

Interpretation

A JOURNAL OF POLITICAL PHILOSOPHY

Summer 2019

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On the *Acharnians*

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The Acharnians is the earliest extant play of Aristophanes, only the names of his two previous works being known to us.¹ Aristophanes presented our play early in 425 BCE at the Athenian religious-dramatic festival called the Lenaea, as distinguished from the principal other such festival, the City Dionysia—a fact to which Aristophanes draws our attention in the course of the play itself (498–506 and 513). As for the date of the play’s performance, by 425 the Peloponnesian War was in its sixth year, as is noted by the lead character of the *Acharnians*, Dicaeopolis (890). And this fact is related to what we may call the obvious message of the play: Athens and Sparta should negotiate an end to the war now. Not only was the war started over what amount to trivialities, even allowing for comedic exaggeration or invention (513–39); but the war has also become a heavy burden on a great many Athenians and especially on those salt-of-the-earth rural folk who have had to give up so much in the name of Pericles’s war policy. For Pericles had decreed that the rural population should leave their homes and ancestral lands and come to live in the urban center of Athens, safely behind its all-important walls. They would thus abandon their crops to the depredations of the Spartans, but for so long as Athens controlled the seas with its dominant navy, the city could use the greater world as its supply house. Let the Spartans exhaust themselves by destroying the Athenians’

¹ The two earlier plays are *Banqueters* and *Babylonians*. A catalog of Aristophanes’s plays (in alphabetical order) was found in a fourteenth-century manuscript and published by F. Novati: “Index fabularum Aristophanis ex codice Abrosiano L 39,” *Hermes* 14, no. 3 (1879): 461–65; see also Victor Coulon, introduction to *Aristophane*, vol. 1, ed. Victor Coulon and Hilaire van Daele (Paris: Les Belles Lettres/Budé, 1995), v. Translations throughout are my own and are based on the Greek text of this edition.

fields; they will gain no military advantage thereby. Yet, as Thucydides indicates so powerfully, Pericles's strategic policy brought great personal hardships to the rural Athenians.² The obvious message of the *Acharnians*, to say it again, is that peace is to be much preferred to war. War destroys life and with it all the very great goods, the delights, that life makes possible (consider 357)—a contention that Dicaeopolis demonstrates throughout with all the empirical evidence one could possibly wish for.

Now if it was Aristophanes's intention to encourage peace or even to bring peace about, by enticing his audience with a display of peacetime joys, it has to be said that he failed to realize that intention; the war was to grind on for some twenty-one more years. And this despite the fact that the play, awarded first prize among the comedies in competition, must be judged to have been a smashing success. What is a comic poet, who is also an advocate of peace, to do? Dicaeopolis, for his part, is disgusted by the war and hurt by it, for he is an old man (398, 1129–30, 1228) from the country and as such knows firsthand the hardships of Pericles's policy (71–72). As the play opens, he is alone in the Athenian democratic Assembly, waiting more or less idly for the presiding officers and his fellow citizens to arrive, late again as they always are. When his attempt to debate the case for peace by proper democratic means fails miserably, Dicaeopolis resorts to a most remarkable stratagem—a fantastical or miraculous and hence comedic one: he enlists a certain immortal, Amphitheus by name, to negotiate a private peace with Sparta for his sake, as well as for his spouse and children (132). And Dicaeopolis's quest for a private peace issues in success as swiftly as his attempt to bring about a political peace had issued in failure. The household of Dicaeopolis, then, and only it, is soon at peace with Sparta and her allies; it is a little pocket of calm in the greater maelstrom of the war.

There is a name for a lone citizen in wartime who brings about such a private peace with the enemy: traitor. We cannot be surprised, then, that Dicaeopolis is labeled just that early on in the play, by the chorus as it happens: "traitor to the fatherland" (290). The title of the play identifies the members of that chorus. They are men who hail from the rural Athenian deme or district of Acharnae, which is at once the largest of the demes³ and most remote from Athens proper. But the Acharnians constituting the chorus are also very elderly ("ancient": 676) veterans of the Persian Wars; they are the storied and

² Thucydides, *The War of the Peloponnesians and Athenians* 2.13–14, 16–17.

³ Thuc. 2.19.

justly honored men who fought at Marathon (181 and context; 696–97). These citizens, among the “greatest generation” of Athenians, are deeply conservative, patriotic, and—their age be damned—fiery still, if more in spirit, alas, than the flesh.⁴ So great is their anger at Dicaeopolis, once they identify him as the traitor they seek, that they come very close indeed to stoning him. Such violence being impossible in comedy, it must be averted. It is averted in the event because Dicaeopolis proves to be an extraordinarily able speaker who brings all his skill to bear on his predicament.

Now Dicaeopolis’s attainment of his peace is much less impressive than is his defense of it—the peace is a done deal by line 178—for, to repeat, he parries the Acharnians’ charge of treason that would seem to have much going for it. We must ask, then, how Dicaeopolis manages that feat and so proves to the satisfaction of the entire Chorus that he is no traitor (1–718). Further, we will have to consider what use Dicaeopolis then makes of his peace, in what constitutes the second half of the play (719–end). And what, finally, would Aristophanes in his wisdom⁵ have us learn from the play—apart, of course, from a still greater appreciation for the pleasures afforded by peace?

The two latter questions, of Dicaeopolis’s use of his peace and of Aristophanes’s intention, are more closely related than they might seem. For early on our hero says this:

And as for me, I myself know what I suffered at the hands of Cleon
 On account of my comedy last year.
 For dragging me into the courtroom,
 He kept slandering me and slobbering his lies all over me
 And matched the din of the Cycloborus [river] and drenched me, such
 that I very nearly
 Perished, mixed up in his nasty business. (377–82)

To say the least, we are surprised to learn that the young and urbane comic poet Aristophanes has thus donned the persona of “Dicaeopolis,” an old farmer from rural Athens. Accordingly, in watching and listening to Dicaeopolis as he defends and then uses his private peace, we are attending also to the deeds and words of Aristophanes himself. This strange fact also permits us to understand better the somewhat strange opening of the play, to which we may now turn.

⁴ Consider, e.g., 180–84 and 321; compare 210–22 and 990–99.

⁵ Consider, e.g., *Clouds* 522–26.

Like all the plays of Aristophanes, the *Acharnians* begins with a complaint or lament or moan. Dicaeopolis's very core, he tells us, has been stung by numberless pains and been delighted by so few pleasures that he can count them on one hand: four. In fact, such are Dicaeopolis's pains that they prove to crowd out the enumeration of his pleasures, since we learn of only two of them: the fine that the Athenian demagogue Cleon was made to pay to the knights, which probably occurred not in the real world but in Aristophanes's own comedy of the year before;⁶ and the performance of a certain Dexitheus singing a Boeotian tune (14). In keeping with the fact that Dicaeopolis's stated pleasures are peculiarly connected with the things of the Muses—as are the first two of his stated pains (9–12 and 15–16)—we note that the tune from which Dicaeopolis gained so much pleasure hails from what is enemy territory, as the play frequently reminds us,⁷ but this fact in no way prevented him from enjoying it. To this point it is altogether unclear why Dicaeopolis is in the Assembly at all, let alone with such unrivaled eagerness; only now (26) do we learn that his principal concern at the moment is not musical but political: “So now I’ve come, simply put, all ready / To cry out, to interrupt, to revile the orators / If somebody speaks of anything other than peace.” Inasmuch as Dicaeopolis the war-weary farmer is also Aristophanes the poet in disguise, we can expect that the political concerns of the one are somehow bound up with the “musical” concerns of the other. Aristophanes certainly gives the impression on occasion that being a bad musician or hack poet is as bad as being a corrupt politician or war-mongering general.⁸

Five rapid-fire scenes follow. The central one features the return from Sparta of Amphitheus the god, private treaty in hand, the travel expenses for his astonishingly quick trip having been paid for by Dicaeopolis himself. This central scene is immediately preceded by the arrival of Athenian ambassadors from Persia, who are returning after many years on the public payroll and are accompanied by “the King’s Eye”; it is immediately succeeded by the appearance of the Athenian Theorus, Cleon’s crony,⁹ back from King Sitalkes of the Odrysians and accompanied by Odomantian mercenary soldiers. Dicaeopolis

⁶ Regarding Cleon’s fine, Alan H. Sommerstein, *Acharnians* (Warminster: Aris & Phillips, 1980) considers the possibility “that this reference, like those in [lines] 9–16, is to a recent theatrical event, perhaps an incident in Ar.’s *Babylonians*” (ad loc.). So also Leo Strauss, *Socrates and Aristophanes* (Chicago: University of Chicago Press, 1968), 58.

⁷ Consider 624, 721, 872 and context, 1020–23, and 1077.

⁸ In addition to the opening scene, consider 836–58, where the Chorus mocks in equal measure a leading demagogue, a sycophant, a comic poet, and a satirical painter.

⁹ See *Clouds* 399–400; *Wasps* 42 and context, 418–19, 599–600, and 1236–42.

clearly deplores Athens's dalliance with these barbarians in its foolhardy hope to gain their favor and therewith manpower and money or materiel. In fact, as Thucydides's narrative confirms, neither the Persian satraps nor barbarian mercenaries would help Athens much in the course of the war.¹⁰

When Amphitheus first appears, the herald of the Assembly asks him whether he is a human being, to which he replies: "No / But an immortal." The nonchalance of this exchange is striking. Athenians seem to take for granted the everyday presence of immortals walking among them. This goes together with the astonishing lack of respect accorded this peace-seeking emissary of the (other) gods (51–52): he is unceremoniously ejected from the Assembly. One could well receive the impression here that Athens is altogether impious, the stated wish of the gods for peace being no impediment whatever to the Athenians' continued pursuit of the war because it is not of the slightest interest to them. But this impression, while not without some warrant, must be balanced against what we witness in the last of these five scenes. There a vote for the pay of the Thracian (Odomantian) mercenary soldiers is at issue, a prospect that disgusts Dicaeopolis. Accordingly, in order to prevent the Assembly from approving it, Dicaeopolis must put a stop to the proceedings altogether. He does so by claiming that "a raindrop just fell on me," for this he interprets as "a sign from Zeus." And with that the Herald immediately announces the dissolution of the Assembly. Our first impression that the Athenians are doubtful at best of the gods and hence of such things as oracles and divine signs, is thus belied. It is not only the obviously pious Spartans, but the "sophisticated" Athenians, too, who are deeply pious and so are given to seeking out the guidance of divine auguries and the like—at least when doing so accords with their perceived interest or felt need.¹¹

Enter now the Acharnians (204), hopping mad but slowed by age. Speaking in the name of "the city" (205) and calling upon "Father Zeus and Gods" (224), the Acharnians proclaim that the war will only increase for the damned traitor, as far as in them lies, "on account of my lands" that have been plundered and "my vines" that have been trampled. The concerns of the Acharnians are thus a mix of the patriotic (290) and the private. The Acharnians overhear

¹⁰ Later in the war, for example, Athens's use of Thracian mercenaries resulted in what Thucydides regarded as a most lamentable episode of the war, the mercenaries' senseless slaughter of the entire town of Mycalessus, including a boys' school there (Thuc. 7.29–30).

¹¹ Consider, among the many examples that might be given, Thuc. 2.21.3 and 8.1.1. See also the Clouds' beautiful description as they float over the city of the whole of Athens at worship (*Clouds* 298–313) as well as *Knights* 61 and the use of oracles or prophecies in that play (997–1099).

and eventually interrupt Dicaeopolis as he is celebrating the Rural Dionysia,¹² together with his wife and daughter. And so we too witness the first of the uses to which our hero puts his private peace: he conducts a religious service in honor of Dionysus. Whatever arguments Dicaeopolis will use to sway the Acharnians, we can say this much already in his defense: he tried the democratic or political path to achieve peace for everyone, but was brusquely rebuffed; the gods, here represented by Amphytheus, clearly support peace in general¹³ and Dicaeopolis's peace in particular; he is seeking peace, not just for himself, but for his whole family; and, to repeat, the first thing he does with it is conduct a religious ceremony. Dicaeopolis comes to sight here less as a model citizen, it is true, than as a pious family man, but this is to say that he is by no means narrowly selfish. We glimpse here the cluster of concerns that may pull us in different directions: the concern for the good of one's city, of one's family, and of oneself. And floating somewhere above these, so to speak, is the concern for the gods, who seem sometimes to support the city above all, but sometimes the family instead. In the play thus far the gods favor a political peace, to be sure, but, failing that, they also support a private peace "for me alone / And my kids and spouse" (130–32), as Dicaeopolis explains it to Amphytheus. ("For me alone" must here mean "for my family alone.") Still, even in the course of the Rural Dionysia, conducted in the bosom of the family, our hero gives pride of place in his joyful song to the male member, which he apostrophizes as a "comrade of Bacchus / Fellow reveler, night roamer / Adulterer, boy-lover" (263–65). As especially the last two epithets make plain, that member is at least as likely to look beyond the bounds of conjugal bliss—to frolicking with an errant servant girl, to give a third example (271–75)—as it is to remain happily within them. This is an early clue that even "dutiful family man" (let alone "model citizen") may not quite capture the essence of Dicaeopolis. Dicaeopolis's particular concern for Dionysus points us already or again in the direction of Aristophanes (consider *Clouds* 518–19).

Since it is impossible to convince by arguments those who refuse on principle even to listen to them, Dicaeopolis's first task in defending himself is to open the ears of the Acharnians. He gets off to what would seem to be a poor start by contending that the Acharnians ought to set aside the Spartans altogether and simply hear of the treaty itself. But how can the nobility (306–7) of a treaty be judged without recourse to the character of its signatories, who,

¹² "This festival (to be sharply distinguished from the springtime City Dionysia) was held in and by the individual local communities (demes) of Attica.... Since the outbreak of the war Dicaeopolis has not been able to celebrate it in *his own deme*" (Sommerstein, *Acharnians*, ad loc., emphasis original).

¹³ Consider also *Peace* 211–12.

in the case of the Spartans, “abide by no altar or pledge or oath” according to the Acharnians? Dicaeopolis is thus compelled to contend that in fact the Spartans are not the cause of *all* the Athenians’ troubles—which only provokes the Acharnians further—and even that the Spartans are in some respects being treated unjustly. (Dicaeopolis does not go quite so far as to add what is nonetheless only too obvious: “by the Athenians.”) In response to the Acharnians’ still-firm refusal to listen and its accompanying threat of violence, Dicaeopolis resorts to a drastic measure; he threatens to kill the hostage he suddenly declares he has taken, to the dismay of the Acharnians: a basket full of Acharnian-made charcoal! The effect is remarkable:

But say *now* whatever seems best to you, and
 In what way the Lacedaemonian is a friend to you.
 Because this dear little charcoal basket here, I’ll never betray it!
 (338–40)

The mix of patriotic and private motives we saw before in the Acharnians proves to be weighted rather more in favor of their private, and even private economic, interests. Their vaunted patriotism, then, is not all it is cracked up to be. In properly comic fashion, they proceed to disarm. Hence there will be no summary execution. This much, at least, Dicaeopolis has accomplished.

The Acharnians still demand a “trial” (364), however, and they eagerly accept or insist on Dicaeopolis’s proffered submission to them in the form of speaking with his head on a chopping block. The fear that Dicaeopolis here admits to is based on his knowledge of two things: “the characters of the country folk,” on one hand, who can be duped by some boaster’s speech in praise of them and the city, justified or not; and “the souls” of elders, on the other, cantankerous and biting. (Dicaeopolis’s opponents are *both* rural *and* old.) It is here that Dicaeopolis reveals himself to be Aristophanes and, with that revelation, he makes known his hard-won knowledge of how vulnerable his comedic take-downs of Cleon have made him: the old farmer is not the only one in hot water. In other words, the threat the Acharnians pose to Dicaeopolis in the world of the comedy is akin to the threat Cleon poses to Aristophanes in the real world. Yet the riskiness of speaking out as Aristophanes does cannot be traced entirely to Cleon and perhaps not even, in the present case at least, to Cleon at all. For we learn later that Cleon cannot now charge Aristophanes with slandering the city in front of foreigners, as he had done last year, since there are no foreigners at the Lenaea as distinguished from the City Dionysia (recall 498–506 and 513). Instead, as that same later statement contends, Aristophanes is “slandered by enemies,

among Athenians too-hasty-in-counsel”: Aristophanes has multiple enemies “among the Athenians.” Moreover, the slander at work against him is based on the thought that he is “making a comedy of our city and treating the demos with utter insolence [*kathubridzei*]” (630–31). Among Aristophanes’s fellow citizens, then, there are those who contend that he lacks proper respect for both the city and the demos.¹⁴ A demagogue like Cleon is dangerous only because there is a demos ready to be led or misled by him.

So great is the riskiness of his venture still that Aristophanes-Dicaeopolis must resort to fostering in his audience an antidote to anger. If Aristophanes generally speaking makes use of laughter as just such an antidote to anger, or rather as a prophylactic against it, here Dicaeopolis feels compelled to make use of pity instead, which we may define as “a certain pain at what is manifestly bad...[befalling] someone who does not deserve it, which one might expect to suffer oneself...and this when it appears close at hand.”¹⁵ The fostering of pity falls outside the purview of comedy because comedy cannot portray true suffering, let alone unjust suffering. As a result, Dicaeopolis is compelled to take over from Euripides the trappings of that great man’s tragic art and so win from his still-hostile audience a modicum of pity. Dicaeopolis the old farmer has a taste for Aeschylus (10); Dicaeopolis the young comic poet evidently prefers Euripides.¹⁶ The whole of this scene spoofs a good many verses of Euripides, as is only to be expected, and it mocks the tragedian by having him suggest that his entire art (463–64) amounts to cheap or hackneyed devices—his usual cast of beggars and cripples—meant to jerk tears of pity from his audience. Yet Aristophanes also pays homage to Euripides here, as one poet-craftsman to another. For Euripides expresses no surprise at the news that Aristophanes-Dicaeopolis must address “the Chorus” at length (an event that takes place only on stage) or that he will be put to death if he speaks badly; Euripides asks only about which used stage costumes his visitor needs (consider 415–19). Euripides for his part affirms that Aristophanes-Dicaeopolis, with his “shrewd mind,” “contrive[s] subtle things” (445)—which is to say that Aristophanes has Euripides compliment...Aristophanes. Even more striking is Aristophanes-Dicaeopolis’s contention here, evidently based on lines from Euripides’s lost *Telephus*, that “I must seem to be a beggar today /

¹⁴ According to Xenophon (or “the Old Oligarch”), it is possible in democratic Athens to mock individuals in the city—the rich, well-born, or powerful, or even some busybodies among the poor—but it is intolerable to make a comedy of the demos as such (*Regime of the Athenians* 2.18).

¹⁵ Aristotle, *Art of Rhetoric* 1384b13–16.

¹⁶ On the complex question of the relation of Aeschylus to Euripides, or the significance of the choice between them, consider the *Frogs* as a whole together with *Clouds* 1366 and following.

To be who I am, but appear not to be.’” Certainly Aristophanes-Dicaeopolis is the kind of person who may pretend to be a beggar, or for that matter an old farmer, and so donning a false appearance is in its way also revealing of the man; he slips in and out of misleading disguises, even as he comically draws attention to the fact. Aristophanes-Dicaeopolis applies the quoted remark to the division he now draws between the spectators and the Chorus: “The spectators must know me as I am / But those in the Chorus, by contrast, must stand there like knuckleheads / So I may jeer at them with little phraselets” (440–44). The spectators—we are among them—know that Aristophanes-Dicaeopolis is putting on a disguise and a show, whereas the Chorus is to think of him as a pitiable beggar. The spectators, then, being in the know, are for that reason in a position to laugh at what is intended to soften the Chorus: Dicaeopolis decked out in rags. But then again, the Chorus of Acharnians has already seen and conversed with Dicaeopolis the farmer and knows that he is no beggar (238–40 and 280–392). More than that, just as Dicaeopolis is really Aristophanes, is not the Chorus really a collection of Athenian actors, as distinguished from elderly Acharnians, who know full well the identity of “Dicaeopolis,” who is neither a beggar nor even a farmer but (a stand-in for) the poet? We are reminded of the nature of the Chorus at the beginning of the parabasis, where it “strips,” refers to its own “anapests,” and sings the praises of “our producer” (Aristophanes) who “took charge of the comic choruses”: the Chorus emphatically identifies itself there as a chorus of actors (626–58; also 1150–72).¹⁷ Who, then, is really in the know? Is it the great many in the audience who are “the spectators,” or is it the few in the Chorus? Aristophanes may call directly on “the spectators,” in this and in other plays, but the group so designated always proves to be a composite made up of disparate parts, the “clever” and the dull, the “wise” and the nonwise, or the “prudent” and the imprudent.¹⁸ In the course of the *Acharnians*, the Chorus, addressing itself to the “city entire,” will call Dicaeopolis a “prudent man and super-wise” (971).

In any event, once equipped with almost all the accouterments he seeks from Euripides, Dicaeopolis steels his spirit and his heart (480, 483, 485) for the challenge ahead, and, true to the division he has just spoken of,

¹⁷ Keith Sidwell raises the possibility that the “I” of the Chorus at 299–302 is referring, not, for example, to Aristophanes himself or to his next play the *Knights*, but rather to “its past self as a chorus of Cratinus or Eupolis,” that is, to itself qua chorus of actors (Sidwell, review of *Acharnians*, by S. Douglas Olson, *Classical Review* 54, no. 1 [2004]: 42).

¹⁸ Compare, for example, the distinction between “O spectators” and “the wise,” on one hand, with “O wisest spectators,” on the other: *Clouds* 518–26 and 575; *Knights* 228 (“whoever is clever among the spectators”).

Dicaeopolis addresses himself first to the spectators (496–508), then to the Chorus (509–56). To the former he has recourse to his new disguise, by calling himself a beggar, which suggests that that disguise is indeed not intended solely for the Chorus. And beggar though he may be, he will nonetheless speak to the Athenian audience about Athens in the course of making or writing his “trygedy”—the Aristophanic coinage for “comedy.” This course of action Aristophanes-Dicaeopolis defends on the grounds of justice: “For when it comes to what’s just, trygedy too knows it. / And I’ll say terribly clever things, but just things as well / For now Cleon won’t slander me” (500–502). We might say, then, that Aristophanes the “trygedian” is as little a beggar as he is Dicaeopolis the farmer, but he most certainly is a teacher, and defender, of justice or the just cause. Now as Euripides knows well, some in the audience may be moved above all by the sight of “beggars” or by those who, not so very dissimilar to themselves, suffer unjustly. But others may be rather more moved by the defense of justice or by the depiction of a kind of moral uprightness, especially if that defense is presented as coming at some cost to the defender himself (377–82). Such moral uprightness is both pleasing to behold “in the opinion of the multitude” (consider 317) and compatible, as pity is not, with the pleasures specific to comedy: comedic cleverness and the defense of justice can go together not least in the merciless mockery of injustice. But this does not go far enough. For in the parabasis the Chorus will include among its high praises of Aristophanes the claim that he will “make a comedy of the just things” (655). Aristophanes mocks not only injustice or the unjust case, then, but justice or the just cause too; it is in part for this reason that Aristophanes’s comedy has been called “the total comedy.”¹⁹ Not only do Cleon and Theorus come in for comedic skewering, then, but so do such democratically elected luminaries as Lamachus and Pericles—to say nothing of our hero and Aristophanes’s doppelganger: Dicaeopolis is a laughing and laugh-provoking hero. Above all, Aristophanes ridicules the unjust war, of course, but the just peace of Dicaeopolis proves to be more laughable still. We are entitled to wonder, then, whether even Aristophanes’s portrait of himself as a teacher of justice is something of a disguise or whether the core of Aristophanes transcends even his concern for justice. Certainly he takes the greatest pride in the fact (of which he must inform many in his audience) that the play on which he labored most is distinguished by its superlative wisdom (*Clouds* 518–26). This much is clear: Aristophanes is a surprisingly

¹⁹ Leo Strauss, “The Problem of Socrates,” in *The Rebirth of Classical Political Rationalism*, ed. Thomas L. Pangle (Chicago: University of Chicago Press, 1989), 109–11 and 117 as well as Strauss, *Socrates and Aristophanes*, 312.

elusive character, playing peekaboo behind the mask of an old farmer, and a beggar, and a teacher of justice who teaches us by lampooning it.

Dicaeopolis turns next to address the Chorus as a chorus of elderly Acharnians once again. His lengthy argument unfolds in stages. He first “identifies” with the Acharnians: “I hate the Lacedaemonians intensely” (509).²⁰ May Poseidon bring down upon them a devastating earthquake!²¹ Long gone now is his appeal to their being the victims of (Athenian) injustice. Moreover, Dicaeopolis’s hatred stems from the fact that, just like the Acharnians, he too has had his vines cut or trampled by the marauding Spartans (compare 512 with 232). In short, Dicaeopolis feels the Acharnians’ pain. (Being possessed of “vines” and hence land, Dicaeopolis can be no beggar.) Only now does he dare return to the question of the culpability for the war, and he proceeds to give an account of the origin of it that stresses the responsibility of “some”—but only some—of “our” men: “I don’t say the city, / Remember this, that I’m not saying the city” (515–16). Athens, then, is simply beyond reproach in the matter, as distinguished from a handful of rogues within it. This is less unpalatable to the Acharnians than was Dicaeopolis’s earlier treatment of the question inasmuch as the Acharnians have to this point understood themselves to be speaking in the name of precisely “the city” (205, 492) or “the fatherland” (290); to criticize some within the city for the sake of the city is simply a patriotic duty. As for Dicaeopolis’s account of the war’s cause, it contains at its noncomic core the contention that Pericles’s blockade of neighboring Megara, at once unnecessary and cruel, is largely responsible for the conflict (consider also *Peace* 603–15). The seriousness of that cause is confirmed later on, according to the logic of the comedian, by the long and wildly obscene episode involving a starving Megarian father attempting to sell his two starving daughters disguised as “piglets” (729–835). The outrageousness of the scene goes together with, in fact it permits, what amounts to a very tough criticism of the Megarian decree and hence of Pericles, *the* revered leader of the demos.²² In refusing to pay any heed to the Lacedaemonians’ repeated requests to reverse that blockade, Dicaeopolis points out, “we” (538) made inevitable “the crashing of shields”: the Lacedaemonians only came to the assistance of a harassed ally. Dicaeopolis thus implies, if he does not quite say, that the city of Athens is largely culpable for the war. After all, what would “we” Athenians have done if some Spartan had confiscated so much as

²⁰ For a comparable rhetorical move, consider *Thesmophoriazusae* 466–70 and context.

²¹ See Thuc. 1.101 for mention of a devastating earthquake that befell Sparta and its environs.

²² Thuc. 1.139 and 2.65.

a puppy belonging to one of *our* subject cities? Aristophanes's answer is clear in his vivid and in its way beautiful description of the city exploding into activity in preparation for naval warfare (544–56).

The core of Dicaeopolis's criticism of the war is, to repeat, a criticism of Pericles. And this brings to light a crucial division within the heretofore united Chorus. For it turns out that "the Acharnians" include in their ranks members of the *demos*, the poor, who as such are much devoted to Pericles, and the wealthy, who as such are not devoted to Pericles.²³ In fact these latter now declare, in opposition to their fellow demesmen, that "all that he [Dicaeopolis] says / Is just, and in none of it does he lie." So deep now is the previously latent division within the Chorus that they begin to wrestle one another, which prompts the democratic half of the Chorus to call out for the assistance of Lamachus, a democratically elected (597) general. They do so in part on the grounds that Dicaeopolis, in criticizing a few within the city—some sycophants among the *demos* in addition to "Olympian" Pericles²⁴—"for a long time now has been reviling our entire city": in speaking for Pericles and the *demos*, the half-Chorus thinks it is speaking for Athens entire. Soon, it is true, the Chorus, speaking once again as a united chorus because it has been won over to Dicaeopolis's side, will *blame* precisely "the city" (676). But by that point the Chorus has been taught that it has interests separate from and even in some tension with those of "the city," or it has been taught that "the city" is in fact a conglomeration of disparate factions, among them rich and poor and, of great import to the Chorus, old and young (for the latter, see 676–717).

But before any of that can happen, Dicaeopolis must bring over, not of course the rich, but the poor among the Chorus. This he does by lampooning at length the very man on whom the democratic half-Chorus depends, Lamachus. Soon shedding his persona of a beggar (compare 577–79 with 593), Dicaeopolis contends that he is simply a decent citizen, "not serious about office seeking," a "foot soldier" or ordinary grunt, in sharp contrast to Lamachus himself, "an officer-for-pay-and-hire" (*mistharchides*: 597). Moreover, it is the old men of modest means who grind it out in the trenches and on the front lines while the younger and fancified rich, men like Lamachus, earn their three obols a day far from the fighting or on cushy ambassadorial postings in exotic locales

²³ Consider in this regard the Chorus's later defense of the elderly Thucydides, the aristocratic opponent of Pericles, which defense is probably made possible by the fact that the members of the now-united Chorus remember less their political division than their shared decrepitude (702–17).

²⁴ Consider 519 and context, 540–42, and 559.

like Ecbatana.²⁵ Not so the modest among the Acharnians! Hence Dicaeopolis brings home to them that they are fighting less for “the fatherland” and more for the fat cats back home. This argument, together with the withering ridicule to which Lamachus is here subjected, proves sufficient to bring the demotic or democratic half-chorus around to Dicaeopolis: “The man is victorious with his words and persuades the demos / About the treaty” (626–27).

As his last words before the parabasis make clear, Dicaeopolis plans to use his new peace to set up a marketplace of his own, one open to the Peloponnesians, Megarians, and Boeotians—Athenian enemies all—but not to Lamachus (623–25). This use is surprising given Dicaeopolis’s early statements of his loathing for the town, with its cries to buy charcoal, vinegar, or oil, and given his longing for the country, which used to bring forth all things bounteously without such busy commerce (32–36). Perhaps Dicaeopolis’s forced stay in the city has opened his eyes to new opportunities; at any rate, he in effect brings the city’s marketplace with him to the countryside. But this is as much as to say that Dicaeopolis will soon turn to the business of profiting from his peace—and hence from everyone else’s war. Here we note that Dicaeopolis’s initial case for peace, stated in soliloquy, failed to mention the injustice of making the elderly fight on the front lines or the unfair burden the demos is made to bear in the war’s conduct: those arguments, to repeat, served the purpose of bringing the poor over to Dicaeopolis’s side (compare 32–39 with 595–614, esp. 599). The core of Dicaeopolis’s opposition to the war, like the peace he now enjoys, seems altogether private-spirited.

In the first two marketplace transactions, at the beginning of the play’s second part, Dicaeopolis certainly gets the better of the deals, not to say that he takes his sellers to the cleaners. The impoverished Megarian father sells his daughters for seasoned salt and some garlic (813–14), which were abundant in Megara before the war (759–63); and a Theban merchant gets for his rich array of goods (Copaic eels!) an irksome but useful Athenian sycophant, whom Dicaeopolis is only too glad to be rid of in any case (860–958). The appearances of a Megarian and then a Boeotian (Theban) lead us to expect that a Peloponnesian, that is, a Spartan, will appear next (recall 623–24). But evidently to portray Dicaeopolis’s profitable commerce with *the* enemy would have been a step too far even for Aristophanes, if not for the Chorus, which is now entirely antiwar (977–85), then for the audience in the theater. There are instead brief appearances by Lamachus’s messenger and a herald, the latter

²⁵ Lines 613 and context; recall the mention of Ecbatana at 64.

come to announce the Festival of the Pitchers. These characters serve to set up both the climactic battle, so to speak, between Lamachus and Dicaeopolis (1069–142) and Dicaeopolis’s victory celebration in the wake of the festival, which is at the same time Lamachus’s sorry decline or defeat (1174–end). That defeat includes not (as Lamachus pompously claims) wounds suffered at the hands of the enemy, but a sprained ankle and other minor indignities incurred while crossing an irrigation ditch (compare 1174–80 with 1190–94 and 1226).²⁶

A pathetic Athenian farmer now appears (1018–36). The farmer has lost his only pair of oxen to marauding Boeotians—Dicaeopolis’s just-completed happy transaction with a Boeotian seems all the more questionable—and having ruined his eyes from crying over them, he seeks not to trade with his fellow farmer but to have him share a single drop of the peace libation. This Dicaeopolis flatly refuses: he is no public servant! Dicaeopolis’s distance from the city or his indifference to his fellow citizens could hardly be greater, and the comment of the Chorus here is surely not to be taken as praise: “The man has discovered / In the treaty something pleasant, and / It seems he’ll share it with no one” (1037–39). Or, as the Chorus had just noted, Dicaeopolis “serves *himself*” a fine meal (1015–16, emphasis added; consider also 969): even the Chorus gets none of the delicacies he is so zestfully preparing. Hence “Antimachus” (“Against Battle”) is not the only writer-poet who denies the Chorus a dinner at the Lenaea (1150–72). The selfishness of Dicaeopolis that is becoming ever more apparent as the play proceeds must be qualified somewhat, it is true, by the immediate sequel. For there Dicaeopolis does share with a newlywed bride one ladleful of the peace libation. This he agrees to do, not in exchange for the proffered meat from the wedding feast nor even for one thousand drachmas, but so that the bride might linger in the matrimonial bed with her groom, who would, with the proper application of the peace libation, be at peace and hence relieved of all military duty.

Lamachus’s earlier request to purchase thrushes from Dicaeopolis “for the Festival of the Pitchers,” together with an eel, makes plain that the great general thought that he, too, would be celebrating (959–68). He and we now learn, alas, of his assignment “to watch over the points of entry as it snows,” for it has been reported that “bandits”—from Boeotia— “will invade!” (1073–77). Aristophanes then juxtaposes Lamachus, as he somberly prepares for battle,

²⁶ Because Lamachus is said to receive his marching orders from “the generals” in Athens (1073–78), Sommerstein, *Acharnians* raises the possibility that Lamachus’s initial claim to be one of them (593) may be in anticipation of his election to that office that has not yet occurred, even if it soon will. If this is so—and Thucydides does not mention Lamachus until the summer of 425 (4.75) and hence after the Lenaea—it would add considerably to Lamachus’s boastfulness.

with Dicaeopolis as he joyously prepares for his feast and drinking contest. Each readies himself for his respective contest, the one the preserve of war and the warrior, the other of peace and the private individual at peace. Could the burdens of the one and the delights of the other be made more manifest than this? The Chorus sums up the matter well:

How dissimilar the paths you two are taking!
 Drinking for the one, bedecked with a wreath,
 But for you, freezing and standing on guard!
 For him, going to bed
 With a young maiden in her bloom
 Getting his you-know-what rubbed! (1143–48)

Here we might note that Dicaeopolis becomes not only more selfish, or self-sufficient, as the play proceeds, but also less and less a married man; the fact of his married status is quietly forgotten by the play's end (1198 and following). As the curtain descends, so to speak, the sound of the Chorus's final song rings out: "Hurray Noble Victor!"



We may now return to what we called the obvious message of the *Acharnians*: the Athenians should negotiate an end to the Peloponnesian War because peace is much preferable to war. That message may have appeared to be less obvious or anodyne or even insipid to Aristophanes's audience than it may seem to us, for the simple reason that one was much more likely then than now to hear praise of war and of the qualities of body and soul needed to be a great warrior—an Achilles. Still, we have to concede that the obvious message of the play, so stated, is hardly arresting. And if we look for concrete advice from the play, we see at most that Aristophanes counsels rescinding the Megarian decree, apart of course from the general advice to be rid of demagogues like Cleon.²⁷ Yet, as Aristophanes himself shows, some Athenians are profiting from that blockade and so would be at least reluctant to give it up (515–22). In any case, now that the conflagration is roaring, will extinguishing the match that lit it do much good? Aristophanes also indicates that many Athenians in positions of power are profiting from the war in other ways, generals, demagogues, and ambassadors among them. What may be more, Aristophanes reports the king of Persia as thinking that Athens with its superior navy (and world-class comic poet) is in fact likely to win the war (647–52). Even if peace is to be preferred to war in general, spurning

²⁷ The *Acharnians* "offers very little in the way of concrete policy proposals" (S. Douglas Olson, *Aristophanes' Acharnians* [Oxford: Oxford University Press, 2002], xl ix).

the war at a time when it seems to promise victory would be foolish.²⁸ To put all of this in the terms of the play, Dicaeopolis's solution to the problem that is the war belongs in a comedy: it is manifestly impossible. The war goes on.

