

# Interpretation

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Volume 46 Issue 2

- 163 Michael Anton Montesquieu's *Considerations*: A Case Study in the Cycle of Regimes
- 187 Marco Menon Leo Strauss in Italy: The "Three Waves" of Italian Strauss Studies
- 229 James H. Nichols Jr. A Discourse on the Beginning of Tacitus's *Histories*
- 261 Thomas L. Pangle A Synoptic Introduction to the Ontological Background of Aristotle's Political Theory
- 291 Rong Hengying The Reception of Leo Strauss in China: Two Chinese Straussians, between Theological Temptation and Political Criticism
- 313 Paul Seaton **Review Essay:**  
*Naïve Readings: Revelles Political and Philosophic* by Ralph Lerner
- 331 Erik Dempsey **An Exchange on Carey:**  
Reviews of *Natural Reason and Natural Law: An Assessment of the Straussian Criticisms of Thomas Aquinas*, by James Carey
- 339 John W. Grant
- 345 Antonio Sosa
- 353 James Carey Reply to reviewers
- 371 Erik Dempsey
- 377 John Grant
- 383 Marco Andreacchio **An Exchange on Menon's Strauss:**  
Review of *Scritti su filosofia e religione*, by Leo Strauss, edited by Raimondo Cubeddu and Marco Menon
- 399 Marco Menon Reply to Marco Andreacchio
- 405 Marco Andreacchio Reply to Marco Menon
- 411 Michael R. Gonzalez **Book Reviews:**  
*Why Liberalism Failed* by Patrick J. Deneen
- 419 Till Kinzel *The Strauss-Krüger Correspondence: Returning to Plato through Kant* by Susan Meld Shell
- 427 Patrick Malcolmson *The Pursuit of Happiness and the American Regime: Political Theory in Literature* by Elizabeth Amato
- 433 Tomasz Stefanek *Kryzys nauki o polityce z perspektywy filozofii politycznych Leo Straussa i Erica Voegelina* by Marek Pająk

# Interpretation

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James Carey, *Natural Reason and Natural Law: An Assessment of the Straussian Criticisms of Thomas Aquinas*. Eugene, OR: Resource Publications, 2019, xiii + 383 pp., \$31.20 (paper).

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James Carey has written an indispensable book for both those who agree with the Straussian criticism of Thomas's natural law teaching and those who find that criticism wanting. At issue is the question whether Thomas's natural law teaching is naturally knowable or, as Strauss and his students have claimed, dependent on premises that cannot be established by natural reason. The purpose of Carey's book is to show that it is indeed natural. This entails showing that the evidence for Thomas's natural law teaching does not depend on theology, revealed or natural, nor on an understanding of physics that has been rendered obsolete by modern science, but rather on our natural inclinations and the necessary operation of our practical reason.

The book is divided into three parts. The first gives an account of Thomistic natural law. The second gives a criticism of the Straussian criticism of Thomistic natural law. The third, which is the most theoretically ambitious, elaborates what Carey argues are the intellectual aberrations that follow from the Straussian rejection of Thomistic natural law. It also treats Heidegger's radical criticism of metaphysical reasoning as an example of a serious but surmountable challenge to Thomas's understanding of being. In what follows, I will summarize Carey's account of Thomas's natural law teaching and develop the main points of his criticism of Strauss's criticism of that teaching.<sup>1</sup>

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<sup>1</sup> I will leave to those more qualified than me the task of inquiring into what Carey's chapter on Heidegger reveals about the ultimate cause of the incoherence, in Carey's eyes, of Strauss's interpretation of Thomas's natural law teaching. For Carey appears to suggest that Strauss's partial or tentative

