

Interpretation

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Interpretation

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The First Walgreen Lectures by Leo Strauss (1949)

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INTRODUCTION

In 1949, Leo Strauss began teaching at the University of Chicago, after he had spent almost a decade at the New School for Social Research.¹ Almost as soon as he arrived, in the Autumn quarter, between October 17 and 28, Strauss delivered his first set of Walgreen Lectures, under the title “Natural Right and History,”² which cemented his reputation at the university. The lectures are original and profound, and immediately aroused both admiration and a sense of strangeness. In the years that followed, sympathetic and critical commentators³ alike expected the lectures to be followed by a systematic exposition by Strauss on the substance of natural law, because they deemed them “an able presentation of basic principles of the traditionalist point of view.”⁴

In the absence of such an exposition, a lively debate, if one not always devoid of malice, still persists around Strauss’s thought on natural right. In fact, Strauss’s lectures seem to be, at times, deliberately elliptical, if not ambiguous. It

¹ On Leo Strauss at the New School, see Peter Rutkoff and William Scott, *New School: A History of the New School for Social Research* (New York: Free Press, 1986), esp. 84–106 and 137–43. He still conducted three different courses or seminars in the Spring semester of 1949 at the New School. See also Svetozar Minkov, “Leo Strauss: Courses at the New School for Social Research,” in *Toward “Natural Right and History,”* ed. J. A. Colen and Svetozar Minkov (Chicago: University of Chicago Press, 2018), 295.

² Unhappily, the audio recordings of the lectures have perished.

³ Leo Strauss Papers, Box 26, Folders 10–11: Reviews and letters to Strauss about *Natural Right and History*.

⁴ Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), v. Hereafter *NRH*.

therefore seems appropriate that the Walgreen Lectures—the oral, colloquial, and succinct version of what became *Natural Right and History*—should once again be presented to Strauss’s audience, who in general only know the later version, published as a book.

It should be recalled that the express purpose of this first set of Strauss’s lectures is to recover a forgotten problem, a question that was once the central question, but which today is almost unintelligible. This “forgetfulness” requires historical studies for its remediation. In the oral presentation, Strauss stresses the need for such historical studies as follows:

There can be no doubt that the problem of natural right in general cannot be properly understood on the basis of present-day thought—that in order to understand it as a most important problem, a change of perspective is required. To effect such a change is always difficult. It cannot be effected by a single argument or by an accumulation of arguments. It requires an ever-repeated, relentless effort. The technical term for efforts of this kind, for efforts in changing one’s perspective, is history of ideas, or history of thought. No one will undertake the trouble involved in all studies of this kind if he is not convinced that a change in perspective is absolutely necessary; and this conviction, if it is to be reasonable, must be based on the insight that, in our present-day perspective, the most important things are almost invisible.⁵

But the history of ideas, far from presenting the solution, does not guarantee consensus, nor should we assume at the starting point of the inquiry that these studies will reveal what has now become almost invisible. Indeed, Strauss speaks of natural right without suggesting that man’s need for a natural right implies that such a need can be satisfied: “A wish is not a fact. By proving that a certain view is indispensable for living well, one proves merely that the view in question is a most desirable myth; one does not prove it is true” (WL I, 4; *NRH*, 6). It is not clear if one can move beyond merely recollecting an almost forgotten problem.

Indeed, just one year after the Walgreen Lectures, Strauss wrote in a letter that he had presented the question of natural right merely as “an unsolved problem.”⁶ Given Strauss’s initial modesty, one might also think that his inquiry has only a “provisional” character, as though it were an incomplete

⁵ Leo Strauss, *Walgreen Lectures* (1949), Lecture V, 1. In what follows, the 1949 series will be cited parenthetically as WL, followed by lecture number and page in the original typescript.

⁶ In a letter to Eric Voegelin, dated October 12, 1950, Strauss responds to Voegelin’s criticism of his “nondialectical” mode of presentation in this way: “[the Walgreen Lectures] did not do more than present the problem of natural right as an unsolved problem.”

outline. Therefore, one could easily be led to see the lectures as a collection of historical studies that does not contain Strauss's own "teaching" on natural right—or even to suppose that Strauss has no such teaching.⁷ Strauss, however, defends the philosophical relevance of this *précis raisonné* on natural right.

