

# Interpretation

A JOURNAL OF POLITICAL PHILOSOPHY

Winter 1991-92    Volume 19    Number 2

- 117    Kenneth Dorter    Freedom and Constraints in *Prometheus Bound*
- 137    Joseph Cropsey    Virtue and Knowledge: On Plato's *Protagoras*
- 157    Michael Davis    Politics and Poetry: Aristotle's *Politics*, Books VII  
and VIII
- 169    Marie A. Martin    Misunderstanding and Understanding Hume's  
Moral Philosophy: An Essay on *Hume's Place  
in Moral Philosophy*, by Nicholas Capaldi
- 185    Hugh Gillis    Kojève-Fessard Documents  
*Translator*
- 201    Glenn N. Schram    The Place of Leo Strauss in a Liberal Education
- Book Review*
- 217    Will Morrisey    *Questions Concerning the Law of Nature*, by John  
Locke

# Interpretation

- Editor-in-Chief Hilail Gildin, Dept. of Philosophy, Queens College
- General Editors Seth G. Benardete • Charles E. Butterworth • Hilail Gildin • Robert Horwitz (d. 1987) • Howard B. White (d. 1974)
- Consulting Editors Christopher Bruell • Joseph Cropsey • Ernest L. Fortin • John Hallowell • Harry V. Jaffa • David Lowenthal • Muhsin Mahdi • Harvey C. Mansfield, Jr. • Arnaldo Momigliano (d. 1987) • Michael Oakeshott (d. 1990) • Ellis Sandoz • Leo Strauss (d. 1973) • Kenneth W. Thompson
- Editors Wayne Ambler • Maurice Auerbach • Fred Baumann • Michael Blaustein • Mark Blitz • Patrick Coby • Christopher A. Colmo • Edward J. Erler • Maureen Feder-Marcus • Joseph E. Goldberg • Pamela K. Jensen • Grant B. Mindle • James W. Morris • Will Morrissey • Aryeh L. Motzkin • Gerald Proietti • Charles T. Rubin • Leslie G. Rubin • Bradford P. Wilson • Hossein Ziai • Michael Zuckert • Catherine Zuckert
- Manuscript Editor Lucia B. Prochnow
- Subscriptions Subscription rates per volume (3 issues):  
individuals \$21  
libraries and all other institutions \$34  
students (five-year limit) \$12
- Single copies available.
- Postage outside U.S.: Canada \$4.50 extra;  
elsewhere \$5.40 extra by surface mail (8 weeks  
or longer) or \$11.00 by air.
- Payments: in U.S. dollars AND payable by  
a financial institution located within the U.S.A.  
(or the U.S. Postal Service).

---

CONTRIBUTORS should follow *The Chicago Manual of Style*, 13th ed. or manuals based on it; double-space their manuscripts; place references in the text, in endnotes or follow current journal style in printing references. To ensure impartial judgment of their manuscripts, contributors should omit mention of their other work; put, on the title page only, their name, any affiliation desired, address with postal/zip code in full, and telephone. Please send THREE clear copies.

---

Composition by Eastern Graphics, Binghamton,  
N.Y. 13901  
Printed and bound by Wickersham Printing Co.,  
Lancaster, PA 17603

Inquiries: Patricia D'Allura, Assistant to the Editor,  
INTERPRETATION, Queens College, Flushing, N.Y.  
11367-0904, U.S.A. (718)520-7099

## Book Review

John Locke, *Questions Concerning the Law of Nature*, edited by Robert H. Horwitz, Jenny Strauss Clay, and Diskin Clay (Ithaca and London: Cornell University Press. 1990), x + 260 pp., \$29.95.

WILL MORRISEY

Locke begins this work by restating the argument the Apostle Paul makes for the existence of God: "Since god shows himself everywhere present to us and, as it were, forces himself upon men's eyes, as much now in the constant course of nature as in the once frequent testimony of miracles, I believe there will be no one, who recognizes that either some rational account of our life is necessary or that there exists something deserving the name of either virtue or vice, who will not conclude for himself that god exists" (p. 95). Locke ends the work in an equally firm moral tone: "the rightness of an action does not depend upon interest, but interest follows from rectitude" (p. 251). The beginning and end of the *Questions* dovetail with the teachings of Christian natural law, a fact many scholars today will take to confirm their belief that Locke reflected the reigning orthodoxy of his time. In his substantial introduction to this new edition of the *Questions*, the late Robert H. Horwitz observes that Locke deals systematically with the issue of natural law nowhere in his published writings (p. 1). The *Questions* shows how carefully Locke thought about natural law during his tenure as senior censor of moral philosophy at Christ Church College, Oxford, in the 1663–64 term. Locke evidently prepared the manuscript around that time, prior to his participation in formal scholarly disputations with his advanced students (pp. 29–30). Nor did Locke put his manuscript aside and forget it. As late as 1681–82 he had it copied by hand and corrected it. But he never published the work, resisting the importunities of at least one friend who kept and studied it during Locke's exile in Holland. Upon his return Locke took pains to conceal the manuscript among his papers, succeeding so well that it was not discovered and published for some two and a half centuries.

