist literature of his day. Most of it was written in Latin, a language laughed at in his story. The first girl whom the peasant exorcises, when possessed by the devil, speaks in Latin. In lucid moments, one gathers, people will avoid that language. Latin also contains the accumulated knowledge of the past. Language and knowledge both are now to be put aside.

Humanist literature is also for well-bred gentlemen of elegant tastes who affect noble sentiments. But Machiavelli calls leisured gentlemen "pernicious" (*Discourses*, I:55 in *Opere*, Bonfantini ed., p. 205). His story, on the other hand, is for hardworking people innocent of cultural and intellectual pretensions. They will have no difficulty accepting John Matthew as hero. He first appears in the story building high a dunghill before the farm in which he works. The scene will not offend new readers.

Contemporary literature was also intoxicated by love, especially Platonic and Christian love as variously interpreted. That was reason enough for a rebel to write against it. Love as *mediatrix* between God and man is also one of the ideas to be discarded. Machiavelli probably also wanted to stress the danger of love's force to the bright young men whom in his tracts he was directing toward political leadership. His new readers, mostly men, would also enjoy the
joke that women use marriage to capture and enslave them. Anyway, wives should be controlled by their husbands, not vice versa, as occurs in Belfagor with unhappy results. Have we stumbled upon a traditional note in Machiavelli?

The first girl, when possessed, also enters into philosophical disputes. Those avoiding demonic frenzy will stay clear of them. By this open contempt for philosophy Machiavelli will no doubt gain merit among most people who are ill at ease with philosophy, especially with its endless and allegedly useless quarrels. Machiavelli knows how to pitch his story low. It is well to remember that Machiavelli knew peasants from having lived with them when in exile from Florence.

That same first girl, when possessed, also reveals the sins of many people, including those of an unnamed monk who during four years kept in his cell a girl dressed as a boy. With this ribald anticlerical note, however, Machiavelli is no pioneer, if we remember Boccaccio. Machiavelli’s originality lies elsewhere, covering more important themes that are common to tracts and story alike. One such theme comes to light, however, from a conspicuous difference of story and tract. Taking place in hell, the story’s chief characters include several devils. Now, hell and the devil are absent in The Prince and Discourses (Leo Strauss, Thoughts on Machiavelli [Glencoe: The Free Press, 1958], p. 31). The political comedy thus expands its author’s field of observation, which may be interpreted in the following way. Plato has Socrates say that philosophers should keep company with the divine (Republic, 500D). Only in such company, the argument runs, will they create the best political order. Machiavelli prefers to keep company with the diabolic, also presumably to advance political understanding. The special locale of Belfagor, a manifest demonstration of Machiavelli’s tie to the diabolic, thus fortifies the hostility of the tracts to philosophy. In the story only a woman possessed engages in philosophy.

More generally, when you keep company with the devil, you challenge the whole tradition of philosophy, classical and medieval, because it was centered on the divine. So Belfagor has a place in Machiavelli’s animus toward past thought. Nevertheless in a manifestly popular work, Machiavelli was less concerned to speak against philosophy than against religion. And against the solemnities of religion, ridicule is a natural weapon, given the tendency of common people to fall easily into laughter, whose well-known effect is to lower defenses against welcoming disreputable ideas.

NOTES

1. For details on text and original publication see Niccolò Machiavelli, Operette Satiriche, edited by Luigi Foscolo Benedetto (Turin, 1920).

2. Belfagor is “... una nuova battaglia contro le superstizioni della moltitudine.” Luigi Russo, Machiavelli (Bari: Editori Laterza, 1972), p. 159. Also: “Il Machiavelli vuole sradicare
Machiavelli wishes to uproot from the mind of the volgo the centuries-old belief in supernatural forces intervening continually in the affairs of this world.
John Locke’s *Questions Concerning the Law of Nature*: A Commentary

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EDITOR’S NOTE

When Robert Horwitz died in 1987, he had been working for many years to coordinate the publication of a new edition of John’s Locke’s early writing on the law of nature, and to prepare a commentary on the work. Recently a part of his project came to fruition: a new Latin text of Locke’s work, edited by Jenny Strauss Clay, and a new English translation by Diskin Clay, together with an introductory statement by Horwitz, were published by Cornell University Press. Horwitz’s commentary was not published, however, for his coworkers could not find a text of it which they judged to be complete enough. Such a text has turned up, and that is substantially what is being published here. This is not the text Robert Horwitz would have published—it is clear that he considered it incomplete in content and rough in style, for he set off on at least one more serious revision after he completed the draft. Nonetheless, this text seems to be the most complete and nearest to final one that we have, and its publication is more than warranted by its many excellences, despite whatever deficiencies Professor Horwitz might have believed it to contain.

Professor Horwitz’s commentary required editing in a number of respects. Since it was but a draft, the text needed some editing for smoothness and clarity. Professor Horwitz had marked the places in the text where he wished to put footnotes, but in this draft at least he had not inserted them. I have attempted to fill in the notes as best I could. In most cases I feel fairly confident I have found at least some of the references he wished to include; if the reader nonetheless finds the notes insufficient, I beg him or her to lay the blame on my head, where it belongs. In a very few cases, I have moved material from Horwitz’s text to footnotes. I have also revised all but one quotation from Locke to correspond to the English version which finally was published in the new edition. This revision was necessary because Professor Horwitz was working from a version of the translation

My commentary is deeply indebted to my teacher, the late Professor Leo Strauss, with whom I studied Locke’s *Two Treatises of Government* and political philosophy generally. More specifically, I have drawn directly on the unpublished transcription of two seminar sessions in which Professor Strauss discussed Locke’s *Questions*, as well as on his several published statements on Locke’s doctrine of natural law.

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which was itself much revised by the time it was published. It should go without saying that I have attempted to leave Professor Horwitz’s meaning undisturbed in all my editorial intrusions into the text. I would like to take this opportunity to thank the Dean of Carleton College for support in having the manuscript retyped.

INTRODUCTION TO THE TEXT OF LOCKE’S QUESTIONS

Locke’s Questions Concerning the Law of Nature are uncommonly complex and perplexing, even when measured by the standards set by his other works. The Questions abound with manifest and massive contradictions, to say nothing of other complexities which will be discussed below. One response to the glaring contradictions throughout the Questions has been the suggestion that Locke worked on the text over a considerable period of time during which he “changed his mind” on some points, and that he wrote under the influence of a broad variety of natural law theorists who themselves disagreed on many points. In my comments I attempt to make the case (tentatively, not definitively) for an alternative approach: that Locke was completely consistent throughout this work, even though, on the face of it, this by no means appears to be the case. Within this text, full of manifold contradictions, seeming confusion, and even, at times, apparently total disorder, Locke has nevertheless provided careful readers with everything required to resolve the manifest difficulties with which the work abundantly abounds and which, to say the least, make it extremely difficult to comprehend.

The commentary that follows is less a detailed analysis of the Questions themselves than an attempt to provide the reader with an overview of Locke’s argument as a whole. With respect to each of the Questions, I raise a number of points for the reader’s consideration, even in Questions III, VI, and IX, where Locke provided only one-word responses, “Negatur.” Some Questions are treated far more extensively than others if in my opinion they play an especially important part in the development of Locke’s argument.

The titles of Locke’s Questions indicate a work of four parts, as follows: Question I raises the issue of whether there is a law of nature; Questions II through VII ask how the natural law, if such there be, can be known; Questions VIII through X discuss the obligatory force of the natural law, if it exists; while Question XI asks whether “the private Interest of each individual constitutes the Foundation of the law of nature?”

QUESTION I

“Does there exist a rule of conduct or law of nature? There does.” The first English translation of Locke’s Questions rendered the title of Locke’s opening disputation thusly: “Is there a rule of morals, or law of nature,
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given to us? Yes" (Essays, p. 109). This translation points toward a reply of this character: God has "given" or laid down moral rules through the natural law for man's guidance, an answer in line with the initial translator's understanding of Locke's Questions as having been composed within the framework of the Christian natural law tradition. Still, one must observe that many philosophers have held that a law of nature may exist without having been "given" to man by God, and Locke, it appears, leaves the issue open here in the title of the first unit of his work. In any case, Question I begins very conventionally, with a statement of the Christian natural law position: Locke's observation that one finds evidence of the creator's master plan in the workings of every aspect of the universe finds its counterparts in the works of Hooker, Culverwel, Sanderson, and many other writers in the great tradition. Yet, even as Locke initiates the disputation in this conventional manner, he introduces somewhat disturbing considerations into it. It does not seem to be the case that belief in the deity is accepted by all men. Rather, such belief is said to be "granted" by two classes of men, (1) those who hold "that some rational account of our life is necessary" and (2) those who hold "that there exists something deserving the name of either virtue or vice" (Questions, fol. 9). Even these criteria, however, as well as the postulated criterion of an ordered universe, can be met without the "assumption" of a deity.

Locke continues by suggesting that if everything else in the universe is governed by law, then it must be asked whether man alone is left "entirely outside some Jurisdiction . . . without plan, without law, without a rule for his life . . . ." (fol. 10). Locke submits that this will not be "easily" believed by those who have "given thought either to god, best and greatest, or to the universal agreement of the entire human race in every time and place, or, finally, to himself or his own conscience . . . ." (fol. 10). Within the first paragraph of the first Question, the argument for the existence of natural law appears at first to have been based on the postulated existence of God and then to have been based on two alternative foundations: universal agreement and conscience. Later Locke will examine in detail this alleged "universal agreement of the entire human race"; he finds that no such agreement exists, and ultimately rejects it outright, along with the argument based on conscience. Careful readers of the Questions will come rather quickly to observe that Locke makes frequent use of this technique of writing. Initially he strongly states a position, and thereby gives it an authoritative cast, but then he gradually raises doubts about it, or even flatly contradicts it. For this reason, it is wise for the reader to regard every assertion in the Questions as provisional in character, rather than as a pronouncement by Locke of a definitive doctrine.

Locke next identifies "the various names by which [the natural law] is signified" (fol. 10). Of the three common definitions of natural law provided by Locke, the first and the third are connected by him with the Stoic position, while the second identifies natural law as right reason. In view of Locke's embrace of reason as discursive reason only in his later discussion in Question
V, we must note the significance of his observation that reason in this understanding of "natural law as right reason" is not the discursive faculty, but rather "some definite practical principles from which flow the sources of all virtues . . ." (fol. 11). Locke relates the third definition of natural law supplied here to the famous precept of the Stoics: "live according to nature," a demand which makes no immediate reference to God. It is to this law that man "ought to show himself obedient in everything, [and] which he perceives as demanding a rational account of his duty" (fol. 11), which is to say that this is a law which man cannot transgress if he is to live rationally.

Having begun with such strong bows to traditional Stoic and Christian doctrines of natural law, Locke injects into the discussion a thought from a surprisingly different source. As Professor Von Leyden astutely observed, Locke proceeds to endorse the Hobbesean distinction between natural law and natural right, for, says Locke, "right (jus) consists in the fact that we have a free use of something, but law (lex) is that which either commands or forbids some action." Hobbes deploys this distinction as part of a general complaint about the natural law traditions, to the authority of which Locke has been appealing: "they that speak of this subject, use to confound jus, and lex, right and law: yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear: whereas LAW, determineth, and bindeth to one of them: so that law, and right, differ as much, as obligation, and liberty, which in one and the same matter are inconsistent."

Natural rights, according to Hobbes, impose no obligations; they leave men at "liberty to do, or to forbear." Natural law, which does impose obligations, is, according to Hobbes, derivative from natural rights. Hobbes therefore concludes that "Naturally every man has right to every thing." Yet "as long as this natural right of every man to everything endureth, there can be no security to any man . . ." (Leviathan, ch. 14). In order to escape the inevitable injury and the likelihood of premature death inherent in this condition, men use their reason to generate the "precept," or the "general rule of reason, that every man, ought to endeavor peace, as far as he has hope of obtaining it. . . . The first branch of this rule, containeth the first, and fundamental law of nature; which is, to seek peace, and follow it" (ibid.). The derivative character of natural law, as opposed to the primary character of natural rights, is a fundamental element of Hobbes' formulation. This teaching stands in radical juxtaposition to the traditional, Christian natural law teaching which held that obligations, rather than rights, are primary.

Locke does not in Question I provide any reason for his abrupt introduction of Hobbes' distinction between natural right and natural law. Yet his insistence on it suggests that it will subsequently be of some importance. It is not, in any case, the first, nor will it be the last instance in the Questions where Locke inserts passages of undesignated import into his manuscript.

Following this terminological excursus, Locke provides us with his own,
tentative definition of the law of nature. "It is a command of the divine will, knowable by the light of nature, indicating what is and what is not consonant with a rational nature . . ." (fol. 11). He denies that "it is a dictate of reason; for reason does not so much lay down and decree this law of nature as it discovers and investigates a law which is ordained by a higher power and has been implanted in our hearts . . ." (fol. 12).

Locke endorses this definition, for it appears to embody three essential characteristics of any law: (1) It must be "the declaration of a superior will," (2) it must "prescribe what is to be done and what is to be omitted," and (3) it must be "binding upon men" and must be promulgated in such a fashion as to be "sufficiently known to men" (fol. 12). The definition seems fashioned, indeed, to meet these criteria.

Nonetheless, one must reflect both upon his provisional definition of natural law and upon these criteria. They are as interesting for what they leave unsaid, or incompletely stated, as for what they tell us. This provisional definition of natural law, for one thing, is a purely formal definition. Locke has not yet engaged in any systematic demonstration or proof of the existence or character of the law of nature. Yet in his summary of this Question and in other Questions he writes as if he had. The reader must be very cautious in accepting at face value Locke's reassuring assertions that particular doctrines have been established or demonstrated. The *Questions* abound with such statements, and one must always pause when confronted by them to determine whether Locke has in fact accomplished what he claims.

To return to our subject, the reader who carefully considers all of Locke's eleven Questions will discover that he later adds additional, indispensable, criteria to those laid down in Question I. It seems then, that Locke's initial criteria of "the conditions necessary to law" are incomplete and therefore somewhat misleading.

In any event, having laid down these three criteria, Locke now concludes Question I by sketching portions of five arguments that have traditionally been advanced to establish the existence of natural law. Given Locke's prior emphasis in this Question on the source of the natural law in a "higher power," who ordains it and who has "implanted" it in our hearts, one might have expected to find numerous references to the deity in these proofs for the existence of natural law. This is not the case, for only in the third of these proofs does Locke speak of a "first artificer."

The first of the five arguments seems to be based essentially on two passages from Aristotle's *Nicomachean Ethics*. The import of these passages, one gathers, is that natural law is a universally valid law which is suited to man as a rational animal and therefore determines his duty. The quotations from Aristotle are followed by a sudden interjection of the observation that "some object to the law of nature: claiming that no such law exists at all . . ." (fol. 15; emphasis supplied). At no point in his *Questions* does Locke ever identify these
anonymous thinkers who pose a series of objections throughout the text, but they appear with some frequency. Locke’s use of this stylistic device reminds one in some respects of the form of scholastic disputation, and particularly of the writings of Thomas Aquinas, where objections are raised and responses made to them. One will be rewarded by paying special attention to the substance of these objections, and to the character and adequacy of the responses made to them. The particular objection raised at this juncture is unquestionably of considerable importance to those concerned with the question of whether there is a natural law. The problem is this: although human beings are rational, they do not, the argument contends, know the natural law and therefore cannot be guided in their conduct by it. For them, the natural law has not been adequately promulgated or made sufficiently known.

Locke responds to this objection in an extended but rather obfuscating fashion. He does not deny here or elsewhere in the Questions that ignorance of the natural law is widespread. For that matter, he takes the argument one step further by exploring a possible explanation for this ignorance. He suggests that the largely “hidden and unperceived laws of nature” can be fathomed only by “the sounder and more perceptive” part of mankind (fol. 17). Even so, the natural law is seldom discovered fully, much less easily, by even the “more perceptive.” In subsequent Questions, Locke emphasizes the unbelievably arduous—one might say heroic—efforts required by even the wisest of men to wrest from a recalcitrant, unsympathetic, and unkind “nature” those secrets of the natural law which she has so effectively hidden (cf. Questions II, fols. 33–35).

Contrasting Locke’s formulation here for a moment with the Christian natural law teaching, one is immediately struck by an important difference between the two. For example, Nathaniel Culverwel, that eloquent proponent of the Christian tradition, spoke of God’s eternal law as providing a “fountain of Law, out of which you may see the Law of Nature bubbling and flowing forth to the sons of men.” For Culverwel and other Christian natural law teachers, the law of nature was somehow “imprinted” on “the breast” of man, or, as he also put it, man’s search for the law of nature was illuminated by “the candle of the Lord.” To be sure, the advocates of the Christian natural law did not regard the full manifestations of that law as easy to perceive, but a sympathetic God was concerned that humanity find its way. God is always helpful to human beings in their quest for understanding of the law. This is certainly not the position set forth here by Locke; far from it. Whether this is Locke’s final position or not, it is certainly one that disagrees with the established Christian legal tradition to which he initially appealed. We must not allow ourselves to forget that the objection of those “some” who contend that men do not know the natural law has not been answered.

Leaving this issue in suspension for the time, Locke turns to the second argument adduced to establish the existence of the law of nature, viz., that it
can be derived from men's consciences . . .” (fol. 17). The argument adduced in support of this proposition is that, even in the absence of positive law, men's consciences pass “judgment on their very life and conduct . . .” (fol. 18). Here Locke supplies no evidence to support this assertion, and later in the Questions he is much less positive about the conscience. What he says about conscience in the Questions, moreover, differs in no significant respect from his view of it as expressed in his famous Essay: conscience “is nothing else, but our own Opinion or Judgment of the Moral Rectitude or Pravity of our own Actions. And if Conscience be a Proof of Innate Principles, contraries may be innate Principles: Since some Men, with the same bent of Conscience, prosecute what others avoid.” This definition of conscience in the Essay produced a storm of criticism by furious Christian clergymen. One such critic devoted the better part of a chapter in An Account of Mr. Locke's Religion to Locke's analysis of the conscience, his chief argument being that, aside from God's Divine Knowledge, “there is no Knowledge that can pretend to greater and more absolute Certainty than that of Conscience. And therefore, even according to Mr. Lock it is impossible that Conscience should be an Opinion.” But the problem in Locke's analysis of conscience in the Questions (and in his other writings as well) is precisely that he does not demonstrate that it is anything other than an “opinion,” and therefore recourse to the testimony of conscience does not, and cannot, serve as a proof of the existence of natural law. More will be said about this in its proper place.

In his third argument designed to establish the existence of natural law, Locke harks back to the very beginning of Question I, where he had recourse to the hypothesis that some divine power may preside over the world, a power which “commanded the heavens to turn in their perpetual revolution” (fol. 9). Of the five arguments for the existence of natural law, it is only in this, the central one, that he makes even an indirect reference to what might be taken as a manifestation of the workings of a deity. He speaks of a “first artificer” (fol. 18). Here, too, Locke mentions Thomas Aquinas and quotes him indirectly through a passage taken from Hooker's Laws of Ecclesiastical Polity: “Everything which occurs in things created, is the matter of eternal law.” Hooker, however, is here addressing himself to the law observed by natural agents, while Locke fails to make the vital distinction drawn by both Aquinas and Hooker between the eternal law and the natural law. According to Thomas, “the Eternal Law is the shaping idea in divine government. WHATSOEVER is subject to divine government is subject also to the Eternal Law; whatsoever is not subject to divine government is not subject to the Eternal Law. Such a distinction applies also in the human scene. Those matters come under human control which we are capable of doing, not those necessarily bound up with the nature of things; it is not by human government that we have a soul and hands and feet” (Summa, 1a2ae 93.4). Some things evidently are directly determined by the eternal law, while other things lie within the province of natural law.
Thomas writes that “intelligent creatures are ranked under divine Providence the more nobly because they take part in Providence by their own providing for themselves and others. Thus they join in and make their own the Eternal Rea-
son through which they have their natural aptitudes for their due activity and purpose. Now this sharing in the Eternal Law by intelligent creatures is what we call ‘natural law’” (Summa, 1a2ae 91.2). This critical distinction between
the functioning of the eternal law and the natural law within a rational and
intelligent creature such as man is obscured in Locke’s Questions through his
oversimplified attribution to Aquinas of the view that “everything which occurs
in things created, is the matter of eternal law.” Locke may be suggesting that
natural law and eternal law cannot be properly distinguished within the tradi-
tional Christian teaching and that this constitutes one of its grave defects. Aqui-
nas had attempted to distinguish them in the following way: the eternal law
cannot be transgressed, but human participation in it may suffer from negli-
gence or other defects and thereby result in transgression of the natural law. In
short, according to Thomas, the natural law can definitely be transgressed,
while Locke’s confounding of eternal and natural law points toward a law that
cannot be transgressed, i.e., a law that is not the law of nature Thomas and
Hooker know (cf. fol. 9).

This suspicion finds confirmation in Locke’s quotation from Hippocrates,
which is directly connected with the quotation from Aquinas: Hippocrates pro-
ounces, in Hooker’s translation, that “'each thing in both small and in great
fulfilleth the task which destiny hath set down,’ and each individual thing de-
parts from the law set down for it not as much as a nail’s breadth” (fol. 18).

This quotation is also to be found in precisely this form in Hooker (Laws, 1,
3, sec. 1), who probably was Locke’s source. In Hooker, however, the passage
is located within his discussion of the law observed by natural, not rational,
agents. Again, this points to the possibility that Locke used it to suggest a
natural law that cannot be transgressed, i.e., a natural law which is not a moral
law. As Locke says shortly after the quotation, man “has a prescribed mode of
action which suits his nature” (fol. 18). In one sense at least human beings
could be said to be subject to a form of natural law which cannot wittingly be
transgressed as in, for example, such purely reflexive bodily functions as
breathing. Bodily functions of this sort may be understood as manifestations of
one form of the working of natural law, the only form Locke’s “arguments”
here unambiguously support. But if this is what Locke intends to convey by
natural law, then his natural law is radically different from that of the tradition.

In the fourth demonstration, Locke suggests that social life would collapse
and would be impossible without natural law. Without the restraints of natural
law, rulers would become ruthless, absolute tyrants, chiefly intent upon de-
stroying their subjects. Further, among their subjects no contracts or agree-
ments would be kept, “for there would be no reason to expect a man to abide
by an agreement, because he had made a promise, when a more advantageous
arrangement offered itself elsewhere, unless the obligation to fulfill promises came from nature and not from the will of men” (fol. 20).