The basic elements of Thomas's natural law teaching in Carey's account are (1) the *ratio boni*, (2) the first principle of practical reason, (3) the order of man's natural inclinations, and (4) the precepts of the natural law. Thomas explains these elements in *Summa theologiae* I-II, q. 94 art. 2, and Carey recurrently refers to this article as containing the heart of Thomas's natural law teaching (38). The *ratio boni* is the definition of the good, and the good is what all things desire. Thomas transforms the declarative *ratio boni* into the first principle of practical reason by way of the gerundive statement, "that good is to be done and pursued, and evil avoided" (39). This principle "initiates and propels action" but is not, properly speaking, a statement expressing moral obligation, that is, an "ought" statement (40–41; see also 233). This is because man cannot but pursue or do what at least appears to him to be good and avoid what at least appears to him to be evil, whereas "ought" statements necessarily entail the possibility of man fulfilling or *failing* to fulfill them (41–42)—moral action would not be morally meritorious if man were naturally necessitated to so act, and the first principle of practical reason indicates a naturally necessary action. Carey also makes clear that this principle is not to be understood as being derived from a higher principle. As he notes, Thomas does not make the mistake of trying to demonstrate the first principle of practical reason (40, 54–55). Like the first principle of speculative reason, that is, the law of noncontradiction, the first principle of practical reason is self-evident and thus known *per se nota*. As it is impossible in the sphere of speculative reason to think without knowing that "one cannot meaningfully affirm and deny the same proposition at once" (41), regardless of whether one vocally denies knowing this, so it is impossible in the sphere of practical reason to act without relying on the principle that good is to be done or pursued and evil avoided (see 26, 29, 41, and 227–30). As Carey writes, "we cannot choose anything for ourselves unless it presents itself under the aspect of the good, whether it is good or bad in reality" (42). This "is simply how man's natural reason *has* to operate when applied to action" (41–42, emphasis mine). In line with the preceding, Carey describes Thomas's case for the first principle of the natural law (and the primary precepts) as explicative rather than demonstrative (53, 78).

Thomas puts meat on the bones of his natural law teaching by articulating our natural inclinations, which impel us toward various ends in accordance with the different parts of our nature: we are inclined to self-preservation,

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acceptance of Heidegger's radical criticism of metaphysical reasoning is partly the cause of Strauss's failure to seriously treat Thomas's natural theology and of his concomitant rejection, ultimately, of Thomas's distinction between natural and revealed theology.

like all entities animate or inanimate; we are inclined to sexual union and the rearing of offspring, like all subrational animals; and we are inclined to life in society and to know the truth about God, in accord with our distinctly rational nature (42–43). These inclinations are not a mere assortment but an order: the higher, i.e., more rational, the end toward which the inclination points, the higher, i.e., more rational, the inclination. *Synderesis* is the natural habit by which we immediately apprehend the absolute goodness of our two highest inclinations and as such is the natural habit by which we immediately apprehend the two primary precepts of the natural law: that one avoid offending<sup>2</sup> others and that one avoid ignorance (22, 44, 204). These precepts are always true for everyone, are naturally known by everyone, and cannot conflict with one another (see 78 with note 113, 119, 231, 238–39).<sup>3</sup> Moreover, these precepts are not to be understood as being deduced from the first principle of practical reason but as being self-evidently known: they are *constituted* by the first principle of practical reason when it is seen in conjunction with our highest natural inclinations (148).<sup>4</sup> The secondary precepts, on the other hand, are logically derived from the primary precepts (50). The secondary precepts are conclusions of a syllogism in which one of the two primary precepts is the major premise and a judgment regarding the conformity of a given action with that precept is the minor premise (52). For example: if one ought not to offend others (major premise) and theft is an offense against him who suffers it (minor premise), it follows that one ought not to commit theft (conclusion). Carey indicates that Thomas takes for granted, as is reasonable, that every adult who is not mentally compromised naturally grasps that theft necessarily entails an offense against him who suffers theft. Some secondary precepts, like the preceding one, are deduced after slight consideration and so, like the primary precepts, admit of no exception. But other secondary precepts are deduced after much consideration and so admit of rare exceptions. That one ought to return what one borrows is a secondary precept of

<sup>2</sup> Carey makes clear that by “offend” (*offendere*) Thomas “does not mean simply to offend in the contemporary sense of to annoy or irritate, but to commit an *offense* against ...to harm, or attempt to harm, without provocation or out of proportion to prior harm received” (48).