The puzzle of the import of the play is surely bound up with Dicaeopolis's "clever deed and great," as he calls it (128 and context). What really is the purpose of his private peace? First impressions aside, Dicaeopolis does not in fact simply retire to the country, there to enjoy family life and the worship of Dionysus. In fact he opens a market and so profits from his peace. As we have noted, Dicaeopolis becomes more and more selfish, or less and less a family man, never mind a citizen, as the play proceeds; the two young women who accompany him at the play's end do not include his wife. He prepares an elaborate meal and eats it himself; he chugs down wine at a peerless pace; our last image of him is as he leaves the stage, off to enjoy matrimonial pleasures without benefit of matrimony. Are we to think, then, that Aristophanes means to praise the largely (though not entirely) solitary pleasures, the hedonism, of Dicaeopolis? Are we to think that according to Aristophanes the proper response to public chaos is a withdrawal into an entirely private revelry?

That there are reminders here of the pleasures that peace makes possible is beyond dispute. But Aristophanes has something more in mind than making the case for a self-seeking hedonism. We have seen repeatedly that "Dicaeopolis" the farmer is also Aristophanes in costume, but we have so far ignored the still more obvious fact, which has been staring us in the face all along, that the name "Dicaeopolis" means "Just City."²⁹ Dicaeopolis also is or imitates a just city. Is it not the obligation of all cities and especially of just cities to be concerned with the common good, the good of all citizens, including the citizens' bodily security in the face of external threats; the provision of the necessities of mere life; and, beyond these, their material comfort or prosperity? Is it not the obligation of all cities but especially of just cities to be concerned with securing to the extent possible the good life for each and for all within their respective borders? Moreover, what is disconcerting or shocking in the actions of a lone individual becomes much less so in the case of an entire city or—making allowances for comic exaggeration—it becomes entirely respectable. The just city seeks stable peace when it can, for the benefit of its own citizens

²⁸ Consider Strauss, *Socrates and Aristophanes*, 69. Olson, *Acharnians*, xlix, comments on "what appears to be a suggestion in the parabasis that a recent Spartan offer...to make peace if the Athenians would restore the Aiginetans...be rejected (652–55)."

²⁹ So also, e.g., Jeffrey Henderson, *Aristophanes' Acharnians* (Newburyport: Focus Classical Library, 1992), 11 and Paul Ludwig, "A Portrait of the Artist in Politics: Justice and Self-Interest in Aristophanes' *Acharnians*," *American Political Science Review* 101, no. 3 (2007): 479.

above all; it must make available, through markets and the force needed to secure them (consider 724–25 and 824–25), not only the necessities but also such delicacies as may bring a measure of delight to life. The just city makes a place for and helps protect the family—husband and wife and children (132, 889–91)—together with the worship of the gods. In other words, Dicaeopolis the remarkably selfish individual can also be understood as acting in the way that all individual cities, even or precisely all just cities, act or ought to act.

It is because Athens and Sparta wish to be just cities and understand themselves to be just that they have gone to war in the first place: whatever else they may seek in and through the war, they seek to right a perceived wrong, an injustice (consider 230–32 and 514–56). And Dicaeopolis’s actions, amusing as they are, do not render us hopeful that war will ever cease, even if all particular wars end eventually. For the clash of competing understandings of what justice demands, and the pursuit of “national interests” in a world of scarce goods, together make conflict inevitable.

One might well object here that, however much “Dicaeopolis” points us in a political direction, Aristophanes nonetheless also chose to present himself as an old farmer who is a zany pleasure-loving fellow and not an exemplary citizen or husband (or father). When we first glimpse the man, we remember, he is alone; when we last see him, he is no longer alone but neither is he returning to hearth and home. How are we finally to understand this guise?

Aristophanes’s initial claim to fame in the *Acharnians* is that his comedies say things both terrifically clever and just (497–501). In particular, Aristophanes to a distinguished degree can speak of—that is, criticize—“the city” while making a comedy of it or because he makes a comedy of it (499). Aristophanes ventures to do the very thing, then, that his Dicaeopolis had at one point denied doing: castigating, not some faction within the city, but the city as such, “our city” (recall 515–16 in the light of 498–99 and 631). When in the parabasis the Acharnians return to Aristophanes’s “making a comedy of our city,” they do not stress the just things he teaches—it is here the Chorus tells us that he will “make a comedy” of precisely “the just things”—but rather the good or advantageous things he brings about for the city. We could say, then, with Aristophanes, that he has both the just and the good on his side as allies (660–62). But his greater concern may be the good. For example, Aristophanes has helped inoculate the city against being “overly deceived by the speeches of foreigners,” with their attempts at subtle flattery that Aristophanes renders laughable (634). So great a poet is he, in fact, that the cities of the empire are positively eager to come to Athens to pay their compulsory

tax—so as “to see the poet who’s best” (644)! We already had occasion to note the king of Persia’s great admiration for Aristophanes; the king is also of the view that whichever city the poet lambastes more will be much better off for it. Aristophanes’s comedy improves even as it stings. “He affirms that he’ll teach you many good things, so you’ll be happy.../ teaching the things that are best” (656 and 658). Aristophanes does what he can, then, to improve his city with the means singularly at his disposal.

Still, it is difficult to deny that, in donning the disguise of Dicaeopolis, Aristophanes would seem to endorse the way of life, and the pleasures, of his remarkable farmer. We are forced to grant the point: Aristophanes does extol the goodness and even the supremacy of a certain pleasure-filled private life. But in comparison to at least some of Dicaeopolis’s pleasures, Aristophanes’s own are more social or public and even public-spirited. For those pleasures surely include thinking up “the most novel conceits” (*Wasps* 1044) and the “subtle things” (445) in his plays and then displaying them, to public acclaim and even thunderous applause. A great play is not fully what it is without being performed, which means that its potential is realized before a large and diverse crowd, as diverse, perhaps, as democracy itself. To write and all the more to present a play, at least when the playwright is as prominent as an Aristophanes, is a public act. Aristophanes takes countless liberties, of course, but he also takes seriously his public responsibilities: some lines he will not cross. There is a limited but nonetheless genuine common good between the intense private pleasures of Aristophanes, in the writing of his comedies and the display of the wisdom they contain, and the well-being of Athens; this is true even if Aristophanes obviously exaggerates the good he does or can do his city. He tries, at least, to make Athens better—less foolish in matters foreign and domestic, more immune to demagogic flattery and the manipulations of oracle mongers, less vindictive or “waspish.” If only very modest political improvement can be expected from the laughter he provokes, if Aristophanes cannot by himself bring an end to the war, we cannot fault him for trying or indeed for failing, just as Dicaeopolis had tried at the beginning of the play, with admittedly sorry results, to effect political improvement. Peace, then, is indeed to be preferred to war, but ultimately because it makes possible the enjoyment of essentially private pleasures. The pleasures enjoyed or anticipated by Dicaeopolis at the end of the play are a comic representation and hence in large part a distortion of Aristophanes’s genuine pleasures. In the case of Aristophanes, those pleasures go together with a benevolent and even beneficent concern for Athens and a genuine respect for its needs as a city, without which Aristophanes would be without the audience he needs.

The Socratic Founding of Economic Science

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Abstract: Socrates's founding of economic science has been largely unnoted, and the crucial texts (of Xenophon) have not been studied with the needed interpretative care and skill—even though the Socratic conception of what it means to conduct a proper science of economics confronts our contemporary conceptions of economic science with grave theoretical challenges. Here is presented an exegesis of the short text in which the challenges come vividly to sight. I aim to introduce *both* the *substantive* Socratic teaching of Xenophon *and*—by example—the proper *methodology* for interpreting his texts in order to elucidate the teaching intended by their author.

The political philosophizing of Socrates stands at the origins and foundations not only of political science but also of economic science. Yet the latter achievement of Socrates has been rarely noted and even less studied,¹ and

¹ Thus, for example, Xenophon and his Socrates are never mentioned in Joseph Schumpeter, *History of Economic Analysis*, rev. ed. (New York: Oxford University Press, 1954); Lionel Robbins, *A History of Economic Thought: The LSE Lectures* (Princeton: Princeton University Press, 2000); Murray Rothbart, *Economic Thought before Adam Smith: An Austrian Perspective on the History of Economic Thought*, vol. 1 (Auburn, AL: Ludwig von Mises Institute, 2006); or Agnar Sandmo, *Economics Evolving: A History of Economic Thought* (Princeton: Princeton University Press, 2011); and Xenophon is dismissed in two sentences of Steven Medema and David Wilson, *The History of Economic Thought: A Reader*, 2nd ed. (Oxford: Routledge, 2013); in Robert Ekelund and Robert Hébert, *A History of Economic Theory and Method*, 6th ed. (Longrove, IL: Waveland, 2013) Xenophon is allotted one and a half pages, in Henry Spiegel, *The Growth of Economic Thought*, 3rd ed. (Durham, NC: Duke University Press, 2002) two pages, and in Meikle's penetrating and wide-ranging study of Aristotle's economic thought Xenophon gets only three mentions (Scott Meikle, *Aristotle's Economic Thought* [Oxford: Clarendon, 1995]). Positively grotesque is Betsy Price, *Ancient Economic Thought*, vol. 1 (London: Routledge, 2006), which promises "analysis and insight dedicated to Xenophon's *Oikonomikos*" (2) but in fact treats that work in two pages, filled with appalling blunders indicating gross ignorance: "Socrates was rector of a school"; the *Economist* "spells out in minute detail how the wife of the master should educate the children," and is concerned with "the rural exodus and the pernicious consequences of crowding in the polis" (topics never mentioned in the work!) (153–54); "the Greek city of Colophon

this despite the fact that the Socratic conception of what it means to conduct a proper science of economics confronts our contemporary conceptions of economic science with gravely critical theoretical challenges. What follows is an exegesis of the short text—the first two chapters of Xenophon’s dialogue *The Economist*²—in which those Socratic challenges, and what is at stake in the Socratic founding of economic science, are most clearly introduced.

THE DRAMATIC SETTING

The comedic character³ of the dialogue is signaled at the outset when Xenophon has his Socrates address by name, and thus identify, the singular character who will be Socrates’s (sole) interlocutor. For Critobulus is the most engagingly and amiably jovial, the least ponderously serious, of all the members of the Socratic circle portrayed by Xenophon. In the *Memorabilia*, we meet Critobulus as “the son of Crito” whom Socrates in mock horror advises to go into exile for a year, while describing him to the onlooker Xenophon as “a great hothead and one who will stop at nothing”—all on account of Critobulus’s having dared to kiss a beautiful, beloved boy. In a later, extended dialogue with Socrates on friendship (*Mem.* 2.6), Critobulus’s light-hearted, wide-ranging, erotic proclivities continue to be evident—and Socrates’s disapproval appears much less severe. We learn from the *Economist* (3.7) that Socrates was drawn into long, early-morning treks to attend rural comic dramas with the young man (we can assume that the expenses for good seats were paid by Critobulus, “one of the wealthiest men at Athens”).⁴ We even learn, again from the *Symposium* (4.22), that Socrates allowed himself to

was Xenophon’s hometown” (106). For a survey of the scanty earlier literature, see Todd S. Lowry, “Recent Literature on Ancient Greek Economic Thought,” *Journal of Economic Literature* 17 (1979): 65–86.

² In translating *oikonomikos* as “economist,” I follow John Ruskin, *Bibliotheca Pastorum*, vol. 1, *The Economist of Xenophon* (London: Ellis and White, 1876). All references to texts of Xenophon will be to standard chapters and subsections, as first divided in the edition of Edward Wells, *Xenophontis Opera Graece et Latine*, 8 vols. (Oxford: Oxford University Press, 1690–96). Translations are my own, from the Greek of various critical editions, supplemented where necessary by inspections of photos of the manuscripts. So far as I know, the sole translation into English that is sufficiently accurate for intensive analysis is that by Carnes Lord in Robert Bartlett, *Xenophon: The Shorter Socratic Writings* (Ithaca, NY: Cornell University Press, 1996).

³ See Leo Strauss, *Xenophon’s Socratic Discourse* (Ithaca, NY: Cornell University Press, 1970), esp. 191–92; John Stevens, “Friendship and Profit in Xenophon’s *Oeconomicus*,” in *The Socratic Movement*, ed. Paul Vander Waerdt (Ithaca, NY: Cornell University Press, 1994), 227; and Leah Kronenberg, *Allegories of Farming from Greece and Rome: Philosophical Satire in Xenophon, Varro, and Virgil* (Cambridge: Cambridge University Press, 2009), 41, 57.

⁴ Sarah Pomeroy, *Xenophon, Oeconomicus: A Social and Historical Commentary* (Oxford: Clarendon, 1994), 217.

be “dragged around” by Critobulus to wherever the latter would be able to contemplate his beloved beauty, Kleinias. In the *Symposium* (4.24) Socrates reports that because of Critobulus’s intoxication with his boyfriend Kleinias, “his father handed him over to me, so I might be able to help in some way.” It was doubtless in large part on account of Socrates’s friendship with his lifelong comrade Crito, and in response to the latter’s anxious concern about his son’s erotic frivolities and escapades, that the philosopher undertook to educate Critobulus in his responsibilities and requirements as a wealthy household head.

This is the dramatic context of the dialogue of the *Economist*—a context which, we soon learn, is not without some comical risk to Socrates, of becoming entangled in a care for Critobulus’s household that goes way beyond what the philosopher is willing to undertake (2.9–18). We may conclude that Socrates’s intimacy with the devil-may-care Critobulus mixed the fulfillment of friendly educative duty with affectionate pleasure: Critobulus was a rather good-looking, generously rich, and amiably jocund young n’er-do-well with whom Socrates had fun, while trying to help the young fellow, especially for the sake of the young man’s father. Xenophon has made it abundantly clear (see esp. *Mem.* 4.1.1–2) that Socratic fun is always leavened with provocation to deep and serious thought for onlookers. And by his very first word in the *Economist*, as well as subsequently, our author indicates that he is (fictively) presenting himself, as a young man, in the role of an eyewitness to the dialogue. Xenophon invites us to join him, vicariously, as the appreciative audience of what was a deeply illuminating and singularly beneficial comic performance.

ECONOMICS AS A UNIVERSAL SCIENCE

Xenophon recalls Socrates having opened the dialogue by asking Critobulus if “household management” (*oikonomia*) is “a name for some science” (*epistēmē*), as are the words “skilled doctoring,” and “skilled bronze working,” and “skilled wood working.” Conceiving household management in this unconventional way,⁵ as a science or craft, conduces to thinking of it as something one needs to learn from an expert teacher or teachers. Socrates would seem to have been taking the first step on a path that would bring

⁵ On the controversial unconventionality of applying the term “science” (*epistēmē*) in this context, see Aristotle, *Politics* 1252a15 and 1253b18. The fact that Critobulus unhesitatingly answers in the affirmative—though with a hint of awareness that what he is affirming is unusual (“to me at least it seems so”)—indicates that he has already fallen under the influence of Socrates in this way of thinking.

Critobulus to realize his need for such an education. But Xenophon immediately lets us see that Critobulus had not grasped the radical implication of this uncommon perspective on household management. For when Socrates next characterized, more conventionally, as “arts” (*technōn*) the other three forms of expertise that he had adduced, and asked if, even as “we” could “say what the work or function of each of these arts” is, so “we” would “also be able to say, in the case of household management, similarly what the work or function of it is,” Critobulus fell back on common opinion: “it is opined, at any rate (said Critobulus) that it belongs to a good household manager [*oikonomou agathou*] to manage well *his own* household” (1.2). A gentleman is conventionally supposed to mind his own business (Aristotle, *Nicomachean Ethics* 1142a1–2); his concern as household manager is supposed to be primarily and chiefly the well-being of his own household—to which concern he is presumed to be motivated by deep love of his own.

Challenging this conventional gentlemanly opinion on the basis of the nature of science, Socrates asked if it is not the case that “he who is a scientific knower [*epistamenos*] of skilled carpentry” would be able to do the relevant work for another, even as for himself; and “in the same way, wouldn’t the skilled household manager [*oikonomikos*]⁶ be able, “if he should wish,” to “manage well the household of another, even as his own, if someone turned it over to him?” In assenting, Critobulus once again showed that he was aware of departing from common opinion—and this time he addressed Socrates by name, thus indicating the distinctively “Socratic” character of this unusual perspective on the matter (1.3).

We see that Socrates as political philosopher has an understanding of skilled household management in which the component of scientific knowledge (of how to achieve what is good, or well done, for any and every given household) eclipses the love of one’s own,⁷ thus reversing the normal gentlemanly perspective. The scientific art as such aims only incidentally at the benefit of the expert’s own household. And the love of one’s own household contributes little or nothing to the expert’s scientific knowledge of how to manage well even his own household.

⁶ This is the first appearance in the dialogue of the word that stands as the title. The word would appear to be the original source of our modern term “economics” (Todd S. Lowry, *The Archaeology of Economic Ideas: The Classical Greek Tradition* [Durham, NC: Duke University Press, 1987], 247; Ekelund and Hébert, *History of Economic Theory and Method*, 9).

⁷ Strauss, *Xenophon’s Socratic Discourse*, 93.

But Socrates was not naively or abstractly ignoring the love of one's own as essential *motivation* to the *practical implementation* of the universal scientific knowledge. This became clear when the philosopher proceeded to ask a concluding question: Therefore, is it not possible, for “one who has scientific knowledge of this art [*tēn technēn tautēn epistamenōi*], if he himself happens not to have riches [*chrēmata*], to manage the household of another”—and “*get paid?*” (1.4). Socrates seemed to presume that an expert's putting into practice his knowledge of the scientific art would not be disinterested, and, moreover, that the gratification that derives intrinsically from the skilled practice, and in addition from repute and gratitude for such skilled practice, would not be sufficient motivation. Socrates spoke as if the knower of the science of household management seeks, from the practical implementation of his knowledge, an extrinsic reward that contributes to the needed financial resources of his own household. So Socrates by no means entirely jettisoned Critobulus's conventional characterization of a “good household manager.”

THE SCIENTIFIC MEANING OF RICHES

Socrates's suggestion of a skilled household-manager-for-hire struck a vibrant chord in Critobulus: “By Zeus! And it is big pay (said Critobulus) that he would gain, if he were able, in taking over a household, to disburse the needed expenditures and, by making a surplus, increase the household!” (1.4; and see also 1.6 end). Did not Critobulus glimpse a solution to his troubled household budget—and to his own problematic disinclination to spend the requisite time and energy on managing his household (see 2.9–12)? Was not a hope stirred or reawakened in him that his indigent but wise friend Socrates might contribute to that solution—even if only by helping him to find and to hire someone else who would be a surplus-producing, skilled household manager (consider *Mem.* 2.8 and 2.10)?

Socrates did not respond to or give any encouragement to such hopes. On the other hand, he did not challenge the assumption of Critobulus that the goal of a skilled household manager is “increasing” the household. Socrates did, however, ask his young interlocutor to reflect on what exactly is encompassed, “for us,” in “whatever things of the household [*oikos*] one has acquired [*kektētai*] outside the habitation [*oikia*].” Critobulus at once proclaimed his own expansive (some might say all-too-Athenian-imperialist) view: “by me, at least (declared Critobulus) it is opined that all things, even if not in the same city, belong to the household, as many as one acquires” (1.5).

When questioned further, however, our young householder quickly and emphatically conceded that this needs correction, to avoid what he regarded as the “laughable” error of including in the valuable household the increase of the “many enemies” that—“By Zeus!”—some “acquire.” He declared that what he means by “acquisitions/possessions” (*ktēmata*) are what is *good* (*agathon*), “by Zeus!”—that is, “beneficial” (*ōphelima*). Critobulus certainly does not mean—“by Zeus!”—what is bad (*kakon*), that is, “harmful” (*blaptonta*). When Socrates concluded that Critobulus seemed to be “calling the things that are beneficial, for each, ‘possessions,’” his young interlocutor emphatically agreed, and added: “and the harmful things, I, for my part, believe to be loss [*zēmian*] rather than *riches* [*chrēmata*]!”⁸

Socrates asked if this does not entail that a horse that someone might buy, *not knowing how* to use, with the result that the purchaser hurt himself by falling off, would *not* be his “riches.” Critobulus assented, though with a note of surprise: “No—if indeed riches, at any rate, are good.”

But when Socrates submitted that “therefore the earth is not riches for a human being” who suffers loss in cultivating it (Socrates did not say the loss is a result of lack of knowledge), Critobulus for the first time dug in his heels a bit. He agreed only that “the earth is indeed not riches, if instead of providing nourishment it provides famine [*peinēn*].” Presumably Critobulus had enough worldly wisdom to have noted a persisting benefit of land to its owner, even if the (Zeus-sent)⁹ weather puts a farm temporarily “in the red”—so long as starvation is not in the offing (1.8; cf. 5.18–20).

Socrates blithely moved on, bypassing this demurrer, and ignoring the gesture toward grave (theological) limitations on the decisive value of human expertise: “Therefore isn’t it *the same* with herd animals?—If someone through *not knowing how* to use herd animals suffers loss, the herd animals wouldn’t be riches for him?” When Critobulus assented, Socrates drew the seemingly rather otiose conclusion that “you then, it looks like, hold the beneficial things to be riches, and the harmful not.” The young man naturally assented (1.9). Only after having thus built a certain momentum with his

⁸ 1.6–7: *ktēmata* connotes possessions or acquisitions in general, while *chrēmata* connotes all properties “whose value can be measured in monetary terms” (Aristotle so defines the latter term in *NE* 1119b26).

⁹ Pomeroy, *Xenophon, Oeconomicus*, 257: “references to the weather are scattered throughout the *Oeconomicus*”; the Attic “climate and amount of rainfall fluctuate widely. Rain can vary from double the normal maximum to one-third of it; four to six dry years may be followed by one to ten rainy ones. Regional variation is enormous.... Of course Zeus, as weather-god, was often the recipient of offerings and prayers.”

student did Socrates propose a conclusion that is much more general, and radical (and controversial or even dubious, since it does not follow from, and indeed is drawn into question by, their dialogue concerning the earth and what that dialogue gestured toward): “Then the same belongings [*onta*] are riches for the one who knows how to use each of them, but for the one not knowing, not riches”—and Socrates adduced the example of “flutes,” which he claimed are “no more than worthless stones for the one not knowing” how to use them.

Critobulus reasonably objected:¹⁰ “Unless he found a buyer [*apodidoito*] for them!” Socrates treated as a friendly amendment this pregnant introduction of what Adam Smith and his great successors, building from Aristotle’s *Politics* 1257a6ff., were to call “exchange value.” Socrates asked, “Is this then evident to us: that for those finding a buyer, the flutes are riches, but not if they don’t find a buyer, and keep them as possessions—that is, for those who do not know how to use them?” Critobulus’s sense of paradox was evident in his slightly qualified assent. However, Critobulus then felt a need to reformulate their conclusion: “Now if they are not offered for sale [*pōloumenoi*],¹¹ the ‘flutes’ are not riches—for they are of no use; but offered for sale, riches” (1.11). Critobulus appeared to think of “riches” as including an exchange value, distinct from use value, that is aimed at an accumulation of buying power (money). Certainly Critobulus sensed that markets are more resilient, the exchange value of commodities more durable (as unsold “inventory”), than Socrates seemed to be allowing in what we see is his insistent argument for the decisive importance of human knowledge of *use* value.¹²

Xenophon’s authorial intervention at this point (1.12) signals the momentousness of what Socrates says next, in massive qualification of Critobulus’s

¹⁰ With Pierre Chantraine, *Xénophon Économique* (Paris: Budé, 1971) and Pomeroy, *Xenophon, Oeconomicus*, ad loc. I follow the attribution discerned by Theodor Thalheim, “Zu Xenophons Oikonomikos,” *Hermes* 42 (1907): 630–42; see also B. A. van Groningen, “Xenoph. Oecon. I 10–11,” *Mnemosyne* 9 (1941): 257.

¹¹ For Xenophon’s characteristic indication of the distinct meanings of the two different verbs for market transaction see Carel Cobet, *Novae Lectiones quibus continentur observationes criticae in scriptores graecos* (Leiden: Brill, 1858), 647 (commenting on *Mem.* 2.5.5, where the two verbs also occur): “*pōlein* dicitur qui emtorem quaerit, *apodidosthai* qui reperit.”

¹² Todd S. Lowry, review of *Xenophon, Oeconomicus*, by S. B. Pomeroy, *Southern Economic Journal* 63 (1997): 828: “Xenophon’s discussion of use value and exchange value is worth Xeroxing and circulating to introductory economics students.” Takeshi Amemiya, *Economy and Economics of Ancient Greece* (London: Routledge, 2007), 118: “a strikingly original theory of values...much more profound than what one can learn from a college course on the principles of economics.” See also George Bragues, “Socrates on Management: An Analysis of Xenophon’s *Oeconomicus*” (working paper, 2007), 10, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=997057.

reformulation: “If, that is, one has (scientific) *knowledge* of offering for sale” (*ên epistētai ge pōlein*); and Socrates then explained the paradoxical sort of “knowledge” he had in mind. For he turned out to mean¹³ not “salesmanship,” or knowledge of how to work the market shrewdly to maximize exchange value and hence buying power, but instead knowledge of use value (again): “If one were to offer to sell in return for what one would not know how to use, then, not even in being offered for sale are they riches—according to *your* argument,” Socrates rather puckishly added.

One might suppose that Socrates was thinking of barter; but Critobulus knew better, and his reply expressed his provoked astonishment: “You seem to be saying, Socrates, that not even the cash [*to argurion*] is riches, if someone doesn’t have knowledge of how to use it!”

Socrates retorted: “But *you* also seem to me to agree with this—that things from which one is able to benefit are riches!” (1.13). Socrates proceeded to give compelling illustrative evidence for his paradoxical scientific-economic thesis that cash as such, or accumulated buying power, is not riches: he adduced the case of a man harmed—physically, spiritually,¹⁴ and financially—by using (a large sum of) cash to purchase a courtesan.¹⁵ We may suspect that this is calculated to hit home especially with the erotically wayward Critobulus; certainly his assent was not only emphatic but idiosyncratic, equating such a mistress with a poisonous hallucinogenic¹⁶ (wisdom gained from bitter experience?). And at this point Socrates evidently felt in a position to issue a major, paradoxical imperative of the science of economics or household management as he conceives it. Addressing Critobulus by name for the first time since the opening, Socrates said: “So let the cash, if one does not know how to use it, be thrust far away, Critobulus, given that it is not riches!” (1.14).

¹³ Pace Strauss, *Xenophon’s Socratic Discourse*, 95.

¹⁴ Wayne Ambler, “On the *Oeconomicus*,” in Bartlett, *Xenophon: The Shorter Socratic Writings*, 106n: “Socrates’ concern for what is beneficial to our souls is indicated in 1.13 and 23.”

¹⁵ *Hetaira*: for the meaning of this term, in contrast to *pornē* (whore), see the lively portrait of the very wealthy *hetaira* acquaintance of Socrates, Theodotē, in *Mem.* 3.11. Cf. Sarah Pomeroy, *Goddesses, Whores, Wives, and Slaves* (New York: Schocken Books, 1975), 89–92, and Pomeroy *Xenophon, Oeconomicus*, 220: “According to Ps.-Dem. 59.29, the purchase price of a young but experienced slave *hetaira* was 3,000 drachmas.” For comparison, from Xenophon’s *Ways and Means* 4.23 one can calculate that the average price of a healthy male slave to work the silver mines was 180 drachmas. Evidence from inscriptions suggests that the average price for a woman slave auctioned in Athens was the same: Kendrick Pritchett and Anne Pippin, “The Attic Stelai: Part II,” *Hesperia* 25 (1956): 277.

¹⁶ *Huoskuamon* = “henbane” or *Hyoscyamus niger*; for the chemical formula and toxicology see Klaus Meyer, *Xenophons “Oikonomikos” Übersetzung und Kommentar* (Marburg: Kaesberger, 1975), ad loc., referring us to Louis Lewin, *Phantastica: Die betäubenden und erregenden Genussmittel; für Ärzte und Nichtärzte* (Berlin: Stille, 1924), 174ff.

Exchange value must ultimately be measured by, subordinated to, use value and the knowledge thereof.¹⁷ In the words of Ambler, “the first principle of Socratic economics” is “a principle with the potential to reveal the poverty of usual notions of wealth and the folly of ordinary economic activity.”¹⁸ Lowry remarks that Xenophon has given us, “in his emphasis upon the human variable, the major clue that helps explain the direction of Greek thought on economic matters.” “Greek,” or more accurately, Socratic “political economy was the study of the efficient management of personal and political affairs, with emphasis upon the human factor.” Modern political economy, on the other hand, “concentrates primarily upon the material factors of economic life and only secondarily upon human responses to them.” This is why “the assumption of scarcity has become so important, even essential, in modern definitions of economics.” It “could not be otherwise in a discipline focusing on a material-oriented, goods-rationing market process which allocates the wherewithal of economic life to competitive contenders for the gratification of insatiable wants.”¹⁹ Meikle observes with regret that “the distinction between use value and exchange value comes to be progressively elided in the nineteenth and twentieth centuries”—citing J. S. Mill, W. S. Jevons, Alfred Marshall, and W. Leontief; “if an independent concept of use value is removed from economics,” then “the consequence [is] that the question of ends cannot be formulated within economics”; yet this “is perhaps the most important question that can be asked in respect of economic matters,” and “whatever answer may be favoured,” it “does not reflect well on a theory if that theory is incapable even of formulating the question.”²⁰

At this point in the dialogue we see very clearly the two levels, theoretical and practical, on which Xenophon is having his Socrates proceed in this performance before a cadre of students, including above all young Xenophon: Socrates is elaborating the universal principles of the science of household management as he conceives that science, while making the elaboration beneficially provocative and admonitory for the particular case of the problematic young householder Critobulus.

¹⁷ Ruskin (*Economist of Xenophon*, xxxix) calls this “a faultless definition of Wealth, and explanation of its dependence for efficiency on the merits and faculties of its possessor;—definition which cannot be bettered; and which must be the foundation of all true Political Economy among nations, as Euclid is to all time the basis of Geometry.”

¹⁸ Ambler, “On the *Oeconomicus*,” 106.

¹⁹ Lowry, *Archaeology of Economic Ideas*, 247.

²⁰ Meikle, *Aristotle’s Economic Thought*, 191, 193.

To what extent did Critobulus pay heed? Xenophon's Socrates relieved the wealthy youth of the embarrassment of responding to the fraught scientific admonition regarding cash accumulation, or even retention. Xenophon has Socrates instead switch immediately to asking about a very different, warmer kind of possession—with regard to which the philosopher elicited another unconventional implication of economic science: “but as for friends/loved ones [*philoî*], if one knows how to use them so as to benefit from them, what shall we declare them to be?” Critobulus replied with enthusiasm: “Riches, by Zeus!—and much, indeed, more than cattle [*bous*], at least if they are more beneficial than cattle.”²¹ Socrates did not elaborate with his interlocutor the implications of the Socratic science in regard to those *philoî* whom one does not know how to use so as to get much benefit from them. Xenophon has Socrates proceed instead to draw a related, and again radically unconventional, scientific conclusion, which contradicted what Critobulus began by thinking was absurdly obvious (1.15): “and then even the enemies, according to your argument, *are* riches, for one who is capable of being benefited from enemies.” Showing how far he had advanced in economic science, Critobulus replied: “To me at least, it therefore seems so.” Socrates drove home the radicalness of Critobulus's revision of his own outlook: “So then, to a household manager who is good [*agathos*], it belongs also to have knowledge of how to use the enemies so as to be benefited from the enemies?” “In the strongest terms!” (*ischurotata ge*), answered Critobulus, in effect conceding that he had been refuted in his earlier very confident and strongly asserted opinion.

But Socrates went further: “For also you see (he said), Critobulus, how many households indeed there are of private persons that have increased from war, and how many from tyrannizing.”²² The art of war is thus evidently

²¹ 1.14; see similarly *Mem.* 3.11.5; Jacob Hartman, *Analecta Xenophontea* (Leiden: Van Doesburgh, 1887), 189, is so shocked—“Haecce in libro Xenophonteo legi et tolerari! Quid enim absurdius est!”—that he “suspects” this to be a later marginal note added by some “lectore, cui eiusmodi observatio acuta lepide videretur.”

²² 1.15: *apo tyranniôn*; this is the reading of the manuscripts (for the “hateful” connotation of this rare word *tyranniôn*, see Xenophanes frag. 3 [Diels and Kranz, 6th ed.])—which most editors have failed to follow here. Leading twentieth-century editors such as Marchant (*Xenophontis Opera Omnia*, rev. ed., vol. 2 [Oxford: Clarendon, 1921]) and Chantraine (*Xénophon Économique*) claim in their apparatuses ad loc. that the major manuscript Laurentian 55.21 reads “of those tyrannizing” = *tyranniôn*, genitive, i.e., without the *apo*; but my inspection of a clear photo of that ms. shows this not to be the case. (These editors are correct, however, in reporting that the ms. Paris 1647, whose photo I have also inspected, reads “from tyrants” = *apo tyrannôn*, with an insertion above the line, by a second hand, of a correcting iota to make it read like all the other mss., *apo tyranniôn*.) So provocative is this Socratic observation—that many *private* persons have enlarged their households “from tyrannizing,” as well as from war—that editors have insisted that the text we have received must be emended; the most popular such purification has been that of Benjamin Weiske, *Xenophontis Atheniensis Scripta*, 6 vols.

a part of the Socratic science of economics. Is there also a scientific art of tyrannizing that is part of the Socratic science of economics? For the full answer to this troubling question, we would have to study Xenophon's *Hiero, or One Skilled in Tyranny*—the work that is the antistrophe to the *Economist*. We soon hear Socrates declaring that “when enemies in war who are gentlemen enslave some, they compel many to be better by chastening them, and make them lead the rest of their life more easily.”²³ “To say the least, Socrates and Critobulus are silent here on justice or legality”;²⁴ they are equally silent on the noble. Xenophon has Socrates here make the science of economics appear so single-mindedly fixated on the good (the beneficial) that competing and traditionally limiting moral considerations, of lawfulness, justice, and nobility, are eclipsed. Xenophon provokes us to wonder: What are the Socratic grounds for such a primacy of the idea of the good?

These grave questions are muted or veiled by the reaction Xenophon reports from the morally insouciant young Critobulus, who said that he found what had been said “*nobly* spoken, in my opinion at least, Socrates!” (This is the sole mention of the noble in the Socratic account of the economic science, or indeed in the first three chapters.)

VIRTUE AS KNOWLEDGE

The introduction of strenuously risky wars and tyrannizing as eligible modes of scientific increase of the household evidently provoked our leisure-loving young householder to raise another sort of critical question, one that is revelatory of additional deep implications of the outlook of Socratic economic science (1.16).

How, Critobulus asked, are we to understand people who possess the requisite knowledge, and also have the resources available “from which they have the power, by working, to increase the households,” yet are “*unwilling* to do so” (*mē thelontas poiein*)—rendering (Critobulus thinks) “their knowledge of

(Leipzig: Fritsch, 1798–1804), ad loc.: he removes the *apo* and, since that leaves a mss. reading that he recognizes as “ineptum,” changes “tyrannizing” to “tyrants”—all on the grounds that “opponuntur inter se *idiōtai* et *tyrannoi*”; thus he reconstructs the passage so that it reads as if Socrates says only that many private persons *as well as* tyrants have profited from war. —Xenophonic provocation to thought erased!

²³ 1.23; Strauss, *Xenophon's Socratic Discourse*, 96: “Fully stated, the thought suggested by Socrates and imputed by him to Kritoboulos is to the effect that all good things belong to the wise men, and only to them (Cicero, *Republic* 1.27; *De finibus* III.75).”

²⁴ Strauss, *Xenophon's Socratic Discourse*, 96, as well as 127, 202–3; Ambler, “On the *Oeconomicus*,” 109–10.

no benefit to them?” Doesn’t it necessarily follow, on the basis of the Socratic thesis, at least as Critobulus understands it, that “neither their knowledge nor their possessions are riches”? These questions express with some cleverness a commonsense doubt about the emerging Socratic contention or presumption that knowledge of the good has sovereign psychological power to govern one’s choices—that such knowledge is virtue, or that virtue is such knowledge.

In addition, the wealthy but nonetheless financially pressed Critobulus would seem to have been raising a thinly veiled, critical, personal question about his impecunious teacher—and pointing again to the possibility, and now to the seeming Socratic logic, of the two of them entering into an economic partnership. In doing so, Critobulus ignored (and thereby prompts us to note) the possibility—which was incarnate in the Socrates standing before him—that the true knowledge or science of household management dictates that the knower minimize, as much as possible, his involvement in the work of monetarily or materially increasing anyone’s household, starting with his own, and that he instead devote his energies to increasing the riches of knowledge for its own sake, and acquiring friends who contribute to such increase.²⁵

Socrates did not respond to Critobulus’s implicit personal challenge. He did not give a defense of his own financially unenterprising economizing. But he afforded a veiled glimpse of the understanding of spiritual freedom that is at the core of his life, that is, of the truly good life, and of that life’s unqualifiedly scientific economics.