To determine the force of this argument, we must first recall Locke’s acknowledgement that natural law is hidden from men and therefore is, at best, known to very few. Secondly, we must ask whether, because of this general ignorance of the law of nature, most peoples and most countries are in fact generally crushed under the rule of unbearable tyrants. Observation of the existing situation of most peoples in most countries hardly reveals such insufferable conditions, although at various times this may be the situation in some countries, as is evidenced by revolutionary uprisings. Even so, these revolutions seldom seek their justification in terms of natural law, nor do the new regimes that are brought into being rest on the sound foundations of natural law.

Likewise, it does not seem that most people are either utterly unwilling or unable to keep contracts, despite their ignorance of the natural law. One must wonder then whether there may be available foundations, other than that of natural law, which may provide at least minimally tolerable societies and reasonably stable states as well as generally sufficient grounds for keeping contracts. The possibility comes to mind that agreements based on calculations of utility may very well provide a feasible basis or foundation for political order and the keeping of contracts—a notion which could hardly have been unfamiliar to John Locke. These considerations may provide a sufficient response to Locke’s overstated suggestions in his fourth proposition in support of the existence of natural law.

The fifth and final demonstration depends on the claim “that without the law of nature there would be no virtue or vice, no praise for probity or punishment for wickedness; where there is no law, [there would be] no wrong, no guilt. Everything would have to be referred to the will of men . ” (fol. 20). Yet one is forced to wonder: could not men who have formed societies based on covenants or contracts also enact laws providing punishment designed to restrain men from vice and to punish the guilty? The argument goes further, for, says Locke, “it seems that a man would have to do nothing except what either interest or pleasure urged upon him . ” (fol. 20). Still, is it not possible for human beings to achieve some guidance and even quite a workable orientation in this life by acting in terms of their interests, especially long-term interests, or in terms of hedonistic calculations? Locke at least points to the possibility of these alternatives. An orientation based on interest (utilitas) is considered in Question XI, while in his later writings he moved boldly in developing the foundations for an understanding of virtue and vice grounded on hedonism. In his Essay Concerning Human Understanding, he found the source of this hedonistic morality in “the infinite Wise Author of our being, . . . [who] has been pleased to join to several Thoughts, and several Sensations, a perception of Delight. . . . It has therefore pleased our Wise Creator, to annex to several Objects, and to the Ideas which we receive from them, as also to several of our
Thoughts, a concomitant pleasure . . .” (Ilvi3). In the following section of the Essay, Locke added that “Pain has the same efficacy and use to set us on work, that Pleasure has” and he adds in his wisdom that “Pain is often produced by the same Objects and Ideas, that produce Pleasure in us. This their near Con-

junction, which makes us often feel pain in the sensations where we expected pleasure, gives us new occasion of admiring the Wisdom and Goodness of our Maker, who designing the preservation of our Being, has annexed Pain to the application of many things to our Bodies, to warn us of the harm that they will do; and as advices to withdraw from them” (Ilvi4). Finally, he adds that “God hath scattered up and down several degrees of Pleasure and Pain, in all the things that environ and affect us; . . .” (Ilvi5). It is clear then that both in the Questions and in his subsequent writings Locke demolishes the premises of this final demonstration for the existence of natural law. Locke concludes this discussion with the assertion that “whatever virtue or turpitude the virtues and vices possess they owe entire to this law of nature . . .” (fols. 20–21). He does nothing to establish this assertion.

In summary, all five arguments designed to establish the law of nature have been found, on Lockean grounds, to be insufficient and problematic. Nevertheless Locke will, from this point on and throughout the Questions, boldly assure us that the existence of natural law has been established. We cannot emphasize too strongly that this has simply not been done, at least with respect to the traditional understandings of the law of nature as a moral law. There remains, of course, the possibility that Locke has in mind a rather different understanding of natural law; underlining that possibility is his as yet unexplained interjection into the discussion of Hobbes’ distinction between natural law and natural right (jus naturale), but he has not furnished the reader with any further material for speculation on this matter in Question I. It is fair to conclude that in this opening Question he has raised a sizable number of thorny and fascinating issues for our consideration, while having decisively settled nothing at all.

Among the major issues Locke raises in Question I, and on which we must focus our attention throughout our reading of the Questions, are the following: (1) Does the natural law presuppose the existence of God in a theistic sense? (2) Is the natural law a law which human beings can transgress, or does it have the character of eternal law in relationship to nonvolitional entities? (3) Is the natural law accessible to mankind, and, if so, how can it come to be known?

QUESTION II

“Is the Law of Nature knowable by the light of Nature? It is.”

Locke begins Question II with the unproved—and, in principle, unpro-

vable—assertion that “some principle of virtue and vice is recognized among all men” (fol. 22). He incorporates it into the question posed by the title through
observing that “we must next inquire by what means that law of nature, to
which men offer obedience with such unanimous consent, is known to them”
(fol. 22), one of the major issues posed in Question I. As we have seen al-
ready, he has not in fact proved that there is a law of nature, and as we will see
later he will subsequently contradict flatly the sweeping assertion that mankind
obeys such a law with “unanimous consent.”

After more reassuring and elevating rhetoric, Locke gets down to the busi-
ness at hand in the second paragraph of Question II. He observes that “there are
three means of knowledge” of the law of nature: (a) inscription, (b) tradition,
and (c) sense perception. Before he considers each briefly, Locke again specifi-
cally excludes “supernatural and divine [Revelation]” as a source of knowl-
edge. He tacitly suggests something more by telling us that human beings have
“certainly made great progress” in understanding “the entire nature of things,”
even when not informed by “the divine spirit” and when lacking “a light come
down from the heavens,” i.e., divine revelation (fol. 23–24). Nor has this
human inquiry been “circumscribed within the limits of [this] world,” for “it
enters heaven itself in its contemplation and has with fair accuracy inquired of
spirits and minds, their nature, their actions, by what laws they are bound” (fol.
24). The boldness of Locke’s claim is breathtaking: human beings by their own
efforts have penetrated heaven and explored the laws that govern heavenly be-
ings, even as he explicitly rejects here divine Revelation, the gift of God’s
grace to man, as a source of knowledge. “All this knowledge,” Locke says,
“reaches the mind by one of these three modes of knowing. Nor are there other
principles and foundations of knowing except these.” (fol. 24).

Locke quickly rejects inscription as a source of knowledge of the natural
law, a topic to which he will return at length in Question IV. He concentrates
his attention in Question II on the central of the three potential means to knowl-
dge, tradition, which he rejects as a source of valid knowledge of the natural
law. Tradition can afford no more than a derivative source of opinion, and it
rests ultimately on faith, not on knowledge. Furthermore, he reminds us, there
are a variety of traditions, each of which is subject to interpretation.

With inscription and tradition rejected, there remains only "sense" as a pri-
mary source of knowledge. "I say that the foundation of all our knowledge . . .
is derived from those things we perceive by our senses. Beginning from these,
our reason, or faculty for making arguments, which is proper to man, proceeds
to the creator of these things by arguments necessarily springing from the mat-
ter, motion, and visible frame of this world, and its economy . . ." (fol. 32). It
is "reason," our "faculty for making arguments," which may lead us to discover
the law of nature. This argument, as we shall see, is amplified in Question V
and will be discussed there in some detail.

At this point, Locke again has recourse to the device observed in Question I,
viz., an unidentified objector enters the disputation to draw attention to a prob-
lem which would have been manifest to an adherent of the Christian natural law
tradition. "How does it come about," asks this objector, that "if the law of nature were known by the light of nature," or reason, which all men are said to possess, that "so many are blind?" Why do "most mortals have no knowledge of this law, and nearly all have different opinions concerning it?" (fol. 33).

As pointed out above, Locke here flatly contradicts the opening sentence of this very Question, where he spoke of "that law of nature to which men offer obedience with such unanimous consent," inasmuch as they could hardly consent to and obey a law of which "most mortals have no knowledge." Towards the end of Question II he grants that "this objection [of widespread ignorance of the natural law] would have a certain inherent force of itself, were we asserting that the law of nature is inscribed in our hearts" (fol. 33). However, he replies, all he is contending here is that what human beings have is simply a capacity for reason, and it is through reason that, in principle, they may discover the law of nature.

Locke immediately adds a qualification of transcendent importance, however. Even though "our intellectual faculties can lead us to a knowledge of this law, yet it does not follow from this that all men necessarily make right use of these faculties" (fol. 34). Not every man turns out to be a good "Geometer, or has a knack for and mastery of Arithmetic," even though "the nature and properties of figures and numbers seem obvious, and doubtless knowable from the light of nature," or through the exercise of reason (fol. 34).

Locke's rejoinder does not meet the thrust of the objection that has been raised, however, but rather begins to move the discussion in another direction. There are at least two vital and compelling differences between the mathematical and the moral spheres. It would hardly be a matter of great concern if the greater part of mankind were to remain totally ignorant of the "nature and property of figures and numbers." These skills may be developed and practiced by a relatively small number of mathematicians whose findings can then be applied by others to the practical needs of society. But, as Locke has emphasized, a firm grasp of the principles of natural law is requisite if each and every human being is to lead a moral life. A society would be in a bad way indeed if a sizable number of its inhabitants were to have no understanding of moral principles, while those who make errors in arithmetic can hardly be said to threaten the fabric of society.

In answering the objector, Locke has subtly shifted from the laws of morality to the laws of numbers, a shift fraught with implications for the question of the relation between Locke's natural law and that of the tradition. The traditional, Christian natural law doctrine holds that God had so created man that a multitude of powerful forces, including his natural inclinations, act in conjunction to bring him to an awareness of the natural law and to facilitate his obedience to it (Horwitz, "Introduction," pp. 13–16). To judge from his answer to the objector, Locke has moved a considerable distance from this doctrine, a point that is brought home throughout the remainder of this Question.
Locke's view, the creator, or nature, has not made it easy for mankind to discover natural law. On the contrary, "for a man to penetrate into the hidden nature of these things," there is need for the "concentrated meditation of the mind" (fol. 34). To make his point clear, Locke makes use of a striking analogy. The riches of the natural law are compared to "good, rich veins of gold and silver," which "lie hidden in the bowels of the earth." Those who seek these treasures of gold and silver must use their "arms and hands and reason," and must invent "engines" to facilitate their mining. "Great labor" is required to excavate this treasure, and "the idle and indolent" will never succeed in their quest—but neither necessarily will many—or even most—of the industrious and intelligent searchers for treasure. There is no guarantee that anyone will ever discover these deep, hidden veins of gold and silver. Few will ever muster the energy and resources to engage in the search for the natural law, and fewer yet will succeed. What is less obvious is Locke's suggestion that most people will remain unaware even of the necessity for the quest, since, by and large, human beings, wherever they live, "are guided not as much by reason as by either the example of others or the practices of their country and the custom of the place [where they live]" (fol. 35). This suggestion will be amplified by Locke throughout the Questions, and its consequences are enormous, relating, as they do, to the issue of promulgation of the natural law. If a law is not properly promulgated, then it has no force of obligation. If men cannot be expected to follow it, then it is nonexistent for practical purposes. Through these tacit suggestions, Locke raises profoundly disturbing questions about the possibility of discovering natural law, as understood in the Christian tradition.

In the two Questions which follow, Locke takes up and amplifies the concerns with which he concludes Question II. To these Questions we must now turn.

QUESTION III

"Does the Law of Nature become known to us by Tradition? It does not."

This issue appears to have been raised, and answered, by Locke in the course of his discussion of Question II. We may recall his observation there that "there are three means of knowledge which, without excessive scrupulousness in my choice of terms, I might call: inscription, tradition, and sense" (fol. 23). Locke discusses "inscription" in Question IV and "sense" in Question V, while Question III is, to all appearances, reserved for a discussion of "tradition." Yet two curiosities confront us. First, his treatment of tradition in Question III is limited to one word. One wonders why he failed to explicate this important issue in the Question specifically reserved for it. Secondly, and quite surprisingly, he does discuss this issue at considerable length in the preceding Question, but within the context of broader concerns.
Unless one makes the quite simplistic, and, one might say, rather condescending assumption that Locke was simply careless, and that this Question is superfluous, one must try to figure out his intention in this and in each of the other two Questions answered by the one word, "Negatur." Professor Von Leyden, in his study of Locke's Questions in relation to traditional Christian natural law writings, made some helpful observations. "Culverwel dealt with tradition in his Discourse of the Light of Nature [and] he, too, denied that the law of nature is discovered by tradition. Behind this discussion of tradition in connection with natural law lies the long-lived controversy with papists who endeavoured to secure for tradition an equal authority with the written word of God by accepting it as part of His unwritten word (cf. Hooker's Laws of Ecclesiastical Polity . . .). (Essays, p. 134, n. 1).

Nathaniel Culverwel investigates the issue of tradition in Chapter VIII of his Discourse by asking "How the Law of Nature is discovered?" "Not by Tradition," says he, but rather by reason. Thus far, Culverwel and Locke are in agreement. Culverwel finds that "God having contrived such an admirable and harmonious law for the guiding and governing of His Creature" man, that he has in addition "set up an Intellectual Lamp in the soul, by the light of which it can read this nomos graphos [written law], and can follow the commands of its Creator (Discourse, p. 60). According to Culverwel, no particular people or nation is denied access to an understanding of the natural law, an argument initially directed against those Jewish spokesmen who, as he asserts, have contended "that the light of Nature shines only upon themselves originally and principally, and upon the Gentiles only by way of Participation and dependence upon them: They all must light their candles at the Jewish Lamp" (pp: 60-61).

While consistently denying that the Jews alone receive this light, "which doubtless is planted by Nature in the heart both of Jew and Gentile, and shines upon both with an equal and impartial beam," Culverwel does suggest that it must not be denied, that the Jewes had even those Natural notions much clarified & (sic) refin'd from those clouds and mists which Original sin had brought upon them . . . by means of that pure and powerful beam of heavenly truth which shined more peculiarly upon them; those Lawes which Nature had engraven . . . upon the tables of their hearts, [which] sin like a moth had eaten and defaced (as in all other men it had done) but in them those fugitive letters were call'd home again, and those many Lacunae were supplied and made good again by comparing it with that other Copy (of Gods own writing too) which Moses received in the Mount; and besides, they had a great number of revealed truths discovered to them, which were engraffed indeed upon the stock of Nature, but would never have grown out of it . . ." (P. 61)

Culverwel asserts that the law of Nature is, in principle, discoverable by all men through the use of reason. At the same time God has promulgated the law of nature directly, as when Moses received and transmitted it at Sinai. The importance of such instances of Divine Revelation is brought home in the fol-
lowing chapter of Culverwel’s work, “The Light of Reason,” which may profitably be compared with Locke’s arguments in Question II regarding the “light of Nature.” Culverwel contends that, while “the strength and nerves and binding virtue of this Law are rooted and fasten’d partly in the excellency and equity of the commands themselves, . . . they principally depend upon the Sovereignty and Authority of God himself; thus contriving and commanding the welfare of his Creature, and advancing a Rational Nature to the just perfection of its being” (p. 65). In short, although God may reveal the law of nature directly, as at Sinai, it may in principle be known through human reason, but man’s obligation to obey stems from the legitimate authority exercised by God, his Creator, over him.

We also find important materials regarding tradition in the first book of Richard Hooker’s Laws of Ecclesiastical Polity. Hooker asks whether we should “seek for any revealed law of God otherwhere than only in the sacred Scripture; whether we do now stand bound in the sight of God to yield to traditions urged by the Church of Rome the same obedience and reverence we do to his written law, honouring equally and adoring both as divine: our answer is No” (I.13.sec. 2). Furthermore, adds Hooker,

What hazard the truth is in when it passeth through the hands of report, how maimed and deformed it becometh . . . How miserable had the state of the Church of God been long ere this, if wanting the sacred Scripture we had no record of his laws, but only the memory of man receiving the same by report and relation from his predecessors?

By Scripture it hath in the wisdom of God seemed meet to deliver unto the world . . . many deep and profound points of doctrine, as being the main original ground whereupon the precepts of duty depend; many prophecies, the clear performance whereof might confirm the world in belief of things unseen . . . such as the providence of God from time to time hath taken to have the several books of his holy ordinance written. (I.13 secs. 2–3).

While castigating tradition in good Protestant form as an unreliable vehicle for transmission of the natural law, Hooker—even more strongly than Culverwel—emphasizes “sacred Scripture” as an indispensable Revelation of that law, “those writings which contain in them the Law of God, all those venerable books of Scripture, all those sacred tomes and volumes of Holy Writ” that are “with such absolute perfection framed, that in them there neither wanteth any thing the lack whereof might deprive us of life . . .” (I.13. sec. 3).

There can be no proper distinction made, it seems, between “Nature and Scripture,” between what man can discover through the use of reason and the indispensable guidance that God grants through Revelation, because, as Hooker contends, “Nature and Scripture do serve in such full sort, that they both jointly and not severally either of them be so complete, that unto everlasting felicity we need not the knowledge of any thing more than these two may easily furnish
our minds with on all sides; and therefore they which add traditions, as a part of supernatural necessary truth, have not the truth, but are in error” (I.14.sec. 5).

Hooker’s and Culverwel’s arguments that “Nature and Scripture,” acting together, serve to lead mankind toward the requisite understanding of their moral duties may be taken as representing the Protestant natural law position on these issues when Locke penned his Questions. Like Culverwel and Hooker, Locke flatly rejects tradition in stating his position in Question III, but, once again, we must ask why he chose to deal with it at some length in Question II. There, he emphasized the great variety and contradictory character of “men’s opinions,” from which they derive the innumerable and flatly contradictory traditions which serve to lead most people in most places most of the time. The “traditions” to which Locke is here referring seem to be, primarily, religious traditions or religion simply. He asks, for example, “why a more submissive faith should be given to [the claims of] one man rather than to another . . . unless reason can discover some way of distinguishing between traditions themselves” [emphasis supplied] (fol. 29). Or, again, “if the law of nature could be learned from tradition, this would be a matter of faith rather than knowledge . . .” (fol. 30). Or, still again, even if one were to trace the origin of a tradition back to its beginning, the “first author of this tradition will have made it known to the world, instructed by some oracle, [and] inspired by the spirit of god” (fol. 31). But such a Revelation would “by no means [be] a law of nature, but a positive law” (fol. 31). What, then, is the status “of God’s own writing which Moses received in the Mount,” as spoken of by Culverwel? While Locke might answer that this was an example of divine positive law, this would simply bring us back to the thorny problem raised by those discerning and tenacious “thinkeing men” of Oxford who, through James Tyrell, objected that one of Locke’s heresies lay in his having permitted a fatal separation to take place between the law of nature and the “Divine Law,” as revealed in Sacred Scripture (cf. Horwitz, “Introduction,” p. 5). Locke refused then, as always, to deal seriously with this charge, and nowhere in these Questions does he discuss them. Perhaps the reason for this is visible in Locke’s manner of treating tradition in Questions II and III: he carefully—and subversively—redefines the issue of tradition, as it had been understood and dealt with in the Christian natural law teaching. Thinkers such as Hooker and Culverwel, among others, firmly insisted that “tradition and Revelation” had to be considered together. Locke wrenches them apart. By answering Question III in one word, he gives his terse assent to half of the argument made by thinkers like Hooker and Culverwel, even as he silently drops the other half of their argument—the part in which they insist on the indispensability of “sacred Scripture” for man’s moral guidance.9

Locke rejects this central feature of the received tradition, but he does not appear to have been anxious to give his Questions an untraditional appearance. Quite the contrary. By simply answering “Negatur” to the question of whether
“the Law of Nature becomes known to us by Tradition,” Locke appears to rest comfortably and securely in the sacrosanct camps of such orthodox divines as Hooker and Culverwel. Indeed, Question III appears to be so very traditional that it could easily be ignored, or even excised and discarded by some as meaningless. Reflection on Locke’s one-word answer to Question III thus reveals an artfulness behind his brevity. It is difficult not to suspect that the one-word answers to Questions VI and IX may also conceal views which may prove to be as antithetical to major tenets of the Christian natural law tradition as are his answers to Question II and III when considered together.

QUESTION IV

“Is the Law of Nature Inscribed in the Minds of Men? It is not.”

Having demonstrated in Question II, and reiterated in Question III, that tradition cannot be the source of natural law, Locke explores a major alternative means to knowledge in Question IV. Near the beginning of the Question is a passage which prefigures one of the most famous formulations of Locke’s Essay, viz., whether or not “the minds of men at birth are more than clean slates capable of receiving any impression whatsoever . . .” (fol. 38; cf. Essay Concerning Human Understanding, Iii2). In speaking of one of those who held otherwise, and who had labored mightily to establish his position, Locke writes in MS. A. “laborat acutissimus Car[t]esius” (fol. 38). In MS. B. he has stricken Descartes’ name, writing instead “laborarunt multi.” These changing references are most interesting, in part because through this initial praise of Descartes, Locke furnishes his readers with one of his earliest indications of his familiarity with that great thinker, of whom he also wrote: “I must always acknowledge to that justly admired gentleman the great obligation of my first deliverance from the unintelligible way of talking of the philosophy in use in the Schools.” It was Descartes, too, according to Locke, who first “gave him a relish of philosophical studies . . .” Nonetheless, despite his admiration and gratitude, Locke dropped from the Questions (after MS. A.) any reference to Descartes by name. Should this be understood as yet another example of Locke’s characteristic caution or prudence? Some support for such a supposition may be found in the fact that the writings of Descartes had become so controversial in the seventeenth century that the teaching of his philosophy was forbidden in France.

At the opening of Question IV, Locke again asserts that he has “proved above that there exists a law of nature . . .” (fol. 37). But I must reiterate once again, Locke has as yet done nothing of the sort. The substantive discussion in Question IV centers on the issue of “whether there exist some practical propositions innate to the mind and, as it were, graven upon it, so that they are as natural to the soul and as integral to it as its very faculties, the will and intel-
lect, that is, and whether they become known to us without any effort or reasoning, immutable and forever obvious” (fol. 37). At no point in the Questions does Locke discuss his distinction between “speculative” and “practical” propositions, as he was to do later in his Essay; however the former are frequently illustrated in his writings by reference to such familiar, “logical” propositions as “that it is impossible for the same thing to be, and not to be” (e.g. Essay Concerning Human Understanding lii23). As an illustration of a practical principle, Locke gives us the example of

Justice and keeping of Contracts, [which] is that which most Men seem to agree in. This is a Principle, which is thought to extend itself to the Dens of Thieves. . . . I grant that outlaws themselves do this one amongst another: but 'tis without receiving these as the innate Laws of Nature. They practise them as Rules of convenience within their own Communities: But it is impossible to conceive, that he embraces Justice as a practical Principle, who acts fairly with his Fellow Highwaymen, and at the same time plunders, or kills the next honest Man he meets with. (Ibid, liii2)

The immediate issue is whether such practical propositions or principles are stamped on the minds of men at birth. Locke adduces five arguments designed to prove that they are not. He denies, first of all, that anyone “has yet proved that the minds of men at birth are more than clean slates . . . .” (fol. 38). Consistent with this, he finds, secondly, that human beings in various places hold the most bizarre and contradictory opinions: “Some recognize a different law of nature, others none, all recognize that it is obscure” (fol. 38).