In short, one is unable to understand the problem of natural right if one does not realize, at the same time, the hopeless difficulty into which modern thought has led us. . . . [So] that we have to learn something of utmost importance, not about the great thinkers of the past, but from them; that we have to learn something of utmost importance from the great thinkers of the past which we cannot learn from any contemporary, however intelligent and learned and wise. (WL V, 2)

According to Strauss himself, therefore, historical studies are merely instrumental in recovering something of the greatest philosophical importance,⁸ which modern thought has lost or "squandered" (WL V, 1).

Without intending to advance any general interpretation of the Walgreen Lectures here, a transcript of which we are presenting in what follows, in this introduction we will only (1) give some indications about the plan and the subsequent publication of the lectures, and (2) point out some superficial characteristics that emerge from the comparison between the lectures and their expanded version in the form of the printed book. This comparison is especially useful in what concerns the three first lectures, because the subsequent lectures are obviously very different.

PLAN AND PUBLICATION

The original plan provides for six lectures of about two hours each,⁹ and is organized in such a way that the first two would focus on the two most important arguments used today to reject natural right: historicism, and the

⁷ In fact, years later, faced with Helmut Kuhn's criticism of the book, Strauss conceded in a letter: "I had to write a *précis raisonné* of the history of natural right." Leo Strauss, "Letter to Helmut Kuhn," *Independent Journal of Philosophy* 2 (1978): 23. The letter is undated, but likely from 1957.

⁸ Such philosophical relevance becomes even clearer when he adds in the above-mentioned letter that "what Aristotle and Plato say about man and the affairs of men makes infinitely more sense to me than what the moderns have said or say." In addition, he states, even more assertively, that the "whole Platonic doctrine of the order of the soul and of the order of the virtues is the doctrine of natural right if it is true that 'justice' does not necessarily mean one of the many virtues but the all-comprehensive virtue." See Strauss, "Letter to Helmut Kuhn," 23.

⁹ The plan, as revealed by the cover page and the titles of the lectures in the typescript, is as follows: I. Natural Right and the Historical Approach; II. Natural Right and the Distinction between Facts and Values; III. The Origin of the Idea of Natural Right; IV. Classic Natural Right; V. Modern Natural Right; VI. The Crisis of Modern Natural Right and the Turn toward History. The transcriber kept the lecture titles according to this plan, even when it became obvious that the plan was modified.

distinction in the social sciences between facts and values. In the first two lectures, Strauss directs his attention, as expected, to the two authorities of our time who reign victorious in the social sciences.¹⁰ The next two lectures should deal with the classics, both what he calls classic “conventionalism” and the three types of classic natural right: Socratic-Platonic-Stoic, Aristotelian, and Thomistic. The fifth lecture intends to deal with the moderns, and the final lecture is intended to address the crisis of modern natural law. The nature of this crisis becomes clearer if we look at the original title of the final lecture, “The Crisis of the Modern Natural Right and the Turning to History,” a title that underlines that the lectures make a full circle with the “Historical Approach” that Strauss treats in the first lecture.

The manuscripts that Strauss uses in the lectures, or significant parts of them, were certainly almost complete and their publication followed quickly. An expanded version of the first lecture’s text on historicism was published in *Review of Politics* in October 1950; the text on Hobbes was printed in *Revue Internationale de Philosophie* in October 1950, and the text of the second lecture was published in *Measure* a few months later, in the spring of 1951. Thus, in less than a year and a half, some of these lectures received their final shape. The exceptions were the two lectures on classic natural right as a whole and the lecture on Locke, which he mentioned but barely elaborated, as well as the texts intended for the closing lectures on the “Turning to History,” on Rousseau and Burke.

The complete set of lectures was finally published by the University of Chicago Press in 1953 with the same title as the oral presentation: *Natural Right and History*. Although Strauss shortened the lectures considerably for reasons of time, the book seems at first glance essentially faithful to the texts he had prepared for oral presentation, but the book, absent the time constraints, strictly follows the initial plan.

However, the transcriber of the oral presentation has produced a text that, in general, has short paragraphs, ones that are much shorter than those found in the book (or, indeed, in any of Strauss’s other books). This formatting does not seem to be in the style of Leo Strauss. For example, the text on the first two pages of the transcript includes eight paragraphs that correspond only to the first paragraph of the book.