Socrates began his response by asking a question that seems at first to exhibit misunderstanding of the import of Critobulus’s questions: “Is it about slaves (said Socrates) that you are trying, Critobulus, to involve me in dialogue?” (1.17). “By Zeus, no!”—Critobulus remonstrated—“I am not!” Then, evidently seeking to overcome what he thought was Socrates’s obtuseness, Critobulus adduced “some who are reputed to be of the best fathers,” whom he saw have knowledge of either the warlike or the peaceful arts of acquisition, but are “not willing” (*ouk ethelontas*) to do the *work* of implementing this knowledge—precisely because they are *not* slaves, or do not have masters (who might compel in them a willingness to work)! Critobulus’s observations (not least, perhaps, of his own character) had made him sure that knowledge of the good is insufficient without the addition of will, or willingness, to labor at achieving the known good.

²⁵ Ambler, “On the *Oeconomicus*,” 108–9.

But Socrates rejected the very possibility of such a human condition (1.18): “And how (said Socrates) could they *not* have Masters [*despotas*], since, praying to be happy and wishing to do that from which they would have good things, they are prevented from doing these things by rulers?!”

The bemused Critobulus naturally asked, “And who indeed are these, who, being unevident, rule over them?!”

Swearing by Zeus for the first time, Socrates exclaimed that “they are not unevident, but entirely evident!” They are the Beings whose “wickedness” Critobulus himself “believes in” (asserted Socrates): “Idleness, and Softness of Soul, and Carelessness,” along with “other deceptive Mistresses [*despoinai*] purporting to be pleasures—Dice Playing” and other “human associations that are without benefit” (1.19). A few moments later Socrates added, as additional “harsh Masters,” Gluttonies, and Sexual Lusts, and Drinking Bouts, and Ambitions that are foolish as well as expensive (1.22). These Masters “rule so harshly over humans whom they dominate, that, so long as they see the humans in their prime and able to work, the masters compel them” to “bring the fruits of their labors as tributes” to the desires for these Masters; while the “Mistresses never cease tormenting the bodies of humans and their souls and their homes, so long as they rule over them” (1.22). It is necessary—“Oh Critobulus!—to keep fighting for freedom against these, no less than against those who try to enslave with weapons!” (1.23; see similarly *Mem.* 4.5.5). The philosopher playfully personified, as evilly despotic demons or divinities, the psychological forces that make humans who “pray to be happy,” humans who also *wish* to do what they think they know will make them happy, do in fact the opposite. He thus gently invited Critobulus to contemplate and to react against his own self-enslavement. More profoundly, Xenophon helps us to descry the true, serious meaning of the famous Socratic thesis, “virtue is knowledge”:²⁶ opinion about the good is only “knowledge” (in the Socratic sense) when that opinion is held by a consciousness in which practical reason has achieved domination over the passions, and especially the desires for pleasure; otherwise, the passions enslave the practically rational mind by beclouding or bedazzling it—thus producing the *practical-psychological ignorance of the good* that is commonly (and mistakenly) conceived as willful evildoing or as clear-sighted lack of self-restraint. And Xenophon has

²⁶ See also *Mem.* 1.2.19–24 and Lorraine Pangle, “Virtue and Self-Control in Xenophon’s Socratic Thought,” in *Natural Right and Political Philosophy*, ed. Ann Ward and Lee Ward (Notre Dame, IN: University of Notre Dame Press, 2013) and *Virtue Is Knowledge: The Moral Foundations of Socratic Political Philosophy* (Chicago: University of Chicago Press, 2014).

Socrates draw attention to one momentous form that the beclouding and dazzling take: the imagination's creation of the apparent experience of being infatuated or bewitched by superhuman Masters and Mistresses (see also *Education of Cyrus* 6.1.41).

Critobulus apparently did not want to ponder this insinuation that he might be subject to a profound sort of inner slavery. Perhaps spurred by the amazing proliferation of Socratically invented, superhuman Masters and Mistresses, Critobulus moved to another objection (no longer as a question, but assertively), an objection on a very different footing from the previous. He pointed out that there is another class of people who are not at all impeded by the sorts of "Masters and Mistresses" Socrates had conjured up—that is, not at all troubled by lack of self-control over their passions: people who work hard, and who devise methods of income, and who nevertheless wear out their households and wind up without resources (1.21). In other words, reminding of his answer to Socrates's question about the earth, Critobulus pointed again, and more emphatically, to the enormous limitation imposed on any practical rationalism by human reason's helplessness in the face of the truly external, superhuman powers of fortune or destiny.

Socrates's response (1.22–23) perversely ignored this powerful objection—despite his immediately preceding reference to "*praying to be happy*" (*euchomenoi eudaimonein*: 1.18). With apparent obtuseness, Socrates elaborated further his jocular creation of evil divine or demonic Masters and Mistresses against whom Critobulus must keep fighting. Xenophon provokes us to wonder: What is the scientific ground for Socrates's ignoring of Fortuna, and/or the divinities to whom humans pray, and for his unabashed introduction of new, hostile divinities (*daimonia*)?

THE PHILOSOPHIC ECONOMIST AS EXEMPLIFYING WEALTH AND THE YOUNG MAGNATE AS EXEMPLIFYING POVERTY

Critobulus persisted in shrugging off Socrates's inventively jocular call to the struggle for inner liberation: "In my opinion I've heard quite sufficiently from you about such, and" (the young man fatuously adds) "examining myself, I think I have found myself reasonably self-controlled in such matters." What Critobulus said he needed from Socrates was advice on how to *increase* his household—"or," he asked, with a hint of the tone of one of the upper class condescending to a plebeian, "do you pass judgment [*kategnōkas*] on us, Socrates, as being sufficiently wealthy, and do we seem to you not to need more riches?" (2.1).

Socrates responded tongue in cheek, as if Critobulus had invited an assessment of the comparative sufficiency of his own and Critobulus's wealth. He earnestly declared himself to be "sufficiently wealthy." But "you, Oh Critobulus, seem to me to be very impoverished, and—by Zeus!—there are times when I very much pity you!" (2.2).

Critobulus reacted by laughing in Socrates's face, and asking: "And how much—before the gods!—do you think, Socrates (he said), your possessions would fetch if put up for sale, and how much would mine?!"

With a straight face, Socrates replied (2.3) that if he "chanced on a good buyer," his entire household and contents would "easily" get five minas (= 500 drachmas)²⁷—which, he said, he knows is less than one percent of the price that Critobulus would get for his.

Critobulus drove home the comic preposterousness of Socrates's assessment: "And *you don't* need more riches, but pity *me* as impoverished!?" (2.4).

Socrates stubbornly contended that he had resources adequate to procure what is sufficient for him; but soon added (2.8) the following crucial and not conventionally gentleman-like supplement to his initial evaluation of his resources: "If I should need something in addition, I know that you too are aware that there are those who would assist, so that, by providing very little, they would *deluge* my life with abundance."²⁸

But as regards the "pitifully poor" Critobulus, Socrates declared that, in striking contrast to himself, the young magnate is so engaged in practicing, and becoming reputed for, magnificence (*megaloprepeia*)—the moral virtue of grand generosity that Aristotle (*NE* 1122a18–b33) ranks close to the peak of the adequately "equipped," morally serious life—that even if the young man's wealth were four times as great as it is, it still would not seem adequate. It thus transpires that the heart and root of Critobulus's financial difficulties is not his illusory estimation of himself as wealthy, nor his careless failure to devise ways to make more money, nor even his thinking that he can devote all his attention to affairs with boyfriends; all these deplorable deficiencies do not by themselves render Crito's son "pitiable" at risk of "suffering incurable evil and winding up in great want" (2.7). What threatens him with ruin is

²⁷ Augustus Boeckh, *The Public Economy of the Athenians*, trans. Anthony Lamb (Boston: Little, Brown, 1857), 156–57, comments: "according to the price of barley in the time of Socrates, . . . with this he could not have procured even the amount of barley which was requisite for himself and his wife, to say nothing of the other necessities of life, and of the support of his children."

²⁸ We recall that "friends are riches, by Zeus!" (1.14); see Strauss, *Xenophon's Socratic Discourse*, 102–5.

his virtue of magnificence in action, both in deeds of great private generosity (such as sacrificing to the gods and hosting strangers as well as fellow citizens), and, above all, in public deeds obeying the city's demands upon him for much more massive civic generousities, in peacetime and in war.

Obviously, the philosopher Socrates does not even attempt to join in these private and civic activities of the moral virtue of magnificence: as Aristotle declares (*NE* 1122b28), “a poor man would not be magnificent”—and “one who tries is foolish.” But Aristotle also allows that the activities of the moral virtue of magnificence can be undertaken if one has sufficient resources not of one's own but through one's “connections” (1122b32); could not Socrates gain access to the requisite resources for the practice of this moral virtue by way of his connections with Crito and his family—even by becoming the authoritative adviser to Critobulus in the latter's household management as a whole, including his philanthropy? Yet Socrates speaks of Critobulus's practices of magnificence as involving burdensome “compulsion” (*anangkē*), under the “imposition” of “commands,” accompanied by threats of being made “bereft of allies,” and of no longer being “tolerated,” and of becoming “severely punished” by the city of Athens. Socrates does not speak of the activities of grand generosity as being either “nobly” sacrificial or as “nobly” and “pleasantly” fulfilling—in contrast to what he will report he heard from, and replied to, the perfect gentleman Ischomachus (11.9–10). Even more striking is the contrast with Aristotle, who characterizes such expenditures as being “similar to votive offerings,” as “for the sake of the noble,” as “not for oneself but for the common,” and yet “also pleasant while lavish,” looking to “what is honorable” and “what is most beautiful/noble” and, as such, objects of “admiring contemplation—and the magnificent is admirable” (*NE* 1122b7–a5). Someone might suggest that the major reason for the dim view Socrates takes of the active engagement in magnificence by Critobulus is that the latter has to practice the virtue in Athens (as Socrates underlines here), which is governed by a democratic regime that is constitutionally incapable of properly appreciating the public virtue of magnificence, and that inevitably distorts the practice of the virtue by using it to try deliberately to impoverish the wealthy practitioners.²⁹ But in that case one might expect Socrates to give some indication—along the lines of Aristotle in his *Nicomachean Ethics*—of aspiration to, or admiration of, magnificent expenditure when practiced in

²⁹ See Pomeroy, *Xenophon, Oeconomicus*, 229 and Xenophon's *Regime of the Athenians*; Ambler, “On the *Oeconomicus*,” 107: Socrates “speaks of the Athenians as one might speak of a despotic master.”

a virtuous regime. Socrates does not do so.³⁰ Nor does he give to Critobulus any recommendation to follow the prudent and somewhat defensive public generosity that the Athenian gentleman Ischomachus taught Socrates that he engaged in with (mixed) pleasure (11.21–22). Xenophon compels us to wonder: What did Socrates learn from listening to Ischomachus, or from observing the reactions of young men to whom he has told the story of his education by Ischomachus, that led him not to recommend imitation of this peak activity of the morally serious gentleman? (With a view to Plato, we may submit that insofar as there is a Socratic philosopher’s magnificence, it is a virtue of an altogether different order, on an altogether different footing: see Plato’s *Republic* 486a, 487a, 490c, 494b, 495d, 503c, 536a; also *Laws* 709e and 710c.)

THE PHILOSOPHIC ECONOMIST EVADES RESPONSIBILITY

The philosopher’s effort to awaken the young man to his dire financial situation seemed to have succeeded all too well. “The time has come, Socrates,” Critobulus declared, “for you to take charge of me, so that I will not in reality become pitiable!” (2.9; our young bon vivant of course did not agree that he was already pitiable—that suggestion, he assumed, was merely a Socratic joke).

After a moment’s resourceful reflection (*akousas oun*), the master responded by launching into a fabulously fibbing account of the previous conversation (2.9). Socrates asserted that Critobulus had not only laughed at the philosopher’s claim to be wealthy, as showing that Socrates is ignorant of the very meaning of “wealth,” but had forced the philosopher “through refutation” to admit that he possesses not even a hundredth of the possessions of Critobulus: forced the philosopher to admit, in other words, that he is financially impoverished, rather than wealthy as he claims—and, by implication, forced Socrates to realize that he is thus the last person in the world that should be asked to take charge of anyone’s estate.

Critobulus is phlegmatic enough (or familiar enough with Socrates’s penchant for playful prevarication) not to be drawn into haggling over what actually was or was not said and done in the previous few minutes’ dialogue. He insisted on facts that he regarded as visibly evident: Socrates knows one crucial work of becoming wealthy—making a surplus; and if he can achieve that from a little, it is not unreasonable to “hope” that he can achieve it from a lot (2.10).

³⁰ Ambler, “On the *Oeconomicus*,” 107; Bragues, “Socrates on Management,” 12.

In response, Socrates continued his fibbing. He asked whether Critobulus did not recall how, in the preceding dialogue, the young man insisted—without allowing poor old Socrates even to grunt³¹ in demurrals—that for one who lacks knowledge of how to employ horses, or land, or herd animals, or cash, or any other resource, these all cease to be riches: “and how do you suppose that *I* would know how to use any of these, when absolutely none of these have ever belonged to *me*?” (2.11). Suddenly, in his drive to escape responsibility for Critobulus’s affairs, Socrates introduced the importance of knowledge based in practical experience—from which he had previously abstracted.

Critobulus stubbornly reminded Socrates that “it seemed to us that even if one did not happen to have riches, all the same, there is a certain *science* of household management; so, what prevents you too from knowing it?” (2.12).

“By Zeus!”—Socrates expostulated—“the very same thing that would prevent” anyone from knowing how to play a musical instrument if he himself never possessed an instrument, and no one else ever allowed him to learn on theirs!—“And that holds for me as regards household management!” (2.12–13). Socrates spoke as if he were homeless, and thus totally ignorant of what it means to manage or to grow a household or to balance its expenses against its resources.³²

Critobulus “was not buying it”: he rejoined by reproaching Socrates for “trying so intensely to escape giving help to me, in any way, so as to more easily bear the burden of my necessitated affairs!” (2.14).

“By Zeus, no!”—Socrates exclaimed—“I am not! I shall eagerly guide you in any ways that I can”; and Socrates proceeded to secure the young man’s agreement that he could not blame Socrates (for, Critobulus declared, that would “not be at all just”³³) if the philosopher, being himself ignorant of the needed knowledge, should show to the beleaguered young householder others who are much cleverer in these matters, others who will even (Socrates seemed to promise) be grateful if Critobulus were to become their student.

³¹ *Anagruzein*—the word is Aristophanean (*Wealth* 17 and the scholiast); Hubert Holden, *The Oeconomicus of Xenophon* (London: Macmillan, 1884), ad loc. In the *Clouds* (945), the word appears when the Unjust Discourse says it will allow the Just Discourse to “grunt” when it has been defeated: does Xenophon have his Socrates associate Critobulus with the Unjust Discourse, Socrates himself with the Just?

³² At the same time, by drawing an analogy between a household and a musical instrument, Socrates may be hinting that in his view a knower of the art would not need to “increase” his household in order to maintain and use it beautifully and well.

³³ The first mention of justice in this work.

Socrates further declared that if Critobulus were willing to become their student, Socrates thinks that the young man will become a “terrific money maker”—“if,” that is, “the god should not oppose you” (2.15–18). Was the philosopher’s introduction of the hitherto ignored, crucial importance of divine providence somehow connected with Critobulus’s respectful introduction of normative justice for the first time?

The basis Socrates gave for his promise to Critobulus was a rather bizarre account of the philosopher’s activity in the city (2.16–18)—an account that is odd both in its formulation and in its substance. Socrates “confesses” (*homologō*) that he “has been attentive to whoever among those in the city are the most expertly knowledgeable [*epistēmonestatoi*] about each of the things.” He was motivated to this because “there came a time” (*pote*) when he “learned” that “from the *same* works” (*apo tōn autōn ergōn*) “some are very much without resources, and some very wealthy”—and about this dramatic disparity he “very much wondered.” His “investigating” (*episkopōn*) led to his “discovery” of a cause that he characterizes as “altogether intrinsic” (*panu oikeiōs*) to the matters: “those who practice these affairs without method [*eikē*] suffer penalty, but I came to the judgment [*kategnōn*] that those who apply themselves with an intent judgment [*gnōmē suntetamenē*] proceed in the affairs more quickly and easily and profitably.” Strangely, however, immediately after this account of his discovery of an “altogether intrinsic” cause for humans either progressing or failing in business, Socrates indicated to Critobulus that the young man’s success as a money maker would depend decisively also on a cause or power that is not intrinsic to business practice based on sound judgment: divine providence—“if the god should not oppose you” (2.18).³⁴ As we later hear (11.8–9), Socrates learned from the perfect gentleman Ischomachus that the latter “believed that he had learned that the gods” grant “happiness” only to “some of those who are prudent and diligent, and to others of these not,” and hence prudence and diligence must be supplemented by pious devotion. Is this not a clue to what made Socrates “very much wonder” about what might be going on to cause some humans to be without resources, and some to be wealthy, from the *same* works? Does this not call into question Socrates’s previous apparent insistence or contention that success or failure in business is due simply to human knowledge and self-control (recall 1.16–22)? Looking again at the passage before us in 2.16–18, we see that Socrates does not in fact say that he learned that business

³⁴ Socrates makes no reference to the power in human affairs of chance or luck (*tuchē*)—which is never mentioned in *The Economist* (though see the verbs in 1.4, 2.12, 3.3, 4.19, and 8.3 [*tuchein*], 2.3 and 12.20 [*epituchein*]).

guided by intent judgment leads to success *simply*, but only that it leads to proceeding “*more*” quickly and easily and profitably than lack of method, which he “saw” leads to “suffering *penalty*” (*zēmioumenous*—from whom; the gods? Is Socrates implying that he discovered that the true divinity favors intelligent human diligence and frowns on the lack thereof?).

Socrates makes it sound as if, in the time prior to his life-changing learning and then wondering and then investigating and discovery, he had lived in an extraordinary “economic” aloofness (compare Plato’s *Theaetetus* 173c–175b)—and as if his investigations, while leading him back down to earth, and to discovering an “altogether intrinsic” cause for economic progress or failure “from the same works,” did not at all move him to join his fellow humans in their preoccupation with money-making business, or with gentlemanly household management.

CONCLUSION

The preceding affords a dialectical gateway to the full elaboration of what may be called Xenophon’s Socratic “political economy”—as found especially not only in the remainder of the dialectical *Economist*, but also in crucial passages in the *Education of Cyrus*, *Memorabilia*, *Hiero*, and *Ways and Means*. The Socratic science of economics prioritizes use value over exchange value, intellectual and spiritual utility over material and corporeal utility, private friendship and teaching over family and public philanthropy, politics over markets, virtue as end over pleasure as end, and philosophy as a way of life. The full justification of these priorities is found in the empirical and normative account of the human condition to whose exposition the Socratic Xenophon’s systematic oeuvre as a whole is dedicated.

Symposium on Stauffer's Hobbes

Devin Stauffer, *Hobbes's Kingdom of Light: A Study of the Foundations of Modern Political Philosophy*. Chicago: University of Chicago Press, 2018, xi + 295 pp., \$50 (cloth).

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In the introduction to his valuable new book on Thomas Hobbes, Professor Devin Stauffer, of the University of Texas at Austin, says that he has taken “a comprehensive view of Hobbes by examining the main components of his thought and by trying to understand how they fit together and relate to one another” (6). By a comprehensive view, Stauffer means that he will not write about only a single aspect or doctrine of Hobbes’s philosophy, let alone try to use a single aspect or doctrine as a key to explain everything else in Hobbes’s thought. Nor will he write about only one of Hobbes’s several works. Nor will he focus on contemporary controversies among working Hobbes scholars.

The “main components” of Hobbes’s thought that fit together to form his “comprehensive view” are, in Stauffer’s understanding, fourfold: Hobbes’s critique of classical philosophy, Hobbes’s own natural philosophy, his critique of religion, and his own political philosophy. Stauffer’s explication of Hobbes’s critique of religion requires three chapters and his explication of Hobbes’s political philosophy requires two, so we are left with seven chapters total.

Given this list of components as well as Stauffer's ultimate claim that Hobbes is an advocate of "civilizational transformation" (182), it is not hard to see that Stauffer is working within the tradition of scholarship that stems from Leo Strauss's 1936 work *The Political Philosophy of Hobbes: Its Basis and Its Genesis*. Stauffer in no way follows Strauss slavishly, and he spends little space defending Strauss against his critics or in commenting on Strauss's book. Yet there is now a substantial body of scholarship by Strauss's followers that develops and qualifies Strauss's views, and Stauffer seems to know it all. He is also well read in the large quantity of non-Straussian Hobbes scholarship and is willing to borrow a good point wherever he finds one. If there is controversy among the commentators, he will address only the most important questions in the text, leaving a trail in the annotations for those who want to track down every subtlety. The result is that *Hobbes's Kingdom of Light* succeeds admirably in articulating the comprehensive view of Hobbes at which it aims. No book on Hobbes will ever be the last word, but this book seems destined to become the first book for serious scholars wanting to immerse themselves in Hobbes's thought.

The initial chapter, on the criticism of ancient philosophy, considers especially Hobbes's rejection of classical moral philosophy and his rejection of classical natural philosophy, including metaphysics. Stauffer suggests that at the basis of Hobbes's critique of the former is the concern that classical moral and political philosophy was based on the examination of opinions, and opinions in Hobbes's view are based in turn on passions and thus can never provide a foundation for science. Hobbes's critique of the latter is based on the coopting of especially Aristotelian natural philosophy by the Scholastics and particularly by the emphasis on metaphysics within the development of medieval Christian scholarship. Stauffer does not much question Hobbes's comments about Scholasticism or consider whether Hobbes has grasped its rich spectrum of Aristotelian scholarship. He does, however, question whether Hobbes understood Socrates's turn to opinions as the foundation of moral or political philosophy; in other words, Stauffer thinks Hobbes did not understand "the Socratic turn" (33–34).

The second chapter of *Hobbes's Kingdom of Light* takes up the question of Hobbes's natural philosophy. Having rejected the separated substances or separated forms that we would especially associate with Neoplatonism, as well as Aristotle's notion of substantial form, Hobbes instead begins his natural philosophy with the assertion that all that exists is bodies, and indeed moving bodies. Given such corporealism, and without access to universal

ideas whether separated or not, Hobbes attempts to ground all science in sensation, but sensation must itself consist of some process of moving bodies. He is therefore left with the seemingly unsolvable question whether it can actually be established that there are any bodies “behind” the sensations. Hobbes, Stauffer says, is honest enough to admit that sensation cannot truly ground knowledge, leaving Hobbes dealing with a hypothetical or methodological materialism, which is not that far from agnosticism. Stauffer does not go into it, but it is not hard to see why some philosophers today who emphasize epistemology find Hobbes’s *De Corpore* to be the foundation of the British empiricism that would eventually result in the skepticism of David Hume. In any case, Hobbes does save a sort of practical physics for modern science by arguing that physics knows at least possible causes. This means that practical physics can be pursued and the human situation with respect to the natural world manipulated even if the ultimate basis of physics is elusive (80).

In chapter 3, Stauffer turns to Hobbes’s critique of religion. In the first of these three chapters, he takes up the question of “the psychological origins of religion” (99), which means that he is especially concerned with *Leviathan*, chapter 12. In Hobbes’s view, religion arises from the combination of ignorance and anxiety. Stauffer describes what philosophers of religion today might call a “projection theory of religion”; in modern times we have seen a great many of these in the writings of Feuerbach, Marx, Freud, and Nietzsche, to name the most famous. Stauffer does not go into it, but there are striking similarities between the anxiety-driven theories of religion of Hobbes and Freud. Such theories can never be proved, of course, but they provide alternative accounts that may seem plausible to some human beings in certain situations. In this chapter, Stauffer also first articulates his understanding of a frequent practice whereby Hobbes indirectly criticizes Christianity by rhetorically mocking pagan religion and then leaving his reader to wonder whether the same criticisms of paganism would not apply to Christianity as well (90–92).

Since *Hobbes’s Kingdom of Light* is, as already noted, written within a broad tradition of Straussian scholarship, we may note that the middle chapter of Stauffer’s book is devoted to Hobbes’s natural theology and that this chapter is also the middle chapter of the three chapters devoted to Hobbes’s critique of religion. It is, moreover, unique in that it is by far the shortest of the volume’s seven chapters. This central chapter is especially concerned with chapter 31 of *Leviathan*, “Of the Kingdom of God by Nature.” Stauffer connects Hobbes’s view of natural theology to his view of natural philosophy

or physics, in that in both Hobbes emphasizes the limits of human knowing in order to undermine the arguments of his adversaries. Hobbes is not so foolish as to think he can simply disprove theistic claims about God, but rather asserts that the claims of the theists go beyond what their arguments can prove. Neither in natural philosophy nor in natural theology is human reason a very helpful guide it seems. Moreover, having asserted in his physics that everything that exists is body, Hobbes is left trying to defend the rather difficult position that God is body. It is outside the scope of Stauffer's book to pursue the question, but Hobbes's view reminds one of Augustine's interpretation of the Manichean assertions about God.

Chapter 5 is devoted to Hobbes's encounter with the Bible, especially as that is played out in part 3 of *Leviathan*. Stauffer's view is that Hobbes works on two levels at once in his statements on the Bible. The surface level is that Hobbes marshals evidence with the pretended goal of showing that the Bible supports his own view of political matters; the deeper level is that the Bible does not support his claims. Since the conflict in the two positions will be grasped only by the best of Hobbes's readers, only they will be able to see that in fact, for Hobbes, reason is opposed to biblical faith. Stauffer's work in this lengthy section (cf. 138–60 for starters) is rigorous, but perhaps overly so. One would have to be an inattentive reader not to notice that Hobbes's teachings are hardly standard Christian orthodoxy. Why would Hobbes hide his disagreement with the Bible in this part of *Leviathan* when it is on display throughout his other works and even in other chapters in this one? In the event, at least, few people at the time were fooled by Hobbes's method of writing; only certain modern interpreters have been taken in. At least to this reviewer, if Hobbes is trying to write esoterically, he is not very successful at hiding it.

Be that as it may, in chapter 6 Stauffer lays out Hobbes's position on the radical conventionality of political life as opposed to the state of nature. To this reviewer's mind, the most controversial aspect of this chapter is the intriguing notion that Hobbes had smuggled unwittingly a notion of right into the state of nature, which he elsewhere insists is amoral. It is the "unwitting" part of this thesis that is especially noteworthy (218–22). If Hobbes really is as sophisticated a writer as Stauffer suggests in chapter 5, one wonders why Hobbes overlooked such an inconsistency.

In the concluding chapter, which is the second of the chapters on political philosophy, Stauffer comes to the question of the relationship between religion and politics. By now it has become obvious to readers of *Hobbes's*

Kingdom of Light that Hobbes is antithetical to Christianity, but what is his solution? One might have thought that Hobbes would want Christianity to change and adapt and to be put in the service of supporting obedience to monarchical rule. Stauffer is clear, though, that Hobbes is unwilling to accept a religious sphere of any sort, even if it is only indirectly related to the state, as suggested by Robert Bellarmine. In Stauffer's interpretation, Hobbes wants religion simply to wither away; he is ultimately a secularist—not even an advocate of civil religion.

In looking back over the four components around which Stauffer organizes his comprehensive interpretation of Hobbes's thought, one is struck by the thought that Stauffer's Hobbes seems not to have been especially successful. His critique of the ancients is not all that accurate with respect to the ancients; his natural philosophy barely avoids agnosticism; his critique of religion does not demonstrate that religion is false; and his political philosophy unwittingly assumes a sort of natural justice in the state of nature. What is more, whereas Stauffer, following Strauss, insists that Hobbes is a visionary who offered human beings a whole new way to live, Hobbes seems to have had a hard time convincing very many people of the truth of his views—including Stauffer himself (275–77). Hobbes is extremely fortunate to have such an open and generous reader as Stauffer, who has articulated such a fine account of a position he appreciates but does not embrace. Most of Hobbes's readers have not been so kind or generous to him, and indeed one cannot help but wonder what would have become of Hobbesianism had it not been made far more subtle, delicate, and respectable under the watchful eye of “the wise Locke.”

Devin Stauffer, *Hobbes's Kingdom of Light: A Study of the Foundations of Modern Political Philosophy*. Chicago: University of Chicago Press, 2018, xi + 295 pp., \$50 (cloth).

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Why another book on Hobbes? Why this new book? Stauffer's explicit answer to the first question is that the immense success of modernity and almost universal confidence that modern Western civilization is superior to all past ways of life and to "all living alternatives" have been accompanied by the sense that our souls have lost something essential to their flourishing. Continued success and lingering doubt "give us reason to go back," to rethink for ourselves the critical arguments that established modernity, arguments that we ordinarily accept without thinking. Why Hobbes rather than, say, Machiavelli? Because, Stauffer says, he was the first great systematic builder on the new continent discovered by Machiavelli, and the first champion of the liberal understanding of the priority of individual rights. And his political philosophy was developed "in light of and in relation to the new natural science" associated with Galileo that had emerged in the century since Machiavelli wrote.

But why this book? What distinguishes the aims of Stauffer's book from the vast scholarship on Hobbes? What has Stauffer achieved in pursuit of his aims? How exactly has his exploration of Hobbes's thinking addressed the lingering doubts that have accompanied the advance of modernity? Stauffer's subtitle refers to "the foundations of modern political philosophy" but, in fact, only the last two of the seven chapters of his book focus explicitly on

Hobbes's political philosophy. Three address religion and theology, and the third of these, "Hobbes's Confrontation with the Bible," is the longest chapter in Stauffer's book. Another, almost as long, examines Hobbes's natural philosophy. Stauffer describes his approach as broad and exploratory; he does not hope to discover "the key that unlocks all the mysteries of Hobbes's thought," but to arrive at "a comprehensive view, by examining the main components of his thought and by trying to understand how they fit together and relate to one another" (6).

Stauffer's aim as just stated seems to resemble an approach questioned many years ago by another student of Hobbes, F. S. McNeilly. McNeilly objected to the assumption that it is the task of Hobbes's interpreter to reassemble the elements of a teaching "which has somehow come to pieces." To be sure, McNeilly made this comment in support of his own belief that Hobbes's *Leviathan* marked the culmination of a progress through the *Elements of Law* and *De Cive*. The answer to this is, as Stauffer says, that Hobbes never indicated that his *Leviathan* (in English or Latin) superseded *De Cive* or the *Elements of Law* (9). Still, I think, McNeilly's point may carry some weight. Does Stauffer—do we—not doubt the integrity of the several works from which we extract the "components" of Hobbes's teaching? Stauffer does call *Leviathan* Hobbes's masterpiece, but he does not, I think, clearly tell us why he does so. If Hobbes's teaching on religion and theology is most fully developed in *Leviathan*, and his natural philosophy (as Stauffer certainly shows) in his *De Corpore*, and some important political arguments are best stated in *De Cive*, can we claim to arrive at a "comprehensive" statement of his teaching by seeing how these several components fit together? If we can, and there is some evidence for this in what Stauffer has accomplished, does this not diminish the claim that might be made for Hobbes's standing as a philosopher of the first rank? And so too force us to ask what we might learn from Hobbes in rethinking the project of modernity? A possible response to this line of thought would be that Stauffer's effort to think through and together Hobbes's natural and political philosophy and his understanding of biblical religion proceed in full awareness of the possibility that Hobbes may sometimes be mistaken. Our question would then become whether Stauffer admits this too soon.

To establish "the kingdom of light" it was necessary, and perhaps sufficient, to replace the vain philosophy responsible for the darkness that must be dispelled with true philosophy, though Stauffer admits that Hobbes says something a little different and even shocking in the "Preface to the Reader"

of his *De Cive*. There Hobbes speaks of a golden and peaceful age that prevailed before Socrates fell in love with civil philosophy and abandoned all other parts of philosophy for this one, and was imitated by later philosophers, and eventually by all who had the leisure to take this study up and were impressed by its dignity and apparent ease of learning. Here Hobbes attributes “all quarrels and killings” to what Socrates initiated. Stauffer is certain that Hobbes could not mean what he says here. If the state of nature is a state of war, how could there have been such a primordial condition of peace? And surely Hobbes expects something better than the pre-Socratic age he describes on the basis of his own true civil and natural philosophy (14). Stauffer thinks Hobbes must have had no understanding of, or interest in, “the Socratic turn” (33). Or Hobbes attributed to Socrates the same motivation that led so many to imitate him. Stauffer does not mention the tale Hobbes tells of the wise men of antiquity who insisted that the questions opened up by Socrates should rather have been handed on only wrapped up in poetic fables.

In any case, whatever we can make of what Hobbes says of the Socratic turn, the chief target in Hobbes’s account of “vain philosophy” is Aristotle. Hobbes condemns Aristotle for his political science and his natural philosophy: the former exacerbated the political problem by remaining at the level of men’s opinions, and/or failing to see that those opinions are rooted in conflicting human passions; and the latter—especially the doctrine of separated essences—prepared the way for a metaphysics that the Scholastics used to establish a “ghostly” rule over men’s consciences that rivaled, or exceeded, civil authority. Stauffer supposes that Aristotle would never have proposed the teaching of abstract essences had he foreseen its consequences for politics and philosophy (27). He notes Hobbes’s suspicion that Aristotle knew his doctrine “to be false philosophy but writ it as a thing consonant to and corroborative of their religion and fearing the fate of Socrates.” That Hobbes failed to pursue his suspicion that the Aristotelian doctrine was exoteric is one of the grounds on which Stauffer questions the adequacy of Hobbes’s understanding of the tradition he rejected (32).

Hobbes’s political philosophy does not depend on, or derive from, his natural philosophy. This, Stauffer insists upon. Hobbes says in *De Cive* that the principles upon which his political philosophy is based can be known by reflection upon our own experience. And, as Stauffer shows, this is confirmed by what Hobbes says elsewhere and often. Why then does Stauffer devote a long (and very fine) chapter to an analysis of Hobbes’s natural philosophy

as set out in his *De Corpore*? We could say that a complete materialist metaphysics establishing that the universe is nothing but imperishable bodies in unceasing, necessitated and meaningless motion would eradicate both constituents of the mix of Christianity and Aristotelian metaphysics that is “Aristotelity” and the primary cause of the darkness Hobbes means to end. But, as Stauffer shows, Hobbes could not establish the materialist metaphysics he intended, for the very deceptiveness of sense perception upon which he insists in order to preempt the naive and Aristotelian understanding of it means that we can have no confidence that the images or phantasms from which human thinking must proceed correspond to bodies in the external world. Nor can we even rule out the possibility of a creator God who could also miraculously disrupt the course of nature. What can be known of nature is what we construct, and it is known not because nature reveals itself to our investigation but because we make it.

“Is Hobbes’s deepest view...best described as atheism?” Stauffer asks this on the second page of the first of three chapters that constitute the section “Religion and Theology.” To be sure, my own students, when they first encounter *Leviathan*, find this question absurd. More than half the book focuses on religion, and Hobbes quotes the Bible more than anyone my students have ever met. And, as Stauffer observes, many of the few Hobbes scholars who even consider part 3 of *Leviathan* at all continue to think Hobbes a sincere Christian. Would he have written at such length of what he supposed nonsense (127)? Whether Stauffer will have persuaded the academic believers in Hobbes’s unbelief is doubtful. But for the rest of us, his shrewd, thoughtful, and balanced account is compelling.

In calling Stauffer’s commentary “balanced” I do not mean to suggest any uncertainty on his part as to Hobbes’s sincere unbelief, but rather to notice that Stauffer does not claim that Hobbes has proved that God does not exist, or even that Hobbes believes that he has done so. What we find, rather, with Stauffer’s help, is among other things a complex argument that at one level reconciles what the Bible teaches with what sound politics needs, albeit by means of a preposterous interpretation of the Bible, one that removes any possible conflict between the civil commonwealth and the kingdom of God, for example, by restricting the kingdom of God to the time before the election of Saul and after the second coming of Christ, but, at another level, one that radically undermines the authority of the very text to which it appeals.