The flow of the argument is suddenly broken by the interjection of a hypothetical objection to this second point. Granted, runs the objection, that the hearts of mankind are no longer so inscribed, might not the obvious diversity of opinion have stemmed from “the fall of the first man?” Locke’s response to this objection is threefold and is revealing on all counts. He rejects as too narrow the notion that “the fall of the first man” could provide a reasonable explanation for the alleged eradication of the natural law from the hearts of man. After all, comments Locke, “this argument is completely unknown to the greatest part of mankind who have never once given a thought to the first man or to his fall” (fol. 39). Locke goes on to argue “in the alternative,” as lawyers say: even if theists do offer such explanations, they lie beyond the scope of the Questions. Locke firmly insists that “a response of this kind hardly pertains to Philosophs” (fol. 39). Continuing to argue “in the alternative,” Locke adds that even if one were to entertain an explanation of this sort, it would be to no avail.

The excursus precipitated by the injection of the “objector’s” arguments is interesting and valuable in itself, but it is also perhaps intended by Locke to help open the way for consideration of the more important point which follows. The carefully restrained and undeveloped comments of the excursus direct us to
a considerably clearer aspect of the Christian natural law teaching which emerges as Locke's major concern in the remainder of this Question.

Having responded to the "objector," Locke moves on to the third of the five arguments directed against the notion that "there exist some practical propositions born with the mind and ... graven in it." He devotes more than four folios to the third or central issue: "If this law of nature were inscribed in men's minds, how does it come about that the very young, the uneducated, and those barbarian nations ... do not know this law better than any [others]?” After all, they, along with the "fools and madmen” mentioned in his fourth argument, are the people who least "receive from elsewhere derivative opinions which can either pervert, or obliterate, or destroy the dictates of nature. For they have no tutors other than themselves and no guide other than nature” (fols. 40–41). Yet, when we read the accounts of primitive or simple and uninstructed peoples, says Locke, we oftentimes find “how alien are they to any [sense of] humanity! Nowhere is there ... such monstrous cruelty.” Many of them make bloody human and animal sacrifices “to their gods” (fol. 41).

There are those who may argue with some of the details of Locke's description, both here and elsewhere, of the beliefs and practices of "uneducated nations," but these details have no bearing on the thrust of the argument. The dominant concern of this Question is Locke's characterization of the traditional, Christian natural law which, as he presents it here, is represented as holding that practical principles of conduct, or moral principles, should be most clear to the very young, the uneducated, barbarians, rude and simple peoples, fools, and madmen, because they are "graven" on their hearts and least obscured by education or other forms of opinion or tradition. In view of Locke's discussion of "inscription," and the implications of the excursus that preceded this part of the argument, I would tentatively suggest that Locke is here deliberately presenting a caricature of the traditional natural law doctrine. I say deliberately because Locke's mastery of that tradition in its rich detail, its variety and complexities can hardly be questioned. He comprehended far better than most of us that neither Aquinas nor Hooker, nor, for that matter, the innumerable interpreters of the Christian natural law in either its Catholic or Protestant formulations, held that men are born with the detailed precepts of the moral code "engraved" on their hearts. It is not a detailed code of natural law precepts that are "implanted" in human beings at birth, but rather, according to Aquinas, God shaped man in His own image and, as intelligent creatures, men "join in and make their own the Eternal Reason through which they have their natural aptitudes for their due activity and purpose. Now this sharing in the Eternal Law by intelligent creatures is what we call "natural law"" (Summa 1a2ae, 91, 2). It is man's nature, his natural inclinations, which direct him toward virtue. There is a radical difference between the contention that by nature man possesses certain natural inclinations and the suggestion that the prescriptions of the natural law are somehow "engraved" or "inscribed" as specific and detailed
commandments on men's hearts. Surely the latter notion, if taken literally rather than metaphorically, is simply ludicrous, as Locke wryly demonstrates. But Locke's real purpose here runs far deeper than merely making light of the traditional natural law teaching. Indeed, his underlying purpose appears to be to point toward the enormously important issue which he boldly poses in Question VI, whether the "law of nature can be known from man's natural inclinations"—perhaps the most fundamental tenet of the Christian natural law.

**QUESTION V**

"Can Reason arrive at knowledge of the law of nature through sense experience? It can."

Question V comes as something of a relief to the reader for here, at last, Locke suggests the method by which we may come to know something of the law of nature, whereas in the other Questions of this section, he discusses ways in which the natural law cannot be known. Before considering Locke's views on how natural law can be known, let us seek to gain an overview of his argument. He begins with the suggestion that the law of nature is knowable by the "light of nature," a term used, but not adequately defined, earlier. He turns now to a discussion of how the light of nature can lead to an understanding of the law of nature. It is in this context that he discusses in detail the two constituent elements of the light of nature: sense and reason.

Question V opens with the reiteration of Locke's familiar, but still unproved, assertions: "we have proved above that the law of nature is knowable by the light of nature" (fol. 47). Indeed, this assertion could not be valid, since Locke has not yet established what the law of nature is, much less what the light of nature is. All he has done thus far is to enumerate some of the conditions which must be met for the natural law to be knowable by the light of nature, nothing more. He now goes on to assert the importance of understanding and discovering the light of nature, for only if we are guided by the light of nature will we be able to escape, says he, the lure of vices on the one hand, and, on the other, the pitfalls of error, and thereby gain that great happiness "to which both the gods beckon [us] and our nature tends . . ." (fol. 47). Locke's reference here to deities in the plural is arresting, especially given his later tirade against polytheism. No less thought provoking is his tacit suggestion that mankind may achieve full perfection and happiness by following the "light of nature," without any reference whatsoever to guidance from Scripture. The general bearing of this suggestion is reinforced by his claim that there is "nothing that can be called the light of nature except reason and sense" (fol. 48) and that, further, there is "nothing so obscure, so hidden, so remote from all possible sense experience, that the mind, in its infinite capacity and with the aid of these faculties, cannot reach by thought and reasoning" (fol. 48). Unassisted
human faculties are sufficient to produce understanding of "the entire nature of things," as we were informed earlier (fol. 24; emphasis supplied). The unaided human mind can transcend the sphere of the natural, and by its own powers it "enters heaven itself and has with fair accuracy inquired of spirits . . ." (fol. 24).

It is essential that Locke here explicate his understanding of reason, for the reader may recall that in Question I, in discussing "the various names by which" the law of nature is signified (fol. 10), he spoke of the "right reason" which some denominate the natural law as a body of "definite practical principles from which flow the sources of all virtues," rather than as a "faculty of the intellect by which it articulates discourse and deduces arguments . . ." (fol. 11). But, in Question V, he defines reason in precisely the latter sense. It takes "the ideas of particular sensible things" furnished by the senses, and "arranges and orders the images of things derived from the senses, and forms [and] derives from this source other new images" (fol. 48). Readers familiar with Locke's Essay will recognize here basic elements of his epistemology. He makes it clear that without the proper, mutual functioning of sense and reason, human beings can know nothing at all. If they were forced to depend on their senses alone, unassisted by reason, they could not rise even to the level of the pig or the ape. They would be helpless in competing with many fourfooted animals, since the beasts' senses are more highly developed. Nor could human beings depend on reason alone, for if their reason were not furnished by their senses with the materials for thought, they would be lunatics, i.e., they would fashion imaginary, worthless, and even dangerous constructs from figments of their imagination. Or, as Locke suggests, they would be in the situation of an architect trying to construct an edifice without any of the requisite building materials.

Locke makes it unequivocally clear that it is the reciprocal functioning of sense and reason that elevates humanity above the ape and the multitude of fourfooted animals. The senses furnish "the entire and primary matter for discourse," which "reason raises on high and lifts up to heaven" (fol. 50). It appears that all principles which human beings comprehend, whether they be "theoretical" or "practical," are derived from the interaction of sense and reason. This distinction is more fully developed in Locke's Essay, where he posits the principle of contradiction as an example of a theoretical principle and the law of nature as an illustration of a practical principle. Most important is Locke's conclusion on this point: "reason proceeds in exactly the same way in the moral and practical disciplines . . ." (fol. 52).

Having laid down these epistemological foundations, Locke reiterates two of the by now very familiar criteria "which are necessary to the knowledge of any law whatsoever," including of course the law of nature (fol. 52). The first criterion is that for anyone to be "bound by law, he must first know that there is a legislator . . . to which he is is rightfully subject" (fol. 52). Knowledge of
natural law as law requires a proof of the existence of God. The second criterion requires that the lawgiver "demands of us that the conduct of our life be in agreement with his will" (fol. 52). Locke then proceeds in view of his preceding distinction to make clear what sense and reason each contributes to a knowledge of these two criteria.

The operations of sense and reason, Locke observes, provide us with data on "matter in motion," reporting such phenomena as "heat, cold, colors, and the other qualities obvious to sense, all of which can in some way be referred to motion" (fol. 53). He goes on to claim rather more for the functioning of the senses than one might have expected in view of his initial description of their limited functions. He asserts that it is possible to say on the basis of the senses that the visible world is "framed with wonderful art and order," as is manifested in part by such phenomena as "the procession of the year and the seasons following one upon another in a fixed order" (fol. 53). One might have thought, on the basis of Locke's own criteria, that it is reason, with its capacity for drawing inferences, which leads to the idea of a "season," to the inference that seasonal change is regular or orderly, and to the conclusion that four seasons may be characterized as a year. On the other hand, it is difficult, on the basis of Locke's characterization of the functioning of the senses in these Questions, to comprehend how sense alone could make the determination that the visible world is "framed with wonderful art and order" (fol. 53). Has Locke perhaps intentionally exaggerated the capacity of sense? Is he perhaps tacitly suggesting an initial flaw in the foundation of the overall demonstration of which this constitutes the first portion?

The next step of Locke's demonstration raises suspicion of this same sort as he turns to the discussion of reason itself. "Once the mind has carefully and exactly weighed the machine of this world, which has been received from the senses, and contemplated the appearance, order, the array, and motion of sensible things, it progresses from this point to investigate the origin of these things . . . " (fol. 53–54). Here Locke is attributing to reason one of the functions, the consideration of "appearances," previously attributed to sense, while he fails to distinguish in this discussion the precise way in which sense and reason determine the "order" or array of sensible things, such as the seasons. The difficulties of this demonstration are compounded by the exaggerated claims he now makes for the operation of reason, claims which are very difficult to comprehend and which cannot be accepted without question. Specifically, having contemplated "the machine of this world," Locke reports that it proceeds "to investigate the origin of these things, what was the cause, who is the author of so extraordinary a work. For it is certain that it could not have been formed by chance and accident into a frame so fitting, so perfect everywhere and wrought with such skill. From this [observation] it is a certain conclusion that there must exist some powerful and wise creator of all these things, who made and constructed this whole world . . . " (fol. 54).
One is forced to wonder whether it is Locke, the philosopher, who is seriously asserting that "it is certain" that the world was "created" in the sense here suggested. He does not mention the alternative position that is fully as reasonable on the basis of the data provided here, viz., that of the eternity of the visible universe, an hypothesis accepted by very reputable philosophers, including Aristotle, whom Locke cites as an authority. Since, as a philosopher, he would have found it requisite to argue in support of his hypothesis, one may wonder whether he is speaking here from other than a philosophic perspective.

One cannot but notice that Locke severely undercuts his own argument, so far as it depends on the "perfection" of "sensible things," for in the immediate sequel he describes at length and with great force the striking imperfection of one part of creation—humanity itself. "Man does not find in himself all those perfections of which his mind can conceive." Man can easily conceive of that most desirable perfection, immortality, yet, alas, he is mortal. He also lacks "a perfect knowledge of all things," as well as "a greater power over natural things" (fol. 55). Given these imperfections, Locke observes that man could hardly be conceived as having created himself, "for it is impossible to imagine anything so hostile and inimical to itself which, though it could grant itself existence, would not at the same time preserve it. . . . Without life all other things, dear, useful, pleasant, blessed, cannot be preserved and are sought in vain" (fol. 55). Inasmuch then as humanity cannot be understood to have created itself, "it necessarily follows that there exists some creator other than ourselves, more powerful and wiser, who at his pleasure can bring us into being, preserve, and destroy us" (fol. 55–56). Is one not forced to conclude from this either that Locke ascribes to the creator an intention hostile to humanity or that Locke views the creator as woefully lacking in power? In either case, the creator has not produced the perfect world Locke's surface argument promises.16

However inadequate Locke's demonstration may be, he does not develop this point of the argument more fully in this Question. Instead, in the concluding folios he turns to sketch further the conjectural deductions said to be drawn by reason regarding mankind's duties to the deity. In compressed form, the argument runs as follows: since reason is supposed to have recognized some "wise" and "powerful" creator, it is said to follow that such a creator would not have lacked purpose in any part of his creation. Therefore, since man "perceives that he possesses a mind which is quick . . . and a body too which is agile," he will conclude that he should not be idle (fol. 59). "From this is perfectly clear that god wills him to do something" (fol. 59). That "something" seems "to be destined" by the creator to be nothing other than the contemplation of god's "power and wisdom in these works, and then to offer and render [him] the laud, honor, and glory most worthy of so great and so beneficent a creator" (fol. 60). In light of Locke's preceding observation on the imperfections of creation, one wonders what that honor would be.

Locke's argument thus bears some superficial relationship to the traditional,
Christian natural law teaching, but in other respects it appears at best to be a pale reflection, or even something of a parody of that tradition. That appearance is underlined in the two concluding folios of this Question, folios in which Locke suddenly juxtaposes important aspects of the traditional natural law doctrine against a strikingly different position. As we observed earlier, a cardinal tenet in the Christian natural law doctrine, whether explicated by scholars of Catholic or Protestant persuasion, concerns the natural inclinations. Thomas Aquinas powerfully develops this tenet and relates it directly to the law of nature in a famous passage which must be quoted at some length, not only for its importance in concluding our discussions of Question V, but also because it helps one to understand the inextricable connection between Questions V and VI. As Thomas tells us:

since being good has the meaning of being an end, while being an evil has the contrary meaning, it follows that reason of its nature apprehends the things towards which man has a natural tendency as good objectives, and therefore to be actively pursued, whereas it apprehends their contraries as bad, and therefore to be shunned.

Related to this notion of “ends” is the idea that:

*The order in which commands of the law of nature are arranged corresponds to that of our natural tendencies.* Here there are three stages. There is in man, first, a tendency towards the good of the nature he has in common with all substances; each has an appetite to preserve its own natural being. Natural law here plays a corresponding part, and is engaged at this stage to maintain and defend the elementary requirements of human life.

Secondly, there is in man a bent towards things which accord with his nature considered more specifically, that is, in terms of what he has in common with other animals; correspondingly those matters are said to be of natural law which nature teaches all animals, for instance, the coupling of male and female, the bringing up of the young, and so forth.

Thirdly, there is in man an appetite for the good of his nature as rational, and this is proper to him, for instance, that he should know truths about God and about living in society. Correspondingly whatever this involves is a matter of natural law, for instance, that a man should shun ignorance, not offend others with whom he ought to live in civility. . . . (*Summa*, 1a2ae 94.2)

According to Thomas then, there is an inseparable connection between the natural inclinations, self-preservation, sociality, and knowing the truth about God on the one hand, and the natural law on the other. At each level, these inclinations point to, one might say “reveal,” the appropriate, corresponding dimensions of natural law. For example, the inclination to “know the truths about God and about living in society” requires that “correspondingly whatever this involves is a matter of natural law.”

Locke’s discussions of the natural law echoes Thomas’s in clearly discernible ways. He treats in his own singular fashion duties toward the creator as we have seen, and he then touches rather briefly on the other two main sets of
duties. He pointedly does not speak of the formation of civil society as the manifestation of a "natural inclination" in the Thomistic sense to form society, as any careful reader of his Two Treatises of Government is aware. Rather, he reports that at some point in the course of his troubled existence in this world, man is "impelled to form and preserve a union of [his] life with other men, not only by the needs and necessities of life, but [because he perceives that] he is driven by a certain natural propensity to enter society . . ." (fol. 61). In the very next folio, Locke flatly denies that the law of nature can be known from any natural inclination, and he suggests, rather, that man sees the necessity to preserve his life by forming a union with other men, i.e., through a convention. In substituting "propensity" for "natural inclination," Locke appears to be rejecting the term "natural inclination," because it specifically conjures up visions of the long-established philosophic tradition running from Aristotle through Hooker within which human beings are understood to realize unique and significant dimensions of their overall development in the political order. The word "propensity" is narrower and more neutral than the term "natural inclination," laden as it is with rich connotations of human sociality deriving from a long tradition. Locke may choose to ignore this tradition and still bring home to his readers his view that human beings, overwhelmed by the dangers posed by living isolated in the state of nature and suffering various "inconveniences," may exemplify a propensity for preserving their lives through the expedient of joining together for mutual defense. Such a formulation is, of course, perfectly compatible with Locke's subsequent development of these themes in his Two Treatises of Government. At the same time, one cannot emphasize too strongly the stark differences between this formulation and that of the Christian natural law teaching, as exemplified by Thomas or Hooker, who, as we must never forget, hold that the ultimate and overarching purpose of human society is to provide "a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us living singly and solely by ourselves, we are naturally induced to seek communion and fellowship with others" (Hooker, Laws, I, 10, sec. 1).

As for the status of self-preservation, Locke tells us in this Question that indeed there is no need for me to stress here to what degree [man] is obliged to preserve himself, since he is impelled to this part of his duty, and more than impelled, by an inner instinct, and no man has been found who is careless of himself, or capable of disowning himself. In this matter all men are perhaps more attentive than they ought to be. (Fol. 61)

An "inner instinct" has replaced the "natural inclination" of the Christian tradition, but the most compelling aspect of Locke's statement about the instinct for self-preservation is his intentional overstatement here of its binding power. In shocking contrast to the quotation that "no man has been found who is careless of himself or capable of disowning himself," one will discover in the Questions that follow numerous instances of men and women who have indeed "dis-
owned" themselves, generally by having committed suicide while under the influence of doctrines which Locke will shortly characterize as "insane." This intentional contradiction will be discussed in the analysis of Question X, below. It suffices here to observe that Locke's overstatement of the allegedly unconquerable instinct for self-preservation may be designed to leave the reader with a strong impression of the primacy of this "instinct" over "reason" which establishes the primary duty to pay reverence to the creator, as the Christian natural law tradition holds.

The primacy that self-preservation acquires in Question V over the other elements of the Christian natural law doctrine is reasserted by Locke as the work progresses. He claimed in V that "all men, wherever they are, are sufficiently provided by nature for the investigation of god in his works," but he tells us in Question VII of "some peoples of Brazil and the inhabitants of the Bay of Soldania [who] worship no god at all" (fols. 58, 76). Worship of God, supposedly one of the natural inclinations pointing to the content of the natural law, is thus far from universal or far from universally effective. Even more surprisingly, he adds that the highly civilized "Greeks and Romans and the entire Pagan world" were nothing but "atheists under another name. For it is as impossible for many divinities to be, or to be conceived to be, as none. And who increases the number of the gods, destroys divinity"(fol. 77). On the other hand, however, Locke tells us in that same Question that "if there is a law of nature which might appear to be the most sacred among all men, which the entire human race seems driven to obey by a certain natural instinct and its own interest, this is surely that of self-preservation"(fol. 74).

The apparent thrust of Question V is toward establishing a proof of the existence of the deity as the legislator or lawmaker whose very nature calls for humanity to "contemplate his power and wisdom . . . and then to offer and render [him] the laud, honor, and glory" (fol. 60). Nonetheless there is a powerfully discordant emphasis in Locke's formulations: our most immediate and pressing duty appears to be to ourselves, not to the deity. In the Christian natural law tradition, as we have repeatedly seen, self-preservation was regarded as natural, but also as the least exalted of the three natural inclinations. Under the guise of reaffirming the traditional doctrine, Locke appears to revise or even to reject an important part of the older understanding.

Locke may well have anticipated that his method of demonstrating the natural law would be found to be less than adequate by some of his readers. He took pains therefore to direct attention, in passing as it were, to two other proofs of the existence of God. Some "have set out to prove from the witness of conscience that there is a divine power and that it presides over this world"(fol. 57). Others argue "from that idea of god which seems innate to us"(fol. 57). But Locke quickly and decisively dismisses both arguments on the grounds that "the arguments of neither method derive their entire force from
our native faculties, sense, that is, and reason working on sensible things” (fol. 57).

Sense and reason, working together, can enable us to “arrive at a knowledge of some supreme power, as has been shown above,” says Locke, but “it can be doubted with reason whether that idea of god exists in all men by nature” (fol. 57). Locke’s conclusion is perfectly intelligible to us at this point, but it may shock those who were prone to accept his earlier, blandly reassuring statements regarding the deity. In the opening sentence of Question I, for example, he suggested that “god shows himself everywhere present to us,” and that there is no one “who will not conclude for himself that god exists.” (fol. 9). But by this much later point in Question V of the disputation, Locke finds it useful or necessary to report bluntly that many peoples or nations have failed to discover god, if “any credence is to be given to travelers” or explorers who report that “there exist some races in the world who recognize no divine power at all” (fols. 57–58). While there are peoples who recognize no divinity, “there exists nowhere a race so barbarous, so far removed from all humanity, that it does not take joy in the use of the senses [and] is not superior to brute beasts in the privilege of reasoning and the faculty of argumentation; [even] granted perhaps that they cultivate but slightly these native faculties with the application of discipline” (fol. 58).

Even the most barbarous peoples enjoy sensual delights. They find their “humanity,” as well as joy, in the use of the senses. For them, its seems, the good is the pleasant. One should by now be only mildly surprised to learn from Locke that those peoples who fail to use their reason do not discover the deity, but what of those people who have developed to a high degree their native faculties of reasoning and argument but who, nevertheless, remain atheists? Examples of such people are not provided here, but are provided subsequently in the Questions. One may want to call to mind similar examples from Locke’s Essay, where he tells us that “the Missionaries of China, even the Jesuits themselves, the great Encomiasts of the Chinese, do all to a Man agree and will convince us that the Sect of the Litterati, or Learned, keeping to the old Religion of China, and the ruling Party there, are all of them Atheist.”