¹⁰ Elsewhere he presents these two authorities differently, as “the twin-sisters of Science and History.” See Leo Strauss, *Persecution and the Art of Writing* (Chicago: University of Chicago Press, 1952), 156.

Another superficial difference is that the transcript of the oral presentation does not include any footnotes, unlike other copies of transcripts of lectures that have survived—although Strauss reads aloud several long quotes. In most cases, however, these quotes were also not referenced in notes in the printed book.

SOURCES AND DEVELOPMENT OF THE FIRST LECTURE

The 1953 book divides the text of the first lecture into an introduction and chapter 1, on the “historical approach.” The arguments presented in the first lecture, on the need for natural right and the problem raised by the new “historical awareness,” are a different articulation, or perhaps a reformulation, of the ideas presented in two previously unpublished manuscripts found in the archives. The first manuscript, from 1931,¹¹ is incomplete, but it presents the same sequence of ideas, and the other, from 1946,¹² was written for a public lecture while Strauss was still at the New School. These ideas and words, including some examples, were kept almost verbatim in the first lecture.

Generally speaking, the oral presentation is, as one might expect, more colloquial and more revealing of the tension between philosophy, or science, and religion than the book. The following observations, for example, were omitted or truncated in the book: “modern natural science” created the problem of dualism between a teleological human science and a mechanistic natural science, but

modern natural science always survives the elegant solutions of the problems created by, and coeval with, modern natural science.

Religious faith, faith in biblical revelation, no doubt solves the difficulty, but religious faith is not rational knowledge.... I shall consider myself most fortunate if I shall succeed in shedding some light on our problem. I must say that even so the exposition will not always be very easy.¹³

¹¹ See Leo Strauss, “Some Notes on the Political Sciences of Hobbes (1932)” and “Foreword to a Planned Book on Hobbes (1931),” in *Hobbes’s Critique of Religion and Related Writings*, ed. and trans. G. Bartlett and Svetozar Minkov (Chicago: University of Chicago Press, 2011), 121–36, 137–49.

¹² Leo Strauss, “Natural Right (1946). Lecture to be delivered on January 9, 1946, in the General Seminar and in February 1946 in Annapolis,” in Colen and Minkov, *Towards “Natural Right and History,”* 221–48.

¹³ See *NRH*, 8.

The lectures also contain some clarifications that were omitted in the book. For example, after the phrase “The problem of priorities arises” (WL I, 3; *NRH*, 3), Strauss explains:

Can one say that the bodily needs of the individual have first claim over against the spiritual props of society, over against beliefs, however erroneous? Are firmly held beliefs not much more important for getting an integrated culture in which man can find mental security than what modern medicine declares to be adequate satisfaction of bodily wants? Is there no support for the view that the interests which arise out of the bodily needs are divisive, whereas beliefs—agreements regarding fundamentals—have a unifying effect? Needs do not supply us with a valid criterion for judging of the ideals of our own or any other society. For this purpose, we would have to know the true hierarchy—the natural hierarchy of needs.¹⁴

But, as a rule, the opposite is true: the text of the Walgreen Lectures is expanded in the book. Even so, the simplest version can be useful for the student of Strauss’s thought, because it reveals the reasoning he considered essential.

What the academic seeks in vain in the book are the names of the “great thinkers of the past,” wise and learned, who are at the root of our difficulty in accessing the problem of natural right. The themes of “historicism” and the link between “positivism” and historicism were previously presented in lectures at the New School, where ideas are attributed to their authors by name;¹⁵ for this reason, the scholar of Strauss can benefit from the comparison with these earlier texts.

By contrast, both the lecture and the book are very scarce in what concerns references. In the introduction to the book, there are only three footnotes. The first is a reference to Ernst Troeltsch, who is mentioned in the lecture as “a German scholar.” The remaining obvious references are to the Declaration of Independence, which appears within quotation marks, and Lincoln’s Gettysburg Address, which does not so appear; nor does the implicit reference to Horace’s *Epistle to Augustus* appear, when Strauss alludes to his lament that “Greece, conquered Greece, her conqueror subdued” (*Graecia capta ferum victorem cepit et artes / intulit agresti Latio*);¹⁶ Lord Acton’s long quote from

¹⁴ The explanation of the problem of priorities or the natural hierarchy of needs—“Can one say... natural hierarchy of needs”—was omitted in *NRH*.