<sup>3</sup> It should be added that Carey emphasizes that the inclination “to know the truth about God” does not presuppose theology, natural or revealed, because the truth *about* God refers to man’s natural concern with the question of God. The inclination to know the truth about God does not presuppose the existence or nonexistence of God.

<sup>4</sup> Carey explains that the precepts connected with our *subrational* inclinations, precepts such as “preserve yourself” and “procreate,” admit exceptions because they may, in rare circumstances, conflict with the primary precept not to offend others. Because they admit exceptions, they cannot be primary precepts of the natural law. In fact, these inclinations are not good absolutely but only good insofar as they are regulated by reason.

this kind, for this precept applies only in those cases (which are the majority) in which not returning what one borrows is an offense, that is, theft. But one need only think of Socrates's brief interrogation of Cephalus to recall that there are rare cases in which *not* returning what one borrowed is the just thing to do, since depriving a person who has gone insane of the means by which he may harm others conforms more closely with the precept not to offend others than does restoring such means to such a person. In this case the judgment expressed in the minor premise—not returning what one borrows is an offense—is more logically remote from the major premise than the judgment that theft (in the abstract) is an offense, and so it is susceptible to qualifications required by the demands of a particular situation. The more logically remote from the primary precepts a conclusion is, the greater the possibility of occasional exceptions to it and the need for judgment in interpreting or establishing the minor premise (51).

The fundamental flaw in Strauss's interpretation of Thomas's natural law teaching, according to Carey, is that Strauss thinks that that teaching is based on an unsound natural theology. That theology is unsound because it is based on an outdated Aristotelian theory of motion and, ultimately, on a revealed theology that, being revealed, is inaccessible to man as man (137–38). Carey denies that the evidence for Thomas's natural law teaching depends on the-ology, natural or revealed. As we have seen, Thomas makes an explicative case for natural law by articulating the order of our natural inclinations and describing the necessary operation of practical reason in relation to them. And Thomas develops the heart of his case in q. 94 art. 2, "in the course of which [he] does not make a single theological assertion" (146). But even supposing that the evidence for Thomas's natural law teaching depended on his natural theology, Strauss's criticism of that teaching would still fail, in Carey's view, because Strauss fails to show the unsoundness of that theology. For while Carey appears to accept that modern physics has, in refuting Aristotelian physics, refuted Thomas's demonstration of the existence of God as a first mover, he points out that this is only one of Thomas's proofs. Thomas's argument for "a first efficient cause, not of motion, but of being (14)" remains untouched by modern physics and unaddressed by Strauss and his students, whom he claims have yet to seriously engage with Thomas's fullest elaboration of that argument in *De ente et essentia* (138, 331). If neither Strauss nor his students have shown the unsoundness of Thomas's natural theology, then they have not yet shown that that theology is not, strictly speaking, natural. And if it is natural, that is, a sound demonstration of God's existence, then it does not depend on revealed theology but is rather presupposed by it.

But is Carey right in arguing that the evidence for Thomas's natural law teaching does not depend on his natural theology? Carey distinguishes between "our actual knowledge of natural law, that is, of its precepts and their obligatory character," that is, Thomas's natural law teaching proper, and Thomas's "*broader* teaching on natural law" (19, emphasis mine). This broader teaching *does* entail a natural theology, but only in the same sense that giving a full account of reason requires inquiring into its origin and the cause of the "astonishing agreement of the world with human reason" (151; see also 335 and 340). Now, Thomas would say that one cannot account for "where our reason comes from" (21), as Carey puts it, without natural theology, but this does not mean that one must accept his or any other natural theology in order to think logically or to affirm the principle of noncontradiction. Natural theology undergirds natural law in the same way in which it undergirds speculative reason. For although natural reason is the proximate cause of natural law, God is "the [ultimate] cause of natural law because he is the cause of natural reason itself" (21). But one need not accept this view, or even consider it, in order to consider the evidence for the first principle of practical reason, the order of our natural inclinations, and the primary precepts of the natural law.