Locke ends Question V by suggesting that he may “perhaps” return to a more comprehensive discussion of man’s “duty toward god, his neighbor, and himself,” and adds that “perhaps there will be a place elsewhere to discuss each in its turn” (fol. 61). Nowhere, however, in his Questions Concerning the Law of Nature does he ever fulfill this vague promise, though he does, as was mentioned, touch in passing on additional aspects of the relationship with the deity in Question VIII, and he has some interesting observations on man’s duties, or rights, as the case may be, in Question XI.

In sum: Locke has presented us with a most perplexing answer to his fifth Question, the question of whether reason can “arrive at a knowledge of the law
of nature through sense experience.” He has answered the question in the affirmative, but he has given us very little to substantiate his answer. At the most, he has shed some flickering light on the two premises which he suggested “are necessary to a knowledge of the law of nature,” (1) the existence of a “legislator” to whom man “is rightfully subject,” and (2) the suggestion that this “superior power” wills us to do certain things.

QUESTION VI

“Can the law of Nature become known from the natural inclination of mankind? It cannot.”

Throughout Question V, Locke points his readers ahead to the decisive issue posed by Question VI, the issue of the natural inclinations. His handling of this matter in Question V appears to be designed as a guide to and a preparation for his shocking, outright rejection of a centrally important tenet of Christian natural law, the view that man enjoys “a share of the Eternal Reason,” and hence has “a natural inclination to do [his] proper act and end . . . and this participation of the eternal law in the rational creature is called natural law” (Thomas, Summa I–II, Q90 A2). In the orthodox view, human beings are “inclined” or directed in certain directions through the workings of God’s eternal law by which they, along with everything else, have been shaped. These inclinations point toward the fullest and highest development of human beings, especially of the soul and mind. Created in the image of God, human beings have the potential for the perfection of the virtues, and this good can be cultivated by a comprehensive education, one which includes the fulfillment of the duties toward God, the inculcation of sound habits, and the like. Still, there are those who may stray from the paths of righteousness and who may abrogate the injunctions of the laws of nature. These exceptional people aside, it can be said that, shaped and guided by the law of nature, human beings are naturally directed toward their proper actions and ends, ends which can be said to be truly inherent in their being. The manifestations of these natural inclinations direct the attention of thoughtful people to underlying human nature. This is not to say that the tradition holds that all human beings, everywhere and always, possess full knowledge of the natural law, and it emphatically does not hold that the law of nature is somehow literally embossed or engraved in the form of a detailed code on the souls or minds of individuals. What it does hold, as Culverwel, for example, puts it, is that the principles of the natural law are an intrinsic and essential part of human nature, and thus that the species has an instinctual awareness of those principles. This awareness finds expression in those natural inclinations to know the truth regarding God, to live in society, and to self-preservation.

It is this innate directedness of the human constitution that Locke denies in
Question VI, though he does not furnish the reasoning behind his denial. Whatever his reasons for not amplifying his one-word response in Question VI, the effect of this response is not only to reject this particular thesis but to cast the most serious doubts upon his acceptance of the Christian natural law as previously understood. Cumulatively Locke's treatment of Questions V and VI obscures the traditional classical and Christian distinction between human beings and the other animals. In the traditional view, the other animals are understood to be guided simply by instinct, together with some capacity for "problem solving" made possible through the use of their senses. Locke's decisive doubts regarding the traditional ascription to human beings of natural inclinations to know the truth regarding God and to live in society, together with his accompanying elevation and emphasis on the instinct for self-preservation, lead to the thought that Locke regards the human being as essentially a problem-solving animal, one who differs from other animals essentially in the capacity for effective adaptation to the environment. Be this as it may, by flatly rejecting a most fundamental tenet of the Christian natural law tradition, Locke has opened the way not only to an alternative understanding of natural law, but also to a new understanding of humanity.

QUESTION VII

"Can the law of Nature be known from the consensus of mankind? It cannot."

Question VII is the last of the six questions dealing with the issue of how the Law of Nature may be known. The statement of the Question and Locke's response fill twenty folios, which makes this by far the longest of the Questions. Its basic structure, nonetheless, is quite simple. Leaving aside for the moment Locke's opening, the structure of the Question may be graphically presented as follows:

I. Positive Consensus (issues from a compact)

A. Tacit Consent
   e.g., free movement of ambassadors

B. Express Consent
   e.g., establishment of boundaries among neighboring nations

II. Natural Consensus

A. Agreement of conduct or behavior
B. Agreement of opinion
C. Agreement of principles
   1. speculative principles
   2. practical principles
The overall topic is "the consensus of mankind," expressed variously, as the above outline suggests; Locke's discussion opens with some reflections on consensus, or human opinion as such. He opens with a harsh and polemical denunciation of the ancient maxim: "The voice of the people is the voice of god." The intensity of Locke's opening polemic exceeds anything that we have yet encountered, and it sets the tone for the entire Question.

The maxim itself was widely discussed within the Christian natural law tradition. Culverwel, for example, devoted an entire chapter of his Elegant and Learned Discourse to this subject. In his view, human beings are guided by the law of nature working through the natural inclinations, but he perceives additional manifestations of natural law through "the harmony and joynt consent of Nations," who "though there be no . . . commerce, nor compact between them, yet they do tacitly and spontaneously conspire in a dutiful observation of the most radicall and fundamental Lawes of Nature" (Discourse, p. 72). Culverwel supports his position by extensive references to Grotius, Aristotle, Seneca, Cicero, and others, including Heraclitus, who was "wont to lay down this for a Maxime . . . Vox Populi, Vox Dei . . ." (ibid., p. 74). Culverwel does not embrace this maxim without reservations, but Locke nevertheless differs radically from him on this point. Far from finding an expression of the voice of God or the law of nature in human consensus, Locke argues that "vox populi" expresses the basest form of mindless partisanship, a demand that stops at nothing in its "conspiracy" against order and decency. In its passionate zeal to seize whatever it wants, the mob "tramples law underfoot and overthrows kingdoms" (fol. 62). The overpowering force of Locke's rhetoric may cause some readers to pay insufficient attention to one of the more curious elements of his indictment of the multitude, viz., its alleged despoiling of "the temples of the gods" (fol. 62). Can the destruction of pagan temples, the shrines of idolaters and polytheists, be reprehensible and in violation of the law of nature? Locke's answer may very well be yes, for in Question X he finds blameworthy the fact that among some people "there exist no temples or altars to the gods" (fol. 92). But how does one square all this with his categorical condemnation of polytheism as atheism toward the end of Question VII? Locke thereby presents us with yet another bald contradiction. If polytheism is a manifestation of atheism, and if atheism is incompatible with the natural law, as argued in Question V, then he cannot consistently criticize or indict those who have despoiled "the temples of the gods." Locke does nothing to resolve this contradiction. He thereby opens up at least two divergent lines of interpretation. His criticism of those who despoil "the temples of the gods," hard on the heels, as it is, of the quasi-theological discussion in Question V, raises further doubts about the adequacy of that discussion, particularly of its concluding parts in which Locke seems to indicate natural law duties to that singular deity whose "existence" had been more or less established. These doubts are extended in Question VII, as we shall soon see.
Locke opens up a related but somewhat different issue in the immediate sequel, when he goes on to contend that "surely were this [despoiling, etc.] the voice of god, it is clearly contrary to that original Fiat by which he created the fabric of this world and brought it into being from nothing" (fol. 62). Creation from nothing requires omnipotence, a quality which Locke notably fails to attribute to the deity whom he presented in Question V. From this point on, Locke is somewhat more prone to ascribe omnipotence and omniscience to the deity, but his failure to do so earlier leaves one wondering where he really stands on these issues which are so fundamental to meeting the requirements of Christian natural law.

With these preliminary skirmishes completed, Locke turns to the matter of "positive consensus," touching first on what is designated in our outline as I A., "tacit consent." An example of this occurs "when some common human necessity or advantage draws men to it, such as the free movement of ambassadors" (fol. 63). Locke denies that this kind of agreement establishes the existence of a law of nature, or even implies it, "for the reason that by the law of nature all men should be friends to one another and join together by a common necessity" (fol. 63; emphasis supplied). He adds that the law of nature "neither supposes nor permits men to be enflamed by mutual enmity, or to be divided into hostile states" (fol. 64).

This is surely an unexpected and radical formulation. First, we must ask how Locke knows that this is a tenet of the natural law; he has not mentioned it before, much less demonstrated it. About all that one can venture to say at this point is that it differs in significant respects from the Christian natural law tradition. In Hooker and others the traditional natural law understanding emphasizes the natural inclination to form communities, exclusive communities which on various occasions and under a variety of circumstances unfortunately fall into mutual enmity. Christian natural law doctrine takes account of this aspect of human life through its discussion of war, and the important distinction between just and unjust wars. Locke simply slides over these issues without comment, and he may thereby be silently dismissing this aspect of the traditional understanding. Surely, if his interpretation of natural law on these points is correct, then it follows that the traditional teaching is erroneous in several important respects. That may open the door for our now familiar "objector" to enter the argument and to present an even more startling alternative. To Locke's statement that "all men should be friends to one another and joined together by a common necessity," the objector adds: "unless . . . as some will have it, that in the state of nature war is common, and there exists among men a perpetual, mutual, and internecine enmity" (fol. 63). Locke unmistakably refers here to that "justly decried" Hobbes, who observed in an unmentionable book, The Leviathan, that "outside of civil states there is always war of every one against every one" (Leviathan, ch. 13). Significantly, Locke does not pause to criticize this Hobbian formulation, leaving to the reader the task of
judging between the natural law teaching which holds that "all men should be friends to one another," and the Hobbian teaching that all men are by nature enemies to one another. "Whichever alternative you settle on," says Locke, "the choice is yours—just take your pick." (fol. 63).

The crux of this portion of the discussion of Question VII is found in Locke's suggestion that the many instances of positive consensus which have been identified as being nearly universal among at least the Western nations, e.g., "the free movement of ambassadors," may be properly described as *jus gentium* (law of nations). The ultimate source of these conventions is not, argues Locke, the law of nature, but rather "common advantage" or utility, a thesis Locke develops thematically in Question XI.

Having dealt with the matter of "positive consensus," he addresses the several forms of possible "natural consensus." He deals first with such consensus as may be observed in "men's conduct and the experience of daily life" (fol. 65). He reiterates his condemnation of the behavior of the many, initiated in his impassioned prologue to this Question, and concludes again that there is to be found little evidence of consensus in conduct. For that matter, he finds that the path "taken by the majority" leads them into every form of vice and outrageous conduct (fol. 66). Conduct or the action of men can hardly be taken as a guide to the law of nature.

He turns then to the second of the three forms of natural consensus, opinion or belief. He begins with a brief restatement of significant elements of the Christian natural law teachings which he had earlier questioned or rejected: in summary, the views that "god and nature" have "inscribed" the principles of morality in the "souls" of men, and that "men's conscience confesses to that inner law which their vices often deny" (fol. 67-68). Locke vigorously proceeds to demolish this traditional position through extended observations designed to establish that nothing, however disgraceful, "has not in some place been sanctioned by religion or considered as a virtue and exalted with praises. This said, it is easy to know what men's *thought* has been concerning this matter, since by actions of this kind they thought they were worshipping and sacrificing to their gods or becoming 'heroes'" (fols. 68-69; emphasis supplied). In discussing these radical differences of religious belief, Locke observes that "we ought to believe that religion becomes known to men *not so much by the light of nature as by divine revelation*" (fol. 69; emphasis supplied). Through this last observation, Locke casts further doubts on the status of the demonstration of the existence of a deity as presented in Question V, and he thereby undermines the status of those natural law duties that men were alleged to owe to the deity.

Locke does not deny for a moment the enormous, pervasive, and controlling power of religious faith and of its connection with public morality, but he does question whether these phenomena can be understood as manifestations of the law of nature. What then could be their source? His answer: *dominant opinion.*
But opinion has varied widely over the ages and from place to place, as Locke demonstrates dramatically in the following folios. Indeed, these pages provide an astounding catalogue of bizarre beliefs, as well as an account of savage and cruel practices based on exotic, irrational, and outlandish opinions. This curiously extended account of human folly differs stylistically from the terse, condensed quality of the remainder of the text of the Questions. The rather casual, narrative style of these folios to some degree conceals the comments of paramount importance which Locke has scattered throughout this section. For example, he flatly contradicts here his earlier contention that the workings of conscience establish the existence of the law of nature. Near the very beginning of the Questions he asserted that “men’s consciences” prove “that a law of nature exists; . . . that is, from the fact that ‘no one who is guilty wins acquittal when he himself is judge.’ For that verdict which each pronounces upon himself is evidence that there exists a law of nature. For if the law of nature did not exist, . . . how does it come about that the conscience of those who recognize the commands of no other law, by which they are either directed or bound, passes judgment on their very life and conduct” (fols. 17–18). Later on, Locke will provide examples of “the grasping hands of robbers” and the theft and other crimes committed by them, as showing that they are not “restrained by any fetters of conscience” (fol. 91). Here in Question VII he supplies the reason why this is so. Conscience is not autonomous; rather, as Locke shows, it is a product of dominant opinion, or what he termed in the Essay later as the “law of fashion.” Thus, under the guidance of “dominant opinion,” people commit atrocities that “surpass wild beasts in their savagery” (fol. 74). But these men are not tormented by “the lashes of conscience.” Why? “Because they consider their action, whatever it was, not only permissible but even something praiseworthy,” because it conforms to dominant opinion (fol. 70). This is exactly the understanding of conscience that Locke developed in his Essay:

I doubt not, but without being written on their Hearts, many Men, may, by the same way that they come to the Knowledge of other things, come to assent to several Moral Rules, and be convinced of their Obligation. Others also may come to be of the same Mind, from their Education, Company, and Customs of their Country; which, Perswasion however got, will serve to set Conscience on work, which is nothing else, but our own Opinion or Judgment of the Moral Rectitude or Pravity of our own Actions. And if Conscience be a Proof of innate Principles, contraries may be innate Principles: Since some Men, with the same bent of Conscience, prosecute what others avoid. (Essay Concerning Human Understanding, iiiii8)

To reiterate: Locke suggested early in the Questions that a law of nature could be established from the existence of conscience, but now he finds that conscience is nothing more than a reflection of dominant opinion. Since Locke discovers radical divergence of opinion among men on virtually every matter of
importance, it follows that the "voice of conscience" speaks differently to different peoples. Hence the workings of conscience cannot be used to establish the law of nature.

And this important consideration points to a matter of even greater import, for we must ask whether the alleged disagreement on the most fundamental matters is universal. In short, is there nothing on which there is agreement? Locke has anticipated our question. He responds that "if there exists a law of nature, which might appear to be the most sacred among all men, which the entire human race seems driven to obey by a certain natural instinct and its own interest, this is surely that of self-preservation, which some establish for this reason as the primary and fundamental law of nature" (fol. 74–75; emphasis supplied). Is Locke speaking here of some sort of instinctual response through which the human organism—perhaps through reflexive motions—acts to prevent itself from being injured or destroyed? For example, a person in danger of drowning will struggle involuntarily toward the water's surface. Here the organism is impelled automatically by the need for oxygen, a need unmediated by conscious reflection. By the same token, the muscle and glands of the stomach function automatically during the process of digestion. Natural processes are at work in both instances; one might describe them in a sense as manifestations of the operation of "laws of nature." They operate autonomously—and inexorably—unless opposed and overcome by extraordinary forces. This is, I think, the sense in which Locke is speaking, when he writes here of "a law of nature which the entire human race seems driven to obey by a certain natural instinct and its own interest." If so, then such laws can hardly be transgressed by sane and free human beings. If, somehow, such a law were transgressed, the effects would usually be swift and catastrophic. The swimmer who gives up his or her efforts to secure oxygen will simply drown. Locke knew, as do we all, that human beings are in fact guided almost always by their natural instinct for self-preservation, that "primary and fundamental law of nature" (fol. 75). Yet he—and we—also know that there are some unfortunates, hapless slaves, for example, or others who, in harsh circumstances, may abandon the struggle for self-preservation and voluntarily resign themselves to death. Indeed, the conditions of their lives may be so unbearable that they seek death (cf. Locke, Two Treatises, II, 23).

How does Locke explain such exceptions to what he has suggested is nature's most fundamental law? Perhaps we can discover an answer through consideration of the several examples he provides in these Questions of human beings who have sought death. First, he gives the example of abject subjects who follow their kings or other rulers into death, but he failed to explain whether their actions were voluntary. More telling is his second example, that of suttee: "Among the Indians the weak and timid female sex is daring enough to despise extinction and to hasten [to join] their dead husbands through flames, by their own death" (fol. 75). Locke's vivid account of an act of suttee, taken
from a contemporary book of travels, suggests that that widow’s act was voluntary and that it was “with a jubilant heart and joyous expression” that she “expired happily in the midst of the flames” (fol. 76). He adds that it would be “tedious” to continue with such examples. Were he tempted to go on with further examples, he might have given instances closer to home. Rather than reaching out to faraway India, to describe people who, with “jubilant heart and joyous expressions . . . expire happily in the midst of flames,” Locke could have called to his readers’ attention the innumerable Christian martyrs of recent memory, men and women, Protestant and Catholic alike, who had rejected self-preservation in favor of agonizing deaths at the burning stake as the ultimate testimony to the firmness of their religious opinions. The strength of powerfully held personal opinions can, then, sometimes overcome even the instinct of self-preservation.

In concluding the discussion of suttee, Locke observes:

Nor is there any reason to be surprised at the diversity of men’s opinions concerning what is right and virtuous given the fact that they disagree on even the most fundamental principles, and god and the immortality of the soul are called into doubt. These, although they are not practical propositions or laws of nature, must, nevertheless, be necessarily assumed for the existence of the law of nature, for there can exist no law without a legislator and law will have no force if there is no punishment. (Fol. 76; emphasis supplied)

In this curious context, Locke has unequivocally stated another critical requirement for establishing the existence of the law of nature, viz., the immortality of the soul. One may well wonder why he introduces this indispensable requirement so casually, almost in passing, as it were, and why he failed to state this essential element of the Christian natural law tradition at the beginning of his Questions, where he gave the appearance of systematically laying down the basic elements of the law of nature. Why has he “scattered up and down,” as he himself was wont to say, the essential elements of both the traditional teaching and his own arguments, hither and yon throughout the Questions? Whatever the reason, we must note that nowhere in his Questions does Locke even attempt to demonstrate the immortality of the soul. He thereby leaves undemonstrated and almost totally neglected one of those elements which, by his own assertion, is indispensable “for the existence of the law of nature.”

We may now review the progress of the argument of the work as a whole to this point. Locke began by seeming to subscribe to many of the fundamental premises of the traditional, Christian natural law tradition. He proceeded, however, to raise a series of reservations regarding many of the fundamental tenets of the traditional doctrine. Leaving aside the infinitely perplexing issue of the adequacy of his demonstration of the existence of the deity, that indispensable “legislator” without whom natural law is impossible in the traditional sense, Locke certainly left unresolved critical aspects of the requirement that the law
of nature be adequately promulgated. He then flatly rejected the fundamental doctrine that natural law manifests itself through the "natural inclinations" and may therefore be known through those inclinations, a further blow to the promulgation of the law, and, moreover, to its naturalness. Now, "serious doubts" have been raised about the immortality of the soul, and therefore, by implication, of the possibility of those eternal rewards or punishments which constitute finally the only adequate sanctions for enforcement of the natural law. The orthodox position which Locke was both evoking and distancing himself from here was powerfully expressed during Locke's lifetime by one of the great natural law writers of the age, Bishop Cumberland. Cumberland observed that in this world "those who are truly good, pious and virtuous all too often suffer many Evils or Afflictions," while "those that are Wicked, unjust and violent" receive "good things." The Bishop easily concluded from this that "the Laws of Nature would signify but little . . . without a due Administration of Rewards and Punishments, which, since they so often fail in this Life, are to be made up in that to come." It follows that "the greatest assurance we have of that grand Motive to Religion and Virtue, the immortality of the Soul," renders man "either eternally happy or miserable" in another life, "when this life is ended." Thus, infliction of eternal misery on the immortal soul was seen as the ultimate punishment, and therefore as an absolutely necessary sanction for enforcement of the natural law.

At only one other point in his Questions does Locke again even touch on this issue of the immortality of the soul: he speaks in one passage of the "souls" of animals. He thus leaves undemonstrated, indeed, almost totally neglected, that which necessarily demanded his attention if, as many hold, his understanding of natural law lies within the Christian tradition. Nor can this deficiency properly be dismissed as a passing "oversight" in his early or youthful work, for in none of his subsequent writing did he ever rectify this critical omission. When something like this point was called to Locke's attention by the Bishop of Worcester following publication of the Essay, Locke responded that: "So unmovable is that truth delivered by the Spirit of truth, that though the light of nature gave some obscure glimmering, some uncertain hopes of a future state, yet human reason could attain to no clearness, no certainty about it, but that it was Jesus Christ alone who had brought life and immortality to light through the gospel . . . this article of revelation, which . . . the Scripture assures us is established and made certain only by revelation." That admission leaves Locke in the following quandary, however. Knowledge of the natural law is wholly rational and not dependent on revelation. But knowledge of immortality of the soul, indispensable to knowledge of the natural law, is unavailable to reason, but only to revelation. The conclusion inescapably follows that there can be no rational knowledge of the natural law of which Locke has been speaking.

By the end of Question VII he goes even further in perplexing the issue of
knowledge of the natural law via the knowledge of immortality. In VII he observes that although the issues of "god and the immortality of the soul are not practical propositions or laws of nature," they must, "nevertheless, be necessarily assumed for the existence of the law of nature" (fol. 76). It would follow that if they are not "practical propositions," they must be what he terms "speculative principles." Yet in the concluding paragraph, he informs us that "speculative principles do not bear on our question, nor do they touch on moral matters at all" (fols. 80-81). The only way to make sense of Locke's vacillation is to posit a dual natural law, for one of which the unknowability of immortality is fatal, for the other of which it is irrelevant.