¹⁵ See Leo Strauss, “*Historicism*. Lecture to be delivered in the fall of 1941 in the General Seminar,” and “The Frame of Reference in the Social Sciences (1945),” in *Towards “Natural Right and History*,” 72–88, 105–11.

¹⁶ Horace, *Epistles* 2.1.156–57.

the *Essay on Freedom* is also not identified, with a note, in the book. Interestingly, the only notes added in the introduction are the identification of the reference to Ernst Troeltsch, a long footnote in German (pointing to a missing section in the English translation but present in the German original of the *General Theory of Law and the State* by Hans Kelsen)¹⁷ and the reference to Aristotle's *Physics*¹⁸—which establishes an argument by appeal to authority.

The remainder of the first lecture is a very compressed presentation of the various arguments and waves of historicism, and has almost no explicit references to thinkers, except for the final mention of Julien Benda's *Trahison des clercs*, that was left unidentified in the book (WL I, 16; *NRH*, 34). The first chapter of *Natural Right and History* adds a few brief quotations (apparently more suggestive than substantive) from Voltaire and Lessing (*NRH*, 22), absent from the lectures, and duly referenced with notes in the book. It includes a total of ten notes, which almost always correspond to side-comments that would disturb the text. The rule seems to be this: Strauss added footnotes only when he added new text to the book.

THE SECOND AND THIRD LECTURES: MAX WEBER AND THE THEOLOGICAL-POLITICAL PROBLEM

The second theme announced in the plan ended up occupying all of the second lecture and much of the third. The theme, at first glance, is the rejection of natural right based on the distinction between facts and values, but it is very different in nature from the theme of the first lecture, and the corresponding section of the book.

Strauss focuses exclusively on Max Weber, whose main works are all mentioned in detail, and are always cited using the German edition.¹⁹ Weber's ideas are explained and interpreted rigorously, and Strauss demonstrates astonishing scholarship that impressed many contemporaries, and still surprises us. Strauss knew, moreover, that this lecture was the most "acceptable" within the limits of his department, if not his division. In fact, as he says: "The work of Max Weber is perhaps the only point where these lectures touch on a subject whose legitimacy and respectability is universally acknowledged by present-day social science" (WL III, 1).

¹⁷ Quoted in full in *NRH*, 4n2.

¹⁸ See WL I, 6, with *NRH*, 8n3.

¹⁹ The reference to the quality of the English translations by Talcott Parsons was added to the book in *NRH*, 56n20.

Strauss is clearly reading from a finished manuscript, interrupting its reading or oral delivery with the occasional side remark directed to the audience. The complete manuscript, with a wealth of annotations, was sent for publication just after the lectures were delivered, and printed in early 1951.

Given the depth of Strauss's knowledge of Max Weber's writings, revealed by the text and the notes, it seems almost impossible that it was acquired in the time usually devoted to the preparation of a public lecture. In fact, the lecture evidences lengthy reflection on the problem of value neutrality in the social sciences. This thoughtful reflection is even more evident in the published version, since, for example, in a few paragraphs of the lecture and in a single footnote in the later book, Strauss takes us through Weber's well-known qualifications and almost-ignored side remarks, all of which betray value judgments;²⁰ just their enumeration implies the careful reading of (thousands of pages of) bulky works on the sociology of religion, and other studies on the economy and society, including the methodology of social studies.

The list of courses Strauss conducted at the New School includes two seminars closely related to Max Weber, the first being in the Spring of 1943, titled "Religion and the Rise of Modern Capitalism: The Weber-Tawney Controversy"; the second was a joint seminar titled "Religion and the Rise of Modern Capitalism," conducted in the Fall term of 1944.²¹ These courses were clearly the occasion for prolonged reflection on how certain methodological flaws affected Weber's most famous work on the Protestant work ethic.²²

MODIFICATION OF THE PLAN

This is not the place to show how and why Weber was the occasion for Strauss's clearest presentation of the alternative between "the biblical and the secular position" (WL III, 5), since many recent studies have explored this question, some of them book-length studies. However, we must note that it was the importance given by Strauss to this issue that led him to continue reading the manuscript planned for the second lecture for most of the time of the following lecture, and thus that led him to abandon the initial plan.