Locke's supreme self-possession and prudence come out very clearly in Horwitz's introduction, an exemplary specimen of biographical criticism. While urging readers "to concentrate their attention solely on the difficult task of understanding Locke's reflections on the law of nature in precisely the form in which Locke has left them to us," Horwitz makes this easier to do by provid-

ing not only an account of the circumstances surrounding the manuscript's composition and subsequent history, but also a picture of Locke's habits of mind as reflected in actions. The philosopher actively participated in the political events of late seventeenth-century England, in which Protestants and Catholics struggled for control of the monarchy. Locke, "a man who never took lightly, either in theory or in practice, the indispensable good of life, liberty, and property" (p. 40), and who may have witnessed "the last major public book burning" at Oxford shortly before his six-year exile (the heretical works of Thomas Hobbes were consigned to the flames), survived even as other prominent Whigs such as Algernon Sidney served prison sentences and even died for their convictions (pp. 9,29). Locke "took great pains to conceal authorship of many of his most important—and potentially most controversial—works from the time they were written and published [anonymously] until a few weeks before his death" (p. 2,n.2). Even in his own library catalogue he did not classify his *Two Treatises* or his *Letters concerning Toleration* under his own name.

This caution extended to the manner in which Locke wrote his manuscripts. After the publication of his *Essay Concerning Human Understanding*, "Locke's contemporaries, immersed as they were in every aspect of the Christian natural law teaching, perceived an important and critical ambiguity in Locke's position on these matters," particularly a reluctance to "identify the Bible simply as the revealed word of God" (pp. 21–22). Some contemporaries found this reluctance profoundly unsettling; others, whom Horwitz calls "Locke's helpers," eagerly supplied, or urged Locke to supply, the decisively pious supplements. He never quite did so. These contemporary disputes have continued into our own time, as Horwitz shows in his discussion of the editorial work done by Wolfgang von Leyden, the scholar who discovered Locke's manuscript in the 1940s and published it in 1954 under the title *Essays on the Law of Nature*. This title misidentifies the genre. These are not essays; some sections consist only of a question and a one-word answer. Just as important, von Leyden invariably ascribes a pious meaning to Locke's answers, overlooking the "pervasive tension between two or more opposed understandings of the law of nature" found in the text (p. 61) as well as the "manifold contradictions" that force attentive readers to think the problems through for themselves (p. 61, n.138). As co-editor Diskin Clay observes, Locke speaks in a "Christian" voice, a "pagan" voice and, sotto voce, in the accents of Hobbes, Grotius, and Descartes (p. 80). The Christian and pagan voices speak of natural law but must express different conceptions of the origins of the natural law. The 'modern' voices do not speak of nature in the same sense at all.

The *Questions* consist of eleven questions and answers. In the first answer Locke affirms the existence of "a rule of conduct or law of nature," whereby "all creatures in their obedience to [god's] will have their own proper laws governing their birth and life" (p. 95). The law of nature differs from natural

right, which does not command; the law of nature is “the command of the divine will, knowable by the light of nature” (p. 101). The light of nature, human reason, interprets but does not make the law of nature—“unless we are willing to diminish the dignity of the supreme lawmaker” (p. 101) and make man a self-legislator. As evidence of these assertions Locke argues that some “principles of conduct” are recognized universally, and universality points to nature, as distinguished from the heterogeneous, even contradictory realm of conventional laws. Locke concedes that most people do not recognize ‘universally recognized’ laws of nature. The many are governed by “the onrush of their feelings and bad habits”; “we must not consult the majority of mankind, but the sounder and more perceptive part” (p. 111). Unfortunately, sound and perceptive thinkers do not agree, either. Locke doesn’t bat an eye: This disagreement only “strengthens [the conclusion] that a law of this kind exists, since concerning this very law all contend so fiercely” (p. 111). As further evidence, Locke also cites conscience, the argument from design, and what might be termed the argument from society: Society “seems to rest” upon a fixed political regime and the keeping of covenants; these “foundations” would “collapse” absent a law of nature, with supreme political power enjoying supreme licence (as in Hobbes) and citizens observing no deference (p. 115). Finally, “without the law of nature there would be no virtue or vice”; “man [would be] the supreme judge of his own actions (p. 117). The discovery of conventionality of the law of nature would result in the concept of man as his own judge, legislator, and executioner.