Locke sheds further light in VII with his relentless rejection of all candidates for true knowers of the natural law. Pagan polytheists are "atheists under another name" (fol. 77). He also condemns the Jews as violators of the natural law on the grounds that "to the Jews all other nations are Gentiles and impious" (fol. 77). That condemnation is a tacit charge that the Jews are violators of the postulated, but undemonstrated, natural law teaching: first, that "all men should be friends to one another and joined together by a common necessity," second, the derivative prohibition against peoples being "divided into hostile states." Readers of the Questions must wonder whether Locke intended his natural law teaching to be compatible with the Scriptural account of God's covenant, as delivered in Genesis 17:6, where God informs the Israelites: "I will make thee exceedingly fruitful; and I will make nations of thee, and kings shall come out of thee and I will give unto thee, and to thy seed after thee, the land of thy sojournings, all the land of Canaan, for an everlasting possession." Later, God adds that "thy seed shall possess the gate of his enemies," a promise which was fulfilled as the Israelites, with God's guidance and assistance, overcame the many kings and peoples who opposed their claim to the land of Canaan.

Locke also finds fault with those Christians who "so closely bind themselves in one society that, even if they think that faith ought to be kept with their fellow citizens, they believe that deceit and treachery are permitted toward those outside" (fol. 78). Philosophers fare no better at Locke's hands on this point than do the Jews or Christians. According to him, one must conclude that all nations, sects, and peoples of the world are misled by erroneous opinions, opinions that have effectively blinded them to the true demands of natural law, as he professes to understand it. Locke is tacitly suggesting that natural law cannot be discovered in the world of opinion, especially religious opinion. Further, he has already revealed to us that "the power of custom and opinion which is not innate but taken from some external source" is so enormous that it may under extraordinary circumstances detract from obedience even to that most fundamental law of nature which man should not transgress: the law of self-preservation.

To conclude: among the profoundly important issues opened up by Locke in Question VII is that of opinion. Wrong opinion may be responsible for leading
people, either forcibly or unwittingly, to give up their lives and, in effect, to be “murdered” by the destructive mores of the community. Thus, in Question VII he has proffered the example of the practice of suttee in India, and in Question XI we will find comparable examples. He characterizes the opinions that lead to such practices as “insane.” A massive issue that must therefore be confronted is that of overcoming false and dangerous opinions. It is an issue with which Locke deals at length in the Questions that lie ahead, as well as in the major works that he published later.

QUESTION VIII

“Is the law of nature binding on men? It is.”

Question VII concludes the second major portion of Locke’s Questions, the section dealing with the way in which the natural law can be known. Question VIII introduces a new section, consisting of three Questions; it is concerned with the binding character of the natural law. In the opening folio, our by now familiar “objector” picks up the tacit theme of Questions VI and VII and makes it explicit by denying outright the very possibility of the Christian natural law. Having stated this heterodox position, the objector falls silent, and Locke turns abruptly to what appears on the face of it to be a discussion of the meaning of obligation within the framework of traditional natural law.

The opening folio of this Question requires particular attention, for as we shall see, each of these remaining Questions opens with a statement by the “objector” whose arguments have served an important function in moving the discussion along unexpected paths. The reader may recall that in Question I, Locke made note, in passing, of Hobbes’ distinction between lex and jus, law and right. He did not indicate there what use, if any, this distinction might serve in his overall argument, but he recurs to it here in Question VIII and develops it further as follows:

Some have been found who refer the entire law of nature to the self-preservation of each individual and seek no deeper foundations for it than self-love and that instinct by which each mancherishes himself, and looks out, so far as he is able, for his own safety and preservation. (Fol. 82; emphasis supplied)

The position outlined by Locke here amounts more nearly to a natural right (jus naturale), than to a natural law (lex naturalis) position. As Locke goes on to say, “if the care and preservation of one’s self should be the fountain and beginning of this entire law, virtue would seem to be not so much man’s duty as his interest and nothing would be right for a man if it were not useful [to him]” (fol. 82). It follows from this that from this perspective “keeping this law would be not so much a duty and debt to which we are bound by nature, as a
private right and benefit to which we are led by [a sense of] our own advantage" (fol. 82).

The workings of the instinct of self-interest and "self-love" naturally lead to action in terms of interest, or "private right." Any failure to act in behalf of one's own interest would inevitably and automatically be injurious. This consequence reminds one of yet another basic distinction suggested by Locke in Question I, that between a law which can be transgressed, for example, the Ten Commandments and other requirements of the Christian natural law, and a law which cannot be transgressed. Locke's discussion in Question VIII has afforded us an example of the latter, for again, all of us are said to preserve ourselves by an "instinct" which leads us to seek our "own safety and preservation." As we have already learned, "everyone feels himself industrious and eager enough" in promoting "his own preservation." Since, as Locke said in Question V, the deity was so unkind as to create humanity mortal, a time will inevitably come when death overtakes each of us, but a most powerful instinct impels all who are of sound mind and who are not misled by insane doctrines and other fatally destructive opinions, to ward off that fateful moment as long as possible. Now, it is true that observation of the affairs of this world furnishes many examples of those whose minds are deranged by what Locke characterizes as "insane" opinions and who, under their influence, seek a premature death. In this sense, "we cannot neglect and break this law without possible harm [to ourselves]" (fol. 82). In today's vernacular we "self-destruct," or are at least self-destructive, when we transgress our most fundamental right. Transgression here is tantamount to virtually automatic extinction as a human being, a far cry from the meaning of transgression in the established natural law tradition. Locke provided us with some examples of this phenomenon in Question VII and will furnish rather more stark ones in Question XI.

Locke makes no direct response to the natural rights alternative. What response he makes takes the form of a statement about the obligatoriness of the natural law as conventional as the natural rights position was unconventional. Obligation is defined as the "Bond of Law" (Juris) (fol. 83). For example, the magistrate may command us to do this, or not to do that. At a higher level, our religious faith may command us to pay honor and reverence to God, or, if one breaks a religious commandment, to pay the penalty willingly. We are obligated to obey our rightful superiors, whether God, king or law. There is, however, one especially interesting dimension of this presentation, and that is the emphasis Locke places on conscience. He refers more frequently to conscience in this portion of Question VIII, concerned with the traditional understanding of natural law, than he does in any other part of the manuscript. One judges this as compatible with his effective rejection of conscience in those parts of the argument where he challenges the tradition.

Locke reiterates the familiar account of obligation traced by the Christian
natural law theorists, but he goes somewhat beyond the argument provided in Question V. God, as the supreme legislator, is described as "best and greatest," and is spoken of as "omniscient." In this context God is said to require human beings to obey his commands, or alternatively, to pay obedience to those who have received his legitimate donation of authority.

The issue of the obligatoriness of the natural law, it turns out, depends on the very issues left unresolved earlier. In a long, complicated, and inconclusive demonstration in Question VIII, he suggests that "God, the author of this law, willed it to be the rule of our conduct and life, and he published it sufficiently that any one could know it, if he were willing to devote the time and energy, and turn his mind to its understanding" (fol. 88). Locke thereby restates the issue of promulgation, but again he leaves it in an undemonstrated and in an unsatisfactory state. One may conclude at this point with considerable assurance that these inconclusive references to promulgation raise virtually insuperable doubts that the natural law, as understood in the traditional form, has been sufficiently well promulgated. In Question II Locke suggested that the quest for understanding of the natural law might be compared to the intensive excavations of miners in search of veins of precious metals buried deep in the earth. He concluded that, while persons of high intelligence and goodwill might labor mightily to discover such treasure, nature has taken pains to insure that the odds against success remain formidable. Just so, innumerable people of high intelligence, seriousness, and dedication are seen to have failed in their search for the correct understanding of natural law, as Locke has made clear throughout the Questions. Question VIII brings this conclusion home to us through indicating how undermining that failure is of any obligatoriness in the natural law.

QUESTION IX

"Is the law of nature binding on brutes? It is not."

By answering this Question in the negative, Locke places himself squarely in agreement with canon law "which regarded the law of nature as confined to the human race." "That animals are not bound by this law was taught by . . . Selden, and Culverwel in his Discourse" (Essays, p. 188, n.2). This view is also developed by Grotius in his work On the Law of War and Peace, Book I, 1, 2, and by Suarez, whose argument is especially illuminating. Suarez argues that brutes, those sensitive creatures, "are totally defective in the principal branches of the law of nature," as, for example, in the acknowledgement and adoration of a deity. Where, asks Suarez, "is there the least adumbration of divine worship . . ." in those animals? What actions do they take "which declare the glory of God; or the firmament, which shews his handiwork"?

Bees live in a hive and everything they do is determined and patterned by
instinct. They cannot know God or the difference between good and evil. They have no will by which they can choose to take action or to refrain from it. Hence the law of nature in the traditional Christian sense is not binding on them. This theme is amplified by Culverwel in Chapter 6 of his Discourse, where his arguments complement those of Suarez. He asks us whether there has ever been a herd of animals that manifest freedom of will. Tauntingly, he queries: "You have heard it may be of a chaste Turtle, and did you never hear of a wanton Sparrow? It may be you have read some story of a modest Elephant, but what say you in the meane time to whole flocks of lascivious Goats"? Tell me, "Are these creatures guided by free will, do they dresse themselves by the glasse of the Law"? Concluding, he adds that "A Law 'tis founded in intellectuals . . . it supposes a Noble free-born creature, for where there is no liberty, there is no law . . . " (Discourse, p. 42). Still, one might respond that within the framework of Christian natural law, these creatures can truly be said to be obeying the Eternal Law, even though they are not, and cannot rightly be seen as, subject to the natural law in the manner of man. Paradoxically, Locke might argue that in this respect the brutes have a distinct advantage over man. First, while the law of nature in the traditional, Christian sense is not binding on them, according to Locke, he does not deny that "Creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection" (Two Treatises, II, 4). This proposition suggests that animals have certain rights. In point of fact, they exercise rights in their endeavors to preserve themselves. Whatever their degree of success on this count, they enjoy a second advantage over man; they, at least, are not hindered and misled in the quest for self-preservation by the possession of destructive and insane opinions. Of such dangerous opinions, Locke has quietly suggested repeatedly, the most dangerous may be the various misunderstandings of the law of nature, which cripple much of mankind in its quest for self-preservation.

QUESTION X

"Is the obligation of the law of nature perpetual and Universal? It is."

The plan of Question X is relatively simple: It opens with the position of an "objector," who boldly asserts that there is no law of nature. Locke responds with a series of arguments designed to establish the perpetual and universal obligation of the natural law. These arguments take the point of view of the traditional natural law. The "objector" makes a rejoinder, and Locke then concludes the Question by refuting him.

According to the "objector," the only element of agreement among proponents of the natural law is found in the existence of those sharply divergent,
"various and manifold opinions" regarding its content and obligation. These disagreements find their ultimate expression in "conduct" (fol. 91). Observation of mankind reveals that these radical differences in behavior are by no means restricted to individuals, but include even "entire nations, among whom there can be observed no sense of law, no rectitude of conduct" (fol. 91). Even where "some of the precepts of the law of nature" are followed, there are manifold instances of the most abominable crimes committed against the law of nature, crimes of the sort vividly illustrated in Question VII:

Theft is permitted among some peoples and praised, and the grasping hands of robbers are not restrained from violence and crime by any fetters of conscience. Among others there exists no shame in debauchery; in one place there are no temples or altars to the gods, in others these are spattered with human blood. Since this is the case, one can rightly doubt that the law of nature is binding upon the human race as a whole, unstable and variable [as it is], accustomed to the most different kinds of institutions, driven by notions which are clearly contrary. (Fols. 91–92)

These arguments, as posed by the "objector" to natural law, are significant on several grounds. A large part of what they say has become familiar in contemporary, Western thought in the formulation of cultural relativism, but there is more. The "objector" criticizes the absence of polytheism; there are nations where one finds "no temples or altars to the gods." Does this suggest that polytheism would meet the demands of the natural law fully as well as the worship of that singular deity whose existence was tentatively established by Locke in Question V? No less significantly, the basic issue of promulgation is raised yet again, for surely it is the case that from the perspective of traditional natural law "it is hardly credible that the dictates of nature are so obscure that they are hidden from entire nations" (fol. 92).

It is difficult for the reader to determine what the basis of Locke's response to these objections might have been, for, as has so often proved to be the case, he does not respond directly to them. Rather, he asserts, first, that the law of nature is perpetual and then, subsequently, that it is universal. He leaves it at that, but the points made by the "objector" deserve, indeed require, serious responses, which Locke does nothing to provide. The upshot of this is that the positions advanced by the "objector" remain in suspension, as it were, neither accepted nor refuted by Locke. A substantial number of these "suspended" objections have accumulated during the course of the Questions, and there remains the possibility that we will develop later, that considered collectively they may constitute a coherent, alternative understanding of the law of nature, one that differs radically from the Christian natural law tradition.

Instead of directly confronting the "objector," Locke shifts the discussion to some of the most traditional, scholastic doctrines for the remainder of Question
X. This not especially enlightening discussion could easily lead most readers simply to overlook the radical doctrines with which the Question opened. One cannot say definitively whether this is a tactical, literary device on Locke's part; in any event it is stylistically most curious.

In the more traditional section of Question X, Locke invokes familiar, though complex, scholastic doctrines. For example, "there exist some things which are absolutely prohibited, and we are obliged to [avoid] these 'for ever' (ad semper), as the Schoolmen like to say" (fol. 95). He goes on to develop the familiar distinction between those spheres of belief and activity in which we are "obliged absolutely" to obey the law of nature and those in which obedience is conditional. Under the category of dispositions or attitudes, he discusses the traditional meaning of habitus and those dispositions which we are required to hold toward the deity, toward duty to parents, and toward law. He recounts certain of the traditionally prescribed positive duties: e.g., manifest worship of divinity, comforting of neighbors, relief to those in trouble, and giving food to the hungry (fol. 95). At the conclusion of this discussion, Locke asserts that he has now established that the requirements of the natural law are "perpetual." Once again, we must remind ourselves that he has not established this contention but merely presented selected portions of the traditional teaching without having evaluated them.

In no part of the presentation does Locke meet the crucial issues raised by the "objector" regarding those many nations whose beliefs and practices lead to bizarre violations of the natural law. Despite the fact that he draws our attention to such phenomena throughout the Questions, he insists repeatedly that the natural law is universal and perpetual. If this were so, then one must wonder why at least the greater part of mankind in all countries and throughout the ages has not been aware of these prescriptions of the natural law and followed them. Locke admits that he, too, has wondered about this very thing, for he grants that:

> It seems to me to follow as necessarily from the nature of man, if he be a man, that he is bound to love and reverence god, and to perform other duties which are in conformity with a rational nature—that is, to observe the law of nature—as it follows from the nature of a triangle, if it be a triangle, that its three angles are equal to two right angles. (Fols. 100–101)

In a masterpiece of understatement he goes on to reply that "there possibly exist very many men" who "are ignorant of both these truths which are so clear, so certain, that nothing can be more [obvious]" (fol. 101). We may add that it is not merely "many men," but rather an overwhelming portion of mankind that is ignorant of the clear and certain truths of mathematics. Nor does this ignorance stem, as Locke is wont to suggest, from their "indolence" or even their lack of acuteness. The fact of the matter is that very few human beings have the time,
inclination, or the opportunity to devote themselves to the study of mathematics, even though they may be very active in the various pursuits of life and possess high intelligence to boot. For the most part, human beings everywhere and always are generally fully occupied with the necessities of raising a family, earning a living, or rendering service to others, either voluntarily or under some obligation. What is true of the pursuit of mathematics is patently more true with respect to the possibility of people devoting themselves to the systematic study of natural law. Proper study of the latter, as we know from Locke’s own testimony, requires even more intelligence and assiduous effort, to say nothing of the requisite leisure, than does the study of mathematics—recall Locke’s vivid comparison of the labor of those who work to discover the natural law and the miners who dig laboriously, deep under the earth, for hidden treasures. Locke has effectively admitted in Question X that the basic principles of the natural law have not been adequately promulgated. This helps to explain both the widespread ignorance of these principles and the unending and bizarre violations of them by entire nations. This does not mean that principles of a natural law do not exist. If it is true, however, as Locke has constantly indicated throughout these Questions, that the traditional natural law is not innate, and that men are not drawn to it by natural inclinations, then the quest for its source will be extraordinarily difficult. The quest for the principles of natural law requires a most remarkable effort on the part of extraordinarily able searchers for truth. Lest these conclusions cause men to doubt the existence of the principles of the natural law—or to give up the quest in despair—Locke reassures them at this point that the law does indeed exist, and can be discovered:

It is necessary that all men endowed with a rational nature—that is, all men everywhere—are bound by this law, so that if the law of nature should be binding on at least some men, by the same title it must clearly be binding on all as well.

The mode of their coming to know it the same, their nature the same, for this law depends, not on a will which is fluid and changeable, but on the eternal order of things. (Fols. 99–100)

Locke argues further in the same vein that “this natural right (jus) will never be abrogated since men cannot alter this law (legem)” (fol. 101). Why is this so? Because, “in my opinion,” he says, “some states of things seem to be immutable, and some duties, which cannot be otherwise, seem to have arisen out of necessity” (fol. 100). In his concluding Question, Locke goes on to explain much more fully what he understands by “this natural right (jus)” which “will never be abrogated” and the basis of the “obligation” which stems from it, which obligation “is equal among all men” and which stems from “the eternal order of things.” Once this is understood, it will be seen that Locke does in fact hold it to be the case that the natural law is perpetual, “eternal,” and universal, but it will also be seen that the natural law of which he is speaking is of a radically different character from that understood by the tradition.
QUESTION XI

"Does the private interest of each individual constitute the foundation of the law of nature? It does not."

Locke's final Question again begins with an "objector" to the traditional natural law, in this case by Carneades, an ancient sceptic. Question XI thus differs from other Questions in that Locke here identifies by name one of those "objectors" whose arguments have played such an important part in moving this disputation toward its conclusion. A substantial part of Question XI is devoted to Locke's rebuttal of Carneades and to the untenable conclusions drawn by certain of his misguided followers. The apparent simplicity of this Question should not blind the reader to the complexities of arguments, for it is here that Locke cautiously reveals to the attentive reader as much as he cares to say positively about his understanding of natural law.

Carneades contended, among other things, that either there is "no natural law (jus)," or, "were such a law to exist, it would constitute the height of folly" to follow it, "since a person who takes into consideration what is of benefit to others does injury to himself" (fol. 105). Locke does not pause at this point to dispute with Carneades. Quite the contrary; he praises his "acute intelligence," and the "powerful eloquence" of his argument, which leaves "nothing intact, virtually nothing unshaken" (fol. 105). Having left the argument of Carneades himself unchallenged, Locke, speaking as a representative of and on behalf of "the saner part of mankind," which possesses "some sense of humanity and some concern for society," denounces and repudiates those followers of Carneades who lacked "the virtues and those endowments of mind by the help of which they could pave for themselves the way to honors and wealth" (fol. 106). These malcontents, parasites, or subversives eagerly seized upon Carneades' attack on the natural law for their selfish purposes. They rejected any notion of social hierarchy based on merit. They rejected political rule and attacked as unjust all existing governments, because under them they had not achieved equal wealth and honor. They therefore "clamored that the yoke of [all] authority should be shaken off, and natural liberty vindicated" (fol. 106). Inflamed by their radically egalitarian partisanship, and lacking Carneades' "acute intelligence," his professed followers failed to observe that in their fervor they unwittingly based their position on a natural law or natural right foundation, viz., that all men are born free, they enjoy "natural liberty," and they are, above all, equal. It follows, they contend, that laws should be determined "by the interest of each individual." Locke pauses to refute their erroneous conclusion, but their argument, at least as it is presented by him, is craftily utilized for his own purposes. It enables him to pull together and bring into focus many basic issues which have thus far been unconnected in the Questions. He does this quite skillfully through a number of steps which must be traced carefully. First, he
sketches in some of the additional consequences of the natural law understanding held by the followers of Carneades, who, as it seems, are nothing more than selfish, shortsighted ideologues seeking their own immediate good. They do not realize that that anarchic state of “natural liberty” in which “all society” is destroyed and within which each individual hopes to enjoy his “full right,” would be one characterized by enormous and overwhelming dangers. Poor, benighted enthusiasts that they are, they think that once the “yoke of government” has been shaken off the interests of each individual will be assured. What they fail to see is that under such conditions “the commerce of men among themselves” cannot be anything other than “fraud, violence, enmity, rapine, bloodshed and other things of this kind . . .” (fol. 115). Or, as we know from a “justly decried” contemporary of Locke’s whom he scarcely mentions by name, life under such conditions would be “solitary, poor, nasty, brutish and short.” Locke goes on to say that men living under these conditions “under the law of nature” thus understood, “are, as they say, in a state of war” (fol. 115). As “they” also say, and, as Locke himself has explicitly remarked in Question VII, it is precisely in “the state of nature [that] war is common, and among men there exists a perpetual, mutual, and internecine enmity” (fol. 63). He then demonstrates why this would necessarily be the case.

As Hobbes explicitly said earlier, and, as Locke subsequently says in his typically guarded fashion, the “state of war” typifies the state of nature. (Leviathan, ch. 13; cf. Two Treatises, II, 123–27). It is a condition in which each individual would be free to determine his own advantage, “for no one can be a fair and just assessor of what is good for another,” and therefore, says Locke, “the state of [our] question now comes to this: whether what each private individual judges to be useful to himself and to his own affairs as the occasion arises, conforms to the law of nature . . .” (fol. 108). By the phrase, “as the occasion arises,” I understand Locke to be characterizing the attempts of each individual living within this situation to satisfy his needs as he perceives them, and therefore to attempt to secure what he regards as those immediate benefits, goods, or advantages which he at that moment regards as necessary for his self-preservation or to satisfy such other instincts, drives, appetites as he feels. Under such circumstances, “each individual” would be bound to grasp “and to possess the greatest possible supply of things useful to him. And, so long as this is the case, it is necessary that as little as possible is left for another . . .” (fol. 114). This would follow from the fact as alleged by Locke, that

The human race has only one patrimony and this is always the same and it is not increased in proportion to the number of births. Nature has been generous with a fixed abundance of things for the benefit and use of men. And her products are deliberately distributed in a fixed manner and number, [and are] not produced at random, nor do they increase with the need or avarice of men. (Fol. 112)

But exactly how “generous” does Locke regard nature to have been to man? What kind of generosity is it that provides only a “fixed abundance” regardless
of the growth and size of the population? It is just this sort of “generosity” on the part of nature that insures death through starvation of animals when their population increases beyond a certain point in a natural state, and the “fixed abundance” of nature is strained beyond the limits of the food supply. It was some thirty years later in his famous chapters on property in the Two Treatises of Government that Locke explained more fully his understanding of the “abundance” provided by nature, but these rudimentary suggestions in his Questions are in perfect harmony with the fuller development of his views. (Two Treatises, II, V). The state of the question, then, is as follows: those who have maintained that human beings live in a condition under which they act to secure their interests “as the occasion arises” and that the pursuit of individual interest under such conditions constitutes “the foundation of the law of nature,” propound fatally contradictory solutions, not only to the problem of natural law, but also to the problem of the very maintenance of human life on earth. It is manifest, as both “they” and Locke have indicated, that under such conditions individuals would not be able to avoid deadly competition, even the competition of “a state of war.”