But what about the relation between Thomas's natural law teaching and revealed theology? It is certainly true that Thomas calls imperfect happiness what Aristotle calls happiness simply. This is because for Thomas the natural end of man points beyond itself: even the contemplative life cannot fully satisfy man's desire to know the essence of the first cause of being and hence of his own being, which is to say, "to know God as he is in himself" (140). This means that man cannot attain happiness simply by means of natural reason: human happiness requires supernatural assistance. So Strauss is correct, as Carey points out, in saying that Thomas's understanding of natural reason creates "a presumption in favor of divine law" (142), that is, in favor of the *need* for divine law. But this presumption, Carey notes, "is not a *presupposition* that natural reason begins with, but a *conclusion* that it ends up with, consequent to thinking through the limitations of natural reason and thereby of natural law as well" (142, emphasis in original). Those who think Carey is wrong on this point would do well to think through the list of what Carey takes to be the logically necessary and mutually exclusive alternatives to be considered by those who take issue with Thomas's claim that the natural end

of man, understood chiefly as the life in search of knowledge of the essence of the first and necessary cause of all things, points beyond itself (141).<sup>5</sup>

Beyond the question whether Strauss was correct in thinking that Thomas's natural law teaching was inaccessible to natural reason, there is the question of Strauss's treatment of the content of that teaching. Carey sees incoherence on Strauss's part here as well, for he sees Strauss as seemingly affirming the elements that constitute Thomas's natural law teaching while denying the primary precepts of that teaching. In his interpretation of Strauss's "On Natural Law," Carey wonders how Strauss could have held the same view as Thomas regarding the *ratio boni* and the order of our natural inclinations<sup>6</sup> while parting ways with him regarding the precepts of the natural law, that is, principles of action that direct man by commands or prohibitions. The only coherent possibility here, Carey argues, is for Strauss to have rejected Thomas's transformation of the *ratio boni*, "good is that at which all things aim," into the gerundive proposition, "good is to be done" (148), which is the first principle of practical reason. In the absence of this principle, our natural inclinations would be insufficient to constitute precepts of natural law: it is one thing to experience an inclination toward life in society, which like every inclination can be resisted or followed, and another to self-evidently grasp the end toward which that inclination impels one as a good and hence as what one *ought* to pursue.<sup>7</sup> But Carey does not see how Strauss could have rejected this principle if he also agreed, as the whole tenor of his work indicates that he did, with "the claim of both Plato and Aristotle that reason, or what is rational in us (*to logistikon*), rules or should rule." For reason "rules presumably by *commanding* what is not rational, or not fully rational, in us, since the latter, as Plato and Aristotle (just like Thomas) recognize, does not automatically follow reason" (148, emphasis mine).

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<sup>5</sup> Carey states that if one is to argue that the natural end of man does *not* point beyond itself, then one *must* show either that (1) wisdom, i.e., perfect knowledge of the essence of the first cause, rather than the mere quest for wisdom, is *naturally* accessible to man, or that (2) man's natural desire to perfectly know the first cause can somehow be satisfied by *imperfect* knowledge of that cause, or that (3) man cannot attain perfect knowledge of the first cause *even with* supernatural assistance, or that (4) man cannot attain perfect knowledge of the first cause in itself because supernatural assistance is *impossible* (141). My sense is that the Straussian position oscillates between alternatives (2) and (4). Now, alternative (2) might be defensible if one could first show that perfect knowledge of the first cause of all things is impossible. But showing this would require showing that supernatural assistance is impossible, and Strauss argues that showing this is impossible because philosophy cannot demonstrate the impossibility of revelation.

<sup>6</sup> Carey points to Strauss's reference to the order of our wants in *Natural Right and History* (Chicago: University of Chicago Press, 1953), 126.

<sup>7</sup> In this connection, see Carey's distinction between inclination and precept (49).