The thirteen paragraphs of the second section, affirming that the law of nature is knowable by the light of nature, define the light of nature not as “inscribed on tablets in our breasts” to be read by an “inner light”—conscience, in short—but as the “right use” of unaided natural faculties (p. 119). The “very origin of knowledge” is not even natural reason, which “does nothing unless something has been established and agreed to beforehand” (p. 121). The three natural means of knowledge are “inscription,” “tradition,” and “sense.” Inscription, the claim that the human mind has the law of nature “graven” upon it (p. 123), was rejected earlier and will be rejected again in Question IV. Tradition, based upon “faith,” is “not a primary and certain means of knowing the law of nature,” because there are many and contradictory traditions, and each must finally trace itself back to some source, the reliability of which cannot be judged by tradition. All our knowledge of the law of nature derives from sense. “Good, rich veins of gold and silver lie hidden in the bowels of the earth”; by natural means alone we must work to “dig them out.” Even then, “some we see toil to no avail,” as “only a few. . . are guided by reason in the concerns of their daily life” (p. 135). Locke thus challenges his young scholars to exercise their natural powers, and only their natural powers, to investigate the claims made for the law of nature.

Under the circumstances it seems bold to declare, as Locke does, that the

existence of “a law of nature” has been “proved” (p. 139). A careful reader might conclude that a law of nature’s existence has not been disproved. Returning to the issue of conscience, Locke claims that reason, “the discursive faculty of the soul,” “directs sense, and arranges and orders the images of things derived from the senses, and *forms* [and] derives from this source other new images” (pp. 155,157; italics added). Law presupposes a legislator, a “superior power” to which one is “rightfully subject”; since “*every* conception of the mind, as of the body, always comes from some pre-existent matter” (p. 157; italics added), it appears that the legislator of the law of nature is matter, “the machine of this world” which, Locke hastens to add, “could not have been formed by chance and accident” but only by “some powerful and wise creator of all these things” (p. 161). Man could not have “produce[d] himself” because “man does not find in himself all those perfections of which his mind can conceive” such as immortality (p. 161); that is, had man produced himself he would have done a better job and would not have been “hostile and inimical to himself” (pp. 161–63). Is “god,” then, hostile and inimical to man? Locke does not go so far, asking piously, “Who, indeed, will say, that clay is not subject to the potter’s will and that the pot cannot be destroyed by the same hand that shaped it” (p. 167). Obviously, this argument would equally apply to a human potter. Could Locke prefer a self-recreating ‘modern’ man who will not botch the job out of ignorance of the true nature of things?

Be that as it may, the sixth, central section tersely denies the Aristotelian claim that mankind should orient itself by its own *telos* or “natural inclination” (p. 169). The seventh and longest section denies that the law of nature can be known “from the consensus of mankind” (p. 173). The voices of the people are not the voice of god or, if they are, then god’s voice contradicts itself. Consensus has no natural character, being only a compact (p. 175). As Locke shows, enthusiastically and with many examples, no universal consensus exists. Even self-preservation is overridden in some societies. Drawing upon a breadth of anthropological knowledge that would be noteworthy even today, and must have been nearly unique in his own day, Locke observes that human societies

. . . 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 without punishment. (P. 193)

Further, agreement about the gods (polytheism) “was of no help whatsoever in the proper formation of morals,” as polytheists are “atheists under another name” (p. 195). (It is noteworthy, perhaps, that Locke himself more than once refers to “the gods” in this work.) Further, monotheism is not necessarily morally sound, as seen in the example (telling for Locke’s Christian audience) of

Judaism. Further still, philosophers also disagree about the highest good (p. 197). Even Christian monotheists disagree; Locke reminds his largely Protestant audience of Catholicism (p. 197). Finally, mere agreement, even universal agreement, cannot prove the soundness of a moral principle, opinion, or action (p. 199). This section devastates any claim to base natural law on its putative universal recognition. This is perhaps the one rigorously empirical and logical section of the work, i.e., the one most thoroughly consistent with Locke's definition of "the light of nature."