The resulting question, then, is whether there is a way to avoid the conflict which occurs when individuals act simply in terms of that “self-love and that instinct by which each man cherishes himself, and looks out, so far as he is able, for his own safety and preservation; and inasmuch as everyone feels himself industrious and eager enough in his own preservation . . .” (fol. 82). The actions of individuals based on the principle of securing their immediate self-interest lead them into conflict with one another, and life is accordingly characterized by “violence, enmity, rapine, bloodshed and other things,” as observed before.

“Everyone feels himself industrious and eager enough in his own preservation,” yet the individual’s attempts to secure it may contribute to his destruction. Is there a solution to this problem within the framework from which Locke is now arguing? It seems there is. Human beings are not, from this perspective, seen to be “naturally induced to seek communion and fellowship with others,” as Hooker put it (i.e., to have “a natural inclination, whereby all men desire sociable life and fellowship”). Nonetheless, the overpowering dangers inherent in solitary existence and the suffering to which human beings would be subject in the pursuit of their short-term advantage impel each “to form and to preserve a union of his life with other men” (fol. 61). This is a union through which men seek to preserve and to secure their lives, liberty, and property, as is suggested in some detail in Question XI, where Locke observes that

we do not want to be understood to claim that the common right (jus) of men and the private interest of each individual are things opposed to one another, for the law of nature is the greatest defense of the private property of the individual. Were it not observed, no one could possess his own property or labor for his own
benefit. Thus, to whomever considers and weighs properly the human race and men’s customs, it will appear certain that nothing is as conducive to the common advantage of the individual, nothing so protective of the safety and security of men’s possessions, as the observance of the law of nature. (Fols. 107–8; emphasis supplied.)

Here is an understanding of the law of nature that affords primary emphasis to individual interest and the protection of property. This protection can be achieved, if each will “form and preserve a union of his life with other men.” Once such a union has been formed, specific laws designed to protect person and property may be enacted, and magistrates can be appointed who may punish violators of these laws. Then—and only then—will there be security against predators. Although Locke does not speak specifically in the Questions of a social contract, or discuss the mechanism of consent by which such a union might be formed, it is difficult to imagine what alternative social arrangement could be implied by the foregoing quotation. However that may be, it is within such a “union” that the mature Locke saw “the private property of the individual” to be preserved, as we know from his Two Treatises of Government. The aggregate strength of the collectivity makes it possible to secure “the safety and security of men’s possessions.” Without secure property, human beings will perish, and in the anarchic “state of nature” there can be no security of property. Therefore human beings must create society. Nor, in the “state of nature,” can there be any justice. For, as Locke asks: “what justice [can there be] where there is no property or private ownership, or what property where each is allowed, not only to possess what belongs to him, but the property of each individual is what he possesses, what is useful to him?” (fol. 116). Individuals must be deterred from seizing what they will from others, as “the occasion arises,” from acting solely in terms of their immediate, short-term interest. They can be deterred, if they come to understand that deadly struggles will ensue from so acting, and secondly, if they comprehend that they should “form and preserve a union of life with other men.” The conditions of peace which such a union makes possible would then protect the existing property of each, while encouraging and fostering the growth of this property, for it is under such circumstances that one could effectively pursue what later came to be termed “self-interest rightly understood,” i.e., a person’s long-term advantage, within a “peaceful union” of fellow citizens.

Locke does not anywhere in these Questions comment on the institutional or other details of this “union,” but those familiar with his Two Treatises of Government may appreciate the extent to which he laid down here the foundations of that work. So far as the Questions Concerning the Law of Nature do supply the foundations for the Two Treatises of Government, then Locke’s great classic rests on an understanding of natural law or natural right that differs radically from the principles of traditional, Christian natural law.

In the early part of Question XI Locke has vigorously attacked what he takes
to be the dangerous consequences drawn by the followers of Carneades from their “individualism”—but without negating their premises. One can by this point begin to discern more clearly the main aspects of Locke’s alternative to the traditional, Christian natural law tradition. The basis of this new, natural law (or natural right) doctrine is the protection of person and property. This basis, or underlying principle, differs in at least two major respects from that of the traditional natural law position. The latter is concerned above all with the fulfillment of man’s threefold natural inclinations: knowing the truth about God and achieving union with Him, full development of those human virtues which may be developed in society, and self-preservation. The complete realization of these natural inclinations is possible, as we have seen, only if human beings meet their threefold obligations. Duties or responsibilities are imposed on them at every level and in every sphere of life by natural law.

In the alternative perspective that has gradually emerged in Locke’s Questions, every human being is seen to possess, simply by virtue of being human, certain inalienable natural rights, and each individual is therefore said to be born free and equal. Thus, the human or political problem is that of assuring every human being his or her rights to life, liberty, and estate, i.e., to “property,” in the inclusive sense in which Locke generally uses that word. As we have seen thus far in Question XI, he has stated that natural law constitutes “the greatest defense of the private property of the individual. Were it not observed, no one could possess his own property or labor for his own benefit” (fol. 107). At the same time, in Locke’s alternative natural law or natural right teaching, the “private interest” of the individual is not understood to be opposed to the common right.

Does this mean that the “interest of each individual is the foundation” or the underlying principle of “the law of nature”? That cannot be, for Locke denies this directly in the title of this Question. We must then continue to try to discover the elusive underlying principle.

Locke assists us by observing that “the champions of the doctrine seek the principles of morals and the rule of life from the natural appetites and inclinations of men, rather than from the obligation of the law, as if what were best in moral terms is that for which most men strive” (fol. 116). Those who originally formulated the foundations of the modern natural law or natural right doctrine held, on the basis of what they observed, that what is “best in moral terms” is decidedly not that for which most human beings do in practice strive. To that extent they agreed with Machiavelli, who had suggested in The Prince that what almost all men actively seek is “money and glory.” Was something like this the view of Hobbes, when he alleged that human beings naturally war against each other in their pursuit of gain, safety, and reputation? It would seem that on the basis of this understanding of human nature, the firm foundation or the principle or basis of modern natural right is found in the natural appetites, the fundamental instincts and the “drives” of men. If human beings
are not to destroy one another in the process of satisfying these appetites, property must be protected, and this protection requires civil society, as we have seen.

The solution proffered here to the problems inherent in the view that "self-preservation" provides the basis or the foundation for natural law is the rather unexpected suggestion that public happiness and the happiness of the individual are, somehow, inextricably linked. In this connection, it is not by chance that Locke places extremely heavy emphasis in Question XI on property, especially on private property, for in his view, public happiness or welfare requires a considerable degree of material abundance, indeed, "prosperity."

With these observations, one moves closer to identifying precisely the foundation or the basis of the natural law, which can be expressed as follows: happiness consists in the enjoyment of one's natural rights to life, liberty, and property. The human "instinct" for self-preservation underlies these rights. Here one has the basis, the foundation from which the law of nature may be derived. For the natural law, as understood from this perspective, is derived from the right of self-preservation and is constituted by those prudential principles which must guide human beings if they are to preserve themselves. One finds a classic account of the derivation of the laws of nature from the right of nature in Hobbes' *Leviathan*: the first law of nature mandates "seek peace and follow it."

In the remainder of Question XI, Locke presents us with a fascinating mini-disputation between the Defenders of the traditional, Christian natural law, and those upstart Objectors who have manifested their presence throughout the *Questions*. These Objectors have, as we have seen, repeatedly challenged the great tradition by asserting a radically different understanding of the law of nature. To the entrenched Defenders of the venerable tradition, the argument of the Objectors is anathema, and they denounce it on the grounds that it would do away with "all justice, friendship, generosity . . ." and "life" itself (fol. 115).

Not so, respond the Objectors. You argue in this fashion because you proceed from a manifestly unrealistic view of human nature and of human conduct. You must lower your gaze from the heavens and understand human beings as they really are, creatures who act in terms of self-interest. You should "seek the principles and the rule of life from the natural appetites and inclinations of men rather than the obligation of the law, as if what is best in moral terms is the object most men strive for" (fol. 116).

How very base, complain the Defenders of the tradition; what you advocate would result in "throwing the window open to all kinds of vice" (fol. 112).

Rubbish, retort the Objectors; you have failed completely to understand our intention. What we seek is to establish a rational basis for the law of nature by placing it—at long last—on solid foundations, on property, broadly understood. What we seek to encourage is not "vice," as you allege, but rather the
protection of “the private property of the individual,” for it is in “the safety and security of men’s possessions” that there will be found “the common advantage of the individual.”

Oh, lost souls, sigh the Defenders; we mourn for you. In seeking to place morality on what you deem a realistic foundation, you have hopelessly narrowed and lowered its standards. Our understanding of natural law provides a basis for virtues far more exalted than the mere maintenance of peace and the protection of property. You seek nothing but the elimination of conflict in the interest of protecting your beloved “property.” For our part, we hold that

the virtues themselves are not in conflict with one another nor do they compel men [to conflict], they kindle and mutually foster one another. Justice on my part does not destroy the fairness of another, nor does the munificence of a prince stand in the way of the generosity of his subjects; a father’s sanctity does not corrupt his children, nor can the austerity of Cato result in making Cicero less severe. The duties of life do not conflict with one another, nor do they arm men against one another. (Fols. 114–115)

True, no doubt, but utterly trivial, reply the Objectors. Of course men are not generally led into conflict through acts of fairness and generosity, or by living lives of personal purity and austerity, but your illustrations miss the point. The virtues that you have just given as examples in your argument are precisely those sorts of personal attributes which, one would think, are almost everywhere acknowledged to be conducive to peaceful and harmonious human relationships. How so? Well, because, above all, the goods or virtues in question are not by nature limited. My personal interests are surely not harmed—and could very well be furthered—by the presence in the community of people who are fair and generous, and, who, through personal austerity, make limited demands on others. The particular “duties” spoken of here conflict with one another, because they are limitless in principle.

Easily said, snap back the Defenders, but you have no rightful claim to the defense of any genuine virtues. It is we who have provided the foundations for these

many virtues, and the greatest virtues, which consist only in our helping others at our own expense. By virtues of this kind heroes were once elevated to the stars and included in the roll of the gods. They did not purchase [their place in] heaven by virtue of monies piled up and acquired from all sources, but by toil, by dangers, by generosity. They did not pursue their own private gain, but the public interest and that of the entire human race. (Fol. 109)

Among the examples of such “heroes” cited by the Defenders are Hercules, Marcus Curtius (“who for the sake of his country leapt into a yawning abyss . . . to prevent Rome from being buried by her own internal threats, entered the
earth when still alive”), Fabricius, who willingly chose poverty so that Rome might prosper, and Cicero, who sacrificed his life to defend the institutions of Rome (fol. 110).

Very well, insist the Challengers, by these very examples you have proved our case, not yours. You have set forth these “heroes” of pagan antiquity as examples of virtue and you beckon others to follow in their footsteps. But this is because you have been utterly confused and blinded by the force of unexamined traditions, by dangerously misleading opinions. Were you to ponder the meaning of these examples, and to analyze them critically, you would find them worthy of great blame, not praise. What should one conclude from the example of the famous labors of Hercules, that bastard son of the promiscuous Zeus, king of the gods, and the Greek counterpart of Jupiter, “Deum O.M.,” Best and Greatest, in the Roman Pantheon. As the murderer of his own children, Hercules could well have been said to have “declared war on nature herself rather than on monsters” (fol. 110). Hercules and his lawless father aside, one should consider in general how instructive was the behavior of the Olympian gods, taken as a whole, as models for the moral guidance of mere mortals. Hercules should have perished on the felon’s cross and earned eternal ignominy rather than immortality.

Still more instructive, suggest the Challengers, are your accounts of such Roman “heroes” as Marcus Curtius, Fabricius, and Cicero. They are praised because they sacrificed their interests, even their lives, on behalf of the state. But what a state! Did not Rome become the epitome of imperialism, of injustice, and of inhuman cruelty? One can hardly fail to recall that in Question VII, Locke spoke of the Romans themselves, “who are held up as having displayed examples of virtue for the entire world, [but] how did they acquire for themselves honors, triumphs, glory, and an immortal memory for their own name, if not from robbery and rapine by which they laid the entire world to waste? What else is that great ‘virtue’ so celebrated among them with so many panegyrics, what else is it, I ask, but violence and wrong. . . . ‘Thieves involved in private larceny,’ says Cato, ‘spend their lives in chains and fetters; public thieves in gold and purple’” (fols. 71–72). In order to enrich itself, Rome soaked the earth in blood. Through its wanton conquests, it enslaved all those peoples who were within reach of its conquering armies. It seized alien peoples and nations for its own selfish purposes, and much of what it aggrandized was destroyed or otherwise wasted. The history of imperial Rome might well have been characterized by the Challengers, very much in the fashion that it was by Locke in his own name in Some Thoughts Concerning Education:

the Honour and Renown that is bestowed on Conquerours (who for the most part are but the great Butchers of Mankind) farther mislead growing Youth, who by this means come to think Slaughter the laudable Business of Mankind, and the most Heroick of Vertues. By these Steps unnatural Cruelty is planted in us; and what
Humanity abhors, Custom reconciles and recommends to us, by laying it in the way to Honour. Thus, by Fashion and Opinion, that comes to be a Pleasure, which in it self neither is, nor can be any. (Sec. 116)

More specifically, it would seem that, according to the position of the Objectors, Rome was a state that was neither founded on, nor ruled by the principles of the law of nature, properly understood. Thus its statesmen and citizenry were the victims of wrong opinion and their conduct was hopelessly, dangerously misdirected. Of the examples of Roman “heroes” furnished here, Marcus Curtius is specifically characterized as “insane.” Fool that he was, he believed that by throwing himself into a chasm opened by an earthquake, he could overcome nature. That remarkably “unfruitful” action, based as it was on a fanciful and groundless religious opinion, was as little rational as that of those poor Indian widows who commit suttee. As for the brave Fabricius, he joyfully but stupidly sacrificed his personal good for “for low and filthy vice.” This brings us to the great Cicero. At the height of his powers and accomplishments, he recklessly threw away the rewards of private life in the vain attempt to improve the public life of hopelessly corrupt Rome. He lost everything in this reckless effort and was himself corrupted in the process, for he violated the legal code of the state, as well as the law of nature, through his part in the extra-legal execution of Catiline’s conspirators.

Of the four examples of Roman “heroes” presented in Question XI, only Catiline is praised. Why? Was it because it was he alone, who, “imbued in the best fashion with the precepts of nature, preferred his own [interest] to the head of the world, nor feared driving his hostile plow into the walls of Rome herself, provided he could expect from this some harvest for himself” (fol. 111)? Catiline was evidently acting on the basis of that view put forth earlier by an Objector when he held that “self love and that instinct by which each man cherishes himself” is the sound principle of human action, a principle which was generalized by certain teachers of modern natural right as follows: “if there exists a law of nature, which might appear to be the most sacred among all men, which the entire human race seems driven to obey by a certain natural instinct and its own interest, this is surely that of self-preservation, which some establish for this reason as the primary and fundamental law of nature” (fols. 74–75).

With this praise of Catiline, the Objectors bring to an end the mini-disputation of Question XI, and we must comment on some aspects of it by way of concluding our own commentary. The unqualified praise of Catiline, together with the unmitigated criticism of Cicero and the other Roman “heroes,” is intriguing. It bears all the marks of intentional overstatement. If this is the case, and I believe that it is, a possible explanation for Locke’s hyperbolic rhetoric may be found in the sentence that follows our last quotation regarding self-interest and self-preservation. In this sentence, Locke observes that “such is the
power of custom and opinion [which is not innate but taken from some external source] adopted from the conduct of daily life that it arms men even against themselves, and brings them to lay violent hands upon themselves and pursue death with the same eagerness with which others flee from it" (fol. 75; bracketed and emphasized materials deleted by Locke from MS. B). In short, the power of incorrect and misleading opinion blinds people to their true interests and may lead to self-destruction in the fashion of the Roman "heroes" of Question XI. Mankind will not and cannot discover its true interests until and unless the obstacles presented by misleading custom and opinion are overcome, but this is not likely to be easy. Powerfully entrenched, long-established opinion, e.g., the traditional, Christian natural law teaching, may be likened to a mighty fortress, one that cannot be successfully stormed and reduced by dispassionate reason alone. The enemies of such opinion must also bring to bear the piercing battering rams of a rhetoric which is at once both powerful and insidious, if the massive defenses of such a fortress are to be breached.

With these observations we must bring to a close our analysis of the battle between the dissident, radical Objectors and the Defenders of a venerable tradition. Perhaps the dispute between them is ultimately unresolvable, being premised, as it is, on very different understandings of human nature, of the deity, and of the sources of genuine knowledge. My own intention has been to identify throughout the manuscript the disparate and disconnected elements of the alternate position taken by the "Objectors" which is more or less presented as a whole in Question XI. I have assiduously refrained from insisting that Locke is a proponent of a "strange" or novel natural right teaching that could all too readily be identified—and denounced—as essentially "Hobbist," both in its character and genesis. Such a contention would run directly counter to Locke's intention and be very un-Lockean indeed.

All that we can properly say in conclusion is that when Locke completed the manuscript of his Questions, he signed it, "Thus thought John Locke, 1664." Exactly what his thoughts really were with respect to these Questions Concerning the Law of Nature must be determined by each and every reader for himself. We must leave it at that if we are to serve the function of a true friend.

NOTES


2. In Ms. B. it appears to have been Locke himself, not his amanuensis, who numbered the Questions serially as far as Question VIII. (For details about the manuscripts and their history, see Questions, pp. 28–33.) Locke included in his numbering those Questions to which he gave one-word responses: III, VI, and IX, as well as those to which he afforded longer answers: I, II, IV, V,
VII, VIII, X, and XI. This could be seen to suggest the possibility of some sort of “pattern” in the arrangement of the Questions in which two Questions with extended answers are followed by a single Question which is answered in one word. Taking a strictly spatial perspective, one observes that Question VI is at the center of the entire series of Questions and that it is flanked by two groups of five questions. Within each of these two groups, Questions III and IX (which are answered by one word) are respectively central. I simply observe this phenomenon in passing without comment. Whether Locke intended to arrange his Questions in this or any other pattern is a matter on which there does not appear to be any external evidence for making a judgment.

6. [John Milner], An Account of Mr. Locks Religion (London, 1700).
7. Fol. 18, quoting Summa Theologiae, 1a2ae 93.4, as paraphrased by Richard Hooker, Of the Laws of Ecclesiastical Polity (Oxford, 1888), I, 3, sec. 1.
8. Thus I think the result of the inquiry in Question I to be much less definitive than does Von Leyden, who summarized the Question as follows: “On the assumption that some divine being presides over the world as a whole—a fact proved by the ‘argument from design,’ since nature and the world of living beings are seen to be governed by divine laws—certain fixed rules of conduct must apply to the life of man in particular. These rules are the law of nature, and such a law, [is] to be distinguished from natural right and . . . should not be called the dictate of reason: for (a) it is the decree of the divine will issuing commands and prohibitions, and (b) it is implanted in men’s hearts by God so that reason can only discover and interpret it” (Essays, p. 95).
9. Locke may be signalling his readers of his innovativeness in Question II in his comment regarding “scrupulousness in my choice of terms.” By completely divorcing “Revelation” from tradition, and then adding it as a fourth “mode of knowledge,” albeit one which he then flatly rejects and refuses to treat, Locke radically transforms the traditional framework for the discussion of tradition.
10. Cf. Von Leyden’s edition of the Questions. He has been followed in his dismissal of the very brief Questions by most interpreters of the work.
13. Cf. e.g. Elizabeth S. Haldane, Descartes: His Life and Times (London, 1905), p. 368.
14. Fol. 38; cf. above, in the discussion of Question III, the role of the “fall” in the thought of Culverwel.
15. Fol. 54. In the same sentence Locke also contradicts himself in a way that is too manifest to be anything but intentional regarding the possibility of a causa sui. “We do not owe our origin to ourselves, not only because nothing might be (sit) the cause of itself—for if we are willing to acknowledge god this axiom does not prevent us from believing that there exists something which does not come from something else” (fol. 54).
16. Relevant here is Locke’s account of the attributes of deity, as revealed thus far in this Question. Reason, according to Locke, suggests that humanity was created by some superior power. However, nowhere in this Question, nor indeed thus far in the entire work, has this superior power been described as either omniscient or omnipotent. Instead, Locke has consistently used such words as “wiser” or “stronger” when speaking of the deity. Whatever else Locke may have intended by his modest characterization of the attributes of the deity, he seems thereby to be emphasizing his difference from Sacred Scripture as regards the attributes of the deity. This is also consistent with the fact that in Question V he does not speak of the deity as having created the heavens and earth out of nothing, although in a strikingly different context in a subsequent Question he does just this. Finally, it should be emphasized that Locke maintains in the Questions that it is exclusively sense, plus reason—not revelation—that leads to an understanding of the deity, his works, and the duties that he is said to require of man.


Looking at Carl Schmitt from the Vantage Point of the 1990s

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The following remarks are based on rereading Carl Schmitt’s *The Concept of the Political*. When I was asked to contribute some impressions gained from this rereading to a recent conference on Carl Schmitt I accepted with alacrity, because it seemed to me that it might be of interest to show how one who had been impressed and affected by Schmitt’s theories over sixty years ago—one of the few still surviving—would assess Schmitt from the vantage point of the end of the century.

I

The German 1920s were an era of great intellectual excitement, and it is not surprising that the ideas of one of Germany’s leading intellectuals in the field of political theory impressed many, especially among the young interested in the social sciences and, more generally, in the great political issues of the times.