In the final two chapters of *Hobbes’s Kingdom of Light*, Stauffer turns at last to Hobbes’s political philosophy and speaks once more of the relation

between Hobbes's natural and political philosophy. Though he speaks now of "a deep kinship" between the two, and remarks how Hobbes's mechanistic psychology "displays itself" or leaves "an imprint" in what he calls the "pivotal" sixth chapter of *Leviathan*, where Hobbes denies any notion of an absolute good, debunks the noble, and reduces the desire for the good to the pursuit of pleasure, he does not claim more than this. What he does say is this: "Hobbes must have remained dissatisfied with [the failure of] his direct efforts to settle the deepest theological question, which is at the same time the deepest question of natural philosophy," and may have supposed that his political philosophy "could contribute not just practically but theoretically to his battle against his most fundamental foe" (194). Here too Stauffer acknowledges that Hobbes's struggle with religion is the focus of his own study or, recalling his earlier account of what he hoped to find, the "thread" that ties together the several components of Hobbes's philosophy (242).

We turn then to the concluding chapters of Stauffer's "kingdom of light" expecting to learn how Hobbes's moral teaching and his commonwealth might indirectly assist Hobbes in the struggle against "his most formidable foe." Of course, biblical religion was not the only obstacle to establishing the kingdom of light. We find here too, as Stauffer shows clearly, the Hobbesian alternative to Aristotle: a political teaching guided not by reflection on political life and citizenship but by the discovery of a war of all against all that is man's natural condition and establishes the purpose of political life. (Stauffer refers to this discovery once as "a thought-experiment," but does not elaborate.) We see an account of honor as the recognition of another's power displayed in great actions and indifferent to whether those actions are just. We encounter Hobbes's "gleeful cynicism" in describing how men interact "when they congregate" even in civil society (196). How then does what we find in these chapters correspond to our initial expectation? As Stauffer points out, contrary to the academic believers in Hobbes's sincere Christianity, Hobbes's state of nature "shows as starkly as anything does his break with Christianity" (209). Life there is "nasty brutish and short" not because God is punishing man for his original or later sins but because "nature has made men" so. We see also that Hobbes's laws of nature are not laws at all until they become laws under the sovereign in a commonwealth. They need not—cannot—be understood as laws made laws by God. Further, the morality that is the content of those laws that are not true laws at all but only prudential maxims entails a great relaxing of the moral requirements associated with Christianity. Justice can be defended without "relying on the fear of God" and does not demand the kind of sacrifice that might engender piety. As

Stauffer observes: "Hobbesian moralists, moral though they may be, will not find in morality an inducement to believe" (236). Hobbes's commonwealth does not depend upon any religious claims, and Stauffer doubts that a sovereign counseled by Hobbes would even welcome some kind of neopagan religious support (271).

Has Stauffer's Hobbes established the "kingdom of light"? Stauffer admires Hobbes's "audacity and humanity" in struggling against the forces that had for him (and for Stauffer) been responsible for the kingdom of darkness. And he appreciates "the security, freedom and prosperity" largely achieved by the modern state which is at least partly a result of Hobbes's effort. Yet he concludes that it remains possible to reject Hobbes's claim "that he was leading men from the darkness to the light" (276). How can this be? Stauffer initially justified his study by pointing to the lingering dissatisfaction that has accompanied the advance of modernity, or what we might even call the Hobbesian project. His concluding reservations seem almost to repeat those initial misgivings (238–41, 275–77). This is not to say that his study has accomplished nothing. It has accomplished a great deal. If the issue with which he began remains an issue for us, we can be grateful for the new light he has brought to it.

Devin Stauffer, *Hobbes's Kingdom of Light: A Study of the Foundations of Modern Political Philosophy*. Chicago: University of Chicago Press, 2018, xi + 295 pp., \$50 (cloth).

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If the purpose of a book review is to help the reader weigh whether to go to the much greater trouble of reading the book himself, I will begin by putting my thumb on the scale. This book is not to be missed. Even or precisely if you think that you know Hobbes well, *Hobbes's Kingdom of Light* will teach you otherwise. I did, and it did.

Devin Stauffer's book is a major and even a model contribution to Hobbes studies. It is both a reviewer's delight and his bane. On one hand, its clarity of organization and exposition makes it easy to summarize its main headings. On the other, the thoroughness and persuasiveness of Stauffer's exposition of these defy recapitulation. His arguments are rich, fine grained, and relentless: they wear you down. He thus rather resembles Hobbes's sovereign. You find you have no choice but to agree with him.

Among Stauffer's many virtues is that he avoids *Leviathan*-centrism. This makes his book particularly useful to those of us whose experience of Hobbes consists primarily of repeated teachings of that work. He divides his book into four sections: two of a chapter each on Hobbes's critique of the ancients and on his natural philosophy, a section of three chapters on religion and philosophy, and one of two chapters on Hobbes's political philosophy. All

take account of all of Hobbes's treatments of these subjects wherever in his works they are to be found.

One of the biggest questions in Hobbes studies has always been that of the relationship of these different aspects of his thought. Does Hobbes's political teaching follow from his scientific/materialistic presentation of the world, or is it independent of (and prior to) it? What is the relationship of his religious thought to his political thought? Of his natural theology to his lengthy interpretation of the Bible in the second half of *Leviathan*? Of his critique of classical thought to his formulation of his own?

Stauffer explores each of these questions thoroughly, and it may be that no one has ever done a better job of unpacking them. A sharp and sensitive analyst of particular passages, he also excels at synthesis. It is not the virtuosity but the clarity and care of Stauffer's treatment that most impresses: a steady drip of water wearing away a very large and complex stone, until all the nuances of Hobbes's thought are resolved to the extent possible. This always with due modesty and a clear awareness of the many uncertainties that remain. This is not a "gotcha" interpretation of Hobbes, but one that will encourage much further thought. Unique are Stauffer's recurrent speculations as to whether Hobbes himself was aware of the problems that Stauffer discerns in his thought.

Even if Stauffer is both always practicing patience and always reminding the reader to do so, his readings are anything but plodding. Can there be such a thing as an exegetical thriller? I found myself most entranced where I would least have expected to be, by Stauffer's account of Hobbes's natural science, based primarily on his careful reading of *De Corpore*. Stauffer conveys both the epic character of Hobbes's cosmic vision of the world as a vast nexus of matter and motion, every event in which is at the same time completely determined (i.e., fully necessitated) and entirely fortuitous (as there is neither will nor purpose behind all these crashings and bangings). As Stauffer traces the vicissitudes and ambiguities of Hobbesian natural science, he generates real suspense: where will Hobbes's arguments and their difficulties take us? According to Stauffer, to Hobbes's sincere concession of the possibility of a miraculous creation *ex nihilo* (75–77). (Some of us may continue to doubt this concession's sincerity.)

Stauffer's conclusions as to the relations of the parts of Hobbes's thought seem quite sensible, and his defense of them is both exhaustive and subtle. He firmly rejects the notion that any of Hobbes's three main bodies of argument

(on natural science, on religion and theology, and on morals and politics) is derived from any of the others. To that extent each remains an independent pillar of his thought, irreducible to any of the others. Yet “independent” overstates it, for each both provides support to the others and receives it from them in turn. There is, indeed, a complex web of relationships among them to which Stauffer returns throughout the book. His exposition of these is one of the most persuasive and satisfying aspects of the book.

The Hobbes that consistently emerges from Stauffer’s treatment is the founder of the radical Enlightenment. Not openly, of course, being too much ahead of his time and with too many vested interests of the *ancien régime* to placate, not only in their institutional embeddedness but in their hold on the souls of his readers. And with the odd twist, from the point of view of his successors, that the version of liberal modernity that he propounds is a monarchic and authoritarian one. Yet from Stauffer’s perspective this difference is relatively insignificant. In the first place he frames this authoritarianism as friendly to liberty in its private if not its public sense: his Hobbes crimps neither religious nor intellectual nor economic freedom beyond what is necessary for liberal good order. For another, Stauffer’s casting of subsequent liberal modernity is a thoroughly Hobbesian one. There really is no daylight between them: each stands or falls with the other. Hobbes’s many obfuscations notwithstanding, Stauffer presents him as having preached a dour and completely secular politics of self-interest rightly understood—and liberalism as having practiced that politics.

Which is to say, among other things, that republicanism plays no part in Stauffer’s account of liberalism. (Does the word even occur in the book? There is no index entry for it.) While Stauffer has nothing to say of leftist critiques of liberalism (Marx plays no part in the book) he does stage a confrontation between Hobbes and Nietzsche, from which neither emerges the clear winner (275–76). Again this reflects the view that the nineteenth-century reality flayed by Nietzsche was in its essence Hobbesian, as well as that nothing has happened since to relegate Hobbes to even qualified obsolescence as the champion of the liberal way of life. Indeed when in the final pages of the book Stauffer briefly but eloquently surveys the current scene (276–77), he sees nothing relevant that is not the legacy of Hobbes (or to put it another way, nothing that Hobbes could not or should not have foreseen).

Something is missing here, because the vision of politics that animated the republican revolutions of the late seventeenth through mid-nineteenth centuries was already no longer a Hobbesian one. Neither, a fortiori, were

those animating Lincoln's defense of the Union or the post-Lincolnian rhetorics of Teddy Roosevelt, Wilson, FDR, Churchill, or JFK. Their rousing and uplifting promotions of liberalism both at home and abroad had left Hobbes's dourness far behind. (For better and for worse, a Hobbesian grouch might comment—is Stauffer that grouch?—but the differences are clear.)

On the theoretical plane (with which the practical one has of course been intertwined) the brittle rationalism expounded by Stauffer fails to do justice even to Lockean liberalism (with its appeal to the centrality of political liberty as ambiguously an end and a means), to say nothing of the Kantian, Hegelian, and Millian versions of a liberal political order.

Or could it be that liberal modernity is more Hobbesian than might at first appear—because in a crucial respect Stauffer has miscast Hobbes? One of the very best aspects of Stauffer's argument (and one of the most careful, which is saying something) is his consideration of Hobbes's concealed moralism. True, Hobbes sometimes proclaims loudly that the state of nature is entirely devoid of justice or morality—which claim advances his crucial contention that the best things in life we owe not to God or nature but to our own contrivance the Sovereign. On the other hand, he contradicts himself on the question whether man in the state of nature has a right to all things or merely those things he deems necessary for his self-preservation, and refers with withering disparagement to those natural troublemakers bent on illegitimate gain or (worst of all) glory. Indeed, Stauffer persuasively argues, Hobbes's very use of the term *right* ultimately implies a hidden moralism in his presentation of the natural state, as it is only within an implicitly moral framework that the very notion of right makes sense (211–22).

So, concludes Stauffer, there is a hidden moral scaffolding supporting Hobbes's dour appeal to self-interest rightly understood. Here I will see Stauffer and raise him. In fact, Hobbes's appeal is a moral one from beginning to end, and that it is on this, much more than on his case from self-interest, that its lasting power has depended.

Stauffer insists on how little Hobbes's morality demands of us—no more than to go along to get along, to stay out of others' faces, certainly nothing in the way of nobility. Here I disagree. In the respect crucial for it Hobbes's morality demands more of us than any previous one. Hobbes founds (or borrows from Christianity or Montaigne: we won't quibble) the distinctively modern form of nobility: the frank confession of our unworthiness and hence the emptiness of our claims to superiority over others. Of course, Hobbes also

argues that self-interest requires us to abandon our pride. But that argument would be ineffectual in the absence of his demonstration that no such pride is warranted. (Or rather, to do justice to the subtlety of his psychology, that we can justly take pride only in our renunciation of pride.) It is only because he has reduced us in our own eyes to such low beings that he can require of us that we acquiesce in the pursuit of such low ends (while deriving moral satisfaction from the self-mastery on which such acquiescence depends). This is the crucial sense in which Hobbes's scientific (including his psychological) and religious arguments are necessary to the success of his political ones.

What Hobbes unleashed upon the world, then, was not only or primarily a morality of rational self-interest, but modern moral egalitarianism, in all its sometimes-destructive dynamism. Of course, he sought to keep the lid on this power by harnessing it to his peculiar version of submissive authoritarianism. Yet his failure at this was as utter as it was inevitable. It was not just that, as Stauffer notes, later modern thinkers would seek to restore to politics the nobility that Hobbes had expunged from it. It was also that Hobbes himself pointed the way to their doing so. By exposing the vanity and therefore the baseness of all claims to natural superiority, Hobbes laid the basis of a new version of morality following from the rejection of these as incumbent on and possible for all. The imputed dignity of all replaced the old nobility of some.

True, Hobbes's successors—like him moral realists all—sought as he did to demonstrate the congruence of morality and self-interest. Even so, modernity has never been only about arguments from self-interest alone—not even in its Hobbesian version.

Response to Kries, Mathie, and Orwin

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It is inevitable that a response to reviewers will focus on their questions and criticisms rather than on the positive things they say in their reviews. Before I submit to that necessity, let me express my gratitude to Douglas Kries, William Mathie, and Clifford Orwin for the time and care they obviously put into reading and reflecting on my book. I am pleased by their praise of my work, but more than that, I am gratified to have the opportunity to wrestle with such serious and thoughtful responses to it. I will not respond to every point, not even to every critical point, that Kries, Mathie, and Orwin raise in their reviews. I will limit my response to what seem to me their most important criticisms and questions, taking up the reviews one by one.

I begin with Douglas Kries's review. Although his review is generally positive, Kries suggests that in my fifth chapter, on Hobbes's confrontation with the Bible in part 3 of *Leviathan*, I go into too much detail, and he asks, "Why would Hobbes hide his disagreement with the Bible in this part of *Leviathan* when it is on display throughout his other works and even in other chapters in this one?" I share Kries's view that Hobbes's exotericism is a more transparent version of the art than most others. Nevertheless, it exists, and Kries goes too far when he says that "only certain modern interpreters have been taken in" by it. More important, however, than the degree of difficulty in penetrating what I think are at least somewhat denser rhetorical walls than Kries allows is that my aim in my fifth chapter was to go beyond the common suggestion that

Hobbes's "interpretation" of the Bible in part 3 of *Leviathan* is guided by the intention of turning an enemy into an ally by arguing that the Bible supports his own principles. Although I do not disagree entirely with that suggestion and even offer a variant of it in my fifth chapter, I do not think it tells the whole story, because the deeper purpose of part 3 of *Leviathan* is to sketch the outlines of a more radical critique of the Bible. This is not a common interpretation, nor is the case for it as obvious as Kries suggests. That is why I thought it necessary to go into considerable detail as I tried to uncover not just the presence but also the character of the more radical critique. I was concerned, too, to ponder that critique's strengths and weaknesses, which could be done well only on the basis of an adequate exposition of its main features.

Kries also raises a doubt about my suggestion, in chapter 6, that Hobbes retained a moral notion of right in his amoral conception of the state of nature. He remarks: "If Hobbes is really as sophisticated a writer as Stauffer suggests in chapter 5, one wonders why Hobbes overlooked such an inconsistency." My general answer to that question is that sophistication of writing and even of thought are compatible with some level of confusion regarding one's own deepest moral convictions. If Hobbes lacked full clarity in this regard, he would not be the first—or the last—highly sophisticated writer of whom that was true. As for the more specific reasons that Hobbes might have failed to understand his own views, I think there are two. First, the moral law in which Hobbes seems to have continued to believe is so undemanding, so permissive, that it is easy to miss the fact that it remains a moral law in a significant sense. Second, Hobbes's hopeful anticipation of another kind of "moral law," that is, of a rational morality of the sort that he thought could be built on what he regarded as an amoral foundation, may have kept him from dwelling on the question of the true character of that foundation. In the first instance, Hobbes's "sophistication" may have been so far from a reflection of his clarity that it was even an obstacle to it; in the second, his own hopes may have concealed from him an important feature of the harsher or more pessimistic side of his thinking. Admittedly, these are somewhat speculative suggestions.

William Mathie raises a question about my approach of drawing from works throughout Hobbes's corpus rather than focusing exclusively on *Leviathan*. Referring to an argument of F. S. McNeilly about the primacy of *Leviathan* in Hobbes's corpus, an argument with which he seems to have some sympathy, Mathie asks whether we should "doubt the integrity" of several of Hobbes's works. Judging by the context in which he poses that

question, he seems to be referring primarily to *The Elements of Law* and *De Cive*. Should we “doubt the integrity” of these works? For my part, I do not see any considerations that call into serious doubt what could plausibly be regarded as their “integrity.” It is true, as I acknowledge in my book, that the *Leviathan* surpasses *The Elements of Law* and *De Cive* in some obvious ways: in its rhetorical power, in the breadth of its treatment of many questions (especially concerning theological and ecclesiastical matters), and certainly in its influence. Still, it remains possible and even necessary to regard the earlier works, which Hobbes never indicated were superseded by *Leviathan*, as genuine expressions of Hobbes’s thought. Moreover, my aim in writing the book was to explore Hobbes’s thought in its full dimensions, not to offer a commentary on one of his works, not even his most polished and famous. Does the fact that some aspects of that thought are more clearly or fully expressed in works other than *Leviathan*, such that the pursuit of it leads one into those other works as well, call into question, as Mathie suggests, “Hobbes’s standing as a philosopher of the first rank”? I do not see why that would be so, because I do not regard it as an essential mark of “a philosopher of the first rank” that he have expressed every aspect of his thought most clearly and adequately in a single work. Did Plato or Aristotle or Rousseau do that? Is their status as philosophers of the first rank to be doubted because they wrote multiple works and expressed various aspects of their thinking in different ways in their many works?

Nor do I regard it as essential for inclusion among the philosophers of the first rank that a thinker never be mistaken. It is true that I suggest that Hobbes was sometimes mistaken, as Mathie points out. In response to Mathie’s further question as to whether I admit this possibility too soon, let me say this. It may well be the case that I criticize Hobbes in one or another instance too quickly; I do not deny that possibility. But I tried to protect against the risk by always making my best effort to understand and present Hobbes’s thinking before raising any objections to it. That is why my objections tend to come at the end of my chapters, after long analyses of Hobbes’s arguments. I did not intend my book primarily as a critique of Hobbes; my first and most important aim was simply to understand his thought. But a confrontation with a thinker such as Hobbes—especially one who played such a crucial role in shaping our own thinking as moderns—can and should, I believe, involve wrestling with his arguments in the sense of questioning them. If I do that prematurely in some instances, it was contrary to my intention. At some point, though, my own questions had to be raised and my own doubts expressed.

Finally, let me turn to the question Mathie raises about why I included a long analysis of Hobbes's natural philosophy in my book. Mathie rightly observes that I do not regard Hobbes's political philosophy as derivative from his natural philosophy. That leads him to ask: "Why then does Stauffer devote a long (and very fine) chapter to an analysis of Hobbes's natural philosophy as set out in his *De Corpore*?" Three reasons. First, Hobbes's natural philosophy is not confined to *De Corpore*; it makes at least a cameo appearance in some of his political works, including *Leviathan*. Second (and related to the first), Hobbes's natural philosophy is of some importance to his political philosophy, because, as I argue in my book, although Hobbes's political philosophy is not derivative from his natural philosophy, it is not wholly separate from it either. There are various connections between these two realms of Hobbes's thought, connections that I discuss at some length in my book. Since my account of those connections is too long and complicated to recapitulate here, I direct interested readers to the opening sections of my second and sixth chapters (35–39 and 184–94). Third, whatever connections it may or may not have to his political philosophy, Hobbes's natural philosophy is of interest in its own right. As I point out in my book, *De Corpore* is the work to which Hobbes devoted the most effort, and he even went so far in the penultimate sentence of *Leviathan* as to refer to his work on *Leviathan* as an interruption of his "speculation of bodies natural" (*Leviathan*, Review and Conclusion, 17; see my p. 38, especially n. 4). Hobbes is of course most famous and influential as a political philosopher; but he was more than a political philosopher. By the same token, those of us who are scholars of political philosophy understandably focus on political philosophy; but we need not confine ourselves to it. In fact, we run the risk of perpetuating a distorted impression of the character of philosophy itself when we do.

Let me begin my response to Clifford Orwin's review with a partial concession of one of his two main points of criticism of my book. This is his contention that I exaggerate the Hobbesianism of liberal modernity by suggesting that the latter is simply continuous with the former. I think he is right to say, especially of the sweeping statement on Hobbes's legacy with which I end my book, that I do not take adequate account of the modifications of Hobbesianism, both philosophic and political, that have shaped modern liberalism as we know it. So *mea culpa*, to some extent.

I say "to some extent," and my concession is only partial, for two reasons. First, Orwin oversimplifies what he rightly sees as my own oversimplification.

I do not quite argue that liberal modernity is “thoroughly Hobbesian” or that there is “no daylight between them,” since I frankly acknowledge at least one difference—regarding the expansive authority Hobbes is ready to give the sovereign—when I first address the matter (see 4–5; see also 265–68). Second and more important is that I think that I think—I would have to know more about Orwin’s own views to be sure—that the difference between Hobbesianism and modern liberalism is less profound than Orwin thinks it is. It is certainly true that Hobbesianism was modified as it turned into modern liberalism, and that modification involved, among other things, various efforts, some more conscious than others, to ennoble or elevate modern politics. Orwin refers to some of these efforts, philosophic (e.g., Locke, Kant, Hegel, and Mill) and political (e.g., Lincoln, FDR, Churchill, and JFK). Yet, as it seems to me, not only have these efforts retained the Hobbesian core of liberalism, insofar as they have not called into question the primacy of individual rights or the limited, secular aims of the state, but they have struggled to maintain the elevation they have at times managed to achieve. Is it not characteristic of modern liberalism that the glow that it can sometimes emit in times of crisis, especially when its principles are defended by leaders like Lincoln, Churchill, JFK, or even George Bush in the wake of 9/11, tends to fade with the resolution of the crisis? Is that not why even so ardent an advocate of modern liberalism as Francis Fukuyama expressed his worry that the victory of modern liberalism, were it to be cemented, would bring with it a sense of malaise and aimless drift, as people turned back to their economic pursuits and private lives? The tendency of liberalism to lose its sense of high purpose even or precisely when it prevails could be interpreted—I would interpret it—as due to the gravitational force of its Hobbesian core, pulling back to earth the various attempts at turning it into something transcendent.

But what about the principle of equality as the source of moral dignity in modern politics? Is that not, as Orwin suggests, a respect in which Hobbes’s legacy has had the opposite effect and given modern politics a moral purpose that is more dignified than the pursuit of self-interest? Can one not trace a path, by way of that principle, all the way from Hobbes to Lincoln at Gettysburg or to FDR’s New Deal, if also to more turbulent expressions of modern egalitarianism? Here, too, I find it impossible to deny that there is some truth to what Orwin says. Although Hobbes’s egalitarianism does not go undiscussed in my book, I may not have given it the prominence it deserves as an important part of the revolution in morality that Hobbes helped to initiate. Still, I do not think that equality is an especially demanding or lofty moral principle in Hobbes’s thought, if it is even much of a moral principle at all. It

is true that Hobbes attempts to knock down the pride of the arrogant, even with the indirect message of a natural philosophy that would allow no one to regard himself as the special darling of nature or God. But Hobbes's direct arguments for equality are either somewhat tongue-in-cheek—we are all equal by nature because even the weakest can kill the strongest, and if some men think themselves wiser than others, well, almost all men think that, and “there is not ordinarily a greater sign of the equal distribution of anything than that every man is contented with his share”—or they are aspects of his “laws of nature,” which are best understood as maxims of prudence aimed at keeping us alive. Hobbes even goes so far, in his ninth law of nature (“against pride”), as to urge upon his readers the calculation that should it be true (as it might be!) that “nature have made men unequal,” it is nevertheless the more prudent course to “admit” the equality of others because that makes it easier to live in peace with them (*Leviathan* 15.21). A commitment to or at any rate a prudent concession of equality is, for Hobbes, a source of safety, to be sure, but not of profound dignity or the deep moral satisfaction that arises from difficult self-mastery. I agree with Orwin that Hobbes calls for a renunciation (of sorts) of pride, but I do not see him taking the further step, which Orwin imputes to him, of urging men to take pride in their renunciation of pride. That such a step was taken in later generations, I do not deny; but it is not there in Hobbes, except in the most nascent sense that he attacks vanity and condemns aggression for the sake of glory. Nor even in the more robust and obviously moral forms of egalitarianism that emerged later does a commitment to equality seem to me to offer an alternative to older conceptions of moral duty and nobility that is powerful enough to rival them in its demands and capacity to elevate the soul. As the greatest analyst of modern egalitarianism has observed, the love of equality can coexist with a moral development in which “self-interest rightly understood” comes more and more to replace devotion; the two developments even tend to travel hand in hand, according to Tocqueville. Or, to look closer to home, how many people these days, as fervently committed as so many are to equality, are asking not what their country can do for them, but what they can do for their country?

Replies to Devin Stauffer from Clifford Orwin and William Mathie

REPLY OF CLIFFORD ORWIN

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I am grateful to Tim Burns and Devin Stauffer for the opportunity to learn from Stauffer's thoughtful response to my review and to reply to it if I so wished. For reasons of principle as well as prudence, however, I hold that the author rather than the reviewer should have the last word in their exchange. I will therefore double down on one aspect of my earlier comments only: that no reader of this journal (as well as no scholar of Hobbes) should miss Stauffer's excellent book.

REPLY OF WILLIAM MATHIE

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I am grateful to Devin Stauffer for his thoughtful response to some of the points I made, or tried to make, in my review of his book. And I thank the editor of *Interpretation* for the opportunity to reply to Stauffer's response. For me, this is a welcome opportunity to state more clearly what was not clear enough in my review. Or even to clarify my own understanding of something that has long puzzled me as a reader of Hobbes. The question baldly stated is what to make of the fact that there are several "versions" of Hobbes's teaching and that Hobbes himself has never indicated that one supersedes the others. The scholar I quoted in my review objected to the assumption made by many

interpreters of Hobbes that their job was to reassemble a teaching that had somehow fallen apart. I disagree with that writer's solution to this problem, which was to argue that what distinguishes *Leviathan* from *De Cive* and the *Elements* is the superiority of *Leviathan*. And so, I think, does Stauffer. In my review, I went so far as to suggest that the danger in reassembling Hobbes's teaching is that it implicitly questions the integrity of the works from which the components of the new account of Hobbes's teaching are drawn. Stauffer objects to my suggestion as he understands it. For my part, I did not mean to question the integrity of *De Cive* or even the *Elements*, or to doubt that each is "a genuine expression of Hobbes' thought." What I want to propose is that Hobbes writes with a different purpose, perhaps for different readers, in each of his works, and that a full understanding of his fundamental intention as a political philosopher needs to see what distinguishes as well as what links those works. At the risk of exaggerating the point I want to make, I am suggesting that the interpreter of Hobbes should approach his *Leviathan* and *De Cive* as the interpreter of Plato would the *Gorgias* and *Republic*. Perhaps, then, my complaint is that Stauffer did not write the book that I wish someone had. But setting aside that complaint, I would repeat that I have learned much from the book Stauffer did write.

Svetozar Y. Minkov and Bernhardt L. Trout, eds., *Mastery of Nature: Promises and Prospects*. Philadelphia: University of Pennsylvania Press, 2018, xiii + 268 pp., \$65.00 (hardcover).

Review Essay

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In chapter 9¹ (“Lucretius on Rebelling against the ‘Laws’ of Nature”), Paul Ludwig’s Lucretius confirms a lesson Bartlett attributed to Plato and Aristotle: nature (including death) is to be *accepted*, rather than mastered (compare 105 and 122). Ludwig further confirms the affinity both Bartlett and Minkov had pointed to between religion and modern science: both enterprises are expressions of a will to defy death, not to speak of a will to power. On the other hand, Ludwig’s Lucretius would seem to disprove Nadon’s quasi-Nietzschean argument that ancient Socratics (if not, more generally, all *idealists*), as closet materialists, sought to master nature in secret.

Ludwig shows that Lucretius would regard the quest to master nature, and modern science in particular, as lacking reflection on our mortality and thereby as needing to be purged of utterly vain interests (124). Modern science would be further committing the error of believing that nature functions according to abstract-symbolic or overarching “laws” (begging for a lawgiver, be this human or otherwise): for Lucretius there can be only “rules of compound” understood as free or “democratic” *alliances* (Ludwig renders Lucretius’s *foedus* as “covenant”) between “atoms,” the infinite determinate

¹ This is the second part of a two-part review essay. The first part appeared in issue 45, no. 2 (2019) of this journal.

entities populating an utterly indeterminate, overall senseless “void” (123–24). Now, since Lucretius understands the “alliances” between atoms—atomic “compounds”—as temporary “truces” in the context of “a kind of warfare of clashes” leading to periodic conflagrations (125), the very notion of a science of natural laws (modern “Science”) would make no sense to him. What is more, for Lucretius belief in nature’s “laws” would be especially pernicious insofar as it would invite (a “backslide” into) religion or theology (122 and 126). Yet, in the very act of reducing the human (and visible) to the subhuman (and invisible)—thereby conceiving nature as destructive of ethics—Lucretius cannot avoid speaking of inanimate “atoms” (ultimate reality) in *human*, not to speak of religious (“conventional”), terms: while failing “to save certain appearances,” Lucretius also fails to account for their ground (127).

In spite of his failures, Lucretius insists that rational life is reducible to the irrational and inanimate, just as Leibniz would elevate the latter to the former. Yet, Lucretius’s “reduction” emerges in the context of ethical concerns: the philosopher’s aim is to free himself and others from all religious hindrances to the life of the purest possible pleasure, which coincides with the greatest possible indifference to nature or death (128–29). Lucretius’s ethical concerns are such that he would rather lie—or poetize—about nature, than concede the possibility that nature is subject to a superhuman authority (129–31).

Whether or not Lucretius understands his account of nature as a mere *expedient means* serving his ethical ideal, it is clear that he does not want us to think of natural science as an end in itself—lest we mistake his “science” for a religion whose merciful gods Lucretius suspects of demanding of us a terrible price (130).² Lucretius seems to accept that natural science has natural or necessary limits compelling the scientist to lie, if only for a “good” cause. Neither nature, nor any “scientific method,” but an ideal irreducible to both science and nature provides a standard for science. It is that very ideal that compels Lucretius to invoke gods that are none other than self-projections of Epicurean philosophers (130–31).³

Ludwig supplements his review of Lucretius’s natural science with doubts concerning modern natural science, which apparently no longer believes in immutable natural laws (130). While silent about the notion of a “multiverse,”

² For an elegant satirical reference to “the infinite mercy of the Most Merciful and Most Terrible God,” see Edgar Allan Poe’s “The Black Cat.”

³ In compelling itself to reject any appeal to gods, modern natural science shows to be moved by a non-Epicurean, social-minded, progressive ideal.

Ludwig reads recent developments in natural science as leaving space for divine intervention by indicating that something does come from nothing, after all, and that an intelligible order does not require infinite time to emerge.

Received views of natural science as “materialistic” are further unsettled by 1) the re-emergence of an Aristotelian-like account of “things”—defined primarily by their effort to use their material (131)—as well as by 2) reflection upon ends: in the supposed absence of anything eternal, is scientists’ contemporary turn to pure, ethics-free “theory” futile (132)? Would contemporary natural science be “superior” to its ancient precursor simply by conceding that, if all is in motion, then science itself must haplessly be, as well? Today’s “science” stands in the shadow of a theoretical bankruptcy marked by the conclusion that reason (science) itself is rooted in the passions (the unscientific): science’s own method is couched in the very unruly passions, the very mortality it is supposed to channel, if only for science’s own sake (133).

Ludwig ends his intervention with a critical reflection on the *practical* end of modern science: deliverance from a death entailing the *impossibility* of indefinitely progressing empowerment (133–34). In spite of an earlier suggestion that modernity ultimately views power as subservient to contemplation (132), Ludwig now suggests that modern science promises mere empowerment (means devoid of ends), rather than the channeling of power into the glory of science or knowledge itself. Are we then to understand modern science’s promises in terms of a charm, perhaps even a drug, inducing us to accept stooping under an otherwise disagreeable monastic yolk?

Ludwig’s critical argument that modern science leaves us (especially those of us who are not scientists) with a life to endure as “self-imposed Hell” (134) is mute before the possible objection that modern natural science is the learning vehicle (form or mind) of man’s self-transformation in a self-transforming universe: our “Science” might be a universal “adventure of ideas” (Whitehead) inviting us to transcend any and all preassumptions concerning the nature of Being. Yet—Ludwig might interject—were our “Science” to truly be such a wonderful adventure (an ascent, as it were, of material life to a purely spiritual one), it would be eager to follow Socrates’s old advice to reexamine *first of all* its own preassumptions concerning what Being is or is not (where, as means stand to their inherent ends, what we do is of secondary importance vis-à-vis the investigation of the reason why we act).

In chapter 7—“Return to Nature vs. Conquest of Nature in Rousseau”—Arthur Melzer finds Rousseau at the crossroads between early and late modernity. The first striking lesson to be gleaned from Melzer’s reading of Rousseau is that the philosopher’s return-to-nature project arises as the radicalization of the early modern quest to conquer nature (138, after 5). Rousseau’s critique of modernity on modern (though “essentially classical”) grounds, or modernity’s own self-critique, appears to be the self-critique of what Melzer describes (purportedly against the grain of “Christian thinkers”) as “a drive to control everything, to master and alter nature” (249; even though Melzer’s sentence brings to mind St. Augustine’s *libido dominandi*). In the hands of an immoderate posterity, Rousseau’s moderating critique, based on an awareness of the precariousness of the modern project, opens the door to the view that nature itself empowers us to best govern it: our modern drive to dominate nature would ultimately be nature’s own; science itself would be the product of an evolution that may very well point beyond science.

The extent to which modernity’s self-critique leads to the rise of a late modern or Nietzschean will to power/life seems to depend upon Rousseau’s strategic propensity to invite a “new nature-religion” in order to support his “political and psychological” interest in a universal “healthy and happy life” (139). Late modernity tends to ignore the ethical ground of the rise of its conception of nature, thereby misunderstanding itself.

Melzer’s Rousseau echoes lessons spelled out in earlier chapters, where the popularization of natural science is “simply bad” for two reasons: 1) cosmopolitan, peace-loving natural science undermines the traditional civil life and order required to avert anarchy; and 2) natural science is good only when pursued by “genuine philosophers” as an end in itself, rather than by war-loving “ordinary men” as a means to self-empowerment. In Rousseau’s words, “it is good for there to be philosophers provided that the people don’t get mixed up in being philosophers” (141).

While ancient peoples were kept at bay by being made subservient to civil “morals and virtue” (i.e., to civil religion, or a religion of state), moderns are domesticated by being made mutually subservient in an ever-expanding web of financial interests (142, 144). With modernity, all religious authority is to be overcome as an obstacle to a happiness fostered by progressive, technologically mediated empowerment of a collectivity over its natural resources (143; compare Ludwig’s conclusive reflections on modern materialism as “prevent[ing] us from being happy”). The most notable defect of the modern alternative is that, by fostering universal greed, it tends to promote—if only covertly—a

conception of law as means for “mutual deceit and exploitation” (144), or for the rise of an oligarchy dominating tyrannically over hapless masses.

Now, where modernity is bad, not merely for societies as a whole, but also for “individuals,” Rousseau departs from “abstract theorizing” to propose a practical remedy to modernity’s ills. Where no return to a healthy, ancient republican ideal is realizable in a modern world dominated by religiously spun tyrannical universals (*pace* French revolutionaries [145]), Rousseau’s advice to his ideal student (Emile) is to accept as inevitable his unhappiness, since “in the modern monarchical world...the public realm is hopelessly illegitimate and oppressive” (146).

Why is our technocracy inimical to “individual happiness”? First, the machinery of technocratic plutocracy is programmed to destroy all moderation, or any middle ground between the ascetic “complete extirpation” of all desire and the utterly unbridled desires of capitalistic societies.⁴ The problem with capitalistic societies is that they turn our otherwise “basic...innocent and healthy” *natural* desires into our anarchic, deceiving, tyrannical masters (147–48): unbridled, madly fueled desires rob us of all self-reliance, reducing us to a state of outright slavery. In such a state of radical dependency, we are continuously distracted from the reality of our present lives, by being driven to pursue ever-new idols, “in the direction of immortality” (150). Immortality turns out to be the target of our “deepest longings,” which we require “tremendous inner strength” to contradict (151). It is the task of the consummate hero to awaken “from the fantasy of immortality,” accepting death as his “inevitable end” (151).