As Strauss explains, this change was deliberate, as he decided to "take the liberty of devoting somewhat more time than I ought to to this particular

²⁰ See WL, Lecture II, with *NRH*, 55–59 and 63–64.

²¹ See Table 2 in *Toward "Natural Right and History,"* 8–9.

²² See WL, Lecture II, with *NRH*, 59–63, and the largest footnote at 60n22.

subject” (WL III, 1). It was after making the decision to prioritize the conflict between the biblical view and the secular view that Strauss departed significantly from the manuscript.

The third lecture, in fact, was in the initial plan dedicated to “The Origin of the Idea of Natural Right.” The presentation on conventionalism and the origin of the idea of natural right ended up being compressed into the time that remained in the third lecture, and that occupying the beginning of the fourth lecture. The change of plan forced him to be brief and to make, as he says, “very sketchy remarks about the basis of classic natural right,” and prevented him from treating Locke and Burke, as he had intended.

This represents, ironically, an additional reason for interest in the oral version of this first series of Walgreen Lectures. The lecture on classic natural right has significant differences compared to the book, with the exception of the final section on the three types of classic natural right, whose content, and sometimes even phrasing, were essentially preserved. These differences result not only from the more colloquial nature of the oral version, but from the need to summarize and clarify the main problems in a short time—which provides scholars of Strauss with an alternative rendering of his approach, a rendering that conveys a certain sense of the unity of the lecture series as a whole.

THE UNITY OF THE PLAN

Whatever one’s interpretation of these Walgreen Lectures as a whole, all of the passages that are omitted in the book, together with comments to the audience and explanatory remarks, suggest a strong unity that perhaps points to Strauss’s intention and teaching, which we also find in his earlier and later texts and his courses on natural right.

To take one such passage: The third lecture ends with the observation that “by submitting to authority, philosophy—which includes any particular political philosophy—would lose its character. It would degenerate into ideology, that is to say, apologetics for a given social order. . . . What is true of the eighteenth-century revolutionists is true *mutatis mutandis* of all political philosophers who recognize natural right.”²³

The digression, which occurs within the account of the idea of nature, is also the occasion for Strauss to affirm as clearly as possible the revolutionary character of natural right.

²³ WL III, 19 (end). The end of Lecture III corresponds to about one third of *NRH*, 92–93.

Today, natural right is frequently rejected as reactionary. In the nineteenth century, natural right was rejected by Continental reactionaries as revolutionary. This fact alone shows how inadequate all partisan approaches to natural right are. If we approach the issue of natural right in an impartial manner, we note that natural right is, and always has been, revolutionary in the most fundamental sense. The very idea of natural right presupposes the doubt of all authority—that is to say, man’s inner independence of all authority. Natural right is a standard higher than all authority, a standard by which all authority is to be measured, and this standard is in principle accessible to man as man. The idea of natural right implies that man can rise above the accidental historical standards accepted by particular societies, or that man is not forced to be the slave of all large or small collectivities, or that man is not by nature destined ignobly to jump on every bandwagon of every wave of the future. Only by virtue of natural right is man capable of distinguishing between the cause that is victorious and the cause that is just. The present-day discussion of natural right suffers from the fact that the idea of natural right is taken too much for granted by its adherents, as well as by its opponents. For this reason, we were forced to pay some attention to the tremendous effort that was required so that the very idea of natural right could emerge.

Indeed, in the original delivery of the lectures, the account of the emergence of the idea of natural right—corresponding to the strangest chapter in the book—easily follows from historicism’s “flight from nature.” The core that gives unity to the lectures seems to be disclosed through Strauss’s recurring comments on the politicization of natural right. He deems such a politicization to be the reason that the classics’ distinction between convention and nature was essentially transformed into historicism’s unsound dismissal of nature as a standard. As he puts it in a preface added later, in 1971: “Nothing that I have learned has shaken my inclination to prefer ‘natural right,’ especially in its classic form, to the reigning relativism, politicivist or historicist. . . . I should add the remark that the appeal to a higher law, if that law is understood in terms of ‘our’ tradition as distinguished from ‘nature,’ is historicist in character, if not in intention.”²⁴

If we are permitted to come full circle, we may say that the centrality of “the problem” of natural right in Strauss’s work becomes clearer when we bear in mind how a significant part of his work at the New School, in the 1940s, was incorporated into the Walgreen Lectures at the University of Chicago.²⁵

²⁴ *NRH*, vii. Strauss adds, just after: “The case is obviously different if appeal is made to the divine law; still, the divine law is not the natural law, let alone natural right.”