When I just referred to “political theory,” I must correct myself or, rather, specify. In pre-Nazi Germany there was no political science as we know it today. One would study *Staatsrecht* or *Völkerrecht*, that is, constitutional or international law. Schmitt’s official position, for instance, was that of professor of constitutional and international law in the respective faculties of jurisprudence at the universities where he taught. Theoretically speaking, first came the legal norms, with the state somehow disappearing behind them. In Hans Kelsen’s, my teacher’s, “pure theory of law” (*reine Rechtslehre*), for instance, the state was considered identical with the legal order. Thus it made a tremendous impression when Schmitt, as Max Weber to some extent had done before him, established, or re-established, the state as power holder creating the law, and the political as having its own existence especially in crisis situations of existential threats to organized groups. Formulations such as defining the sovereign as the one who controls the state of necessity (*Wer über den Ausnahmezustand verfügt*), seemed to fit in with the near-civil-war conditions of the early twenties in Germany, when asking who fought whom and who controlled a constant
state of emergency was a more vital question than asking which party was winning an election or backing one or another government coalition.

On rereading *The Concept of the Political* I was struck by what now seem to me the chief characteristics of Schmitt's concepts: extremism, vagueness, and an anthropology that, as Leo Strauss has pointed out, in contrast even to Hobbes' individualism renders the individual the subject of the political collectivity, i.e., the state. The merit of Schmitt's approach to the political, as Giovanni Sartori has put it, lies in "the uncovering, when the chips are down, of what the routine of normaley covers up." Its extremism is in confining the political to the extreme existential conflict situation of external or internal, i.e., civil war, a conflict situation from which Schmitt even excludes economic or moral-ideological causes and conflicts, reducing it to the existential "to be or not to be."

Which war situation, which enemy is Schmitt aiming at? Not only his extremism but also the vagueness of his concepts is revealed when he defines the political enemy as "the other," "the stranger," as one who is "in a specially intense way, existentially something different and alien," an adversary who intends "to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence" (*The Concept of the Political*, p. 27). Subsequently, in his *Nomos der Erde*, the enemy is not so existentially defined (at least as far as the members of the *jus publicum Europaeum*, i.e., of the European territorial state system, are concerned); but in *The Concept*, the enemy is the foe who has to be fought and destroyed in order for one to survive, physically or in one's "form of existence." But Schmitt gives no examples. Did he think of World War I, with Britain and France as Germany's "hereditary enemies"? As a friend of mine, Eugene Anschel, who was one of Schmitt's students in the middle twenties, relates in his memoirs, Schmitt, following the economist Werner Sombart, distinguished *Helden und Händler*, heroes and merchants, or, better, shopkeepers, clearly referring to Germanic heroes as opposed to British (or possibly also American) merchants; but Anschel believes that the latter, denigrating characterization also referred to Jews. And here, the definitions in his *Concept* noted above indeed assume a more sinister character. If one looks for domestic foes (Schmitt occasionally refers to political Catholicism at the time of the *Kulturkampf* and to the Socialists at the time of their outlawry by Bismarck in this respect), one cannot help remembering that German anti-Semites defined the Jew as the "alien," the "other," one who, despite all efforts at integration, would always be an outsider hostile to, and endangering, the German-Aryan way of life. Whether Schmitt was an anti-Semite or not (before 1933 he probably belonged to those among whose best friends or, in his case, whose best colleagues were Jews), nobody faced with such enemy definitions could escape a hidden, code-word type of reference. Whether Schmitt intended it or not, it fitted a racial policy that considered "World Jewry" as the existential enemy of all races, and especially the Nordic-
Germanic one, an enemy who, therefore, had to be exterminated. When Hitler, in Mein Kampf, said, “Ich aber beschloss, Politiker zu werden” (“I decided to become a politician”), he meant by politician and politics something essentially in agreement with Schmitt’s concept of the political. To be sure, prior to 1933 Schmitt was not a Nazi; he even was opposed to Hitlerism (on this see below). But the trend of his concepts, whether intended or not, could well be used to build up a racist doctrine underlying policies of persecuting and, eventually, exterminating an existential enemy. As Heine once put it, Hitler might well have said, “Ich bin die Tat von Deinen Gedanken” (“I am the deed that sprang from your ideas”). So much for Schmitt’s vague extremism or extremist vagueness. Just one more word on his anthropology, his basic view of man. It is, as I mentioned, a collectivist one where, differing from Hobbes who establishes Leviathan to protect the individual, the individual is supposed to sacrifice, if need be, his life for the community. One is reminded of Bert Brecht’s Der Ja-Sager, a play written about the time Schmitt wrote his Concept. There, one member of a group is asked to sacrifice his life, the only way the group can complete a task that will save the lives of many. He is not forced but eventually says “yes” to his doom. This was heroism as seen from the Left. While Schmitt surely would not have promoted such class-struggle collectivism, it explains the occasional emergence of a leftist Schmittism using Schmitt’s power emphasis for its own political purposes (exactly as a Hegelian Left used Hegelian dialectic for its purposes, although the Schmittian Left so far has not produced its Karl Marx).

II

One major criticism one might level against Schmitt’s definition of the political is its exclusivism, narrowly limiting the political to the friend-enemy situation of existential survival. On the face of it, this excludes from the realm of the political all normal political activities and policies, economic policies, labor and industrial policies, now environmental policies, you name them, as well as the political institutions and processes connected with them, such as parliaments, political parties, judiciaries, and so forth, at least as long as they are not involved in existential conflict. Now Schmitt’s concepts, like all concepts, are products of conceptualization. Everybody is free to define and conceptualize, coming more or less close to “reality.” But Schmitt’s conceptualizations are not in agreement with “common” conceptualizations. They do not fit what is commonly comprised under “political reality,” and thus Schmitt’s political realism comprises only one aspect of the “political,” that of conflict and enmity. It neglects, or at least plays down, the realm of compromise and cooperation, and this way is hardly useful for a political analysis of most modern industrial states and their more or less liberal-democratic societies. The American constitution
and type of governance seem to be farthest removed from Schmittian conceptualizations. With its separation of powers, checks and balances, independent judiciaries watching over broad realms of the state's noninterference with individual and group rights, its federalism, and so forth, this system pushes concentrated executive power away from the normal functioning of government toward true emergency situations. Even the vital decision about "enmity," that is, the declaration of war, is denied the executive. An existential war in the Schmittian sense, that is, one placing the survival of the union in jeopardy, happened only once in the history of the United States, and even in the Civil War (where the question was the admittance to society of the alleged racial stranger, the Negro), the only emergency measure Lincoln was compelled to take was the temporary suspension of habeas corpus. Thus the state of the exception has been the exception, not only in the history of the United States but in that of modern France, Britain, even Germany (the Federal Republic) and other modern, i.e., developed industrial nations. Schmitt's concepts are more applicable to Third World countries, where democratic processes like elections and institutions like parliaments are frequently meaningless fig leaves concealing the real power holders.

If we don't take Schmitt too literally and extend his concepts of the political to the normal sphere of what is commonly called politics, however, his emphasis on the power factor, on conflict, on decision making can prove extremely valuable. To give just one example, taken from recent arguments concerning the jurisdiction of the United States Supreme Court: An allegedly objective interpretation of a document like the American Constitution (of terms like "due process," "liberty," "equal protection of the law") under Schmittian lights reveals its political, that is, value-setting character, whether it tends toward more liberal or more conservative values. Equally valid is Schmitt's criticism of the parliamentary system considered as a forum for discussion that eventually will yield "the truth."

Here, however, we encounter the limits of the Schmittian approach. He is inclined to interpret into non-Schmittian theories and policies the same polemical extremism that characterizes his own. Thus he interprets all liberalism as antistate, authority-negating, basically anarchic or integral-pacifist doctrine and movement. This may be true for some more radical liberal theorists and movements that assume the basic goodness or perfectability of man or his natural freedom and equality, but it certainly does not apply to those whose aims are liberal in a broad sense but who, like the fathers of the American Constitution, are pragmatists, well knowing that a parliament, for instance, far from being a tool for getting at some truth, constitutes an arena for the peaceful settlement of issues, for holding the executive accountable, for preparing an opposition to possibly becoming the next government (thus providing for that "alternation of power" that marks a democratic system). Even in the international arena, where
the power factor is strongest, what one may call a pragmatic pacifism has been
to the norm, with warlike policies the exception. Hans Morgenthau, surely not a
utopian idealist but a power realist, gave his magnum opus, Politics among
Nations, the subtitle The Struggle for Power and Peace and considered diplo-
macy, not settlement of conflicts by force, i.e., war, the normal conduct of
foreign affairs.  

This way one arrives at what may be called a realist liberalism that is mid-
way between the poles of a Hobbesian or Schmittian power realism and a uto-
pian idealism. It is equidistant from advocacy of, or being resigned to, authori-
tarian or totalitarian power concentration and corresponding power politics, and
from anarchistic individualism and integral pacifism. While it recognizes the
presence of the power and conflict factor in all human relations, and surely in
politics, it tries to mitigate power and to oppose the ever-present abuses of
power (whether police brutality or judicial partiality, executive arbitrariness or
even the tyranny of an overweening majority) through the liberal-democratic
institutions and processes mentioned before, remembering Jefferson’s “eternal
vigilance” needed for the preservation of freedom. I myself, starting from a
political realism of the Hobbesian, Machiavellian, or Schmittian variety, in the
late 1930s began to develop a theory of what I called “realist liberalism,”
summed up in a book that appeared much later, in 1951, Political Realism and
Political Idealism. Such idealist realism, or, if you want, realist idealism, in
my opinion is the only way to incorporate what is valuable and important in
Carl Schmitt into minimally decent and civilized politics.

III

As far as Schmitt’s impact on actual political developments is concerned,
this impact, from a liberal-democratic viewpoint, has been nefarious, perhaps
even more so before 1933 than after he became Hitler’s “crown jurist.” To
understand this one has to keep in mind the fundamental weakness of Weimar
caused by the continuation, after the establishment of the Republic, of the au-
thoritarian tradition of Germany, its Sonderweg where, in contrast to the West-
ern countries, the middle classes had remained satisfied with feudal-militarist-
nationalist-conservative rulership in return for security in the economic sphere.  
This had shaped the attitudes of the entire German elite, including the intellec-
tuals in the academe. Authoritarian attitudes pervaded the German elites, in
government and judiciary, schools and universities, even in business and trade-
union organizations, and, in the absence of determined reform, continued into
the Weimar Republic. One who, like me, grew up in the 1920s, can attest to
the utterly conservative-nationalist spirit that imbued most of the teachers as
well as the young brought up in that system.  
It rendered most of them con-
temptuous or at least suspicious of the new democratic institutions and processes, such as political parties, elections, parliaments (derisively referred to as *Schwätzbuden*, talking shops), etc.

It can easily be seen that Schmitt, sharing this tradition with most of his colleagues (those among constitutional lawyers who supported the new system, like Anschütz, Kelsen, Heller, were few and far between), contributed to the weakening of the Weimar system. This was not only through his teaching and his writings (where his unceasing attack upon parliamentarism could not fail to have its impact), but above all in his political activities. Two of them emerge as particularly significant. One was his defense of the conservative-authoritarian Papen cabinet before the Supreme Court in the affair of the *Preussenschlag*, when the Reich government had undertaken to deprive republican-democratic forces of their last bastion, the state government of Prussia and its control over the Prussian police. The court decided in favor of the Reich, thus destroying that last bastion.

Schmitt’s well-known attempt to prevent the Nazi assumption of power through making the Reich President, alleged “guardian of the constitution,” a temporary dictator, similarly reflected his belief in the effects of concentrated emergency power. Schmitt probably meant Hindenburg to be a “commissarial dictator,” as distinguished from a “sovereign” and permanent dictator. He should have known that Germans were not likely to allow a temporary dictatorship to return powers to democratic government after the emergency was over, and I doubt whether he would even have favored such a return. As it was, the presidential system simply led to the Nazi-totalitarian one. Thus Schmitt belonged to the gravediggers of Weimar democracy.

As far as Schmitt’s post-1933 attitudes are concerned, the much-discussed question of whether he was an opportunist when openly turning to anti-Semitism, to defending Hitler’s random killings of SA leaders and assorted generals in the Röhm affair, etc., may be left open. Even had he become a convinced Nazi (and, as I have pointed out, he might have used some ideas from his *Concept of the Political* for that purpose), this would not have excused his attempt to legitimize the Röhm killings through a Hobbesian *potestas facit legem* argument, because Hitler, as also later in the holocaust case, did not even claim that the law forbidding murder was no longer valid. Schmitt’s writings on international law between 1933 and 1938, little noticed even by subsequent Schmittians, which I analyzed in the 1930s, would seem to reveal opportunism. One essay, *Nationalsozialismus und Völkerrecht*, with its quite un-Schmittian natural-rights and natural-law approach, served to underpin Hitler’s deceptive “peace policy,” while an abrupt turn toward power politics, advocating German regional hegemony (*Völkerrechtliche Grossraumordnung*, with the revealing subtitle *mit Interventionsverbot für raumfremde Mächte*) served to legitimize Hitler’s first conquest outside the “Germanic” realm, the takeover of what remained of Czechoslovakia after Munich.
Why, after 1945 when it was no longer dangerous, did Schmitt never return to these activities (not to mention apologize for them)? Why, indeed, did he never analyze in any depth the new factors in politics, especially in world politics, like the nuclear weapon and the change from the traditional, multipartite nation-state system to the bipolar superpower system of "existential" enemies? With the brilliance of his earlier analyses he might have revealed things succeeding generations of social scientists were never able to. The more's the pity.

NOTES

2. Leo Strauss, "Comments on Carl Schmitt's Der Begriff des Politischen, trans. in The Concept of the Political, pp. 81ff. What Strauss reveals as Schmitt's "warlike morality" (p.95) in contrast to Hobbes requires the individual "to sacrifice life" in war (p.35).
5. One might almost quote Schmitt himself to that effect when he ends his book Völkerrechtliche Grossraumordnung mit Interventions verbot für raumfremde Mächte (Berlin-Vienna, 1939) with the sentence: "The Führer's deed has lent the idea of our Reich political reality, historical truth, and a great future of international law" (my translation).
6. "Liberal thought evades or ignores state and politics"; "liberalism provides a series of methods for hindering and controlling the state's and government's power" (The Concept, p.70).
7. To be sure, Morgenthau, like other "political realists," such as Reinhold Niebuhr, agrees with Schmitt's anthropology of considering man as basically "dangerous," i.e., "evil," and draws from this overly power-political conclusions. I myself believe that, in view of the complexity of man's nature, any characterization of his nature as "good" or "evil" suffers from oversimplification. I have based my own political realism on the "security dilemma" that faces politically organized human groupings, especially those which, like nation-states so far, have no higher authority above them. On this see my Political Realism and Political Idealism, A Study in Theories and Realities (Chicago, 1951).
8. The Sonderweg interpretation of modern German history—an interpretation that emphasizes Prussia-Germany's authoritarian attitudes and structures in contrast to the liberal-democratic ones of the West (Britain, France, the United States, etc.)—is contested. I believe it is justified, provided one does not see its cause in any "innate German national character" but in the three defeats that German liberal movements suffered in the nineteenth century, after 1815, in 1848, and, in Prussia, in the 1860s.
9. For my personal impressions of German schools and universities in the Weimar period see my autobiography, Vom Überleben—Wie ein Weltbild entstand (Dusseldorf, 1984). The power of the monarchical, or quasi-monarchical, leadership idea can be seen from the fact that even Max Weber, surely a strong critic of William II's regime and Bismarck's impact on an all-too-submissive German middle class, favored a plebiscitarian democracy for the new republic, with a popularly elected president as counterweight against parliament and parties—an attitude not too remote.
from Carl Schmitt’s. Compare with this the Sonderweg of one prominent member of the German cultural elite, Thomas Mann. In his Betrachtungen eines Unpolitischen (Reflections of an Unpolitical Man), the term “unpolitical” had meant almost the opposite, Mann coming close to Schmitt’s concept of the political, what with his strongly authoritarian attitude and its polemical thrust against Western “civilizational” anarchistic-utopian individualism (subsequently, and unforgettably, personified by the Settembrini of his Magic Mountain). But then, realizing what German power politics and nationalism had wrought, Mann turned into a defender of the pragmatic liberal-democratic policies of the Weimar Republic. Had more members of the elite (especially the educational one) followed his example, the Republic’s fate might have been a different one.


11. On the “opportunism” debate see George Schwab, “Carl Schmitt, Political Opportunist?”, in Intellect (Feb. 1975), pp. 334–37 and my reply in ibid. (May–June 1975), pp. 482f. Regrettfully, I must still consider applicable to the Schmitt of the Nazi period an anecdote about Richard Strauss, related in my reply to Schwab: When Arturo Toscanini, stout anti-Fascist and anti-Nazi, was asked what he thought of Strauss (who had allowed himself to be made the head of the Nazi-controlled Reich Culture Chamber, just as Schmitt had allowed himself to be appointed “Prussian State Councillor” by Göring), he answered, “Before Strauss the composer I take off my hat; before Strauss, the man, I put it on again.”

12. Eduard Bristler (John H. Herz), Die Völkerrechtslehre des Nationalsozialismus (Zurich, 1938). I had to use a pseudonym to pr...

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Richard Kraut's *Aristotle on the Human Good* is an ambitious book. Kraut takes issue with two influential interpretations of the *Nicomachean Ethics*: (1) The "intellectualist" view of Cooper and Nussbaum, which takes its bearings from the concluding book of the *Ethics*, maintains that happiness consists in contemplative activity *simpliciter* and that happiness has no intrinsic or necessary connection to the practice of moral virtue. (2) The "inclusivist" position of Ackrill and Hardie is grounded in Aristotle's argument in Book 1 and asserts that happiness consists in a composite of different goods, only one of which is contemplation. Participants on both sides of the divide agree in questioning the consistency of Aristotle's teaching in the *Ethics* as a whole. Kraut's book seeks to settle this longstanding debate about Aristotle's teaching on human happiness.

Kraut maintains that the *Ethics* is free of internal conflict in its teaching about the human good. He explains that Aristotle offers "two good ways of answering the question, 'What is happiness?'" (p. 5). The best answer is that happiness consists in the virtuous activity of theoretical reason (*theoria*). The second best answer is that happiness consists in virtuous practical activity (*ethike*), the exercise of virtues such as courage, magnanimity, and justice. The conflict between these two answers is only apparent. On the one hand, the philosophic life presupposes the development and practice of the ethical virtues (p. 6, see chaps. 3–4) and, on the other, Aristotle "intellectualizes" practical virtues, regarding them as "approximations of the theoretical virtues" (p. 7, see chap. 6). In both cases, the proper function of human beings is to use reason well. The common core which unites Aristotle's twofold teaching is that human happiness consists *solely* in excellent reasoning activity (pp. 7, 324). This provides the single standard by which the whole range of human actions is to be evaluated. All other goods are or should be desirable only as means to this end; they possess "no direct weight at all in determining how close a person is to happiness or misery" (p. 261).

Kraut is especially concerned to take on Ackrill's inclusivist interpretation of Aristotle's ethical teaching because of its influence on the current generation of scholars (pp. 210–311). Ackrill argues that happiness is a composite of all
goods desirable in themselves and that this all-inclusive good is better than any one of its components no matter how valuable that component may be. The problem with this view, as Kraut sees it, is that either it waters down Aristotle’s insistence that happiness be identified with virtuous activity and particularly the virtuous activity of reason, or it requires one to conclude that Aristotle’s apparently inclusivist argument in Book 1 cannot be reconciled with his identification of happiness and contemplation in Book 10.

Against the first consequence of Ackrill’s position, Kraut argues that Aristotle consistently maintains the absolute priority of the intellectual life. Although a life devoted to theory requires other goods as well (e.g., ethical virtue, friends, financial resources, etc.), and although it may sometimes be appropriate to cut back on one’s theoretical activity for the sake of others, the fully happy person is one who engages in the best activity of contemplation. Kraut writes, “His formula, as I understand it, is that the more contemplation, the better one’s life; there is no such thing as a human being who has studied philosophy too much for his own good” (p. 27). Kraut returns often, and in a way that preserves the sharp edge of Aristotle’s teaching, to the priority which he assigns to intellectual virtue. For those not in a position to philosophize, it is still possible to develop intellectual excellence through the practice of moral virtue. Indeed, Kraut argues that the ethically virtuous person is sometimes made by Aristotle to sound like a philosopher, devoting himself to the activity of practical reasoning in a way that parallels a philosopher’s devotion to contemplation (p. 325).

With respect to the second consequence of Ackrill’s position, the apparent discrepancy between Books 1 and 10, Kraut provides a razor-sharp analysis of Aristotle’s use of the “for the sake of” relation in these books (pp. 200–210) and a helpful distinction between imperfect, perfect, and most perfect virtue (pp. 237–51). In this part of the book, Kraut weaves together a careful critique of Ackrill’s inclusivist position with a passage-by-passage elucidation of an alternative reading which preserves the unity of Aristotle’s argument as a whole.

Kraut’s thesis is immediately appealing both because it attempts to preserve the internal coherence of the *Ethics* and, in its resistance to an easier inclusivist interpretation, it is more faithful to a literal reading of the text. The plausibility of Kraut’s thesis gains considerably by the painstaking care with which he presents rival interpretations and seeks to adjudicate differences by appealing to the text. If Kraut’s general argument is at times in danger of being overwhelmed by detailed exegetes of particular passages, this textual scrutiny, together with his exemplary effort to give alternative readings their due, is also a great strength of the book. Kraut’s writing is characterized by clarity and precision throughout.

If Kraut’s approach to the *Ethics* is in many ways refreshingly sensible, it is not completely devoid of problems. An initial weakness is that he is insufficiently sensitive to the particular way in which Aristotle develops his teachings, especially in his political writings. Aristotle often only gradually discloses his
meaning through successive arguments, each of which qualifies what has preceded it. The "organic character" of Aristotle's argument in the *Ethics* has been noted by other scholars (e.g., Strauss, Jaffa, Faulkner) and requires attentiveness both to the immediate context within which an argument appears and to the particular place which an argument occupies within the succession of arguments that comprise the whole. Kraut tends to underestimate the importance of this dimension of the *Ethics*; he easily lifts passages out of their context, as if they were simply detachable from their position in the book as a whole. In doing so, he abstracts from the pedagogical effect which the particular order of argument might be expected to have on readers, and sometimes mistakenly identifies one stage of an argument with Aristotle's own position.

An example of the former problem can be seen in the way Kraut moves back and forth between Book 1, Chapters 5 and 7, and Book 10, Chapters 7–8. In the course of his argument, he gives little weight to the specific position which these passages occupy at the beginning and end of Aristotle's study. Kraut does acknowledge the incomplete but foundational character of Aristotle's argument in Book 1 (pp. 3, 323), but this does not prevent him from beginning his study with Aristotle's conclusion in Book 10 (chap. 1) and then working back to Aristotle's "foundational" argument in Book 1 (chap. 6). Although there is nothing intrinsically wrong with this procedure, it is symptomatic of Kraut's tendency to neglect an important pedagogical feature of the book, that is, Aristotle's gradual effort to educate the ethical sensibilities of his readers.