In thus sketching Rousseau’s lesson for our age, Melzer leaves us, at least provisionally, with a contradiction between our *bad* “deepest longings” (purportedly grounding the project to conquer nature) and the “basic...innocent and healthy” desires of our *good* nature. The contradiction is at least partially solved where human nature is self-contradictory, or where man is himself by negating himself (thus always in the process of transforming himself), most notably by subjecting himself to necessary evils of his own making. Our “basic desires” would be good only as long as we regrounded them from an original soil of “mechanistic laws of nature” onto the plane of “law one

⁴ In speaking of Rousseau as rejecting the extremism of the “Buddhist ascetic,” Melzer does not notice that his expression is, in Buddhist terms, an oxymoron (Melzer may be thinking of a *Brahminic* ascetic). This is not to say that Buddha’s “middle way” (*mādhyaṃaka*) is compatible with Rousseau’s (*materialistic*) acceptance of death, since Buddha’s lesson probes death as door to truth, or even as consummate illusion (as Dante’s Platonic use of pagan and Christian imageries in the *Comedy* shows well, there is no need to struggle against illusions).

has prescribed for oneself” (154);⁵ hence the link Melzer highlights between Rousseau and Kant.⁶ In sum, our yearning for physical immortality would be redeemed (*felix culpa*) as medium for the rise of a legal order upheld *as if* it were eternal.

Melzer’s chapter does not ascertain whether our admittedly universal longing for immortality is originally flawed. Is our longing originally a mask for fear of death, as well as the unequivocal root of modernity’s quest to conquer nature or death, as Melzer’s Rousseau invites us to conclude? Conversely, would the abandonment of “the conquest of nature” ultimately require a materialist critique of *all* idealistic impulse towards immortality, as “inauthentic” (Heidegger)? (On p. 159 of chapter 11, however, Velkley indicates explicitly that mastery of nature presupposes a mechanistic conception of nature.)

It is unclear how Melzer’s Rousseau would respond to the objection that the materialist’s own “salutary fatalism” (151) is the *unnatural* mask of a will to life or power that our *natural* longing for immortality may help us transcend—not merely conceal. Otherwise put, Melzer’s analysis notwithstanding, it is hard to see how the sheer resignation of “self-concerned” citizens (141) in the face of death—as opposed to any quest for eternity—might ever serve as catalyst for the good life. Might Platonic idealism—though not understood as a mask for Epicureanism—fare better or best in helping us investigate the mystery of death, *beyond* the temptation of reducing death to a necessity that is as impervious to thought as is the will of the fiercest of despots?

“Exoteric” Platonism appeals to an original metaphysical (human) nature, or to the distinction between two worlds, that of Being and that of Becoming: the first is qualified by a noble, *good* infinity (absolute indetermination) that Platonic poetry calls us back to; the other, by a vulgar, *evil* infinity (relative indetermination) that Sophistry portrays—if only by way of fleeing it—as the only real one.

Failing to allow for an original Good (including the originally good human nature that Christianity evokes in speaking of a Second Adam, or of an original blessing), Epicureanism is vexed by an unnecessary struggle against human nature—a struggle that comes to light especially with

⁵ On modernity’s “transplanting” of man, see Giacomo Leopardi, “Prize Propositions Made by the Academy of Sillographers,” in *Operette Morali*.

⁶ The project at hand may be summarized as follows: where human thought tends *naturally* to return to its infinite perfection—a perfection that is beyond thought—our natural inclination ought to be reoriented towards a goal achievable in *this* world. We must struggle to “translate” death into life (cf. Rousseau’s *Reveries of a Solitary Walker*).

modernity's universal proselytizing of an Epicurean soteriology. Plato's ironically "apologetic" Socrates testifies to the fundamental alternative of a poetic disclosing-conversion of the deceptive infinity of ends habitually dominating our senses, to their enlightening, ontological antecedent: the infinite depths of meaning, or of death. Through Platonic poetry, the mortal dreams we are ordinary lost in are redeemed as mirrors of the infinite irreducibility of Being (immortality).⁷ Whence stems, finally, the capacity of Platonism—exoterically understood as opposed to any mode of Epicureanism—to help us live in our unjust societies without struggling, or feeling compelled to flee them.

Further difficulties, however, affect Melzer's account of the evils of technocracy. To begin with, the account is contradicted by the fact that the (capitalist) machinery of production of vain distractions (fetishes) characterizing our technocratic bureaucracies does set heavy restraints upon our desires by creating "dreams" (not least of them those of the "news" entertainment industry) serving as boundaries of our imagination. As Aldous Huxley warned the twentieth century, the democratic unleashing of desires presupposes a machine domesticating them—purportedly, lest our desires end up devouring us. What is more, as instruments of the modernist project, our technocracies would seem to be set up to allow natural scientists (including the likes of Rousseau) to pursue their quest for knowledge, relatively unhindered by popular misologic suspicions (140). Is it not in the interest of Epicureans that modern capitalistic technocracies offer us a "poetry"—including a "nature-religion" à la Rousseau—distracting "ordinary men" from the ground of their ignorance, lest (over)exposure to this ground, as to *truth*, convince us that ordinary life, or a life of civil obedience, is not worth living? And are our "masses" not continually distracted or entertained precisely by the death-bound present ("this moment") that Rousseau's nature-religion itself would call us "to live in and enjoy" (151)?

To be sure, the present that our bureaucratically fed generation "enjoys" (or succumbs to) is a technocratically mediated illusion; our hypermediated

⁷ Platonism's "redemption" stands as consummation of a pre-Socratic, ancestral yearning for eternity. Even if for preliterate or prehistorical peoples the world of the dead was infinitely more important and indeed real than that of the living (to the former were dedicated stone temples, or "doors" to eternity, from early dolmens to Rome's Pantheon), pre-Socratic man seems inexplicably "condemned" to live, even as he bears witness to eternity in his every doing (consider, e.g., the animal drawings of Lascaux as "signs" or "premonitory recollections" of man's coming, i.e., of the revelation of *logos*). With Socrates, death is a reminder not only that man as *logos* hides, i.e., that he is eternal (whereby the living are destined to return to an underworld), but that human, poetic life is a precious, blessed gift, being the consummate, universal sign of the eternal hiddenness of *logos*. Man is the "sign" (his life, the signaling) in which the eternal *logos* speaks to, or gathers, all "signs."

present is hyperfrustrating. Rousseau's life-simplifying nature-religion—as the theatrical stage he planned for our world (139 and 141)—promises greater intimacy with death, or a life “in the true world” (152); it promises less frustration and more enjoyment. Yet, the Epicurean foundations of Rousseau's proposal bring it to naught. For, by *merely accepting* death, Epicureanism alienates us from what death might *mean*—from the *inner reality* of death. Thereby Epicureanism invites, and so fails to undermine, popular proliferation of illusory defenses against death, “walls” rendering palatable or sweeter the bitter inexorability of the supposed ultimate senselessness of death, which is to say, of our lives.

A “secret affinity” may be finally evinced between Rousseau and our “nature mastering” societies, insofar as—witness Melzer—by no means do contemporary technocracies prevent Epicureans from calling decadent masses to flee their “hopelessly illegitimate and oppressive” societies in search of properly Epicurean happiness (146). If it is true that the process of “globalization” pretends to embrace four-dimensionally all that is human—feigning to shelter man from violent death, as if the anesthetic effect provided by our fetishes amounted to anything better than a palliative in the face of life's horrors—it is at least equally true that the universal technocracy in the making retains an air of indifference to the proliferation of communities (both in and out of academia) of Epicurean discourse thriving in the shade of tyranny. In short, considering the impossibility Rousseau finds of a return to the lofty morality of Sparta (145), the technocratic Leviathan seems to offer the best tradeoff for present-day Epicureans.

Velkley's chapter 8—“Kant on Organism and History”—retraces the rise of a metaphysical morality to the tension between two coexisting elements in Kant: the appeal to nature as supporting modern man's ascent to secular freedom (freedom as a good in itself), and belief in nature's mechanistic character (156–59, 167). The tension in question begs for reconciliation brought about by a sovereign moral or action-guiding judgment deducing (supersensible) meaning by applying the laws of human reason to the objects of natural science (163–64, 167). What judgment achieves is *evolving* exposure of the ground of the tension between our self-organizing powers of practical understanding, and nature perceived as a machine. Whence Kant's ultimate rejection of a mechanistic understanding of nature (although Kant leaves open the possibility that nature is “an ‘intentional technic,’ in which

mechanical laws are employed to achieve purposive organization,” beyond our understanding [167]).

Whereas nature is a machine *extrinsically*, or insofar as it remains exposed to human manipulation, nature is not *intrinsically* a machine, insofar as it possesses, on the plane of individual organized beings, “formative force...a force inexplicable on any analogy with a known physical ability” (165). Likewise, nature may be attributed a *telos* relatively to the rise of man’s liberty, but not with respect to the immanent interdependence of living organisms (of “beings in which everything is a purpose and reciprocally means” [166; compare 252n47]). Nature *in itself* baffles our reason (164). Yet, while arguing that there can be no science of nature *itself*—no absolute biology—and thereby no ultimate mastery of nature, Kant also *contributes*, if only indirectly, to the expansion of modernity’s nature-mastering project (162, 166, 169). As Velkley’s analysis leads us to conclude, by formally shutting natural science to nature’s ground (167), Kantian moral metaphysics *justifies* natural science’s quest to master a nature symbolically abstracted out of nature’s mysterious depths (see 251n21): whereas ancient *pure* metaphysics invites a contemplative return to nature’s source, Kant’s *practical* metaphysics (in the wake of Descartes’s “‘dynamic’ and expansive vision: of reason as progressively unifying the whole of what is available to human apprehension” [161]) invites us to handle nature as a means to human empowerment, if only by exposing natural science’s own conceptual apparatus or formal laws to possible revision.

More specifically, Kant calls natural science to subject nature to the “final purpose” (*Endzweck*) of a man whose “culture” is understood as latter end or “ultimate purpose” (*letzter Zweck*) of nature’s own development (167–68; apparently Velkley adopts the terms “end” and “purpose” interchangeably). Nature refines man *as if* it intended him to become nature’s lord (*Herr der Natur* [168]). De facto, nature prepares man for his supreme mission, “the full autonomy of the human species” (169), by subjecting man to innumerable evils—not least of them that of war—compelling man to enter a world of “sciences and fine arts”: “on the whole,” these institutions prepare man to awaken to his destiny (168–69).

As consummate beneficiary of nature’s own workings, or as being made *capable* of willing his consummation *beyond nature*, cultured (i.e., skillful, righteous and disciplined [168–69]) man is fully justified in making use of nature, yet again only in the interests of the final consummation of his own faculties (compare 253n56). To simplify Velkley’s analysis even further, we

may say that for Kant our nature-given or natural power justifies our making use of nature to fulfill our power beyond nature: when considering the whole human species, what we *can* do is what we *ought* to do. And yet, the justification of our “cosmopolitan” power (of the formal or superficial autonomy of our reason) requires that we expose ourselves to the fundamental possibility that nature does not *intend* us to master it—i.e., to exploit it in the service of the realization of a universal, free society—or that the autonomy of our reason (our certainty to be controlling nature) is an illusion or dream that nature feeds us to “remake the human” (170), that is, to compel us to serve the interests of an *unfathomable* evolutionary process that both begins and ends beyond us.⁸

The title of Gillespie’s chapter 12—“Beyond the Island of Truth”—refers to Kant’s vision of the modern, Enlightened or scientific world as an island of *factual* truths (organized, beyond Humean skepticism, in terms of the strict structures of human consciousness) floating in an ocean of illusory values (171–72). The natural surroundings of Kant’s seemingly water-proof fortress are irreducible to natural science’s perception of them. It is the task of “morality and religion” to testify to all that in nature transcends the measurements of natural science. As Velkley had already suggested, for Kant, moral and religious judgment shows natural science its limits, and thereby the *possibility* that nature provides rational support to science itself: moral and religious judgment (“practical reason”) produced through the application of natural science (“pure reason”) to nature helps confirm natural science’s freedom to quantify nature without troubling itself with questions of value or quality (173).

Yet, Kant’s “solution” to the tension between scientific reason and value judgment (whereby pure reason subjects itself to practical reason, as if to invite the latter to justify pure reason), or Kant’s attempt to save natural science from Humean skepticism, stands on a notoriously problematic account of (“bifurcated”) human consciousness (our “reflective capacity for sensing and thinking”) as inadequately grounded (174, 179). Gillespie’s chapter is dedicated to exploring Hegel’s attempt—and failure—to solve the fundamental problem of consciousness vexing Kant’s enterprise by *confirming* the inherence of reason in nature.

⁸ By exposing the groundlessness of Kant’s deontology, Velkley deflates Kant’s critique of happiness (168), inviting ipso facto a positive reevaluation of classical virtue ethics.

Hegel represents a post-Kantian effort to expand the subject-object sense of consciousness (*Bewusstsein*: “known-being” or “being that knows”) by thinking of consciousness as evolving from natural individualism, to the social life of a rational community, followed by the “absolute consciousness” of “autonomous, rational citizens” (and characteristic of “art, religion, and philosophy”), and ending in the “absolute knowing” (*absolutes Wissen*) of “God” (174–75). Whence the possibility of describing a “history” of consciousness *desiring* to rise from subjection to natural objects (“unthinking being”), to their integration via the negation of subjects, into the final realization of the object *as* subject. This historical synthesis of known object and knowing subject is what Hegel announces in terms of Science (*Wissenschaft*), or even of God himself understood as “the very rationality” of the scientific society having awakened to its own global history, and thus, too, to the true nature of God.

Being rational, the “history” of Science, or the arduous path leading to the rise of the scientific society, entails three poles: an eternal, pure “logic” of unfolding; a nature conforming structurally to the logic, a nature always ready-and-waiting, so to speak, to fuel the rise of Science; and a terminal, absolute or divine-like self-consciousness (175 and 254n10). By thus integrating within Science’s own genesis all that, with Kant, might have threatened Science, Hegel resurrects “traditional metaphysics” on the basis of its Kantian critique (176).

While integral to Hegel’s attempt to “save” Kantianism, Hegel’s account of nature has long been criticized, even by Hegelians, as “dead” (Croce). Now Gillespie sets out to reconsider it in the light of the problematic character of its notable detractors’ standpoint:⁹ a natural science that is essentially materialist or reductionist (notably of the macroscopic to the microscopic, of life to the inanimate, of human freedom to subhuman mechanics, of ends/whys to means/hows [176–78]).¹⁰ Hegel’s account of nature makes sense as an attempt to provide a rational synthesis of modern natural science and what it ignores to its own detriment, namely, its own existential background (or Husserl’s *Lebenswelt*, “lifeworld”—though Husserl is not once mentioned in the volume

⁹ While stressing that oft-critiqued aspects of Hegel’s account of nature are merely accidental (ultimately inconsequential) to Hegel’s system, *and* retraceable to the imperfect natural sciences of his day, Gillespie assumes that the modern doctrine of “evolution” (rejected by Hegel) is simply right (254n28).

¹⁰ Gillespie’s reference to ancient, prescientific or “mythological” thinkers asking “*who* the cosmos was” (176) inspires the deduction that, by abstracting its “how question” from the “what question” of ancient natural science, modern natural science manifests a will to fulfill the apparent impulse of ancient scientists to transcend poetry.

under review). With Hegel, these two hemispheres must be thought together, or dialectically (whereby, beyond Kantian ambiguities, we draw reason *out of* nature, instead of being limited to *impose our* reason on nature), lest the two remain unfruitfully at war with each other (178–79). The consummate fruit of the dialectic of the human and the subhuman, as of “freedom and natural necessity,” blooms at “the end of history,” with the rise of “the rational state” in which, to paraphrase Gillespie, nature or death emerges as “an intrinsic element” of civil life and order (179–80).

Yet, Gillespie’s positive reconsideration of Hegel’s “nature” is followed by heavy concessions to critics. Insofar as Hegel’s system is supposed to be fully rational, it is vexed by a lingering problem, namely, the “mysterious” character of its grounding necessities, especially that of the self-liberating projection of the realm of *unconscious* pure logic (reality in its absolute idea) into nature, but also that of the transition from objective nature to human self-consciousness (Spirit) (180–81). What sets the system’s “rules” in motion? Hegel’s “obscure and problematic” answer—his last-resort appeal to immanent necessity—falls short of the idealism of Hegel’s Christian neo-Platonic predecessors, who could self-consistently invoke a mysterious, hypostatic consciousness grounding the transition from the One to nature, and from nature back to the otherworldly One through man (sacred history).¹¹

Given Hegel’s failure to provide a rational account of human consciousness (the failure of his attempt to free us from the threat of modern natural science’s seemingly dehumanizing drive to reduce conscious life to any of its inanimate, quantifiable objects), what allows us today to resist the empire or tyranny of infinite unconsciousness? Rather than by pointing to an idealism that, being unconditionally open to a consciousness presupposed by nature itself, is free from the modern (Gnostic?) compulsion to quantify infinity,¹² Gillespie crowns his analysis of Hegel’s failure by casting our present

¹¹ Gillespie’s analysis falls short of relating Hegel’s “consummation” of Kantianism to Christianity’s “consummation” of Judaism via the revelation of a hitherto hidden “Second Adam,” *alpha* and *omega* of the sacred history of man (of a man cardinal to the constitution of the subhuman)—even as Christianity may be said to “borrow” from philosophy’s general quest for the universal background of “law.” With respect to the question of Hegel’s “idealism,” Gillespie’s discussion would have especially benefited from conceding that Christianity counters any *libido dominandi* (not to speak of a “will to power”) by understanding the relation between man (spirit) and the world in terms of self-sacrifice: man (through the cross, or by letting himself be immolated—cf. Socrates) becomes the catalyst for the world’s salvation (from blind, mechanical necessity). Yet, for Hegel, self-negation comes through armed struggle, or war: where there is only *one* world, the “winner” is not the meek.

¹² Footnote 20, p. 254, suggests that all idealism entails the imposition of consciousness on the unconscious.

predicament in Nietzschean terms, invoking the radical uncertainty of our fate (182).

Lise van Boxel's chapter 13—"Separating the Moral and Theological Prejudices and Taking Hold of Human Evolution"—explores the limits of Nietzsche's retracing of morality to theology. Van Boxel's exploration reminds us that, when uprooted from any metaphysical foundation, morality cannot be other than man's mask for a will to power—a mask that with the Nietzschean prophet serves *finally* (fatefully, presumably not providentially) or *consciously* as propitious mirror (188–90). At the heart of Nietzsche's revelation stands a secular *felix culpa* (compare 191).

Nietzsche's genealogy of morality proceeds through two stages, by first reducing all personality or center of (moral) consciousness to a Cartesian-like *ego*, which is then reduced to underlying unconscious motion or forces. The relativizing of morality (perspectivism [186–87]) is a prelude to the tyranny of genealogical motion, or "evolution," where being (determination), especially *conscious* being, is a function of unconscious becoming (the author speaks of "motion of the becoming that is the being's being"), entailing the despotic irrationality of the indeterminate (189, 191). Otherwise put, our moral determinations ultimately expose (us to) our progressive ("growing," "ascending," etc.) creativity (echoing Hegel's rationality?), rather than any perfect or self-contained being (as Aristotle's *noeseos noesis*) (190).

If it is the progressive nature or impulse of becoming that allows man to transcend his past, we may conclude that human life (the present) is the result of the interplay of mechanical necessity (the past) and a fully vital or self-conscious *end* (the future) that Nietzsche's genealogy necessarily presupposes—contrary to van Boxel's suggestions (190–91). Indeed, van Boxel reads Nietzsche's ultimate *good*—"the *fundamental* good" of "growth" or "vitality"—as merely an image of speech that may best contribute to liberating our creativity from all presupposed ends (*ibid.*). Van Boxel writes as if we could think of growth independently of any necessary end—as if a mere Kantian "as if" (an "ideal" or construct of human consciousness) sufficed for us to *really* progress; as if reality (real growth) could feed or stand upon mere supersedable, contingent illusions, including that of death. Accordingly, van Boxel concludes that a becoming (reality) without dying (an expendable illusion)—which is to say, the infinite perpetuity of the present—is (in principle?) conceivable (191–92).

Perhaps, then, for Nietzsche, growth itself is ultimately an illusion we use to “move” beyond it. Indeed, boundless growth or progress would seem to entail the sempiternal stilling or circular self-affirmation (falling short of eternal stillness) of the present; whence Nietzsche’s *amor fati*, the unconditional embracing of the impossibility to escape the present in its necessary disposition, as “eternal return of the same.”

Are we not then to conclude that Nietzsche presupposes a *real* end—coinciding with an ultimate awakening—after all? To be sure, insofar as it is predicated on the negation of the eternal fullness of being, Nietzsche’s “realization” does not so much entail the awakening from a dream (and certainly not an awakening presupposed by all dreams—as with Zhuangzi), as the dreamer’s “awakening” to the absolute character of dreaming: the “awakening” of the Nietzschean “superman” coincides with the broadest possible “perspective.”¹³ This “super-perspective” is achieved in or through Nietzsche, as at once radically new (insofar as previous thinkers had not yet risen to it) and primordial (insofar as it belongs to the fundamental reality of things): at the *end* or universal boundary of mankind’s journey stands a *coincidentia* of the *alpha* and the *omega*—an “absolute moment” that resembles intimately the sempiternal “end of history” (entailing the terminal synthesis of time and space, or the final resolution of diachronic strife into synchronic harmony) previously announced by Hegel (and, we might add, still rehearsed stutteringly by present-day astrophysicists).

Mark Blitz’s chapter 14—“Mastery of Nature and Its Limits”—opens by questioning the vulgar view that modern technology is compatible with nature conceived as bereft of any of the strict limits invoked by our intellectual traditions (193–94). The best counterview Blitz calls forth is Heidegger’s, whose message is introduced in terms of a call to be responsible for our historicity, or radical finitude, beyond which we—as self-determining, yet contextual, resolutions aiming at possible ends—cannot go (196).

For Heidegger, the manner in which we relate to our empirical context (or to “every entity with which we deal”)—indeed, the very order or meaning we see in it—stands in function of our *possible* (contingent) ends. Even in the case of technology, seen as a specific manner of relating to the world and presupposing one specific conception of finality, we do not confront the

¹³ See Leo Strauss on Nietzsche’s “*Thus Spoke Zarathustra*,” ed. Richard Velkley (Chicago: University of Chicago Press, 2017), 187–90.

world “neutrally” or naturally. Technology is not a mere, value-free tool. Indeed, the world technology presents or “frames” for us is a specific one of endlessly exploitable material (“endless reserve”), including both man and nature, and fueling the peculiar conception of our ends underlying technology: technology entails a drive to master both nature (“object”) and man (“subject”) whereby both are forced into a relation of mutual mastery (negation?) achieved through and under a technological imperative (196–97); is technology, then, supposed to incarnate Hegel’s “Reason”?¹⁴

Now, while technology’s transformation of nature and man was unknown to antiquity, the ancients did set the historical stage for it, according to Heidegger, by moving away from a fluid understanding of being as generation in and for itself, to a more static one of being as self-determination (198). In this latter case, being is conceived as open to *partial* exploitation—a first historical step towards the rise of an obscurantist technological approach to man and nature as objects of radical exploitation or violence (*hic et nunc*), rather than as self-disclosing realities (199).

Heidegger’s bleak vision of technology entails, however, a *felix culpa*, for, by an irony of history, technology is supposed to expose essential human features hitherto left occluded. As consummate expression (“last stage” [203]) of our will to power, technology manifests today, with unprecedented force, the relativity or illusory nature of all ends. Having demolished all previous ends as partial or provisional masks, expressions of our will to power, technology has completely exposed human finitude, allowing us to finally see past our will to power. As we witness humanity from the greatest perspective (cf. Nietzsche) of a will to power, we open ourselves, and thereby technology as well, to hitherto unnoticed—and “unpredictable”—dimensions of being (200). Heidegger’s own proposal is to view men as finite individuals “co-responsible,” together with their heritage, for the ordering of the world as mirroring its grounding will to power, lest this will render us oblivious to our radical nakedness before a “fearsome” reality (199–200). More specifically, the single human being is to project his “dying” resolutely (presumably insofar as he has access to nothing beyond mortality), thereby exposing himself as belonging to a whole “people” understood as repository of its history (Blitz

¹⁴ Compare Walter Benjamin’s reading of technology as mastering the relation between man and nature (instead of mastering either on its own), or as educating men to encounter nature in a genuinely universal manner (Walter Benjamin’s 1928 “To the Planetarium” [*Zum Planetarium*], in *One-Way Street and Other Writings*, trans. E. Jephcott [London: New Left Books, 1979], 174). Does technology provide a *positive* or liberating synthesis of nature and man? Do nature and man *meet* ultimately through or in technology? Is technology the consummation of ancient *poetry*?

does not provide a clear account of the manner in which, for Heidegger, I am bound to my “people”).¹⁵ It is only as part of a national heritage that I can possibly escape the tyranny of technocracy (both in its capitalist and communist guise), and begin “dealing with things” in a most illuminating (“authentic”), notably poetic, way (presumably, in ever-growing awareness of the interplay of our shared will to power and its unfathomable ground [200–201]).

Having questioned Heidegger’s critique of technology in the light of Heidegger’s infamous relation to Nazism, Blitz proposes to accept Heidegger’s lead in a qualified manner: while welcoming Heidegger’s pointing to the natural limits of technology, Blitz tries to disengage the German’s critique of technology from any “new understanding of being” (202). For Blitz, modernity’s new conception of human finality can, in principle, serve genuinely philosophical interests, especially since technology fails to exhaust our inner resources, eradicate our inner life (involving, e.g., “love, integrity, faithfulness [and] ordinary loyalty”—in a word, partisanship), or render obsolete all knowledge unmediated by technology, and thus the very distinction between reality and illusion (202–3). More positively, technology is supposed to have the liberating effect of allowing us to cherish what is good for its own sake, rather than under the sway of any authority (divine or otherwise [202]).¹⁶

Blitz concludes that, try as it might to free its possibility from locality, technology remains bound to our own finitude or particularity, failing to complete us, or to incarnate genuine universality (204). In this respect, technology does not pose a serious threat to imperfect man, especially where his prudently or politically guided “self-consciousness...spirals upward” to “something eternal and unchanging” (203, 205). For Blitz, what remains to be shown in detail is the manner in which the “variety” of modern or technologically mediated modes of knowledge may serve genuinely philosophical ends (*ibid.*).

Adam Schulman’s chapter 15—“What Is Natural Philosophy? The Perspective of Contemporary Science”—explores the possibility that “modern theoretical physics” contributes substantively to “the speculative program of ancient natural philosophy” (206). Schulman’s steppingstone is a common

¹⁵ Blitz’s generic bibliographical reference to Heidegger’s *Being and Time* (256n5) does little to explain how Heidegger understands his relation to the German *Volk*.

¹⁶ Blitz says nothing here about the widespread mind-numbing, moral-atrophying, and politically destabilizing effects of technological hypermediation. If no tyrannical regime can silence human thought, some might, nonetheless, alienate it systematically from the public sphere.

opinion about Socrates and Aristotle: the first is supposed to have simply rejected natural philosophy (the pursuit of knowledge of nature),¹⁷ whereas the second is supposed to have pursued it as eminent aspect of knowledge in general (206–8). Schulman cites David Bolotin’s 1998 *An Approach to Aristotle’s Physics* as one recent attempt to reconcile the two positions by arguing that Aristotle’s “natural philosophy” (including the rational structures it attributes to nature) is merely the expression of the Stagirite’s attempt to defend natural philosophers’ reputation in the face of a dire threat of persecution. Bolotin further argues that even modern physics is merely a manner of speech, insofar as it constructs pragmatic models of nature that “predict” physical occurrences (“observable events”), without necessarily corresponding to their real causes: modern “science” may work for us, but it does not even try to see nature as it is (209).

Schulman counters Bolotin’s reading of natural science, by arguing that 1) natural science or philosophy has always sought at least some degree of light into the ultimate nature of things, while 2) modern physics has added significantly to premodern knowledge of nature. Our critical appraisal of Schulman’s arguments follows below.

With respect to Schulman’s criticism of Bolotin, it may very well be that the conceptual constructs produced by modern natural science can serve philosophy as “poetic” mirrors of eternity. If so, however, what might qualify them as superior (i.e., more enlightening) with respect to the poetic constructs of premodernity, other than their accounting, or at least pretending to account, for problems technological science has produced itself? Is it more enlightening to envision the earth as *loving* the sun, or as being dragged by the star’s mass on a spatiotemporal continuum? Insofar as modern technological sciences understand themselves, their very language, much more literally or superficially than classical poetry understands itself, they also tend to be less revealing of truth proper, that is, of “the Nature of nature.”

To echo Mansfield’s critique of modern physics, we may further ask whether we need to add *data* to those of ordinary experience in order to awaken to the nature of things. Does nature speak to us best or most properly

¹⁷ Schulman refers to Socrates’s abandoning natural philosophy (in the *Phaedo*) in favor of an investigation of human things. No mention is made of Socrates’s unrepudiated interest in Anaxagoras’s “mind” as key to the constitution of the totality of things (Plato, *Apology* 97c1–2). Does the Socratic “second sailing” entail—as Dante’s “other voyage” (*Inferno* 1.90)—the need to approach nature (“the metaphysical”) through the human (“the ethical”)? Would modern natural science welcome Platonism’s “ascent to nature,” as an *ethical* or profoundly human problem, mobilizing the *totality* of man, prior to becoming any *specialized* or partial field of inquiry?

in ordinary life, or in laboratories? Do we hear nature best when we heed ordinary *logoi* (Socrates), or when we try to grasp its “voice” without waiting (phenomenologically) for it to speak to us *prior to* our seeking it, in the political environment in which nature itself raises us (cf. Velkley’s reference to the role nature has for Kant in the rise of “culture”)?¹⁸ Whatever claims our physicists may raise, they remain in need of explaining their “revelations” in terms transcending the confines of their specialized frameworks (213), and not merely condescendingly, but by way of asking the “prescientific” world if physicists’ special revelations make ultimate sense or not.

A further difficulty arises there where Schulman presents modern physics in continuity with ancient counterparts, which, however, are radically discordant with the “progressivism” of modern natural science. Modern physics is “progressive” in the sense that it sees its branches as closer to truth than the science’s principles are. In its “growth” (and “sedimentation”), modern physics is primarily a discipline of addition, rather than subtraction (its *via negativa* is a function of its *via positiva*): it “discovers” problems by way of increment (especially of complexity), rather than by unearthing essential presuppositions or ontological antecedents (whether à la Oedipus, or à la Socrates); whence the difficulty of ascertaining whether it aims at deepening our awareness of problems (*vita contemplativa*), or at “solving” them (*vita activa*).

Our physics is essentially opposed to an ancient science for which the value or significance of scientific developments depends, philosophically or rationally speaking, upon the value of the principles the developments stem from. The developments are mere extensions of the principles, extending the principles’ own faults (if only under the corrective weight of the unknown). In this respect—*pace* Schulman—“armchair philosophers” can judge modern natural science *even without* making “a considerable effort to understand the principal theoretical achievements of modern science,” where the achievements in question are *built upon* the grounding principles of modern science (210). To be sure, here we speak of principles in a classical sense, or ontologically. It is by reading “principles” as governing modern science’s development merely methodologically (rather than semantically, as well), that Schulman asks how twentieth-century scientific “discoveries” may have positively

¹⁸ In drawing “ideas” back into the polis (Cicero), Socrates returns nature under laws, interpreting the physical in the light of laws—nature in the light of art. Insofar as it presents nature in terms of art, the Socratic “turn” or “return” opens the door to a conception of nature as divine art, or more precisely as God’s art (the art of a God of nature). Giambattista Vico would later interpret the Socratically derived Christian conception “back” to its source, understanding the divine art in terms of the activity of the human mind at its metaphysical roots.

contributed to ancient natural science (211 and 219; Schulman speaks of “principles” in a modern fashion, as objects of mathematical discovery, rather than “metaphysically,” as that which makes any objective discovery possible in the first place [212–13]).

This is not to argue that modern natural science may not have stumbled upon “discoveries” that compelled it to reconsider its very principles, or *raison d’être*. Certain experiences may have served as *motives* for modern science’s return to its roots, and thus to an ancient orientation or *telos*. Yet, philosophically speaking, such experiences would not *add* any value to ancient science; they would merely draw us back to what modern science had long presented itself as progressing from. (This applies also to Einstein’s own contributions to *modern* physics, leading to the abandoning of early modern appeals to “external forces” [214].)

What is more, in order to overcome its genesis, contemporary modern science would need more than any empirical “discovery”; it would need to engage *actively* in an examination of its own “sedimented history” (Husserl)—a history stemming from an “intentional genesis,” and so standing as propaedeutic to an investigation of the “intentional history” of that genesis.¹⁹

Yet, the essential character of modern science’s principles would seem to prevent modern science from engaging in any serious phenomenological self-investigation. For, Blitz’s argument notwithstanding, the principles of modern science do imply, beyond a specific conception of human finality, a notion of nature itself, and thus of being, that is inimical to philosophy in its classical sense. What is especially inimical to classical philosophy is the notion of life as *quantifiable*—a notion implying that the hiatus between “the limited” (*peras*) and “the unlimited” (*apeiron*), or between body and

¹⁹ See Jacob Klein, “Phenomenology and the History of Science,” in *Lectures and Essays*, ed. Robert B. Williamson and Elliott Zuckerman (Annapolis, MD: Saint John’s College Press, 1985), 72–73. Husserl, as suggested above, is regrettably absent from the volume under review (his phenomenological critique of modern natural sciences is not resolved in Heidegger’s critique of technology, or in a Kantian critique of reason). Husserl highlighted the fundamental inadequacies of the naturalism essential to modern “European sciences.” To speak in simpler terms, though not simplistically, what is most problematic about naturalism is that it tends to blind us to the universe’s essential presuppositions—i.e., to that which allows our empirical “discoveries” (including those of psychology) to come to sight in the first place—thereby divesting all of our discoveries of proper meaning or sense. Naturalism compels our natural sciences to trade depths for superficial variety, or to treat “data” (phenomena) as shut to and graspable independently of purely intelligible *essences* (noumena). In short, naturalism pretends to sever the umbilical cord (“intentional history”) by which phenomena are retracable to pure pre-conditional thought. In this crucial respect, to speak in Straussian terms, with modern science (via the secularization of Christianity) “the end” becomes more important, even infinitely more important, than “the beginning.”

mind, is “measurable”—as if mathematical formulas could *progressively* resolve the tension between finitude and infinite indetermination. (For an early penetrating critique of the principles of modern science, see the works of Giambattista Vico—unmentioned in the volume under review.)

Schulman shows little or no concern with the kind of critical questions raised here. Thus, for instance, our author sees Einstein’s work as having “altered forever our understanding of space and time” (212)—as if it were undoubtful that Einstein’s work involves *absolute progress* with respect to *all* previous understandings of space and time (in spite of Schulman’s later qualifications that Einstein’s “discovery...has *not yet* been challenged in any serious way,” that Einstein’s “discovery of space-time” undoubtedly “made significant contributions to the *modern* project of the conquest of nature,” and that “it seems likely [that Einstein’s discovery] will remain a fundamental principle of physics for as long as human beings inquire into the nature of things” [213–14, italics added]).

Schulman’s elegant *apologia* of Einsteinian physics notwithstanding,²⁰ from the standpoint of uncompartimentalized thought, it would seem that, via a sophisticated juggling of formulas, Einstein invites at best *experiments* in conceiving our everyday life experience, rather than actual knowledge of the pre-empirical, but also not-merely-mathematical, principles of constitution of our experience. To adapt Vico’s critique of Galileo to Schulman’s argument, Einstein misunderstands mathematical symbols as autonomous of any pure metaphysics.²¹

This is not to say that we have nothing important to learn by reflecting upon the teachings of modern natural science. Consider, for instance, Einsteinian physics’ suggestion that the “proper time,” but not the “proper space,” of an empirical object can be concretely abstracted from the object’s space-time continuum (213; compare 216); or quantum physics’ indication that the fundamental element of matter is not “an indivisible *atom* of action, but a universal *measure* by which the action in any process is to be counted and interpreted” (215, 218). Does modern science necessarily tend to conceive

²⁰ Philosophically speaking, Schulman’s *apologia* is justified as suggesting that Einstein helped dispel the *modern* illusion of measurable “forces” independent of and responsible for objective phenomena. With Einstein, the “forces” are unified (most notably as a space-time continuum), as intrinsic to the phenomena (213–14).

²¹ On p. 214, Schulman writes: “In my opinion, the postulate of absolute space-time is therefore fully entitled to be called a *prote arche*, or first principle, of nature in the Aristotelian sense.” See also Jacob Klein, *Greek Mathematical Thought and the Origin of Algebra*, trans. Eva Brann (Cambridge, MA: MIT Press, 1968), chap. 1.

nature autonomously of metaphysical unity as horizon of pure intelligibility? Is modern physics “genetically” (pre-)disposed to reach its twentieth-century conclusion that the “fundamental units or elements (*stoicheia*)” of nature are measurable or quantifiable (whether or not in terms of a “Planck quantum of action h ” [217–18])? Finally, does modern physics escape the limits of determinism, including the *weak* determinism deducible from Schulman’s account of quantum “probability” (217)?