In answer to the eighth question, Locke affirms that the law of nature binds men. He refers to "God" instead of "god" or "the gods" only in this section. "[W]e are bound by God, who is best and greatest, because he wills" as our creator and preserver (pp. 205, 207, 211). God authored and published the law of nature. To deny this would be to "overturn at one blow all government among men, [all] authority, rank, and society" (p. 213). One is tempted to consider whether the law of nature derives, then, not from some sort of universal opinion or 'conscience' but from the necessities of society itself. Insofar as men need society, they have the duty to uphold the law of society's 'nature.' This law, Locke now confesses (in contradiction to his own assertion in Question I), is not binding on brutes. Locke can say this now because he has arrived at a human-social definition of the law of nature in this very section in which he most visibly affirms its 'divine' origin. Man's obligation to obey this law seems perpetual and universal, even if his recognition is perpetually clouded and partial. But perhaps not: "[O]ne can rightly doubt that the law of nature is binding upon the human race as a whole" (p. 217), for to assert the rightfully binding character of the law of nature would be to exercise a sort of tyranny: "What cruelty, even that of Sicily, was so great that it would will its subjects to observe a law which it would at the same time conceal from them and to show themselves obedient to a will that they could not know?" (p. 219). Locke speaks of nature, but makes the reader think of God and God's priests.

Such objections, Locke hastens to claim, are "not decisive" (p. 219). The "bonds" of the law of nature are "eternal and coeval with the human race" (p. 219); "the obligation of this law never changes, although the times and circumstances of the actions by which our obedience is defined might change" (p. 221). By "eternal and coeval with the human race," Locke refers to such overt actions as public worship of divinity, comforting an afflicted neighbor, relief of someone in trouble, and charity for the hungry; "to these we are not bound forever but only at a certain time and in a certain manner" (p. 223). Some overt actions, such as stealing, murder, "and other things of this kind" (p. 221), are always prohibited. Such inward dispositions as reverence for and fear of divinity, sense of duty toward one's parents, and love of neighbor, are likewise universally binding. The law of nature "depends not on a will that is fluid and changeable"—human or divine—"but on the eternal order of things." That is, "there follows from the constitution of man at birth some definite duties he

must perform” (p. 229). Conflicting opinions with respect to these duties arise either from men’s seduction “by long established habits or the examples [they discover] at home” or from passions (p. 229). The argument from design cited at the beginning of the *Questions* as evidence of god’s existence gradually metamorphoses into an argument for a law of nature as evidenced in man’s existence and constitution and the necessities derived therefrom. This constitution has a degree of malleability, as seen in the rarity of those who deduce their duties rationally from human nature, and from the latitudinarian character of the duties Locke deduces rationally from human nature, as well as from the nearly chaotic diversity of human societies.

In the final section Locke denies that “the private interest of each individual constitute[s] the foundation of the law of nature” (p. 235). This is an opinion of “great iniquity” (p. 237). Of course, Locke immediately notes, private interest does not *oppose* “the common right of man” (p. 237). Indeed, “the law of nature is the greatest defense of the private property of the individual” (p. 239). Locke would deny only that the individual is “free to judge by himself what would be of advantage to himself as the occasion arises”; then again, “no one can be a fair and just assessor of what is good for another” (p. 239). Locke leaves to each individual the task of judging for himself according to a standard that one may not apply to others. He concludes that obedience to the law of nature brings happiness—peace, concord, friendship, freedom from fear of unjust punishments, security, possession of our own property. Self-interest “is not a foundation of law or a basis of obligation, but the consequence of obedience” (p. 251). He then writes that “*present* advantage” is not the criterion of rectitude, that “interest follows from rectitude” (p. 251; italics added). Rectitude itself comes rather from “god” or from the social necessity that arises from human natural necessity.

This edition of the *Questions* should prove a permanent contribution to Locke scholarship. In addition to Horwitz’s valuable introduction, it includes a succinct, useful discussion of the manuscripts by Jenny Strauss Clay, the complete Latin text, and facing-page translation in English with helpful notes that build on von Leyden’s earlier work. Because any outstanding work of Locke scholarship simultaneously contributes to the study of political philosophy, we are doubly in the editors’ debt.