²⁵ In courses he taught at the New School, Strauss had begun to treat topics that he later addressed in

* * *

Svetozar Minkov provided us with a copy of the extant typescript kept in the University of Chicago library, a typescript which was circulated for a long time among Leo Strauss's students.

We have transcribed these four lectures, inserted the handwritten corrections of the lectures, standardized spelling and punctuation, indented paragraph beginnings, italicized titles and foreign words, corrected a few grammatical errors, and inserted a few words in brackets to complete sentences or to correct words, using *Natural Right and History* as our guide. We have used footnotes to indicate changes to the typescript, and to provide relevant information. We are responsible for any errors.²⁶

the 1949 Walgreen Lectures. For example, Strauss taught one course focused solely on the Declaration of Independence, and others on "the Constitution of the United States: philosophical background." He also gave courses on "writings and speeches by Edmund Burke" and "rule of law and constitutionalism." Many other courses also directly anticipate themes addressed in the Walgreen Lectures: "Natural law and the rights of man," "Justice and political necessity," "Religion and the rise of modern capitalism: the Weber-Tawney controversy," later renamed "Religion and the rise of modern capitalism," and "The social philosophy of early capitalism: Analysis of Locke's *Civil Government*." But before the delivery of his first set of Walgreen Lectures in Chicago, the most comprehensive treatment of the problem of natural right seems to be "Natural Right (1946). Lecture to be delivered on January 9, 1946, in the General Seminar and in February 1946 in Annapolis," in *Towards "Natural Right and History,"* 221–48.

²⁶ We wish to thank the estate of Leo Strauss and its literary executor, Nathan Tarcov, for permission to publish this work, and the James Madison Program in American Ideals and Institutions for its support during the 2016/17 academic year. The copyright to the text of the lectures is retained by the estate of Leo Strauss. A previous rendering of these transcripts was produced by J. A. Colen and Scott Nelson, which is available on the University of Chicago Press website.

NATURAL RIGHT AND HISTORY

BY LEO STRAUSS

Six lectures delivered at the University of Chicago, Autumn 1949,
under the auspices of the Charles R. Walgreen Foundation for the
Study of American Institutions

- I. Natural Right and the Historical Approach
- II. Natural Right and the Distinction between Facts and Values
- III. The Origin of the Idea of Natural Right
- IV. Classic Natural Right
- V. Modern Natural Right
- VI. The Crisis of Modern Natural Right and the Turn toward History²⁷

²⁷ End of Cover Page. There is no mention in the typescript of specific dates, but these six lectures were delivered on October 17, 19, 21, 24, 26, and 28, 1949, according to Records of the Charles R. Walgreen Foundation, <https://www.lib.uchicago.edu/e/scrc/findingaids/view.php?eadid=ICU.SPCL.WALGREEN>, viewed December 17, 2020.

LECTURE I

[INTRODUCTION]²⁸

I think it is proper, for more reasons than the most obvious one, that I should open this series of lectures by quoting to you a sentence from the Declaration of Independence. The sentence has frequently been quoted, but it is made immune, by its weight and its elevation,²⁹ to the degrading effects of familiarity, which breeds contempt, and of misuse, which breeds disgust.

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

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

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

²⁸ The transcript of this first lecture is titled “NATURAL RIGHT AND THE HISTORICAL APPROACH / The first in the series of six Walgreen lectures by Leo Strauss.” A significant part corresponds almost verbatim to the introduction to *NRH*. The rest of the text of Lecture I corresponds in fact to chapter 1 of *NRH*, which, like this lecture, is titled “Natural Right and the Historical Approach.” However, the following lectures do not keep the same linear correspondence to *NRH*. We briefly point out in the footnotes some divergences between the two texts.

We have inserted, between square brackets, subtitles of our own devising that are intended to point to the parallels and divergences between the two versions of the work. We have chosen not to include in our footnotes to the transcript the references that Strauss provides readers in *NRH*.

²⁹ The typescript reads: “the elevation.”