Is Schulman right in reading the empirical “success” of quantum predictions as confirming that modern physics has discovered “essential” features of nature (218), *or* is the success in question relative to a combination of factors including modern expectations or blinders (including the type of mathematics, or understanding of number, grounding “quantum field physics”), not to speak of man’s place in the universe?

An even more fundamental question concerns the ontological status of nature-qua-nature. As a philosophical invention, “nature” points away from the universe of mysterious or divine authorities, at least until Socrates sets out to rediscover nature at the very heart of our “normative” world. Wouldn’t a rigorous assessment of any “discovery” or “revelation” (218) of modern physics require a *phenomenology* exposing modern physics as one special modification of Socrates’s return to nature? (Compare Mansfield’s account of the modern invention of “facts,” and Gillespie’s treatment of Hegel’s critique of modern sciences’ unduly abstracting means from ends, i.e., of treating genesis mechanically.)

Yet, Schulman gives little or no thought to the possibility that the consistency of twentieth-century physics is ineluctably bound to a specific “mode of vision”—a “technological” manner of seeing things that tends to distort and obscure our prescientific experience of things, in the interests of confirming the fundamental expectations of modernity.²²

Bernhardt Trout’s conclusive chapter—“Quantum Mechanics and Political Philosophy”—is essentially a defense of the thesis that mind is a function of matter (225). Trout stresses that, by introducing chance as an irreducible

²² Thus, for instance, Schulman welcomes the primacy of time over space supported by modern physics, as accidental to modernity’s principles. Yet, where today’s physicists speak of time without space, but not space without time, might we not discern the shadow of an early modern abandoning of any eternal mental horizon? (On the fictional character of timeless space, see e.g. Schaub’s Montesquieu citation on p. 79.)

constituent of natural processes, quantum physics (hereafter, QP) leaves space for “the political” as relatively independent of the nonpolitical, with the tacit understanding that the nonpolitical is simply subpolitical.²³ Trout seems to understand his argument as surpassing that of Lucretius, insofar as the Roman would have readily dismissed political life as unworthy of any serious study. Yet, for Trout the political remains subservient to natural philosophy, best (re)incarnated (today) in the research of modern physics (231).²⁴

To critics wishing to reduce QP to early modernity’s “scientific method,” Trout responds that QP has gained “astounding new insight into the nature of the world”—well beyond the expectations of early modernity (230). Just as nature’s mechanisms alone cannot account for properly human life, so too can early modern philosophy not account for late modern physics’ discoveries (223–25, 231–32). What is key to the rise of QP is the thesis of the irreducibility of nature to mechanical necessity, or of the present (genesis) to the past (data).²⁵

QP’s response to mechanical determinism entails the purported discovery and revelation of “underlying physical laws” (221) or “inviolable principles” (223) “found in the world” (230), as opposed to being imposed upon the world, and governing chance (224). The relative mathematization of chance as essential constituent of all physical (subconscious) processes is supposed to allow QP to fully or intelligibly integrate man (consciousness),

²³ In stressing that QP entails a specific interpretation of phenomena, rather than the introduction of new phenomena, Trout does not address QP’s fundamental interpretation of phenomena, or its *hypothesis* that nature is a machine. Trout takes for granted QP’s rough equation of the nonhuman with the subhuman—of the limits of our conscious life with the unconscious “life” of the microscopic (see Ludwig’s earlier discussion on Lucretius on “life”). Whether or not moved by the mere assumption that the superhuman is a projection of the human (man’s misconstrual of the subhuman), Trout presents QP as helping us free ourselves from the illusion that the human derives from its perfection.

²⁴ Trout’s chapter summarizes old arguments grounding human freedom in a combination of mechanical necessity and chance. See, e.g., Jacques Monod, *Le hasard et la nécessité: Essai sur la philosophie naturelle de la biologie moderne* (Paris: Éditions du Seuil, 1970), e.g. 130, 161, 173, 193. Trout’s arguments are in harmony with Monod’s insistence that modern science imposes itself as “objective” framework for best understanding all value judgments. Hereupon, modern science *presupposes* the absence of any objective value other than that of a quest for knowledge in a universe devoid of inherent value (Monod, 191, 195). Modern science does not *discover* the absence of objective value purely on the basis of any objectifying analysis of the universe. On the contrary, the analysis—its very structure and orientation—*presupposes* the absence it pretends to confirm. By the same token, the analysis contributes to imposing blinders upon us, against the very possibility of objective value, and thus, too, of “right in nature.”

²⁵ QC’s thesis is essentially a restatement of one expressed, *mutatis mutandis*, by Machiavelli (see Mansfield’s chapter).

and thereby all dimensions of causality, into a “theory of everything” (TOE), that is, a final account of physical (subconscious) nature (223, 225–26).

A synthesis of QP and the physics of gravity (theory of general relativity)—that is, the synthetic account of “the four fundamental forces” (the weak nuclear, the strong nuclear, the electromagnetic, and the gravitational) that are supposed to govern the universe (222, 224)—could allow natural scientists to reduce “in the end” the human (“political”) to the nonhuman (“nonpolitical”) into an “ultimately homogeneous” whole, without denying, however, the ultimate heterogeneity “in kind” of things that “fluctuate” in and out of “a space-time continuum” (231–32). So, while inviting recognition that “there are independent wholes that must be understood on their own terms,” modern physics strives to finally understand the mutual irreducibility of wholes/kinds in the universal context of a homogeneous combination of mechanical necessity and chance. That is why philosophy “should,” or even “must,” try to devote itself to QP and its “complex mathematics” (229, 231). For “there is no reason not to think that any remaining” trace of Platonism (the quest for man’s ultimate irreducibility to the subhuman) is fated to fade away into history (225).²⁶

QP consigns Platonism to the past, placing our future under the dominion of anti-Platonism, or the attempt to dispel the thought that prior to being in the world, that is, prior to becoming, somehow meaning, or man, simply *is*. It is supposed to be our *fate* to reject as anachronistic the “old” view that every answer is rooted in an original question, that every journey presupposes its proper destination, every movement its proper end, every becoming its completion, every body its mind, every desire a mover to return to, every man his divine perfection, every yearning its consummation, every immanence a transcendence. But can QP, or more generally modernity, dispense with the referring *back* to an end that is *given* prior to being discovered? Trout’s own arguments signal QP’s failure to achieve self-justification. QP is not self-evidently *right*. It cannot help exposing itself, its own foundation, to critical questioning. Nor can it compel Socrates to limit his examination of QP to his practice of QP (or to make the former dependent upon the latter). Socratism is still bent upon asking as regards the “soul” of QP—QP’s driving questions—no matter what “new island” QP may ask us to settle upon. Transcendence, in short, is not restricted to the domain of progress. All of us, including quantum

²⁶ Platonically speaking, prior to challenging Platonism (229), QP is challenged by both Platonism and our common sense, or imagination, to justify itself vis-à-vis permanent features of the world, which, however, QP places in function of its own work.

physicians as such, stand naked before the question of a “calling.” What “calls” us in the first place? Is it “History,” “Nature,” or perhaps a mere, if only eternal, “Logic”? Whatever answer we land upon, remains, in itself, open to investigation. Yet, Trout points to a criterion beyond question: *fate*. Its revelatory angels are scientific “facts,” which destroy any reason to transcend fate.

Trout does offer us a set of counterarguments, which are, however, far too weak to compromise Trout’s central argument. The counterarguments grant so much to their adversary that they end up serving his cause. What Trout’s strawman does not argue for is full-fledged Platonism, that is, the ontological primacy of mind/thought over both chance and unconscious necessity.²⁷ Accordingly, Trout fails to consider the possibility that it behooves the modern physicist to investigate the *common* foundations of his discipline (and thus to “bracket” his discipline phenomenologically) before demanding that others accompany him through the labyrinth or web of his *specialized* language. No matter how “utterly appealing [QP’s] power for gaining understanding” may appear to be (229), its appeal stands or falls on the physicist’s capacity to relate his discoveries to public discourse, or to render his “game” relevant to our most pressing question of right, a question leading us, in turn, back to that of “what is best,” and thus finally of *the good* in itself, that is, the perfection or purity of human thought.

As Mansfield’s chapter (esp. 29) helps us see, QP stands in need of justifying itself by appealing to a world of prespecialized consciousness (Dante’s “footpath of our life,” *cammin di nostra vita*), not merely by way of flattering “nonscientists” into serving a scientific cause, but primarily in order to make sense of itself. For, the *meaning* of QP comes to light only when illuminated by the *unity* of its conditions of possibility (its “background”), that is, by a language in which the natural and the human coexist fully. But such is the *poetic* language of prescientific men, the language every Socrates investigates by way of exposing the indissoluble nexus between his own ignorance and divine wisdom. That same language is abandoned, however, by QP (after the likes of Descartes and Spinoza), as the proper stage of philosophical investigation.

²⁷ Being all too eager to assimilate Aristotle to the cause of QP, Trout makes no mention of the Stagiraite’s distinction between two orders, which we may render here as that of nature and that of human discovery: that which is by nature *first* is discovered by us *last*. Vico would resurrect the distinction of Platonic extraction, by arguing against modern natural philosophers that art—indeed, the whole “civil world” of human artistry—shows us that the human mind subject to subhuman forces (chance and blind necessity) presupposes a “providential” and “metaphysical” human mind, a mind that is thus independent of the “nature” within which it is at work. See my “Autobiography as History of Ideas,” *Historia Philosophica: An International Journal* 11 (2013): 59–94; and my “Epistemology’s Political-Theological Import in Giambattista Vico,” *Telos* 185 (Winter 2018): 105–27.

Where the human world is no longer key to the natural, natural science can hardly escape remaining utterly lost in “the dark wilderness” (Dante’s *selva oscura*) of nature. Such is the fate of a QP appealing *positivistically* to power (“success,” “intellectual” or otherwise) as consummate source and repository of right. As if—given the assumption of absence of meaning *in nature*—the meaning of QP stemmed from its practice. Yet, the absence of meaning in nature is ultimately unproven, not to say unprovable. Nor does the appeal to sheer “chance” (signaling a “return” to Machiavelli, for whom *fortuna* prevents us from reducing nature to a mere machine [21]) justify the scientist in treating nature as a machine—surely no more than the appeal to a mysterious noumenon justifies Kant in treating nature *as if it were* a machine. Not *knowing* whether nature *intends* us to master it, or even whether it offers us particular certainties merely by blinding us to their general context, we are faced with the possibility that what eludes us in nature conditions our perception of nature in mysterious ways. QP is faced with the possibility of its own radical contingency.

Insofar as the value of QP’s “success”—of its *history*—is far from self-evident, QP remains faced with the question of the ground of QP’s “discoveries.” In what way, if any, are these “discoveries” *necessary*? In what way does *nature itself* justify them *for all times*, rather than as the fleeting, “hypothetical,” “reigning dogmas” that Trout is ready to settle for in characterizing QP (231)?²⁸

In considering our fundamental notions—above all those of “being” (unity), of “having” (“the two”), and of “power” (“the three”)²⁹—as defined only empirically, or via ever-renewable experiences, QP escapes radical relativism only by presupposing the possibility of a universal consummation of experience, a “moment” in the light of which our fundamental notions are finally defined forever.³⁰ Now, it is not clear why this “moment” must be a

²⁸ The concession that QP may be understood as the best available religion (decisively superior to any tribal idolatry [231]) is one of two cornerstones of Trout’s *apologia* of QP. The second cornerstone is given by the argument that in order to adequately judge QP one must work hard and at length though its complex mathematics (229).

²⁹ Where being (what is one with itself) *is*, it has a property (second to being), so that a third factor stands between the one and the other, a power in virtue of which being binds its property to itself, thereby identifying itself.

³⁰ For QP, or modern physics in general, our key operational notions are supposed to be defined by experiences (often new and unforeseeable) controlled by a “scientific method” (230) the validity of which is defined by the “success” of its implementation, i.e., the power with which it is practiced, where to know nature is to overpower it (in effect, the method is treated as “valid” where it appears to help us repel unconquered or dangerous, wild or untamed nature). Thus, for instance, the meaning of “time” is not *given* in advance, or sought as a fundamental presupposition, but given by the future full success of our method of controlling our experiences, i.e., of narrowing our experiences to what we

Hegelian “end of History,” rather than something given “in the beginning” as discernible only as we turn experience back upon itself speculatively, if only through “poetic production,” that is, in the mirror of fictions we forge as reminders of our transcendent immateriality. Why should our empirical discoveries or inventions be understood in terms of *progress*, rather than of *return*—in terms of “addition,” rather than “subtraction”? Ultimately, are we to understand full “enlightenment” or “being awake” as the result of progress, or as the condition of possibility of progress? Is knowledge or science possible aside from the Platonic question of “recollection” (*anamnesis*)? Does the scientist’s own deep yearning to make up for our ignorance—our lack of knowledge—not signal that ignorance entails *loss* of knowledge, just as our animosity against injustice or wrong suggests nostalgia for an original, only partially forgotten right?

Trout speaks of science’s motives as if they were merely empirical, or subject to being left behind by new scientific discoveries. Yet, the fathers of modernity testify to a visceral awareness of their need to anchor their quest in a universal standard knowable prior to or independently of any novel experience, suggesting that something about ourselves or our desires resists reduction to our findings. Otherwise put, far from being reducible to a scientific datum, science’s impulse stands as criterion for the interpretation of all scientific discoveries.

Now, if the scientist’s desire for knowledge is rooted in something deeper than an empirical “self” subject to unconscious (material) forces; if prior to desiring what is limited, we desire the infinite; then it makes sense to speak, after classical antiquity, of a double nature: a presupposed hidden one, and a presupposing manifest one; the former unconquerable, the latter conquerable relatively to the former understood as end.³¹

Mastery of Nature’s final chapter, more than any previous one, makes explicit modernity’s opposition to a classical antiquity represented, most notably, by Plato. While both modern physics and classical Platonism agree that we commonly live in a world of illusions, for classical Platonism alone do our illusions constitute a veritable *felix culpa*, or blessing in disguise—a fault redeemed “in advance,” or a merely apparent fault (in the sense that, to speak with the Gospels, Christ’s crucifixion marks merely apparently his

can control, even as we blind ourselves to the possibility that what we do not control (untamed nature) controls us into believing that we are in control.

³¹ See, e.g., Boccaccio, *Decameron*, Introduction to the “Fourth Day,” fourth paragraph to the end (p. 320 of the Einaudi edition, ed. Vittore Branca [Torino: UTET, 1956]).

defeat). Modernity, including QP, abandons the very possibility of *returning* to truth as the original/natural sense, meaning, or end of illusion itself, or, more concretely, of linguistic illusions.

As a Platonist, Vico was especially eloquent in reminding us that language entails a *felix culpa*: while we commonly speak to account for, hide from, or mask the unknown forcefully impinging upon us (so that, to speak Socratically, what we know signals what we do not), the “poetic” world of our linguistic fictions serves as context for reflecting upon our capacity to create, upon the relation between fiction and reality (“things themselves”), and finally upon the relation between the human creator of fiction and a divine creator of things themselves.³² In short, the poetic world serves as context for philosophy’s return to poetry’s hidden source: our poetic flight from ignorance (into the determinate) serves as occasion or motivation for our philosophical return to that of which we remain ignorant (the indeterminate). To echo Zhuangzi’s “butterfly” lesson, by reflecting upon our dreaming, we come to realize that the unawakened dreamer presupposes an actual awakened dreamer, whereby prior to existing as a man, thought is in itself (ἐν ἀρχῇ)—as per John 1:1. What Vico stresses is that we fall into our dream—our “poetic life”—accidentally, as we desire to find ourselves, but that our “fall” prompts us to rise back towards “the indeterminate nature of the human mind” (*l’indiffinita natura della mente umana* [SN44, “Of the Elements,” 1]).

Vico’s “classical orientation” towards origins or “death” is abandoned by modernity.³³ Thus with Velkley’s Kant, the noumenal seems to invite man to engage in the progressive mastery of natural phenomena, while with Gillespie’s Hegel, the “history” or concretely unfolding logic of the human spirit awakens us to our divine, providential inherence in nature itself, an inherence serving as fundamental justification for moving forward optimistically into the realization of the best society.

³² In Vico’s *De Antiquissima Italarum Sapientia*, chap. VII.3, “just as God is the artifex of nature, so is man the God of artifices” (*ut Deus sit naturae artifex, homo artificiorum Deus*).

³³ The authors of the volume under review would seem to all agree that “modernity” is essentially a project—rather than a “time”—that in principle anyone may, at any given moment, step out of.

John P. McCormick, *Reading Machiavelli: Scandalous Books, Suspect Engagements, and the Virtue of Populist Politics*. Princeton, NJ: Princeton University Press, 2018, xi + 271 pp., \$29.95 (hardcover).

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In *Reading Machiavelli*, John McCormick continues the argument begun in his first book, *Machiavellian Democracy*, and in a host of journal articles, that Machiavelli is correctly understood as a proponent of populist government. Also continued here is the application of Machiavelli to democratic theory and contemporary political debates.

The two parts of *Reading Machiavelli* focus respectively on Machiavelli's writings and on Machiavelli scholarship. McCormick ably investigates one chapter from *The Prince*, one chapter from the *Discourses*, and three historical episodes from the *Florentine Histories*. In the second part he delivers stinging rebukes of Rousseau, Strauss, and the Cambridge school, represented by Pocock and Skinner. Each target is charged with underplaying, ignoring, or falsifying plain evidence of the populist commitments of Machiavelli and with misrepresenting him as an aristocratic/oligarchic republican in the mold of Aristotle, Cicero, and Bruni, later of Harrington, Montesquieu, and Madison. An added and interesting feature, giving rise to the title, is the claim that Machiavelli is properly read only when his evaluative statements are put against his descriptions of events. Machiavelli adopts an elusive style of writing meant to serve pedagogical and self-protective purposes. This style McCormick calls "literary-rhetorical" (8).

All the above is closely argued and elegantly rendered.

The first substantive chapter is on *Prince 7* and the career of Cesare Borgia. McCormick interprets the chapter as a Christian allegory. Thus, the Holy Father Alexander VI and his son Cesare are stand-ins for God and Jesus Christ. Pagolo Orsini, once called Paolo, is St. Paul. The dinner at Senigallia is the Last Supper. The piece of wood displayed next to the bifurcated body of Remirro de Orco is the cross and Crucifixion. The date of Remirro's execution, December 26, 1502, is St. Stephen's day, when nobles bestow gifts on the poor, making the execution a covenant with the "prince of peace." January 1, the date when the newborn Jesus was circumcised, is the cutting of Remirro, Cesare's "political phallus." Finally, the disappearance of Cesare—meaning his removal to Spain—is the Ascension of Christ.

William Parsons, in his recent book *Machiavelli's Gospel* (University of Rochester Press, 2016), reads the whole of *The Prince* this way, as a Christian allegory aimed at subverting the faith. McCormick draws a somewhat different conclusion, that Machiavelli is proposing an armed populism as the true interpretation of Christianity, the union of Old Testament ferocity with New Testament charity. McCormick observes, "the parable of Cesare Borgia suggests that Christianity offers unprecedented possibilities for founding princely authority upon popular legitimacy"; he then asks, rhetorically, "what if one could in principle champion the weak, as does Christianity, but not in practice leave them weaponless, as did the most important unnamed, unarmed prophet in *The Prince*?" (42).

Armed populism is thought to be recommended, if not indeed executed, in the final act of Cesare, the favorite of the people and named by them Valentino. That famous mistake committed by Cesare, and that brings down Machiavelli's lone censure, namely, his agreeing to the installation of Giuliano della Rovere as Pope Julius II, could have been averted if Cesare had made the papacy hereditary and installed himself as pope, or if he had ended the papacy altogether, killing en masse the College of Cardinals. McCormick conjectures that as a "good Catholic boy" (38), Cesare, then desperately ill, was seeking salvation at his hour of death from the new Holy Father. Says McCormick, "A certain Christian frame of mind...presently inclines the duke to act, in Rome, in a manner diametrically opposed to how he previously behaved in Senigallia or Cesena" (39).

Two objections come to mind. First, if the Holy Father has special powers to forgive—a view at variance with Catholic doctrine, by the way—any Holy Father would do, and Cesare was in a position to block Giuliano's ascension to the papacy. Second, Cesare expected not forgiveness per se (37–39), an act

suggestive of sin and redemption, but forgetfulness, of his, or his father's, injury to Giuliano. Here is the relevant passage from *The Prince*: "And whoever believes that among great personages new benefits will make old injuries be *forgotten* deceives himself" (*dimenticare*—though with "forgiveness" as a secondary meaning). The usual, and nonallegorical, explanation of Cesare's mistake is that Valentino, a man of the people, knew the popular mind but not the mind of the great, specifically that the great are never grateful.

McCormick's study of the *Discourses* zeroes in on chapter 37 of book 1. The subject of 37 is agrarian legislation; the argument is that the plebeians erred—caused scandals—when in the time of the Gracchi brothers a campaign was launched to revive long-lapsed agrarian laws. Although Machiavelli supports the intention of limiting and redistributing private wealth, timing is important, and the agrarian policy, when later resuscitated, began the civil wars that ended the republic.

The chapter, like several others, has the effect of blurring the class divide. Both classes are ambitious; both covet money more than they covet offices. McCormick though is determined to defend the class divide, because he is determined to place the blame for disturbances all on the nobles. The people can be excused for favoring tyrants because economic desperation is always the cause (60–61). Likewise, inequality is the cause of societal corruption, thus agrarian laws are a good thing, no matter when they occur. This likely goes too far, misreads 37, notwithstanding Machiavelli's insistence that corruption would have come sooner without agrarian agitation; for, as Machiavelli later says, "to try to take away a disorder that has grown in a republic, and because of this to make a law that looks very far back, is an ill-considered policy." And not mentioned are various other sources of corruption, for example, servility (1.16), security (1.18), irreligion (1.55), and foreign influence (1.55).

Chapter 37 provides another instance of armed populism, albeit unspoken. For the problem facing the Gracchi, says McCormick, was not bad timing so much as the too-little power they held as tribunes. The senate stood in their way; accordingly, the senate needed to go. The hidden teaching of 37 is that the Gracchi and the plebs should have slaughtered the senators, just as Agathocles, Clearchus, and Cleomenes had done in times past. Of course, Machiavelli does not say destroy the senate; but the reason for his reticence, McCormick supposes, is that the two young aristocrats to whom the book is addressed would have been aghast to learn of Machiavelli's true intentions, and so Machiavelli needed to trim and conceal. The "literary-rhetorical" mode of writing, known by everyone else as esotericism, speaks through

silences. That may be true, but would not the esoteric requirement apply to the whole of the *Discourses*, and not to chapter 37 alone? Where is trimming and concealing in 1.3, where the nobles are called “malignant”?

McCormick has one objective in the chapter on the *Florentine Histories*, namely, to refute “conservative-turn” scholars, as he dubs them, who find in the *Histories* a reevaluation of the class preferences exhibited by Machiavelli in *The Prince* and the *Discourses*. Overt criticisms of the people in the former text, the *Histories*, contradict words of praise in the latter two. McCormick examines three instances of civil discord in Florence: the 1343 expulsion of the duke of Athens; the 1295 expulsion of Giano della Bella; and the Ciompi revolt of 1378. He argues that in all cases the positive actions of the people, as described by Machiavelli, belie the negative judgments of the people, as offered by Machiavelli. The explanation is the same as before, that Machiavelli’s patrons, the Medicis this time, needed to be tricked and wooed.

McCormick’s careful reading of the *Florentine Histories* may very well establish the point of an unaltered assessment of the people across all books, but is that assessment unvaryingly positive? For in *Prince* 18, the people are branded ends-justify-means rationalizers, as well as fools easily taken in by appearances; and in *Discourses* 1.53 and 3.11 the Roman plebs and their tribune defenders are each called “insolent.” Nor are the nobles consistently condemned, for Quintius Cincinnatus is put forward as a good and prudent patriot who saved the republic from early demise by refusing a prolongation of his command in imitation of the tribunes who had extended theirs (3.24).

Part 2 begins with an investigation of Rousseau’s *Social Contract*. According to McCormick, a great injustice has been done to democratic theory by democratic theorists, who credit Rousseau, and not Machiavelli, as the source of their inspiration. Rousseau is unworthy, says McCormick, because in book 4 of the *Social Contract*, he commends the Roman practice of weighted voting in the centuriate assembly, scorns the exclusion of patricians from the tribal assembly, judges clientelism “admirable” and “humane,” and minimizes the importance of the tribunate. Rousseau’s Rome is an aristocratic republic where the rich govern and the poor are granted some few protections from the abuse of power. McCormick concludes that Rousseau is more disturbed by the poor in power than he is devoted to equality and the general will.

Leo Strauss comes in for heavy criticism, and here the attack seems personal: “Strauss’s fundamental moral outlook [called ‘nonobjective’ and ‘prerational’ (145)]...is the belief that no genuine philosopher could actually

favor in any serious way the judgment of peoples over [that] of elites”; further, “a powerful prejudice’...in favor of the few over the many seems to have decisively impacted his interpretation of Machiavelli’s political thought” (174). Strauss though may not be the opponent McCormick thinks him to be. Strauss describes Machiavelli and his enlightenment project as radically egalitarian, reflecting the belief that human beings are merely animals. They may divide into lions, foxes, wolves, or sheep, but that sortition is less consequential than the fact that all are mortal and needy, and that all are the intended audience for Machiavelli’s liberationist message. The political question of who rules, so important to McCormick, is secondary to the philosophical question of rule for what purpose. That purpose is acquisition, a populist ambition.

Pocock and Skinner are criticized for folding Machiavelli into the civic-humanist tradition, with its goal of balance, harmony, and ordered liberty under the wise governance of aristocratic elites. Largely read out of Machiavelli, therefore, is his devotion to faction, tumult, and the active, ongoing involvement of the plebs. Somehow Pocock and Skinner missed the early chapters of the *Discourses* where Machiavelli chooses the democratic republic of Rome over the aristocratic republics of Sparta and Venice.

If I may speak now for myself, I agree that Machiavelli is a populist, provided that populism is contained inside a mixed regime. Machiavelli’s sympathies are with the people—that I do not doubt—but less because the people are good than because the people are inert, credulous, and deferential to a fault, and so require constant prodding if they are to do their part in protecting liberty. But they can overreach, threaten liberty instead of guard it, at which point Machiavelli switches sides, lending assistance to the nobles, whose astuteness is as much needed by the state as the people’s goodness. This he does in *Discourses* 1.37, I think, and in many other chapters, giving advice on how to slow down the march toward simple-regime democracy, or admiring Roman practices that accomplished the same (e.g., temporizing, anticipation, cooptation). Democratic Athens, a simple regime with a single-chambered assembly, is rated much inferior to Rome’s mixed regime (*D* 1.2). While full democracy is inevitable once the plebs are armed (*D* 1.60), the constitutional challenge is to delay indefinitely the moment of its arrival, because full democracy descends into the tyranny of one-man rule, completing the transit of the cycle of regimes. Does McCormick agree? That’s hard to say. He once acknowledges that Machiavelli is “an advocate of mixed constitutions” (198). But on other occasions, McCormick’s enthusiasm for the popular cause seems to glide into enthusiasm for pure democracy (e.g., 47–48, 115,

121, 129), cyclical history seems to straighten into linear progressive history (e.g., 138–40), and Machiavelli, the apologist for cruelty well used, seems to morph into Cicero or Erasmus, asserting the unproblematic utility of (plebeian) virtue and promising peace on earth from virtue's empowerment (e.g., 78–82, 95–96). Despite reveling unashamedly in the rough and tumble of Machiavellian politics, McCormick, from time to time, does seem to harbor a secret longing for proletarians in place of plebeians, living amicably and alone in a classless, postpolitical, Marxist utopia.

Eugene Garver, *Spinoza and the Cunning of Imagination*. Chicago: University of Chicago Press, 2018, viii + 301 pp., \$55 (hardcover).

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Spinoza's *Ethics* is among the most difficult books to teach because it is one of the most difficult books to read. Unlike Hobbes's *Leviathan* or Spinoza's *Tractatus* or Descartes's *Meditations*, the *Ethics* does not begin by explaining the scope or purpose of the work, nor even the motivation for writing it. Instead, the book begins with eight definitions and seven axioms. The only clue in our investigation is the title of the book, *Ethica ordine geometrico demonstrata* or *Ethics according to the Geometric Method*. Presumably, the author thinks that living a good life can be deduced from assertions about the nature of God.

From such a sparse beginning, Eugene Garver uncovers "a drama with a complex plot" (1). Most surprising of all, the key mover in the plot is not reason at all, but rather the imagination. Garver is uniquely suited for this kind of study. The author of four books on Aristotle and several others on prudence and rhetoric, Garver spent much of his career at St. Johns University in Minnesota teaching Greek philosophy and philosophy of law. This background is particularly important for the study of an author like Spinoza, who uses ancient and medieval philosophical terminology even as he changes the meaning of these terms. As Martin Yaffe has put it, Spinoza "puts new wine in old bottles." Garver's work displays the sure hand of a careful reader and, moreover, one who is versed in thinking through difficult arguments.

How then should we read the *Ethics*? A good place to start is Spinoza's own instructions for reading. In the *Theological Political Treatise (TTP)*, Spinoza

explains how to read the Bible by contrasting it with Euclid's *Elements of Geometry*. The meaning of the Bible does not disclose itself immediately to reason but requires knowledge of the historical context, languages, and the opinions of the authors. Once we have excavated the literal meaning of the text, we can determine whether it is true. In sharp contrast, Euclid's *Elements* does not require sophisticated scholarly tools to determine the meaning of its claims. Rather, the propositions are demonstrated and clear in both their meaning and truth. Perhaps Spinoza's oeuvre can be read in a similar fashion: his analysis of the Bible in the *TTP* should be interpreted in light of the common theological beliefs of his time, while the *Ethics* discloses itself to reason without any scholarly apparatus.

Unfortunately, this attractive solution proves to be facile. For one thing, as Leo Strauss points out in *Persecution and the Art of Writing*, Spinoza grapples with a third alternative throughout the *TTP*, namely, the art of writing practiced by Maimonides. Here, the surface of the text does not disclose the whole truth because the author's explicit claims are not consistent and, in some cases, contradict one another. Strauss exposed at least a dozen instances in the *TTP* where the literal claims contradict each other and force the reader to develop a hermeneutic for working out the meaning of these contradictions. As a hypothesis, he suggested that we begin by taking the more radical claims as the true ones. This makes sense if the goal of the method is to conceal propositions that undermine the theological and political basis of the community. Thus, Spinoza follows Maimonides's guidelines, but only up to a point, since he hopes to create a new type of regime with an unprecedented degree of freedom of thought.

Like Strauss, Garver finds inadequate the hermeneutical alternatives presented by Spinoza in the *TTP*. Spinoza's method for reading the Bible focuses our attention on uncovering the meaning of the text so that we may never get to the question of truth; and unlike Euclidean propositions, Spinoza's claims in the *Ethics* are not "immediately comprehensible to reason" (16). However, Garver does not begin with Spinoza's political project in order to explain the reasons for the peculiar presentation of the *Ethics*. Garver eventually argues that the *Ethics* does present a political teaching, but it is certainly not central to its overall project. Nonetheless, Garver makes plain that there are a host of contradictions or "reversals" at the heart of the *Ethics* that must be explained in order to make sense of the work: man is fully determined, yet can be free; the mind is an inadequate idea that can grasp adequate ideas; the finite and infinite are commensurable, and so forth. Garver's formidable catalog of such

contradictions at the beginning of his study will impress even veteran readers of the *Ethics* and cause them to wonder about its coherence.

At the heart of these contradictions is the opinion that the world as it discloses itself to reason leaves no basis for ethics: “Spinoza goes out of his way to make ethics impossible—free will is an illusion; the mind cannot act on the body; neither people nor God nor nature acts for an end” (12). In other words, the first two parts of the *Ethics* appear to make impossible the pursuit of an ethical life, the very purpose of the subsequent three parts of the book. The dramatic shift in part 3 of the *Ethics* toward individuals and their emotional lives rooted in their imagination reveals the categories, however illusory, that make an ethical life possible and meaningful. From the perspective of the individual striving to persist, reason and imagination are not at odds with each other because while the imagination might lead us astray, it is also our only means for empowering reason.

In truth, for most people, there is no dramatic discovery or self-development. The *conatus* (or striving to persist) remains mired in various imaginings or superstitions, such as free will, final causes, and providence. The stubborn stability of the imagination “constructs an emotionally objective world” and an account of human nature to support it that few individuals can escape (14). The problem of ethics is exacerbated by the fact that Spinoza rejects all traditional accounts of the path from imagination to knowledge: “there is no impetus that leads from inadequate ideas to adequate ones, no desire to know, and no mechanism for moving from inadequate to adequate ideas” (137). However, because the struggle to persist involves the desire to increase one’s power, some individuals desire to know the actual causes of their emotions and imaginings. For these blessed few, the imagination liberates them from their individual point of view toward knowledge of the existence and nature of the whole. Such blessings are hardly the result of grace but of the *conatus* guided by the imagination to a desire for adequate ideas. Garver’s point is that only the imagination can encourage finite individuals to understand the causes of their passions and transform them in favor of adequate ideas. The title of the book is meant to reinforce the claim that only the imagination—not reason (as Hegel would have it)—guides us toward an ethical life. The reversals or contradictions in the *Ethics* are deliberate. They are a kind of therapy which forces a careful reader to think and, in doing so, to become free.

The first half of Garver’s book deals with the subtle and fascinating ways that the imagination directs some individuals beyond itself toward adequate ideas. The analysis culminates in chapter 4, where Garver presents

a thumbnail sketch of Spinoza's argument via a curious and highly original reading of the story of Jacob and Rachel in Genesis 29. Readers will recall that Jacob, driven by his extraordinary romantic love for Rachel, agreed to work seven years for his uncle Laban for her hand in marriage. The cunning Laban tricks Jacob into marrying Rachel's sister Leah instead and thus secures an additional seven years of Jacob's labor. Garver retells the story from Spinoza's point of view, beginning on the morning after Jacob discovers he had enjoyed his splendid wedding night with the wrong bride. Paraphrasing Bentham, Garver observes: "Jacob went to bed with poetry, only to wake up and find it was pushpin" (111).

Jacob's disappointment is primarily the result of his notion of romantic love. In the language of the Bible, Jacob fell in love with Rachel the moment he saw her at the well. According to the *Ethics*, what actually happened was that Jacob was struck by Rachel's beauty and had the corresponding idea that such an object will also increase his power and vitality. Although Spinoza is well known for his concept of *amor dei intellectualis*, he has a far dimmer view of romantic love. In contrast to Plato, he teaches that eros has nothing in common with romantic love; it is "not a stepping-stone to devotion to God but a distraction from it" (18). Garver uses the story of Jacob to catalog the illusions that undergird romantic love, that is, that "pleasure accompanied by the idea of an external cause" (*Ethics* III.13 cor.). The fundamental confusion is that an external body is the cause of an idea; only ideas cause other ideas.

Jacob's idea of love suggests that Rachel embodies the good. His love of her, therefore, is an exclusive attachment and, at the same time, an expression of devotion to something beyond that attachment. For Spinoza, as for Hobbes, what we call good is nothing more than the expression of our momentary desire. No rational person would develop exclusive attachments. As Garver observes: "the rational person would be indifferent to the sources of pleasure. Nothing prevents Jacob from loving both Rachel and Leah, except for the human imagination that leads to commodity fetishism, and to loyalty" (119). Even if we can rescue Spinoza from the charge of encouraging promiscuity above loyalty, exclusive attachments to individuals or communities along with the experiences of wonder, veneration, and devotion remain problematic. At best, rooted in the imagination of an external cause as the source of our pleasure, such attachments are, according to Spinoza, obstacles to a rational life.

Thus far, Garver's argument has explained the ways in which the imagination leads us astray from the pursuit of knowledge and ethics. In the second

half of his book, Garver pays particular attention to Spinoza's solutions, that is, his recommendations for achieving an ethical and free life. Garver makes a convincing case for the possibility of an ethical life for those rare individuals who are able, thanks in part to their environment and in part to their own acumen, to ascend to knowledge and adequate ideas. As for the rest of us, Garver argues that there is still hope for redemption because social life forces us to appreciate "the empowering pleasures of the community" (153). Of course, our desire for the agreement and approval of others, a desire based on imagining that there exists an objective good, invariably leads to conflict. But here, too, we may be led by the "cunning of imagination" in the form of religious images related to "obedience and pious action" (158).