In the last part of his book, Carey deftly shows the logical problem inherent in Strauss's interpretation of the natural right teaching of Plato and Aristotle as one that contains no universal and unconditional rules of action, as there are in Thomas's natural law teaching. Carey cites Strauss's interpretation of Socrates's refusal to escape from prison to save his life, as depicted in the *Crito*, as an illustration of this interpretation (263). Strauss claims that Socrates's refusal to escape was not based on a categorical imperative, that is, an unconditional moral rule, but "on a deliberation, on a prudential consideration of what was the right thing to do under the circumstances" (263).<sup>8</sup> The problem, as Carey points out, is that prudential considerations and categorical rules of action are not at odds with one another. Prudence must ultimately operate on the basis of unconditional moral principles, for otherwise there would be no unconditionally reliable way to distinguish, as Aristotle does, between prudence and cunning.<sup>9</sup> Carey spells out the formal logic underlying this view by arguing that one can only deliberate between two rules of conduct in a given situation if there is a third rule that logically precedes the other two and serves as a standard by which to judge in what circumstance it is more prudent, i.e., more conformable to the third rule, to choose one or the other of the two (274). If a situation subsequently arises in which this third rule itself suffers an exception, then the justifiability of that exception can, again, only be assessed in light of a fourth rule that logically precedes the third. Ultimately, however, there must be a rule or rules that admit of no exception and that govern our judgment of when and why the rules that are logically subservient to them do admit of exceptions. This rule or rules would be inherent to the operation of practical reason, universal in scope, and referred to, however implicitly, in every genuine exercise of prudence. For Thomas, these rules are the primary precepts of the natural law. And Carey states that Strauss's own interpretation of Socrates's case reveals that "the preservation of philosophy was just such a rule" (264) for Socrates.

Perhaps Strauss would have responded to Carey by recalling the view, which he attributes to Plato and Aristotle in contradistinction to Thomas, that "there is a universally valid hierarchy of ends, but there are no universally

<sup>8</sup> Carey is here quoting Strauss's statement in *What Is Political Philosophy? and Other Studies* (Glencoe, IL: Free Press, 1959), 33.

<sup>9</sup> It is true that Aristotle says that what is just by nature is altogether changeable (*Nic. Eth.* 1134b30) and this would seem to preclude the possibility, in his eyes, of unchangeable moral precepts. But he also says that it is *always* an error to commit murder, theft, and adultery (1107a9–18), and this means that no situation can possibly justify these actions in his eyes. In other words, Aristotle seems to reject the possibility of a distinction, say, between a prudent and an imprudent murder.

valid rules of action,”<sup>10</sup> and that the preservation of philosophy, or the philosophic life, while being absolutely higher in rank than all other ends, does not stipulate a universal rule of action because in certain circumstances urgency takes precedence over rank, that is, in certain circumstances self-preservation takes precedence over self-perfection. But, as Carey points out, Strauss also states that “it is our *duty* to make the highest activity, as much as we can, the most urgent or the most needful thing” (266, emphasis mine).<sup>11</sup> Does this “duty” not then stipulate a universally valid rule of action? If it does, then what prevents Strauss (and Straussians) from drawing nearer to Thomas on the issue of universal rules of action? For the true quarrel between Straussians and Thomists on this issue appears to me to concern, not a dispute over the existence of such rules, but their content and order. In Thomistic language, I would claim that the genuine Straussian objection to Thomas’s natural law teaching concerns the relation between the two primary precepts of the natural law. Strauss indicates his view of that relation when he argues that “if striving for knowledge of the eternal truth is the ultimate end of man, justice and moral virtue in general can be fully legitimated only by the fact that they are required for the sake of that ultimate end or that they are conditions of the philosophic life.”<sup>12</sup> Although it is a well-known fact that Thomas also holds that man’s this-worldly happiness consists in the contemplation of the truth by means of natural reason, it would be more precise to say that Thomas holds that happiness consists *primarily* in contemplation. For he does not, as Carey notes, understand the second primary precept of the natural law—that one avoid offending others—“as merely securing the conditions for contemplation” (118), and hence as a mere means to happiness, but rather as being “an actual constituent of happiness” (118). The way forward for Straussian scholarship on the question of natural law therefore seems to me to lie in the study of the premises or presuppositions regarding human nature and nature itself that underlie the difference between Strauss and Thomas regarding the relation between morality and happiness.

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<sup>10</sup> Strauss, *Natural Right and History*, 162–63.

<sup>11</sup> *Ibid.*, 163.

<sup>12</sup> *Ibid.*, 151.