A more serious consequence of this approach is that it sometimes leads Kraut to misrepresent Aristotle's view by tying it too closely to one stage of his argument. This problem is exemplified in the use Kraut makes of passages from the *Politics* to support his thesis, in itself sensible, that Aristotle cannot properly be regarded as an "egoist" in the modern sense of the term. Kraut cites Aristotle's arguments about justifiable ostracism (*Pol.* 3, 13) and sharing rule in the best regime (*Pol.* 7, 14) to counter the charge that Aristotle is an egoist (pp. 90–103). On the basis of these passages Kraut concludes that Aristotle teaches both the possibility of conflicting goods (and is therefore not a "benign egoist") and the priority of the common political good over the good of any particular individual (not a "combative" or "pure egoist" either).

Although these claims surely reflect part of Aristotle's teaching, a more adequate understanding of his argument in the *Politics* reveals that he was also aware of the problematic character of these teachings. Aristotle's teaching about justifiable ostracism in Book 3, Chapter 13 must be taken together with his teaching on kingship in Book 3, Chapters 13–17. This latter teaching culminates in the argument that the one truly superior individual takes priority over the common political good, insofar as the political good is understood to involve some kind of shared rule (*Pol.* 1284b25–34; 1288a15–29). (Kraut does allow Aristotle's treatment of kingship to influence his view of ostracism [nn. 19, 20, 23], but he does not give it the full weight that it warrants.) Similarly, Aristotle begins his discussion of shared rule in the best regime by pointing to
the flawed character of any investigation of the best regime which has not first answered the question about the most choiceworthy life (1323a14–17). The consideration which follows takes up precisely this question and, as such, constitutes a lengthy preface (7, 1–3) to Aristotle's teaching on the best regime (7, 4 ff.). What is most striking about Aristotle's consideration of the most choiceworthy life in the present context is that he leaves the question unresolved. Nevertheless, Aristotle devotes the remainder of his study to an outline of the best regime, one that recommends the rotation of offices among equals.

Aristotle does acknowledge the possibility of justifiable ostracism, and he does argue for an equal sharing of power. However, the contexts within which these arguments arise reveal that these assertions cannot be identified in an unqualified way with Aristotle's own view. Kraut's use of these passages, among others, inadvertently narrows the scope of Aristotle's teaching about political justice. Kraut restricts Aristotle's teaching to one particular understanding of justice, one that favors equality (see also pp. 98–99). A fuller appreciation of Aristotle's argument suggests that he is bringing to light the essentially problematic character of all understandings of political justice (especially in Book 3) and then, without retracting this radical perspective, offering in the books that follow some practical guidance for those who are primarily responsible for the welfare of the city.

A second and briefer criticism concerns one of the strengths of Kraut's book. His attempt to reconcile Aristotle's teaching on moral and intellectual virtue may go further than Aristotle himself. That Aristotle seeks to harmonize ethical and theoretical virtue and that he places theoretical virtue at the top of this hierarchy is indisputable. But this teaching does not require, nor does Aristotle insist, that moral and intellectual excellence are in every respect reconcilable. Indeed, Aristotle's text reflects an awareness of the problematic character of the relationship between intellectual and moral excellence while, at the same time, it makes the best possible case for their compatibility. Kraut's attempt to dissolve this tension seems to impose a greater precision on the study of ethics than Aristotle would accept (cf. 1094b12–27).

Despite these problems, Aristotle on the Human Good marshals considerable scholarly vigor in support of a sensible and appealing interpretation of the Ethics. Indeed, neither my summary nor criticisms do full justice to the intricate and nuanced character of Kraut's writing. His study contains many particular discussions which are insightful. In addition to those already mentioned, I would call attention to his treatment of the kinship between moral and intellectual virtue (pp. 55–62), the "real self" (pp. 128–31), the relationship between philosophy and friendship (pp. 170–75), the uselessness of contemplation (pp. 192–96), and the defense of practical virtue (pp. 322–34). More significantly, Kraut's book draws our attention to important, perhaps the most important, issues. It has the further merit of requiring the reader to return in a serious and rigorous way to the text itself. As such, Kraut's book is bound to have an influence; it both merits and rewards serious study.
Liberal constitutionalism makes an independent and institutionalized political science possible. If liberal constitutionalism is the only such regime, political scientists cannot sensibly pretend to neutrality with respect to its perpetuation. To preserve their own independence, they must not forget the political grounds of independence.

There are several ways to forget this. Since the late nineteenth century many political scientists have aspired to free their work from "values," which they believed 'subjective' and 'culturally relative.' This 'value-free' political science remains embedded in academia, but many of its practitioners now retire unplaced by like-minded scholars. The younger political scientists are frankly 'normative.' Coming in many varieties—neo-Marxists and feminists may be the most numerous—almost all may be described fairly as socialists or left-liberals. From their ranks come academic politicians who caucus for 'a new political science.' Armed with the slogan, "Everything is political," they commit themselves, and attempt to commit the universities, to partisan 'causes.' In reaction to this partisanship, the more traditional scholars deplore what they call the 'politicization' of the university and call for the continued academic freedom to be uncommitted. Their effort deserves admiration; given the atmosphere on some campuses, it is even courageous. But traditionalists remain vulnerable to the partisans' pet terrier of an argument: There's no such thing as an apolitical university; you cannot not choose; you're either doing something to liberate students from the insidious tentacles of banality that discipline the bourgeois order, or you're not. The old Left used to dismiss all others as 'objectively pro-fascist'; the new Left does much the same thing while avoiding objectivist or scientistic language. This makes new-left agitation no less strident than its predecessor, but gives it a decidedly more moralistic sound. Traditionalists try to explain that there's more to life than manichean action and polemic calling itself 'theory,' but they finally resemble the political candidate who decries his opponent's stand as 'simplistic.' You know he's going to lose. Perhaps real life will come to his rescue eventually. And perhaps academic traditionalists will be remembered as honorable Catos of pedagogy by some embattled minority of the future. Perhaps that minority will win, if fortune does not favor some new enthusiasm.

"I have been struck by how many of the criticisms of liberal democracy made today in the name of justice have lost connection with a systematic treat-
ment of political systems” or regimes, writes James W. Ceaser. “It is political philosophy without political science” (p.4). Fascinated by change, by metaphors of flow, resentful of structure (when was the last time you heard the word ‘rigid’ used descriptively, not pejoratively?), political scientists moralize without recourse to regime theory. The protections afforded by liberal democracy lull its beneficiaries into undue optimism; protectedness comes to seem a given, something easily preserved even if the structure of liberalism gets kicked down. Ceaser seeks to interest political scientists in what had been the core of their own science, emphasizing, perhaps tactfully, not so much the need of political scientists for liberal democracy as the need of liberal democracy for political science of a certain kind.

Beginning with the basics, Ceaser describes American liberal democracy as the combination of two “sets of ideas” supposed “incompatible” by political writers before Americans combined them (pp. 8–9). Constitutionalism—the protection of rights, limited and deliberative government—had seemed to depend upon the social foundation provided by the great estates, as argued in the writings of such philosophers as Locke and Montesquieu and of such statesmen as John Adams and Gouverneur Morris. By contrast, popular rule or democracy “emerged from a different tradition”: “It hearkened back to democratic republics such as Athens and Florence, although the modern variant added the crucial idea of equality of people founded in natural rights” (p.9). Constitutionalists feared that demagogues would overthrow a democratic constitutionalism in the name of democracy; democrats feared that pretended constitutionalists would corrupt the government and finally the people themselves, destroying the citizen virtue upon which decent government depends. The founders solved this problem by devising a constitutionalism “founded on the principle of natural equality”—“the revolutionary idea that certain basic rights attached in principle equally to all individuals” (p.13). The practical principle of representation, not direct or ‘participatory’ democracy, defends the theoretical principle of natural equal rights by reinforcing the rule of law and deliberation instead of the rule of force and passion.

Ceaser agrees with such scholars as Thomas G. West and David Epstein, who argue that The Federalist does address the need for citizen virtue and civic education. But he notes that The Federalist does not contain “anything remotely approaching a systematic exploration of the question of citizenship” (p.15, italics added). For this, scholars turn to other writings of the founders. The Federalist concerns primarily the American national government, not American governments, and not government as such. Alexis de Tocqueville, “the first major political philosopher, inside or outside of America, to actually observe and study liberal democracy,” and also “one of the select group of major theorists who can be called a ‘friend’ of this regime” (p.16), concerns himself with understanding how American mores interact with American institutions and laws on the local and state, as well as the national level.
Although some scholars (Richard Hofstadter, Martin Diamond in some of his writings) describe liberal democracy as “a kind of self-regulating equilibrium,” Ceaser leans toward the axiom that the price of liberty is eternal vigilance or “constant superintendence” (pp. 19–20). Certain mores must be cultivated in order to maintain liberal democracy, even if this cultivation does not involve the “extraordinary efforts in character formation” seen in the small, ‘virtuous republics’ of the Antifederalists (p. 22).

The complex, compound character of liberal democracy requires more “political knowledge” on the part of the citizens than other regimes (p. 22). Further, the dual nature of this compound tends to produce educated citizens who prefer one element of the regime over the other. We are usually either ‘liberals’ (now called ‘conservatives’) or ‘democrats’ (now called ‘liberals’). Partisan infighting “leaves little time or energy for investigating the question of the needs of liberal democracy as a whole” (p. 23). Liberal democracy elevates its opponents “to the very highest positions of honor in the intellectual world” because such persons do “speak passionately for one of the regime’s own basic principles” (p. 23, italics added). Ideology may be defined as the inflation of one principle into a system; Ceaser candidly writes that he does not want “to turn political science into an ideological instrument” but rather to turn political science away from such misuse without turning it toward the illusion of ‘value-free’ political science (pp. 24–25). A nonideological but principled political science can be a friend of liberal democracy—indeed, independent and critical without being destructive.

Tocqueville shows how this can be done. He is “‘our’ political philosopher,” despite being a Frenchman: the philosopher of our age, who understands the choices our age presents between despotisms ‘hard’ and ‘soft’ and liberal democracy; the philosopher of our regime, “the political theorist par excellence of liberal democracy”; the philosopher of our nation, who wrote about Americans in order to describe liberal democracy (p. 26). Oddly, Tocqueville has “few adherents,” remaining “the coffee-table philosopher of American political science; he is displayed in polite company . . . ” (p. 28). Ceaser puts Tocqueville to work, “explor[ing] Tocqueville’s understanding of the underlying character or structure of liberal democracy and of the role he envisaged for political science within this regime” (p. 29).

Beginning with the form of our government, Tocqueville finds the realistic alternatives for America to be democratic tyranny and democratic liberty. Because the citizens themselves are at liberty to define the happiness they pursue,
and because they are fallible, serious mistakes in theory and practice can be made. Citizens can choose ‘soft’ despotism in the pursuit not of equal natural rights but of equal conditions and entitlements. Religions and educational institutions can be captured by this materialist egalitarianism. Political scientists can resist or assist this tendency; they can resist it by “tak[ing] care that the idea of explanation that governs their conception of knowledge does not diminish people’s belief in the freedom they possess” (p.32). Political scientists should express causality in ‘if-then’ terms, enabling citizens to see the likely consequences of proposed policies without bringing them to some form of fatalism.

Fatalism tempts intellectuals in liberal democracy because they see beyond the formal division of government and politics from society (religion, culture, economics); they see that while society has been ‘depoliticized’ in the direct sense, it nonetheless has important implications and consequences. Intellectuals often react to this by attempting to ‘lay bare’ the realities of ‘bourgeois society,’ showing how society ‘determines’ the political structures. Tocqueville also considers “the legal or formal separation between the public and the private realms” to be “secondary and derivative.” But he “does not take the step of dismissing the formal liberal principle as merely fictitious or as a cover for some more sinister design.” In this he practices “the kind of political science practiced by Aristotle and Montesquieu” (p.34). Both government and society rest on “a deeper foundation” (p.33), a “prior and more fundamental arrangement” (p.34), a “certain political culture” (p.36).

Real freedom requires an actual power in society to resist the state and a will among the citizens to limit government and protect rights. The power and will do not miraculously appear as a consequence of the mere act of assertion of an abstract principle; they must be promoted. How to achieve the human qualities and the social arrangements that work over time to support the formal principle of limited government is one of the major questions for political science. (Pp. 35–36)

Political science, Ceaser argues, should be part of the “tutelary power” of the political culture, “inserting itself into the society on the strength of an appeal to reason” (p.37), an appeal directed primarily to those who actually govern society, set the tone of society—not only or even mostly public officials, but also clergy, poets, scientists, and others. “To the extent that political science is unable” to do this, “other modes of thinking” will (p.39). These modes of thinking most likely will not lead to an adequate understanding of liberal democracy. Tocquevillian political science does:

Political science as an enterprise working on behalf of liberal democracy seeks to induce the leaders of each major area of the society to consider the relationship of their activity to maintaining the regime; political science is a perpetual gadfly for liberal democracy. As a part of liberal education, it aims to inculcate a way of reasoning that makes students conscious of the connections of private activities to the maintenance of a regime. As a research or academic enterprise, it seeks to
supply some of the general answers to to this question, or at any rate to set an agenda for their discussion in different contexts. (Pp.39–40)

Just as Aristotle and Montesquieu could accurately describe various regimes while thoughtfully preferring some to others, so Tocqueville can describe the existing and potential forms democracy can take in the modern world, preferring liberal democracy to the others.

Ceaser next considers traditional political science in contrast to twentieth-century political science. Twentieth-century political science calls the act of exerting power “the irreducible unit of politics” in the family, the social organization, and the state (p.42). Traditional political science refuses to concentrate its attention primarily on efficient and material causes; it concerns itself more with formal and final causes—with regimes, and particularly (for Aristotle) the best regime. In addition to considering the best regime, the traditional political scientist studies three interrelated subjects: historical sociology (the analysis of “place”: the character of a people, its stage of development); general political science (analysis of regime types and of what maintains or undermines them); and analysis of specific regimes in a specific context (e.g., American politics, Iranian politics).

Historical sociology concerns a people’s physical environment, its mores (the “most important” factor[p.45]), its laws and institutions, and its history or formative experiences. Taken together, these constitute “the dominant reality a legislator faces in a given situation”; as such it “does not fully bind human action” (p.46). “Proceeding with due regard for the genius [of a nation] is a major part of political prudence, and it in turn has an important bearing on political ethics” (p.47). Although Montesquieu “at times comes close to suggesting a total, autonomous science of development” of nations, with no room for genuine freedom (p.219, n.25), Tocqueville does not go so far. Tocqueville’s view more nearly resembles that of Charles de Gaulle, who speaks of a statesman who “realized all the possible in taking his part in the inevitable” (La France et son armée [Paris: Librairie Plon, 1938], p.57).

General political science concerns regimes, those ways “of ordering a society expressed in terms of who rules, according to what end or principle, and dominated by what sentiment or passion” (p.52). More ‘abstract’ and more “elusive” than historical sociology (p.53), general political science does not predict so much as it enables its students to understand “the full range of possibilities” in political life (p.56).

The effort to maintain any regime involves discovering and cultivating, not the specificities toward which it inclines—for these are often what leads to its destruction or degradation—but the specificities that promote it. Liberal democracy, as one of the more complex and heterogeneous regimes, can benefit from drawing on a number of different regime principles. It has something important to learn from the calm and orderly calculations of interest of modern
commercial liberalism, the virtue or communitarianism of small republics, and the sense of individual pride of European aristocracy. (P.56)

Liberal democracy needs statesmen who risk their lives, fortunes, and sacred honor and citizens who will respond to such statesmen. No one simple regime can appeal to all of those goods; a comprehensive political science will understand the simple regimes and their feasible combinations.

Particular political science, the study of alternative regimes in a specific place, today suffers distortion. The overappreciation of applied historical sociology and the depreciation of general political science make it impossible to abstract lessons from the past, to generalize intelligently. ‘Abstract’ becomes a sort of curse-word. Extreme particularism is all history and no real theory; most recently its ‘theory’ is a ‘hermeneutics’ of ‘deconstruction’ that ‘stress[es] the idea of [cultural] differences just when the differences are becoming less pronounced, at least in the West” (p.64). By refusing to take abstractions seriously, ‘hermeneutics’ undermines prudence and makes it impossible to understand concrete changes clearly. Radical historicism makes real history incomprehensible to historians and citizens alike. The world becomes impossible to understand or to change. History takes the direction opposite to that expected and desired by historicists. The many schools of twentieth-century political science—behaviorism, ‘rational choice,’ the ‘new normativism,’ etc.—fail to “maintain liberal democracy” (p.93) because they share the usual historicist emphasis on change instead of structure, relativism instead of stable moral and political principles. Even those political philosophers who give some appearance of taking rights seriously end in moral relativism and political irrelevance. (Of John Rawls and Robert Nozick Ceaser remarks tersely, their “books are all about justice, but hardly ever about real political regimes” [p.96]. He might add that finally they aren’t about real justice either, only preferences and assertions or ‘values’.) When you ignore regimes and assert your will, you end in utopianism. Traditional political scientists, judging policies by each regime’s standards and each regime by the higher standard, namely, the fulfillment of human nature, understand that “what sustains a regime will not in every instance be the same as what promotes human development” simply (p.98). Therefore, “the maintenance of political regimes”—themselves necessary for human survival and development—“exacts a price in the world of moral concerns” (p.99). This moral realism does not appeal to the self-assertive utopians among contemporary historicists. But because regime types are not “arbitrary constructs” (p.104)—utopians wish they were—contemporary political scientists “have retreated . . . deeply into the ivory tower” (p.106), eschewing the traditional “interest in training students for practical careers” and instead “reproducing political scientists” (p.107). Robert Dahl’s work exemplifies the ‘new normativism.’ In his hands, this becomes a “project of creative myth-making in which standards from outside the American tradition are smuggled in
and elevated to the highest status” (pp. 118, 122). Brushing institutions aside, Dahl hopes for “a progressive growth in consciousness to the point at which we can transcend conflict by embracing the warmer unity of a more egalitarian order”—“a flight from the realism of the greatest part of our tradition and a rejection of the sterner qualities of the human spirit that have helped to build and sustain our constitutional republic” (pp. 141–42).

Tocqueville contended that America had so far “met the challenge of the modern age not despite, but in large measure because of, the minimal influence of contemporary doctrines of political thought and the absence of intellectuals to spread them” (p. 144). The doctrines of rationalism and traditionalism, associated in Tocqueville’s day with the French Revolution and the writings of Edmund Burke, respectively, both undermined the conviction that human beings can effectively deliberate and choose with respect to public policies. But there was an exceptionally important choice to make: “not between the old order and democracy but between democratic despotisms and liberal democracies” (p. 153).

Traditionalists had led the way in identifying and exposing the homogenizing and despotic tendencies of modern philosophic thought. Tocqueville accepted their critique, but he rejected their ultimate standards and doubted the efficacy of their methods for combating philosophic ideas. Unlike the traditionalists, Tocqueville upheld theoretical reason at the same time that he attacked the reason of his contemporaries, and he defended the intellect at the same time that he attacked the modern intellectual. His critique of rationalism was thus carried out in a different spirit and with a different aim than that found in traditionalist thought. (p. 156)

Because “political structures and institutions do far less in the way of embodying specific ideas or beliefs than they do in forming mental habits”—“the character or way of thinking that prevails in society”—Tocqueville promoted a political science that would work not through some new ideology (thinking from general ideas to the particulars) but from particular policies and local institutions up to general ideas and national institutions (p. 157). Political participation on the local level, “within the citizens’ own experience,” rewards “the mode of reasoning of the pragmatic form of rationalism” (pp. 161–62). Such activity will also give local governments the strength to serve as intermediary institutions between individuals and the national government. Citizens will develop “a sense of their power to defend their rights”; Tocqueville’s “final standard is not the natural in the organic sense, but rather nature and natural right as discovered by human reflection on the world”—first of all in its particulars—“and its possibilities” (p. 162). This evidently “combine[s] the concerns of the Federalist and the antifederalist (and Jeffersonian) traditions in American political thought” (p. 164). Tocqueville also combined “rationalist liberalism” with the “traditional religion” without which “despair and paralysis” or “dangerous pseudo-religions” (especially “the mind-set of the modern intellectual revolu-
tionary . . . who infused politics with repressed spiritual feelings”) would take hold (pp.166–67). He insisted that genuine religion could coexist with a humbled rationalism—or better, a reason that no longer contorts itself into an “ism.”

Entering its third century, the American regime now has a powerful intelligentsia; communications media are more centralized (though probably less so than they were ten or twenty years ago); jurisprudence “has become a battlefield on which various philosophical schools contend” and, “in the name of promoting rights” through an activist judiciary, government exercises “far-reaching authority in society” (p.172). With “the collapse of any meaningful doctrine of federalism” American national government commands centralized power unprecedented in our history (p.173). Doctrines of historical inevitability, most recently a “new historicism” that praises liberal democracy only to undermine it unintentionally, posit a “fatalism” that “erodes liberal democracy’s foundation in the view that human actions can make a difference” (p.175). Of these dangers, Ceaser particularly deplores the assaults on the United States Constitution made by scholars and judges who are in various ways disciples of Woodrow Wilson, the American statesman who combined Hegelianism and democracy. Ceaser describes the advantages of traditional American constitutionalism, ably defending it against partisans of parliamenterian abrogation of the balance of powers. In doing so Ceaser gives his readers an example of a Tocquevillian political science at work in the service of an Aristotelian sense of justice.

In Liberal Democracy and Political Science James W. Ceaser speaks as a political scientist to political scientists, showing how civic education can also form part of a liberal education in modernity. It is a book of uncommon clarity and common sense for a profession in need of both.

NOTE

1. Specifically, Ceaser offers a telling and succinct critique of Francis Fukuyama’s article “The End of History?” (The National Interest, No. 16 [Summer 1989], 3–18). In addition to his criticism of the fatalism supposed by Fukuyama, Ceaser observes that Fukuyama “obscures the fundamental choice for modern times that Tocqueville presented between a regime of political liberty and a new kind of regime (a soft despotism) in which people might believe themselves free, but in which in reality they would have abandoned the conditions in society that could promote significant human action” (Ceaser, p. 175).
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