Here, we return to the question of the relation between Spinoza's political project and his account of philosophy. Garver argues that the universal dogmas that constitute Spinoza's creed in the *TTP* "are things that people must believe in order to be members of the community" (158). Yet these very principles are undermined by Spinoza's larger account of revelation in the preceding chapters. Is it possible for people to pledge allegiance to principles and images that they believe to be false? Spinoza insists that all "decent men" (*honestos*), including presumably philosophers, will embrace the dogmas even if they later interpret them in ways that contradict their literal meaning. Garver too insists that "philosophers make the best citizens" (140). In part thanks to Garver's own efforts to expose the incompatibility of philosophy and politics, the reader may wonder about the philosopher's allegiance to any community. This criticism notwithstanding, Garver's excellent study will undoubtedly attract many new students to the study of Spinoza's *Ethics*.

Lewis Fallis, *Socrates and Divine Revelation*. Rochester, NY: University of Rochester Press, 2018, 194 pp., \$87.25 (cloth).

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Lewis Fallis's *Socrates and Divine Revelation* reminds one of the suppers one gets at many upscale coastal urban restaurants these days. On one hand, the food that is served is very, very tasty; on the other hand, the portion sizes are rather small and one sometimes leaves the table a little hungry for more.

Let us begin with the tasty part of the meal. At the heart of Fallis's book are careful, subtle, and insightful commentaries on two Platonic dialogues, the *Euthyphro* and the *Ion*. The *Euthyphro* commentary is divided into two chapters, the first addressing Euthyphro's "character" and the second his confusion about "piety." Fallis is particularly adept at using the hints provided by the dialogue to tease out what Socrates suggests about Euthyphro's morality, his passions and desires, his motivations and intentions. Euthyphro comes to sight in Fallis's analysis as a man who understands himself to be not only just but noble. His commitment to the laws as requiring the prosecution of his own father for murder is unparalleled, but Euthyphro is proud that he is unique in pursuing legal justice when most men would fail in their duty. He also understands himself as noble for offering to defend Socrates against the injustice the city intends for him. In short, what marks Euthyphro's character is its commitment to morality, come what may. "He has strong opinions about justice," Fallis emphasizes, and he "desires to do what is noble" (48); it is not at all clear, however, that these opinions and desires are completely coherent with each other. Like many of the interlocutors in Platonic dialogues, Euthyphro seems to have intentions that are laudable enough, but he does not understand himself very well.

Socrates, in Fallis's analysis, is able to expose Euthyphro's lack of self-understanding to the reader of the dialogue, although it is doubtful whether Euthyphro ever accepts his own humbling at the hands of Socrates, or whether he even realizes what Socrates is doing for him. Euthyphro's inadequacies are the subject of the second chapter of Fallis's commentary on the dialogue. Euthyphro's immediate problem is that he cannot give a coherent account of piety. Fallis is hardly the first to point this out, but his treatment of "the *Euthyphro* problem," as it has come to be called, is far more subtle and careful than that of most commentators. For one thing, Fallis is far more attentive to those places in the text where Socrates seems to treat Euthyphro unfairly; for another, he is careful about analyzing the abrupt conclusion of the dialogue. Most importantly, he poignantly raises the question of what Socrates learns or fails to learn from his conversation with Euthyphro.

Whereas Fallis sees in the figure of Euthyphro a man who is like a prophet, claiming direct experience of the divine, in *Ion* he sees a man who is a follower of a prophet, whose experience of the divine is mediated by a text. Fallis's *Ion* commentary also has two chapters. Their topics loosely imitate the two topics of his *Euthyphro* commentary, the first being devoted to *Ion*'s "artfulness and mindlessness" (i.e., his character), the second to *Ion*'s lack of "knowledge" (i.e., his inability to give a coherent account of his claims). Whereas Euthyphro comes to sight as a very strange person, Fallis notes, Plato emphasizes that the rhapsode *Ion* is quite normal (83). Both of Fallis's commentaries pay careful attention to structure, but the *Ion* commentary does so to a greater extent than the *Euthyphro* commentary. While there is certainly a great deal to learn from Fallis's *Ion* commentary, one has the sense that he is less confident in this than in his *Euthyphro* commentary. He frequently refers to the *Ion* as presenting "puzzles" (e.g., 85, 91, 94, 98, 118). Of course, the dialogue *does* present puzzles; the question is how to resolve or interpret them. It is again significant that Fallis raises the question of what Socrates learns or fails to learn from *Ion*.

The four chapters of Fallis's two commentaries comprise about four-fifths of the book. The other fifth is devoted to an introductory chapter and a short conclusion. It is these parts of the book that leave one hungry for more.

The stated purpose of the introduction of *Socrates and Divine Revelation* is to explain why contemporary readers need to study the *Euthyphro* and the *Ion*. The reason given is that contemporary analyses of "religious experience" or "divine experience" are inadequate because they begin with assumptions that prohibit the very possibility of treating religious experience

fairly or with “openness.” Plato’s Socrates, Fallis claims, is nondogmatic and this nondogmatism (which is not relativism) opens up the possibility of religious experience getting a fair or open hearing. People like Dawkins and Rorty, he says, especially fail to give those who claim experience with the divine an honest chance, but rather *assume* such people to be misguided or self-deluded or worse. Whether it is fair or accurate to use the pugnacious Richard Dawkins as particularly representative of the position of “scientism” is one question we might raise about Fallis’s approach.

A more significant question is whether those advocating “divine revelation” today would want to hitch their wagon to the concept of “religious experience” to begin with. The many more or less distantly related followers of Karl Barth, for example, would protest loudly against such a travel plan. For them, the very notion of “religious experience,” as it is commonly understood, is already an idolatrous enterprise, for it describes attempts by man to reach out to God, whereas “divine revelation” (the phrase used in Fallis’s title) implies God reaching out and achieving something within man. Indeed, the very word “religion,” which attempts to place things as disparate as Buddhism and Christianity in the same genus, already bears within it the Enlightenment attack on Christian faith, or so would some following in Barth’s footsteps aver. Fallis is not unaware of this problem (6), although one wonders if his treatment of the matter is adequate.

Fallis could perhaps have attempted to improve his argument for the rationale of his study simply with a more developed portrait of the contemporary alternatives. In addition to such a task, however, he will also need to make an extensive argument for why, even though paganism has been supplanted for many centuries, it is still desirable to turn to Plato’s treatment of pagan religion in dialogues such as the *Euthyphro* and the *Ion*. After all, the religious experiences of the audience Fallis is attempting to reach are Christian or Jewish or perhaps Islamic. It is less than obvious that such experiences as these map directly onto the pagan religious experiences of Euthyphro or Ion. Perhaps there are passages in Jeremiah where the prophet comes across as a moralist as severe as Euthyphro, but does Euthyphro ever say, with Isaiah, “Speak tenderly to Jerusalem”? Surely it never occurs to the overly self-confident Euthyphro to say to God, as Moses did, “Oh, my Lord, send, I pray, some other person.” One is inclined to think that the argument Fallis needs to establish the importance for studying Plato’s two dialogues in our theistic or post-theistic times is available, but he needs to show us the argument nonetheless. In the conclusion to *Socrates and Divine Revelation*, Fallis

admits that the argument is necessary for his project but missing from his book (138). Such an admission, though, goes some way toward undermining the argument he wants to make in the introduction for the importance of studying the *Euthyphro* and the *Ion*.

The conclusion to *Socrates and Divine Revelation*, like its introduction, outlines a valuable argument yet leaves it incomplete. We are told that, to get the whole Platonic teaching on religious experience—or divine revelation—we will need to consider (in addition to the *Euthyphro* and the *Ion*) at least portions of *Alcibiades*, *Republic*, and *Meno*. And while we learn that the interpretations offered of the *Euthyphro* and the *Ion* might go some way toward “a new account of Plato’s understanding of education” (141), it turns out that this new account will require a new study of the *Laws*. But Fallis proceeds to give only a brief sketch of such a study.

Readers of *Interpretation* presumably do not need much prompting in order to be convinced that we all need to study the *Euthyphro* and the *Ion* and we will certainly be assisted in our efforts by attending to Fallis’s fine commentaries. And while we would like to have the complete argument about the *Alcibiades*, the *Republic*, the *Meno*, and the *Laws* on education, we are perhaps—to return to our opening metaphor—not so gluttonous that we cannot wait for the next book from this talented young interpreter. The commentaries on the *Euthyphro* and the *Ion* are thus sufficiently substantial for today’s supper; our lips remain whetted, though, for the argument explaining the importance of these commentaries as well as the argument explaining where the commentaries lead. Having offered us one supper, we trust that Fallis will not make us fast for an inordinately long time before offering another.

The Jury Is Still Out

Dennis Hale, *The Jury in America: Triumph and Decline*. Lawrence: University Press of Kansas, 2016, xvi + 464 pp., \$39.95 (cloth).

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In *Democracy in America* Alexis de Tocqueville famously described the American jury as a political, rather than merely judicial, institution. Without claiming that jury decisions tended to be juster or sounder in either criminal or civil cases than those made by a judge (as was and remains the practice in the Continental system) would be, Tocqueville identified the jury as a pre-eminent means by which the democratic populace exercised its sovereignty, since its decisions constituted a more direct and meaningful exercise of political authority than voting, taken by itself, would. Additionally, particularly in civil trials, jury service was an experience that deepened ordinary people's understanding of, and appreciation for, the law, thanks especially to the instruction that they received from the presiding judge, thus heightening their disposition to respect the constitutional system and the legal rights of their fellow citizens. (In this respect the jury system also served in Tocqueville's account as a primary check on the tyranny of the majority.)

In *The Jury in America* political scientist Dennis Hale takes up Tocqueville's view of the jury as a political institution. However, partly in light of the recent "decline" of the jury—that is, the steep decrease in the frequency of jury trials, in proportion to the number of cases that are settled through plea

bargains (in criminal cases) or negotiated settlements (in civil ones), that has occurred in recent decades, Hale's outlook on the institution is less sanguine. While noting various factors that have encouraged this decline—including the vast increase in the number of crimes listed in federal statute books, generating an overload of the judicial system; the capacity of prosecutors to pile up numerous criminal charges for the same offense, giving defendants a strong incentive to plead guilty; and the expansion of rights-based and class-action lawsuits—Hale also identifies changes in policy and political outlook, including the Progressive stance favoring resolution of disputes by administrative experts rather than by courts, and the subsequent change of emphasis in composing jury pools from choosing well-qualified jurors to selecting those who would “represent” their community (in terms of race, class, and gender) that have furthered the trend. Although the decline of the jury is “the product of policies supported by both political parties, both houses of Congress,” and “the leadership of the American bar,” Hale aims “to sow a few doubts about the wisdom of this trend” (416). To every thoughtful reader, his thoroughly researched, well-argued, and nonpartisan study will inevitably have this effect.

Hale's order of presentation is historical. He traces the Anglo-American jury from its common-law origins in medieval England and the American colonies; through its restructuring in the early period of the American republic; then to its gradual transformation during the nineteenth and early twentieth centuries, followed by the “postmodern” jury, based on the “representative” principle embodied in the Jury Selection and Service Act of 1968; to its contemporary near “vanishment.” The last chapter culminates in an analysis of four widely publicized jury trials from recent years in which Hale defends the jury system against common criticisms of it.

The most interesting aspect of Hale's account of the development of the English and colonial jury system concerns the manner in which juries came to defy the “official” division of labor between judges and jurors, according to which jurors' role was limited to matters of fact, while it was up to the judge alone to decide issues of law. Especially in criminal cases carrying the severest penalties, juries came to be seen as expressing “the community's sense of justice,” not merely the letter of the law. Hence, for instance, “juries effectively abolished the [legally mandated] death penalty for adultery” in seventeenth-century Massachusetts (56). (In this regard, Hale confirms Tocqueville's observation that despite the “profuse” provision for the death penalty in the colonists' laws, their “enlightened” spirit and “mild” mores minimized the

application of that punishment.)¹ It is also significant, in view of later developments, that while the colonial jury system was in principle a democratic one, it was selective: each town meeting was authorized “to choose as many ‘able and discreet’ men as would be needed for jury duty” (57).

As Americans’ conflict with their British rulers sharpened during the eighteenth century, Hale observes, they focused on “English juries’ dramatic resistance to Crown persecutions for seditious libel,” dating back to the reign of the Stuarts, and exemplified by the 1735 acquittal of New York printer John Peter Zenger (60). In civil cases as well, juries began to claim the right to return verdicts “contrary to the mind of the court” (i.e., the judge), a practice that John Adams enunciated as a “duty” when jurors perceived a judge’s interpretation of the law as violating the law’s “fundamental principles,” as understood by the citizenry at large. Even Tory magistrates, Hale points out, denied their own authority to serve “too absolutely” as judges of law as well as of fact (61–62). In sum, “the early American legal system existed for a century and a half as a partnership among literate citizens whose knowledge of the law was based on familiar common-law principles,” rather than as the exclusive purview of a professional clerisy authorized to dictate the law to unschooled laymen (63–64).² Hence British authorities’ extension in 1767 of the jurisdiction of admiralty courts (which heard cases without juries) to the criminal prosecution of smugglers, along with Massachusetts Governor Thomas Hutchinson’s threat to prosecute cases of seditious libel in a “summary” manner, were a prime precipitant of the American Revolution (65–66).

Following independence, the omission of a guarantee of jury trials in civil cases from the original Constitution was a major concern of the Anti-Federalists, leading to its addition in the Seventh Amendment. “Federalist concerns over whether civil juries could handle complex cases,” Hale observes, “were somewhat beside the point,” since “the jury was how the common people participated in government” (76) (corresponding to Tocqueville’s account of it as a political, not merely judicial, institution). In response to the fear Hamilton expressed in *Federalist*, No. 83 that erroneous decisions in civil cases by jurors unequipped to comprehend complex commercial agreements or issues relating to foreign policy would bring even the use of criminal juries into disrepute, Anti-Federalists defended both sorts of

¹ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 1.1.1, 38.

² Cf. Thomas Hobbes’s critique of the latter view in his *Dialogue between a Philosopher and a Student of the Common Laws of England*.

jury as means of civic education (again anticipating Tocqueville), compelling jurors “to take responsibility for their decisions and for the actions of others,” learning “to distinguish between justice and vengeance” and how “to rule responsibly” (81, 83). Not surprisingly, the constitutional amendments fortifying and extending the right to jury trial in state and federal courts appear to have passed the first Congress with “very little controversy” (85).

In subsequent sections of his chapter on the “republican jury,” Hale describes the dialectical relationship that developed between federal judges and jurors during the Constitution’s early years, which was facilitated by Congress’s requiring Supreme Court justices to serve on circuit courts, or “ride circuit,” thus acting (in Ralph Lerner’s phrase) as “republican schoolmasters”—familiarizing the people at large (particularly in the addresses with which they opened a term) with the principles of constitutional government. The relationship, Hale notes, was “not one-sided,” as illustrated by a protest submitted to Congress by the grand jury of the Georgia circuit against the extent of the power claimed by the juryless admiralty courts (96).

Hale then traces the development of the relationship through two late eighteenth-century crises. The first was the treason trial of leaders of the Whiskey Rebellion, which required the presiding Justice Paterson to explain to a grand jury the difference between “rebellion against a tyrannical government” and “acts of violence against a government chosen by the people themselves” (97)—a distinction subsequently highlighted by Abraham Lincoln in response to the Confederate states’ so-called secession.³ The second was the trial of seventeen alleged violators of the Sedition Act of 1798, all but one of whom were convicted in federal or state courts. Despite its controversy (then and now), Hale argues, the Sedition Act in some ways “clarified and even strengthened” the jury’s authority, since it required that charges of seditious libel be supported by proof of defamatory intent (as well as of the falsity of the libel), as ascertained by the jury. In a charge to the Pennsylvania grand jury under the act, even the “irascible” Federalist Justice Samuel Chase affirmed jurors’ right in criminal cases “to decide the law, as well as the fact,” thus evincing “the nature of the partnership that both Republicans and Federalists understood to exist between judge and jury in the republican era”—although Chase did deny the claim made on behalf of one defendant that jurors had the right to acquit if they thought the act unconstitutional,

³ Message to Congress in Special Session, July 4, 1861, in *Collected Works*, ed. Roy P. Basler (New Brunswick: Rutgers University Press, 1953), 4:439 (“when ballots have fairly, and constitutionally, decided, there can be no successful appeal, back to bullets”); also First Inaugural Address, in *ibid.*, 267.

a practice that would have introduced intolerable uncertainty into the law, varying with the jurisdiction in which one resided. Nonetheless, the sedition trials also “exposed two difficulties” with the republican jury system over which controversy has continued ever since: establishing qualifications for jury service and the specific nature of the relationship between jury and judge (100, 102, 105–7).

In the remainder of his chapter on the republican jury, Hale traces the tug of war that continued throughout the nineteenth century between advocates and opponents of the doctrine that juries had the right to determine, within limits, matters of law as well as of fact, rather than the former being decided solely by judges. This controversy reached a seeming culmination in the 1895 case of *Sparf and Hansen v. United States*, wherein the Supreme Court denied juries’ right to judge the law—despite extensive evidence marshaled by the lone dissenter on this point that for almost the first forty years of the Constitution’s existence, not a single decision by the highest court of any state, or by any federal judge, had denied that right in criminal cases (138). The dissenting justice described the right as essential to the people’s “permanent security”—even though, like John Adams before him, he stressed the jury’s duty, and typical willingness, to give proper heed to the guidance of the judge on complex matters of legal interpretation (139).

For Hale, the *Sparf* decision marks the transition from the “republican” jury to the “modern” one. He adds, however, that the modern jury “was the product of several developments over many decades,” including the democratization of the franchise (which broadened eligibility for jury service, but heightened questions about jurors’ competence); the “emergence of a professional bar,” which would now challenge judges’ dominance over juries; judges’ reciprocal assertion of a “new, more directive relationship with jurors,” albeit under the increasingly centralized control of higher courts; a growth in the number of “highly complex commercial disputes,” renewing doubts about jurors’ capacity to resolve them properly; and the “triumph of Progressive legal doctrines,” which aimed “to subordinate lay judgment to...the professional bar and (even better) the professional administrative tribunal” (140–46).

Space considerations require me to limit my scrutiny of Hale’s highly informative account of these developments to the last two. While not rejecting some of the criticisms made of juries during the late nineteenth century—for instance, their tendency in civil suits to ignore well-established and reasonable legal doctrines like “contributory negligence,” particularly “when the defendant was a ‘deep-pockets corporation’” (anticipating the tendency of

some of today's juries to award outrageous punitive damages in suits brought against unsympathetic defendants like "Big Pharma") (155), Hale cites the observation of a couple of prominent critics that such problems were partly the fault of judges who neglected their duty to properly instruct jurors and of state legislators who improperly restricted judges' authority to issue instructions; as well as resulting from the failure properly to screen jurors, as had once been accepted practice, for intelligence, character, and "varied experience in the affairs of life" (159). Whatever the cause, Hale observes, whereas "during the republican era, the dominant question had been whether juries had the right to judge the law," by the late nineteenth century critics contended that jurors "were simply ignoring the law, especially in civil cases in which the defendant was a large corporation" (174). Partly in reaction to this perceived abuse, the American Bar Association urged reforms that would "increase the power of judges and decrease the power of juries" (181). But as articulated by such leading advocates as Roscoe Pound, the ultimate aim of those reforms was not simply to make the judicial system fairer or more efficient, but to overcome "the common law's fixation on individual and private rights," which obstructed (purportedly) needed "social reform." In the vision of Pound and other Progressive reformers, judges "should govern, not just settle cases," basing their decisions not on fixed rules but on a rational "weighing" of the consequences of "alternative social policies" (182). Ultimately, this entailed renouncing (as one leading Progressive put it) the entire, allegedly outdated, "system of Constitutional restraints" on government (184).

As Hale proceeds to explain, this disparaging view of civil juries underlay the 1938 Federal Rules of Civil Procedure, partly designed by the dean of Yale Law School, which "avoid[ed] rather than abolished" such juries (thus preserving the formal Seventh Amendment guarantee) by "making it easier for judges to resolve cases" before a trial began through "extensive pretrial discovery and expanded summary judgment." Those rules, along with subsequent amendments, "are largely responsible for...the 'vanishing civil jury,'" with jury trials now reduced to less than one percent of all federal civil case dispositions, "from levels as high as 30 percent before the reforms" (185). However, 1938 also marked the issuance of a more moderate set of proposals by the American Bar Association for "improving the administration of justice" in the state courts. In particular, the ABA recommended that larger cities adopt the "Cleveland system" for creating jury pools whose members were "drawn from all walks of life" (relying on voter registration lists to achieve that goal), but using a process of interviewing prospective jurors to make it likely (in Hale's summary) that those actually impaneled to serve would possess average or

greater ability “to understand cases and come to reasonable conclusions based on evidence” (188–89). Achieving that goal also required refusing “to accept inadequate excuses” for declining jury service, so as to “kee[p] the administration of justice in tune with the community.” Interestingly, the ABA report quoted at length from a 1935 report of the Boston Bar Association, which emphasized the jury’s function as not merely one of deciding cases properly, but (as Tocqueville had stressed) “an educational institution” (190). Still, the Cleveland system, as applied, was a selective one, retaining part of the colonial and republican eras’ concern for finding jurors who were not merely “average” but “exemplary” in intelligence and character (192–93).

A crucial change in the understanding of the jury selection process, as Hale reports, began with the Supreme Court’s decision in the 1940 case *Smith v. Texas*. In *Smith*, while following a line of precedents dating to 1880 that denied the constitutionality of the widespread southern practice of excluding black people from jury service, Justice Hugo Black enunciated a new claim that he misleadingly asserted was an “established tradition” in American law, namely, “that the jury [must] be...truly *representative* of the community” (194, emphasis added). As Hale points out, while defendants had always been understood as entitled to a trial by an impartial jury, chosen in the district where a crime had been committed, it had never previously been held that a jury must “represent” different parts of the community. Representation, it was believed, “was a feature of a legislature, not a jury.” “If anything,” it had never been thought desirable that a jury “represent the least capable citizens,” the “lazy,” or “scofflaws looking to reach a quick verdict” so as to hasten home. And while the exclusion of potential jurors on grounds of race was a clear violation of the Fourteenth Amendment, it did not follow that a defendant had the right to be tried by a jury that included members of his race or class (194–95).

Nonetheless, Black’s claim was elaborated only two years later in *Glasser v. United States*, a case having “nothing to do with race.” In *Glasser*, the defendant objected to the fact that all of the six women on the jury “had been chosen from a list...supplied by the Illinois League of Women Voters,” and “had attended a class on the jury system,” which he alleged would give them a “good government” perspective “and therefore a bias in favor of the prosecution” (196). Favoring good government (in a case that involved the bribery of a government official), along with enhanced understanding of how juries worked, was now alleged to constitute unacceptable juror bias!

While denying the defendant's appeal, Justice Frank Murphy, speaking for the court, elaborated a new view of the jury (following Black's lead) which, he claimed, harmonized better with the "basic concepts of a democratic society" than the previous, common-law one: the claim that the jury selection process, rather than focusing on competence, should be based on prospective jurors' "social and demographic characteristics."⁴ That view culminated in the Jury Selection and Service Act of 1968, which embodied the principle that "every man is fit" for jury service (198, 201–2). This historically novel claim, which soon became the "conventional wisdom," was already implicit in the Civil Rights Act of 1957, which in the process of "disentangl[ing] the federal courts from racially discriminatory state practices" of jury selection, proclaimed jury service to be a "right," and omitted any reference to the need for jurors to be intelligent (215–16). Thus Congress and the Supreme Court prepared the way for what Hale terms, in the next chapter, "The Postmodern Jury."

The core premise of the postmodern understanding of the jury Hale locates in the testimony of University of Chicago law professors Harry Kalven and Hans Zeisel, authors of the 1966 study *The American Jury*, before a 1967 Senate subcommittee whose work culminated in the Jury Selection and Service Act. It is that the notion of *truth* as the intended product of jury deliberation is a social construct, with people's judgments inevitably being shaped or determined by their class bias. Consequently, for many "reformers" whose opinions shaped the act, "the very idea of a jury chosen for its qualities of character and intelligence was inconsistent with the democratic ideal." (As Kalven put it, the endeavor to select intelligent jurors was inevitably "arbitrary.") Hence, under the principles of the act, as summarized by Attorney General Ramsey Clark, it became illegal to require any qualifications of federal jurors other than age, district residency, English literacy, the absence of any "incapacitating mental or physical infirmity," and the lack of a felony conviction. A central objection to the prior exclusive reliance on voter registration lists as the source of jury pools, as a consultant to the University of Chicago Jury Project put it, is that "it discriminate[d] against the

⁴ Murphy's endeavor to impose a radically new view of the jury's function on the American judicial system on behalf of a supposed insight into the "basic concepts of a democratic society" anticipates the enterprise of Harvard professor John Rawls, whose 1971 book *A Theory of Justice* has enormously influenced American jurisprudence, demanding that all social and economic inequalities be re-arranged to serve the interest of "the least advantaged" (rather than the common good), on the ground that such an arrangement is "natural, given the ethos of a democratic society" (*A Theory of Justice*, 2nd ed. [Cambridge, MA: Harvard University Press, 1999], 280–81). In the name of "democracy," both the jurist and the professor exhibit a remarkably undemocratic disposition to remake the American constitutional order so as to satisfy their own idiosyncratic intuitions.

uneducated” as well as the poor, who were less likely to have registered. Seven years later the Supreme Court used the Fourteenth Amendment to extend to the states the act’s requirement that juries be filled on the basis of representativeness rather than qualities of intelligence or character (236–44).

In subsequent pages Hale traces the ways in which the new understanding of the jury as chiefly a representative institution, rather than an instrument for properly resolving questions of criminal guilt or innocence, or civil liability, has been pushed by the Supreme Court to further extremes. For instance, in *Campbell v. Louisiana* (1998), the court “agreed that a white defendant charged with killing a white victim could make an equal protection challenge” to his conviction on the ground that the selection of the jury foreman had been tainted by “a bias against blacks” (278). Then, in a section titled “The Paper Chase,” Hale surveys cutting-edge proposals from law professors for “perfecting” the jury selection process on the basis of postmodern principles. One scholar rejects the notion of choosing jurors on a “color-blind” basis, since “color blindness leads society to understand inequality produced by individual and structural bias as the exception rather than the rule.” Hence the author advocates a policy of “affirmative action in jury selection” so as to achieve the goal espoused by Justice Thurgood Marshall of heightening jurors’ awareness of their “conscious or unconscious racism” (281). A *Yale Law Journal* contributor argues that black defendants should be tried only by all-black juries. More generally, reflecting apparent doubts in the legal community that any juror can “suspend judgment” in advance of “a fair consideration of the evidence,” as he is duty bound to do, two other scholars propose a “cumulative voting” model for jury selection aimed at increasing the likelihood that a case involving a minority defendant would be tried by a juror including at least one member of his group (281–83). (But if each member of the jury is assumed to adhere firmly to his preexisting attachments or biases, how could it ever arrive at a unanimous verdict?)

Yet another scholar laments the court’s failure to extend its list of “distinctive groups,” whose exclusion from a jury requires “special scrutiny,” beyond women and racial minorities, to include the poor. Other groups whose exclusion or relative absence from juries has been criticized by legal scholars include “the young, the old, the handicapped, the poorly educated, the overweight [!], noncitizens, and even felons.”⁵ Such demands, Hale

⁵ With all but two or three states having restored voting rights to convicted felons who completed their sentences (typically with the exclusion of murderers and sex felons), their exclusion from state juries (which are drawn largely from voting lists) has also been repealed in some or many states (“Do

observes, would exacerbate the process of turning jury selection into what Justice William Rehnquist feared amounted to a “constitutional numbers game” wherein “concern for the categories in the [jury] venire has driven out the question that was once at the heart of the jury selection enterprise,” that is, whether the jurors possessed the requisite “intelligence, honesty, impartiality, and integrity” to perform their task well. Beyond this problem, one reason the courts have refrained from extending the list of protected categories in these ways is that people’s economic status (to say nothing of obesity) “is not ‘binary’” (unlike race and gender) and “can change” while being “relative,” and persons belonging to that category “do not necessarily share ‘common experiences or beliefs’” (282–86). (Of course, one might equally question how far gender or race is the chief determining factor in the beliefs and judgments of most women or members of racial or ethnic minorities, respectively. Does not such an assumption amount to the sin of reifying human identity rather than acknowledging its “fluidity”?)

Not surprisingly, as Hale reports, the transformation of the jury system on the basis of representativeness over the past fifty years has hardly stilled the qualitative complaints that were made about it prior to 1968, with jurors being “described as unserious, reluctant to serve, unable to process complex information, biased...and reluctant to follow” the judge’s instructions, as well as “being unsympathetic to large corporations and eager to award ‘outrageous’” damages against them in civil trials, as in the Texaco-Pennzoil takeover case, “in which a jury awarded Pennzoil \$10.5 billion, including an additional \$1 billion (according to one juror) ‘for each of the Texaco witnesses [the jury] had most despised.’” Such punitive-damage awards have renewed doubts about the capacity of jurors to comprehend or fairly resolve complex civil cases, especially now that potential jurors’ intellectual capacities, patience, or integrity can no longer be taken into account (except through the limited number of peremptory challenges awarded to each side) (291–94, 299). Meanwhile, an unanticipated new problem has developed in the form of “scientific” jury consulting, through which defendants like O. J. Simpson, who can afford (or for political reasons are donated the services of) the most expert consultants, can have their counselors stack juries, by the astute use of peremptory challenges, so as to greatly increase their chances of victory. (“The final Simpson jury had eight African-American women, all twelve jurors were Democrats, and nine

Felons Get Jury Duty?,” *Jobs for Felons Hub*, <https://www.jobsforfelonshub.com/do-felons-get-jury-duty/#ixzz5fShO6Rw0>, accessed Feb. 12, 2019; Patricia Mazzei, “Florida Felons Once Denied Rights Begin Registering to Vote,” *New York Times*, January 8, 2019). The way thus seems to be clear for the appeal of some future felony conviction on the ground that the jury failed to include a felon.

of them believed that a successful football player was unlikely to commit murder.”) As Hale concludes, “if it is possible for consultants to put together a jury that will not deliberate—because it is already convinced that the prosecution is unjust or that the defendant is guilty, regardless of the evidence entered into the record...it may be possible to buy a jury.” (So a reform intended to “democratize” the jury may actually heighten the advantages enjoyed by rich defendants over poor ones—just as eliminating SAT scores as a requirement for admission to prestigious colleges has generated advantages to applicants whose parents can afford to hire professional application-essay writers.) This possibility has in turn “led to the introduction of a new idea masquerading as an old one: jury nullification” (298–304).

Contrary to the claims of its defenders, Hale distinguishes the contemporary assertion of jurors’ right to “nullify” laws with which they disagree and the older, common-law and republican understanding that jurors had a right to share in the *interpretation* of a law as well as the facts. Nullification, as a scholar Hale quotes observes, being “rooted in a bias either against the prosecution or in favor of the defendant, and...impervious to evidence...poses a threat to the rule of law.” Yet other scholars have justified the practice as reflecting citizens’ supposed “right to enact their communal or personal norms in direct contravention of formally enacted laws.” In effect, they seize the right of lawmaking from the people’s elected representatives in order to favor their own particular whims or prejudices (304–10). But Hale cites studies suggesting, as one might expect, a link between the recent increase in jury nullification and the postmodern rejection of attempts to assess the qualifications of potential jurors: not only do “prosecutors find it more difficult to secure convictions of minority defendants in districts with large numbers of black or Hispanic jurors,” but “up to a quarter of all criminal jury trials” now result in “mistrials due to jury deadlock” (versus a historical “baseline” of 5.5 percent), suggesting a growing incapacity or unwillingness of jurors to participate in genuine collective deliberation, as opposed to sticking to their preexisting or quickly formed biases to the end. (When a judge removed a juror who remarked that since he disagreed with drug laws he would never vote to convict an alleged violator, the defendant’s conviction was overturned on appeal [310–12].)

Further exacerbating the difficulty of obtaining fair, reasonable, and open-minded jurors, as Hale goes on to observe, is the increased role played by trial lawyers (as opposed to judges) at both federal and state levels in the *voir dire* (the proceeding in which prospective jurors are questioned, officially with a

view to weeding out those with a preexisting bias)—reversing reforms enacted in 1938 and 1946 to reduce the lawyers’ role. As attorneys admit, their purpose in conducting *voir dire* is to impanel not an impartial jury, but one that will be sympathetic to their client. The decline in judges’ authority to supervise the *voir dire* thus goes hand in hand with the postmodern denial that the purpose of a jury trial is (or can be) the discovery of objective truth (314–26).

Hale begins his chapter “The Vanishing Jury” by citing statistics on the vast decline in the percentage of civil and criminal cases at both federal and state levels that were decided by jury trials over the past half century (e.g., from 8.1 percent of federal criminal cases in 1960 to 2.3 percent in 2013, with nine out of ten defendants entering pleas of guilty or *nolo contendere*; from 5.5 percent of civil cases in 1962 to 1.1 percent in 2013). By contrast, during “the republican era and well into the modern era, one-fifth to one-third of all civil cases were decided by trials” (327–30).

Hale cites several causes contributing to this decline. One is “the enormous increase of the workload of the state and federal courts, especially on the civil side, over the past half century.” Not only did federal case filings multiply sixfold from 1962 to 2010, but their nature “changed in response to civil rights legislation and liberalized class action rules.” Reflecting the “rights consciousness” of the 1960s and 1970s, the number of civil rights cases mushroomed “from just over 300 cases in 1962 to more than 50,000 cases in 2010,” partly as the result of “statutes governing elementary and secondary schools, employment law, the rights of the disabled, the rights of shareholders,” and colleges’ “admissions and athletic policies.” A second cause was the Supreme Court’s 1966 adoption of the recommendations of the Judicial Conference’s Advisory Committee on Civil Rules, aimed at making class actions on behalf of large numbers of plaintiffs easier to file. One result of the 1966 amendments’ “facilitating the prosecution of small claims susceptible to group adjudication but otherwise uneconomical to litigate,” although Hale does not spell this out, is the notorious practice of attorneys’ creating huge classes of plaintiffs who have suffered barely noticeable “injuries” (e.g., in one instance experienced by this reviewer, having purchased a popular brand of laptop computer which had a slight software glitch that *might* adversely affect some files on rare occasions), then winning “settlements” that offer plaintiffs trivial compensation (in this case, minor discounts on future computer purchases) while the attorneys pocket many thousands if not millions of dollars in fees. (Such settlements of course will ultimately be paid by future purchasers of the company’s products.) And as Hale does point out, the 1998

multistate tobacco settlement that put \$247 billion into state coffers (based on a questionable theory of legal liability, I note) netted the plaintiffs' attorneys a windfall of "between \$10 billion and \$30 billion" (335–40). The potential cost of losing such cases if they go to trial—especially given juries' tendency to award disproportionate punitive as well as "actual" damages—along with the cost of litigation itself, powerfully increases the pressure on defendants to settle, regardless of their degree of guilt.⁶

Other causes listed by Hale pertain specifically to the decline of trials in criminal cases. One was Congress's "federalization of crime," adding some three thousand crimes to the federal criminal code just between the 1960s and the 1990s— including not only drug and firearms offenses, but such trivial misdeeds as "tampering with odometers." Another was the Sentencing Reform Act of 1984, which balanced a reduction in the variation of sentences that could be imposed for a crime depending on the locale where it was committed (a concern of liberals) with an increase in the severity of mandated penalties for the most serious crimes (a goal of conservatives). The "most notable consequence" of the sentencing guidelines "was to enable prosecutors to threaten draconian sentences in order to extract plea bargains from defendants who might otherwise have chosen to go to trial" as well as offering them "additional opportunities to multiply counts for what was, in essence, a single crime," with the same effect (342, 372).

⁶ Consider the suit recently filed under the Americans with Disabilities Act against dozens of New York art galleries for failing to make their websites accessible to *blind people*: Elizabeth A. Harris, "Galleries from A to Z Sued over Websites the Blind Can't Use," *New York Times*, Feb. 18, 2019. The two lawyers bringing the suit are reported to be "among the most prolific in the country" in initiating such actions, having previously "filed reams of complaints" against such companies as "CorePower Yoga, the Honey Baked Ham Company and Camp Bow Wow Franchising, a day care for dogs." As the *Times* reports, given defendants' typical wish to avoid litigation, "most [such] lawsuits are quickly settled, with the visually impaired plaintiffs earning a few hundred dollars per lawsuit and their lawyers pocketing thousands in legal fees." Similarly, in 2018 a blind man sued fifty colleges under the ADA for "compensatory damages" as well as injunctive relief for failing to make their websites sufficiently accessible to the visually impaired; the College of the Holy Cross arrived at an undisclosed financial settlement with him three months later, following the lead of at least five other colleges. The suit maintained that the college had deprived "visually-impaired customers" the opportunity to "fully and equally use or enjoy the facilities" offered to the public on its website. While such lawsuits, initiated by a "boutique" law firm operating on a contingency-fee basis, are "widely seen as a means to get a quick settlement, rather than improve accessibility," a Syracuse University law professor, reflecting current canons of judicial ethics, defends them on the ground that whether the plaintiff (who in 2017 sued a coffee company, among other targets) is a true disability-rights advocate or merely an opportunist is irrelevant, since all such lawsuits encourage inclusivity (Lindsay McKenzie, "50 Colleges Hit with ADA Lawsuits," *Inside Higher Ed*, Dec. 10, 2018, <https://www.insidehighered.com/news/2018/12/10/fifty-colleges-sued-barrage-ada-lawsuits-over-web-accessibility>, accessed March 13, 2019; Scott O'Connell, "Holy Cross Settles Suit over Website," *Worcester Telegram and Gazette*, March 13, 2019).

Another byproduct of the sentencing guidelines, resisted by some Supreme Court members including Justices Scalia, Ginsburg, and Thomas, who were concerned to preserve the right to trial by jury, was the enhanced opportunity it sometimes offered judges to impose harsher penalties on a convicted defendant than the jury had recommended, based on facts not brought before the jury (369–70, 374–75). (Interestingly, the enhanced fact-finding power of judges was applauded by Justice Stephen Breyer, normally a member of the court's "liberal" bloc, on the Progressive ground that the complexity of the contemporary world renders "jury-centric" criminal justice impracticable [371].) A further unintended consequence was to increase the workload of federal judges, who were now required to justify their sentences with "extensive factual findings and legal conclusions" as well as "spend[ing] more time supervising" released prisoners (344–48). For this among other reasons, when it comes to civil suits, "contemporary judges are far more amenable to settlement than their predecessors were," and "efficient case management" is thought to entail "prevent[ing] trials unless they are absolutely necessary"—an understanding reflected in the Civil Justice Reform Act of 1990, which encouraged federal courts to develop their own dispute-resolution programs as an alternative to "expensive and time-consuming trials" (358–59).

Meanwhile, when civil cases go to trial, federal judges have made increasing use of "rule 50" (authorizing them to remove an issue from the jury when they find that "a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue") as well as summary judgments (dismissing claims that have no evident factual basis). Hale worries that as a consequence, "the marginalization of the civil jury in modern America is almost as stark as it has been in those regimes [such as Britain] where constitutional rights are trumped by the principle of parliamentary supremacy" (360–65).

Elaborating a core concern of Justice Scalia, Hale argues that the "vanishing" of the jury trial matters because of its long-recognized centrality to the operation of republican government. Hale identifies as the deepest cause of this decline a change in the legal community's understanding of "the jury system and the law itself." As a consequence of "the increasing reliance, since the 1930s, on administrative government in preference to the old regime of 'courts and parties,' in which administrators played a decidedly subordinate role and courts were willing to defer to the judgment of legislatures" except in rare constitutional emergencies, "since the 1960s most graduates of American law schools have been instructed in" the doctrines of "legal realism and

progressive jurisprudence.” While “the legal community’s doubts about the jury system were deepened” by recollecting “the civil rights movement as a series of lawsuits punctuated by demonstrations,” in which southern juries and legislators were “the villains,” and the heroes were “lawyers and judges,” “the American administrative state grew apace,”⁷ generating doubts among legal scholars about the very utility of juries (377–78). In consequence, as one law professor acknowledges, “the United States may be moving in a ‘continental’ direction, toward ‘an inquisitorial judiciary superintending’” the determination of facts (382).

For Hale, even though “the jury system comes at a cost,” justifying the traditional assignment of certain specialized sorts of cases to professional judges, its (near) abolition entails a troubling *political* cost. “Unlike agency-employed bureaucrats,” he observes, jurors do not derive their livelihood from government and consequently face no pressure to obey public officials’ dictates. Moreover, in the process of serving as jurors, as Tocqueville had emphasized, ordinary citizens “learn the art of judgment” and collectively “give a particular shape to the public order” (381). When as many as thirty percent of adults could report having served as jurors a least once, as they did in a 2004 survey (the figure had been forty-five percent in the 1990s), they “leavened” the public as a whole with “experience in the art of judgment” (405). This function is all the more important, Hale maintains, given the withering of other civic obligations (thanks to the abolition of the draft and the facts that “two-fifths of the population pays no taxes” and “one-third of the public does not bother to vote”) (381–83). (To fortify Hale’s claim, one might argue that there is a possible connection between France’s reliance on a civil-law rather than common-law system, in which determinations of guilt and innocence are left to professional judges, and the sense of alienation from the political and legal order manifested in the French people’s reliance on periodic riots, massive strikes, and other acts of uncivil disobedience to protest government policies—despite the democratic character of their political system.)⁸

⁷ For an extended recent critique of the elevation of bureaucratic government, at the expense of judicial enforcement of constitutional rights, as a consequence of Progressivism, see Joseph Postell, *Bureaucracy in America: The Administrative State’s Challenge to Constitutional Government* (Columbia: University of Missouri Press, 2017).

⁸ See *Democracy in America*, 1.1.5, 91, where Tocqueville contrasts the American people’s disposition to identify with the legal order, thanks to their playing an active role in the administration of justice, with Europeans’ tendency to sympathize with criminals, regarding public officials as their common enemy.

To illustrate the civic value of jury trials, Hale examines four relatively recent, widely publicized trials (two civil, two criminal) in which “public discussion of ‘the facts’... was often widely off the mark,” reflecting the fact that “the jury, unlike the general public, is exposed to evidence in a controlled environment where fact claims must be supported by evidence and cross-examination”; and “the moral difficulties” that juries have to address “go well beyond the questions that dominate” the debate about juries. In each instance Hale concluded that “the jury made the right decision,” contrary to his own original expectation in some cases (383–84).

The four cases Hale treats include *Apple Computer v. Samsung Electronics* (2011), involving a claim of patent infringement; the better-known *State of Florida v. George Zimmerman* (2012), in which Zimmerman, a “white” resident of a gated community, was acquitted of murder for shooting a black teenager with whom he became involved in a fight after tracking him as a potential burglar; the celebrated *Liebeck v. McDonald’s Restaurants*, in which an elderly customer won a settlement of approximately a half million dollars against the fast-food chain for burns she suffered from spilling hot coffee on herself; and *Massachusetts v. Louise Woodward*, in which a nanny was convicted of second-degree murder for having “dropped” or physically abused an infant in her care, only to have its verdict vacated (controversially) by the trial judge. In the roughly five pages that Hale devotes to each case (384–404), he shows the jurors making an earnest effort to weigh evidence fairly and set aside any preexisting biases. Even though three of the four cases raised complex technical or medical issues, Hale observes, those issues involved perplexities that even experts might have found it difficult to resolve (though it helped that the Apple case was tried in Silicon Valley, where the “representative” jury was unusually well educated and versed in the sort of problems the case involved). And in both the McDonald’s and Zimmerman cases, he shows that media portrayals seriously distorted the issues. (Of course, there is some tension between Hale’s favorable portrayal of juries’ performance in these cases and his lament at the decline in the use of qualitative criteria for the selection of jurors.)

In his conclusion, without denying the legitimacy of criticisms sometimes levied against present-day juries—for “huge punitive-damage awards in civil cases; ‘outrageous’ verdicts in homicide cases, often with racial overtones⁹...

⁹ Surely the O. J. Simpson verdict is the most egregious of these in recent decades, rivaling in its outrageousness the acquittals of white racist murderers in the old, segregationist South. But to condemn the latter as they deserve, no less than the former, presupposes the existence of an intelligible, objective standard of justice which juries should be expected to strive for—the very thing that today’s

for nullifying statutes they disagree with,” as well as “the growing problem of hung juries”—Hale reminds us of the countervailing political benefits of the jury system, while suggesting that the criticisms are overblown: “juries are as likely to find for defendants as for plaintiffs in civil cases, and truly outrageous punitive-damage awards are rare, though not so rare as to put them beyond the reach of hungry lawyers,” and “most criminal trials are determined on the basis of evidence, rather than emotion...regardless of the demographic makeup of the jury panel or the race or ethnicity of the defendant” (405–7). However, Hale emphasizes the danger posed to the honest and serious deliberative practice in which juries still typically engage by the relativistic view of justice that continues to be advanced by leading legal theorists (who in turn shape the outlook of lawyers, judges, and lawmakers), reflecting the “nonjudgmental” attitude now encouraged among citizens generally by the soi-disant intellectual or cultural elite—as if any political or social order could survive without making judgments (including the judgment that intolerance is wrong). While Hale laments the replacement of the old system of jury selection that aimed to screen jurors for intelligence, character, and judgment by the “representative” one, he also cites a book by the distinguished Yale humanities professor Norma Thompson describing her unhappy experience serving as jury foreman in a New Haven murder trial, in which a jury composed of “educated and experienced professionals,” including four Yale professors, deadlocked—thanks in part to one juror, a scientist, who seemed unable to grasp the concept of reasonable doubt, and another who clung to what she called “reasonable doubts” but was unable to explain them. Such cases, Hale concludes, exhibit a decline in “political virtue” in our time, a development that no return to the older selection system by itself could reverse (407–9). (This situation is likely to get worse with the restoration of eligibility for jury service to convicted felons, noted above. And it is interesting to note a parallel to Hale’s account of the vanishing jury in the title of a new book by an experienced political observer, *The Vanishing Congress*.¹⁰ These accounts, combined with the merest glance at the behavior of America’s current chief executive—noted for his limited attention span—along with that of his leading Democratic rivals, who propound vast, utopian policy schemes, all tailored to “social media” sound bites, attest to the

postmodern or “critical race theorists” deny. See Jeffrey Rosen, “The Bloods and the Crits,” *The New Republic*, Dec. 9, 1996, 32; James Q. Wilson, *Moral Judgment: Does the Abuse Excuse Threaten Our Legal System?* (New York: Basic Books, 1997), 110–12.

¹⁰ Jeff Bergner, *The Vanishing Congress: Reflections on Politics in Washington* (Norfolk, VA: Rambling Ridge, 2018).

alarming overall decline in the role of deliberation in the country's political and civic institutions, as well as a lack of genuine civic concern and education among the electorate.)

The Jury in America is a truly impressive work of scholarship, eminently worthy of the attention of members of the legal profession, lawmakers, and citizens generally. In conclusion, however, I wish to add some thoughts on reasons for the decline in regard for the jury system, or for the American system of justice generally, that Hale only indirectly alludes to in his conclusion, or does not cite at all. One is the deterioration in the conception of legal ethics that is publicly propounded as well as exemplified by our most prominent attorneys, especially criminal defense lawyers. Even if most juries do their jobs diligently, the public performance of the Simpson legal team that won its client an acquittal surely lent support in the public mind, rightly or not, to the view that there exist two systems of justice in America, one for the wealthy minority (who can often, it seems, literally get away with murder), another for the rest of us. (The ability of some rich clients—or defendants whose political views can elicit pro bono services—to escape punishment in some cases for serious crimes is only exacerbated by the rise of “jury consultants,” discussed by Hale [300–303], who in the age of “representative” juries can guide lawyers in using the *voir dire* to select jurors whose prejudices and even incapacities are most likely to favor the defense.)

The cynical view of the jury system has been openly expressed by one of America's most renowned defense lawyers (recently retired, a former Harvard law professor, and a public-spirited citizen in his nonprofessional life), Alan Dershowitz. Hale quotes Dershowitz as attributing the verdict in the Simpson trial (in which he formed part of the defense team) to the jury's having had “reasonable doubts” based on suspicions about sloppy police work, so that it acquitted Simpson because it believed the government was trying “to frame a guilty man” (312). Dershowitz apparently sees nothing wrong with this abuse of the jury's function to let a vicious murderer go free, just to “punish” the police (if not “white” society more generally). Indeed, in an earlier book reviewing some of his most celebrated cases, Dershowitz, who acknowledges that nearly all his clients were guilty,¹¹ asserts it to be a “reality” of America's judicial system that “nobody” in it—including judges and

¹¹ Alan Dershowitz, *The Best Defense: The Courtroom Confrontations of America's Most Outspoken Lawyer of Last Resort* (New York: Random House, 1982), xiv. In a later book Dershowitz (perhaps out of a heightened sense of prudence?) expresses only a suspicion that “some” of his clients were guilty (*Taking the Stand: My Life in the Law* [New York: Crown, 2013], 230).

prosecutors—“really wants justice.” Yet while implicitly having included himself among those who lack a concern for justice, to the point of feeling no sense of guilt at “helping a murderer to go free,” even given the possibility that the client will repeat his offense, Dershowitz inconsistently rails at the widespread practice of plea bargaining as unjustifiable (although one might wonder whether his concern in this regard as a trial lawyer is entirely disinterested).¹² It is enlightening (and troubling) to contrast Dershowitz’s now-typical, if unusually frank, disclaimer of moral responsibility for the consequences of his activity with an older view that once prevailed, at least at the higher levels of the American legal profession (however much it may have operated in practice), as discussed in a relatively recent study by Kansas law professor M. H. Hoeflich.¹³

Related to this decline in the publicly acceptable ethical standards to which attorneys are expected to adhere is another potential cause of decreasing public respect for the criminal justice system: the extension by the Supreme Court in the 1960s of the exclusionary rule (originally applied at the federal level in *Weeks v. United States* [1914]) to the states. The court thus brought about the overturning of state criminal convictions the validity of which was not in question, simply because prosecutors had relied on evidence acquired without a search warrant (*Mapp v. Ohio* [1961]); and similarly the reversal of convictions based on confessions obtained by police through non-coercive means, but without the defendant having been given opportunity to consult a lawyer prior to making the incriminating remarks (the *Escobedo* and *Miranda* cases of 1964 and 1966, respectively). Thereby the court, in its quest to improve police practices, added tools enabling skilled attorneys who agree with Dershowitz that the defense lawyer’s job, “especially when representing the guilty,” is “to prevent, by all lawful means, ‘the whole truth’ from coming out” or prevailing to better succeed in their quest.¹⁴ In the ironic formulation of Judge Benjamin Cardozo in the 1926 New York case of *People v. Defore*, under the exclusionary rule, “the criminal is to go free because the constable has blundered.... The privacy of the home has been infringed [by a warrantless police search], and the murderer goes free.” (In one of Dershowitz’s most famous or notorious cases, he had the conviction

¹² Dershowitz, *The Best Defense*, xvi–xvii.

¹³ M. H. Hoeflich, “Legal Ethics in the Nineteenth Century: The ‘Other Tradition,’” *University of Kansas Law Review* 47 (1999): 793–817. Of course, it should be added that ethical standards among the contemporary tort plaintiffs’ bar are not obviously any more elevated than those professed by Dershowitz: see note 6 *supra*.

¹⁴ Dershowitz, *The Best Defense*, xix.

of Claus von Bülow for effectively murdering his wife, through an injection that left her in a permanent coma, overturned largely on the ground that the police had obtained the damning evidence through a warrantless search of his medical bag.)

Such outcomes surely tend to weaken Americans' belief that our criminal justice system reliably works to punish the guilty and defend the innocent. Consequently, as a rejoinder to Hale's criticism of the tendency of the Sentencing Reform Act to provide prosecutors with additional tools to plead guilty, one might respond that these tools serve to partly counterbalance the deleterious effects of the exclusionary rule in making it harder to win convictions from guilty persons in the first place by the use of noncoercive means of interrogation, or through evidence secured as the result of on-the-spot hunches by experienced police officers.¹⁵ (The court reaffirmed the exclusionary rule in the 2000 case of *Dickerson v. United States*, despite what it acknowledged was the rule's lack of constitutional grounding.)¹⁶

Finally, in response to Hale's account of how factors like legislative "reforms" in the judicial process have contributed to an overload of judges' workloads, thus heightening their incentives to avoid jury trials when possible, another possible cause of that overload at the higher levels of the judiciary should be considered: the relaxation by judges themselves of rules that traditionally limited the sorts of cases that came before them, specifically the rules of standing (requiring that the plaintiff in a civil case be able to cite a demonstrable personal injury, rather than a merely abstract or generalized interest, such as harm to the environment; consider note 6 above) and the "political questions" doctrine, first enunciated by John Marshall in *Marbury v. Madison*, which prevented courts from intervening in policy controversies that the Constitution leaves to the political branches of the government. The disregard of those rules—leading courts to consider, for instance, suits brought by state governments against the immigration limitations or

¹⁵ The classic manual for noncoercive interrogations, the usefulness of which was greatly reduced by the Supreme Court's *Miranda* ruling (in which the book was singled out for criticism for its explanation of the techniques by which arrestees who were unaware of the advisability of remaining silent until after they had obtained a lawyer could be coaxed into confessing their guilt, e.g. through use of the "good cop/bad cop" routine) was Fred E. Inbau and John E. Reid's *Criminal Investigation and Confessions*, 4th ed. (Gaithersburg, MD: Aspen, 2001).

¹⁶ On the ineffectuality and unjust consequences of the exclusionary rule, and the alternative legislative means available to ensure that the rights of innocent parties would not suffer from its absence, see Steven R. Scheslinger, *Exclusionary Injustice: The Problem of Illegally Obtained Evidence* (New York: Marcel Dekker, 1977). Scheslinger also reprints Chief Justice Burger's dissenting opinion in the 1971 case *Bivens v. Six Unknown Named Agents*, which calls for the creation of such a new system.

immigration-related “national emergency” declarations made by the Trump administration, even though state officials could hardly demonstrate a distinctive interest that their states would suffer *as states* as a result—not only increases judges’ workload (as did the Supreme Court’s liberalization of class-action rules) but also heightens popular suspicions of the judiciary as a partisan institution. (These changes brought about or at least encouraged by activist judges parallel the politicization of the jury selection process under the influence of postmodernism.) Today’s judges would do well to revisit Yale law professor Alexander Bickel’s account, in his 1962 classic *The Least Dangerous Branch*, of the “passive virtues” that help the judiciary to overcome the “countermajoritarian difficulty.”¹⁷

Despite these additional reflections, or differences of emphasis or judgment between Hale and me, I want to reaffirm in conclusion that his book is a most illuminating work of political science and legal scholarship, one that also represents a real contribution to the cause of preserving and defending the cause of constitutional government in our time. I am confident that Tocqueville would share my admiration for it.

¹⁷ Alexander Bickel, *The Least Dangerous Branch: The Supreme Court at the Bar of Politics* (Indianapolis: Bobbs Merrill, 1962), chap. 4.

Kiff Bamford, *Jean-François Lyotard*. London: Reaktion Books, 2017, 224 pp., \$19 (paper).

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Biographies of many of the prominent thinkers of what is commonly called “French theory” have appeared in recent years, but Jean-François Lyotard is a notable exception. Though Kiff Bamford makes no claim to definitively fill this gap, his book is the first to offer extensive and reliable biographical information on Lyotard. Taking into consideration the limits set to the author by the format of the series in which this biography appears, one can only admire how Bamford, on the basis of his intimate knowledge of the whole oeuvre, has succeeded in tracing lines between Lyotard’s life, thought, and work. Following the maxim that a passing remark sometimes proves most apt for disclosing an author’s intention, he readily highlights such passages from minor texts that are apt to shed light also on the major works. He thereby leads the reader to consider the Lyotardian oeuvre as a whole and to raise the question of the extent to which Lyotard’s texts can indeed be considered to constitute an oeuvre in the emphatic sense.

That a Lyotard biography has been missing might be traced to the fact that Lyotard himself observed a painstaking discretion regarding his own life. It is quite typical for Lyotard that while turning to the problematic relation between life, thought, and writing toward the end of his life, he did not thematize it in autobiographical texts, but rather by writing a biography of the French politician, intellectual, and writer André Malraux and by an attempt to rewrite Augustine’s *Confessions* (147–51). His work is, moreover, characterized by an outspoken resistance to the desire of speaking with a single

recognizable voice and by the constant search for new voices and styles behind which he himself might disappear. That this observation is to be taken quite literally is shown by Bamford's decision to reproduce the illustration accompanying an interview with Lyotard: instead of the usual photograph, this illustration bears the caption, "M. J.-F. Lyotard refuses to have his face reproduced" (121–22). Equally illuminating is Bamford's rendering of Lyotard's participation in a television series in which voice and image were not in synch and in which his voice questioned the presuppositions of a televised presentation of the philosopher (7). It would, however, be rash to conclude from such observations that knowledge of Lyotard's life would prove superfluous for a thorough understanding of his thought and work. On the contrary, as Bamford very convincingly shows, the connections between life, thought, and work prove to be very close in the case of Lyotard. In this respect, one has to mention first Lyotard's intense political engagement, which sets him apart from other well-known French thinkers. Bamford recounts Lyotard's years as a teacher in Algeria at a time of political awakening, which in 1954 led to a twelve-year involvement in the militant Marxist movement *Socialisme ou Barbarie* (32–44, 52–56, 61–63). His leaving this movement did not, however, mean the end of his political engagement. Even during the events of May '68 Lyotard was more than merely an interested observer, being more or less directly engaged in the events which also had a direct effect on his writings of that period. The effects of these events are also visible in his participation in university politics and in his experimenting with new forms of teaching (65–74). Perhaps one might even consider his coorganizing the exposition *Les Immatériaux*, to which Bamford devotes a whole chapter, as part of his political involvement (104–20). In this respect Bamford's remarks on Lyotard's first book prove to be particularly revealing. In spite of being an introduction to phenomenology aimed at a large audience, the book contains reflections with an immediate existential purport for Lyotard himself. Thus the concluding chapter, on the relation between phenomenology and Marxism, can be read as an attempt at a rational justification of his joining *Socialisme ou Barbarie* soon thereafter (46–52). Viewed in this light, the commissioned first book proves to be an integral part of Lyotard's oeuvre in that it reflects on the problematic relation of politics and philosophy, which may be said to constitute one of the leading problems of his thought. And as soon as one focuses on this leading problem, the constant change of voice and style no longer constitutes an objection to considering Lyotard's texts as an oeuvre in the emphatic sense. One may add that the existential significance of his oeuvre is also highlighted by the fact that Lyotard points to his political engagement in

almost all of his major works. Even in a circumstantial writing like *The Post-modern Condition* he inserts a footnote pointing explicitly to his involvement in *Socialisme ou Barbarie*. In a particularly poignant way the link between life and thought becomes visible in his memorial for Pierre Souyri, a fellow member of *Socialisme ou Barbarie*, in which Lyotard moreover introduces the subsequently central concept of the *differend* (37–38). Taking up this hint, Bamford proceeds to show how this concept, which in *The Differend* is introduced in a linguistic context, takes on an existential purport: Lyotard's life was profoundly marked by *differends* in the most diverging contexts and by the decision to resist the temptation of sublating them in a harmonious synthesis. As Bamford shows, such *differends* were not only at work in his family life or in his belonging to a particular nation or language, but also surfaced in his decision to marry a destitute Jewish woman against his family's wishes. Lyotard himself detected such *differends* also at work in his success in the United States, in the reception of his thought in Germany, and in his friendship with Derrida (17–20, 23, 26–28, 126–30). In all these cases the belonging to a “we” is unsettled by a *differend*, which not only has a direct existential import, but at the same time allows one to gain insight into the nature and presuppositions of the “we” to which the philosopher finds himself to belong. Perhaps Lyotard's turn to philosophy is to be understood as issuing from doubts about the validity of Marx's eleventh thesis on Feuerbach and from the willingness to let himself be unsettled by the question concerning what might make living and writing worthwhile (63).

The lack of a Lyotard biography might, however, also be due to a decrease in interest in the thought of Lyotard soon after his death. After *Misère de la philosophie*, which collected texts preparing a projected *Supplement to the Differend*, posthumous publications have only very recently begun to appear. One could mention *Pourquoi philosophe?* (2012), *Logique de Levinas* (2015), and the six-volume collection of Lyotard's writings on art and aesthetics that was published with an English translation by the Leuven University Press (2009–2013). In an English-speaking context the situation is somewhat peculiar since translations often appear long after the original: the translation of Lyotard's first major work, *Discours, figure*, was published only some forty years after the original. It remains puzzling, however, why no attempts seem to have been made until now to make accessible again articles, contributions, and interviews that appeared in Lyotard's lifetime, but which he never collected himself: these by themselves would already fill several volumes. If the decrease in interest may be partly due to a change in the political and philosophical climate, the decisive reason may have to be sought mainly in some

characteristics of Lyotard's presentation of his thought. He never devised a system or developed a method which might have attracted acolytes. Moreover, each work has its own tone and style. Furthermore, Lyotard refers in a rather unconventional way to such divergent authors as Marx and Wittgenstein, Kant and Freud, the sophists and Levinas, thereby easily creating the impression of a savage eclecticism. These features of his art of writing may be traced back to his resistance to an auctorial and more importantly an authoritative voice. Lyotard refuses the position of authority which is often only too willingly ascribed to philosophers. Bamford therefore rightly remarks that "perhaps the one constant throughout Lyotard's work is a distrust of unquestioned authority" (7, 60). This remark forces the reader to raise the question whether Lyotard also considered the most radical form of authority, an authority which is apt to question philosophy in its very principle, and, if he did, how he sought to answer that challenge. Remarks such as the one quoted are apt to shed new light on the intention of Lyotard's thought. Thus the temporary neglect of his work might be due to the fact that that question itself is not seen to be of urgent concern in contemporary thought. However this may be, that question is directly relevant for Lyotard's purported opposition between modern and postmodern: Lyotard considers it to be constitutive of modern philosophy to claim the right of the lawgiver for itself, whereas he regards it as typically postmodern to drop that claim. One might therefore wonder whether Lyotard, by this decision concerning the presentation of philosophy, also overlooked the theoretical problem implied in that claim: Might it not be a misunderstanding to assume that Lyotard understood the divine command and believing obedience as the paradigm of the "event" par excellence? This misunderstanding (if that is what it is) might have grown from a neglect of the critical character of Lyotard's reception of Levinas. The reason Lyotard felt compelled to engage in a thorough confrontation with Levinas's thought is to be sought in the fact that Levinas was the most prominent of his French contemporaries to make the cause of revealed religion his own and to present it as *the* challenge to philosophy. This alone would suffice to ascribe to Lyotard's confrontation with Levinas an absolutely decisive role for the understanding of the intention of his own thought.

It is precisely the many qualities of this book which make the reader aware of what is missing without a comprehensive Lyotard biography and what it could achieve for a furthering of the understanding of his thought. It is therefore sincerely to be hoped that Bamford considers this biography as a kind of preparation. With his book Bamford has at any rate recommended himself as the person most suitable for bringing such an enterprise to a satisfactory end.

Michel Seymour, *A Liberal Theory of Collective Rights*. Montreal and Kingston: McGill-Queen's University Press, 2017, 328 pp., \$84.76 (cloth), \$33.74 (paper).

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The dream of reconciling the logic and rhetoric of individual rights to the moral claims and responsibilities of the political community qua community has long been the holy grail of contemporary democratic theory. While many of the efforts in the past several decades to transcend or ameliorate the tensions within liberalism regarding individual rights and communal self-government have been predictable and superficial, Michel Seymour offers a rich and complex, if at times somewhat strained attempt to construct a liberal theory of “collective rights for peoples” (3) based on the philosophical system of the influential American philosopher John Rawls. This book relies on much more than the historical connection between liberalism and nationalism, or more specifically between the origin of the liberal idea of the state and the rise of nationalism in the nineteenth and early twentieth centuries. Rather Seymour examines the relation between the individual as rights-bearing citizen, on one hand, and the normative dimensions of the political community, on the other, through an analytical approach that draws upon the major concepts of Rawls’s democratic theory. In this respect, Seymour displays considerable facility negotiating the vast secondary literature on both liberal rights theory and the various claims of group rights and identity.

Clearly the philosophical inspiration animating this latest attempt at reconciling liberal rights and community is John Rawls, whom Seymour both reinterprets in collectivist terms and at times corrects by purging what Seymour takes to be unnecessary or extraneous individualistic features of

Rawls's thought. In doing so, Seymour provides a spirited examination of one of the great philosophical questions of our time; namely, is it possible to conceive of a form of liberalism that is not at its core individualistic, or, in other words, is it possible under a liberal framework to conceive of a principle of collective rights that is not simply reducible to composite individual rights claims? This book culminates in a sophisticated argument for the recognition of collective group rights as an element of any healthy liberal constitutional order, and even extends to making a perhaps more contentious case for formal recognition of a group right to secede in international law.

Seymour begins by reflecting on the undeniable existence of distinct peoples in multinational states espousing liberal principles. He draws on Rawls's narrowly defined "political conception of justice" in his classic *Political Liberalism* (1993) as the inspiration for his own "political conception of peoples" (17), which Seymour claims eschews the metaphysical or *volkish* preconceptions often associated with the idea of a people. In chapter 2 Seymour begins to develop his political conception of peoples by illuminating his departure from two influential commentators on multiculturalism: the Canadian political philosophers Charles Taylor and Will Kymlicka. In contrast to Taylor, Seymour's Rawlsian-inspired political conception of peoples rejects the "metaphysical facts" (25) underlying Taylor's "politics of recognition." In contrast to Kymlicka's account of group rights that are ultimately subordinate to, if not derivative from, individual rights, Seymour proposes his own version of liberalism that avoids "commitment to ethical individualism" (31). Central to Seymour's argument is the controversial claim that John Rawls is the example par excellence of a recognizably liberal theorist who rejected this pernicious doctrine of "ethical individualism."

With this philosophical ground-clearing work completed in the opening chapters, Seymour turns in the middle chapters of the book, chapters 3–6, to an extended treatment of Rawls's purportedly nonindividualistic theory of liberalism. Seymour admits that it is primarily in his later work, especially *The Law of Peoples* (1999), that Rawls developed a theoretical "approach that is hospitable to collective rights for peoples" (43). However, Seymour attempts to anchor Rawls's collectivist speculations in *The Law of Peoples* in the foundational rights theory of the earlier *Political Liberalism*. He claims that, on the basis of Rawls's constructivist ideas about the basic structure of society and his emphasis on political stability achieved either through the "overlapping consensus" or via the medium of public reason, it is possible to construct a political conception of peoples that does not depend on any ontological or

metaphysical claims, but rather rests solely on the demonstrable and instrumental good coincident with stability “for the right reasons” (49). Arguably this is Seymour’s most important theoretical move in the book, as he tries to transpose the Rawlsian idea of political justice—which is famously procedural—onto a collectivist framework in which peoples as such possess moral agency. What, then, constitutes a people for Seymour? He insists that group formation centers around “institutional identity,” which in practice typically relates to language or recognizable cultural practices. Noticeably, unlike Rawls, Seymour does not extend the principle of “institutional identity” to religious groups (see 191–93).

Seymour criticizes the many scholars who interpret Rawls as a liberal individualist for not taking seriously Rawls’s identification of peoples, no less than individuals, as moral agents. Seymour does not, however, simply reinterpret Rawls entirely along collectivist lines. For instance, he criticizes Rawls for not extending the celebrated “difference principle” of *A Theory of Justice* (1971), which encourages some measure of socioeconomic equality, to the international sphere. Indeed, Seymour confesses that several of his most important claims are “major amendments” to Rawls’s political theory (138). Seymour describes his complicated relation to Rawls as follows: “We need to think with Rawls and against Rawls to reveal the cosmopolitan potential of his theory” (138). In the final chapter, titled “The Institutionalization of Collective Rights,” Seymour’s argument climaxes in the proposition that identifiable national groups have, as moral agents, a right to secede that should be enshrined in constitutional and international law. While Seymour rejects a unilateral secession right in favor of a remedial right that presupposes a basic injustice done to an institutionally unified group, he also proposes that failure to respect a people’s right to “internal self-determination” could be recognized in international law as “an important new just cause for secession” (249).

This book constitutes a salutary challenge to the liberal orthodoxy, which holds that rights belong only to individuals. In this sense, Seymour is in good company with others, such as Michael Sandel and Charles Taylor, who have also tried to save liberalism from itself, or at least prevent liberal theory from becoming a caricature drawn from its own individualistic tendencies. But Seymour is different from these more explicitly communitarian critics of liberalism. Whereas Sandel seeks to replace liberal concepts with a moral vocabulary directed toward solidarity, Seymour holds fast to the idea of individual rights as a central organizing principle of democratic society. Likewise, while Seymour shares Taylor’s concern to reform liberalism through

recognizing group identities (what Taylor calls “liberalism #2”), Seymour is also clearly attracted to the liberal idea of a value-free civic identity that does not presuppose, à la Taylor, a shared metaphysical conception of the good.

Even so, Seymour seems to be as genuinely repulsed by the barren asocial proclivities of what he terms “ethical individualism” as are Sandel and Taylor. The major questions confronting Seymour are then: (1) Can he successfully separate the value-free civic identity of liberalism from the ethical individualism he detests, or are they inseparable? and (2) Can Rawls point us to a path for reforming liberalism in a communitarian direction? Or, to put it another way, can the individualist presuppositions of early Rawls be assimilated into the collectivist model of moral agency that Seymour deduces from Rawls’s later *Law of Peoples*? The difficulty in reconciling a value-free civic identity with a meaningful idea of group or national rights can be seen in Seymour’s own rejection of Taylor’s “politics of recognition” on the grounds that it is too dependent on a metaphysical conception of the good. This is the case, however, even as Seymour admits that, at least formally, his own liberal theory of collective rights “somewhat resembles that of Charles Taylor” (211). Seymour’s debt to Rawls derives from his endorsement of the latter’s attempt to exclude what he terms all “reasonable comprehensive doctrines” from questions of political or constitutional rights. Yet Seymour’s complicated relation with Rawls raises a number of important issues.

First, despite his best efforts to reconcile opposing tendencies in Rawls’s theory, Seymour may not persuade all readers that harmonizing early and late Rawls is not simply impossible. Seymour’s admission that he needs to “amend” Rawls perhaps confirms this suspicion. How do we ensure that in the process of amending Rawls Seymour does not excise fundamental aspects of Rawls’s theory in the process? Are the individualist elements of Rawls’s political liberalism accidental or essential, to use the philosophical terminology? Moreover, Seymour’s valid observations about the significance of Rawls’s more collectivist arguments in *The Law of Peoples* will probably not convince readers who see this last Rawls work as unrepresentative (in some cases embarrassingly so) of Rawls’s truly serious contribution to liberal rights theory in *Political Liberalism*. In this sense, Seymour is perhaps not sensitive enough to the theoretical challenges that Rawls believed himself to be confronting. For Rawls the central political fact of “reasonable pluralism” is part of the fraught relation between liberalism and democracy. Rawls was deeply concerned that individuals or minority groups will be compelled to endorse a single state-sponsored majoritarian-derived conception of the good. In a

very real way, democracy is the problem Rawls's political liberalism is trying to solve, but democracy plays a rather different role for Seymour—a more positive role—because Seymour bases the argument for the moral agency of peoples on a certain conception of democracy. The somewhat nebulous assumption underlying Seymour's theory of collective rights is the notion that even in purely instrumental terms a "people" with the institutional identity requisite for self-determination is a group that constitutes a majority on some definable piece of territory. As Seymour insists: "It is wrong to say that the exercise of the right of self-determination requires the consent of each and every individual within the people. It requires only the consent of the majority" (207). Whereas the proceduralism of Rawls reflects a residual contract theory that establishes a basis for agreements on fair terms of social cooperation, Seymour's idea of a people as moral agents with an institutional identity may mask the very kind of metaphysical or ontological commitments that Rawls deliberately sought to exclude from political life. Doesn't the political, cultural, or linguistic accommodation of any minority national group presuppose not only a claim of right by the minority group, but also a broader commitment to a shared conception of the good, which includes valuing diversity, on the part of the majority group as well? That is to say, in practice Seymour's liberalism may be more substantive and less purely procedural than it is in theory.

An amended version of Rawls may not be the best way to negotiate the conflict between individual rights and communal self-government. Indeed, Taylor's reformed liberalism #2 seems to do the job that Seymour wants to do, without the complicated amending and reinterpreting of Rawls that demands so much time and effort. Clearly Seymour is convinced that there is something in Rawls's later *Law of Peoples* that provides a unique and perhaps irreplaceable ingredient for a liberal theory of collective rights. It is a tribute to Seymour's scholarship that he makes returning to Rawls's later works with fresh eyes seem like a worthwhile task.

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