“While abandoning³⁰ the idea of natural right, and through abandoning it,” he continued, “abandoning the idea of humanity, German thought created the historical sense,” and thus was led eventually to unqualified relativism.³¹

What was a tolerably accurate description of German thought twenty-seven years ago would now appear to be true of Western thought in general. It would not be the first time that a nation defeated on the battlefield and, as it were, annihilated as a political being has deprived its conqueror of the most sublime fruit of victory, by imposing on him the yoke of its own thought.³² Whatever might be true of the thought of the American people, American social science at any rate has adopted the very attitude toward natural right which a generation ago could still be described with some plausibility as characteristically German.

The majority among the learned who still cherish the principles of the Declaration of Independence interpret these principles not as formulations of natural right, but as an ideal, if not an ideology or a myth. Present-day American social science, as practically all non-Catholic present-day social science, is dedicated to the proposition that all men are endowed by the evolutionary process, or by a mysterious fate, with all kinds of urges and aspirations, but certainly with no unalienable rights.³³

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

Now, it is obviously meaningful, and sometimes even necessary, to speak of unjust laws, or unjust decisions. In passing such judgments, we imply that there is a standard of right and wrong independent of positive right, and higher than positive right, a standard with reference to which we are able to judge of positive right.

Many people today hold the view that the standard in question³⁴ is, in the best case, nothing but the ideal or ideals of our society. But, according to

³⁰ The typescript reads: “abanding.”

³¹ End of page 1.

³² See Horace, *Epistles* 2.1.156–57.

³³ The famous quote from Ernst Troeltsch at *NRH*, 2, is taken from a translation of Otto von Gierke’s work *Natural Law and the Theory of Society*, trans. with introduction by Ernest Barker (Cambridge: Cambridge University Press, 1934), 1:201–22. Gierke’s theory of society derived many social institutions from natural law, including a theory of corporations.

³⁴ The typescript reads: “in the question.”

the same view, all societies have their ideals, cannibal societies no less than civilized ones. If principles are sufficiently justified by the fact that they are accepted as ideals by society, the principles of cannibalism are as legitimate as those of³⁵ civilized life. If there is no standard higher than the ideals of one's society, there exists no possibility of taking a critical distance from those ideals. But the mere fact that we can raise the question of the worth of the ideals of our society shows that there is something in man that is not altogether enslaved to his society, and therefore that we are able, and even obliged, to look for a standard with reference to which we can judge of the ideals of our society, as well as of any other society.³⁶ This standard cannot be found in the needs of the society concerned. So that one could reject cannibalism, for example, on the ground that it is not really needed for the societies that practice it, or that that practice is based on demonstrably erroneous beliefs—for society and man have many needs which frequently conflict with each other.

The problem of priorities arises. Can one say that the bodily needs of the individual have first claim over against the spiritual props³⁷ of society, over against beliefs, however erroneous? Are firmly held beliefs not much more important for getting an integrated culture in which man can find mental security than what modern medicine declares to be adequate satisfaction of bodily wants? Is there no support for the view that the interests which arise out of the bodily needs are divisive, whereas beliefs—agreements regarding fundamentals—have a unifying effect? Needs do not supply us with a valid criterion for judging of the ideals of our own or any other society. For this purpose, we would have to know the true hierarchy—the natural hierarchy of needs.³⁸ We would have to possess, in other words, knowledge of natural right. It would appear then that the rejection³⁹ of natural right is bound to lead to disastrous consequences, and it is obvious that disastrous consequences do follow from the contemporary rejection of natural right.⁴⁰

³⁵ End of page 2.

³⁶ In the typescript, there is illegible marginalia to the right of this sentence. This seems to be by Strauss's hand.

³⁷ The words "spiritual props" are circled by hand. This expression does not appear in the corresponding section of *NRH*, 3, which is briefer.

³⁸ The explanation of the problem of priorities or the natural hierarchy of needs—"Can one say... natural hierarchy of needs"—was omitted in *NRH*.

³⁹ The typescript reads: "rejections."

⁴⁰ This paragraph was significantly rephrased and expanded in *NRH*, 3.

Our social science may make us very wise or clever as regards the means for any objectives we might choose. It admits being unable to help us in discriminating between legitimate and illegitimate, between just and unjust objectives. Such a⁴¹ science is essentially instrumental, and nothing but instrumental. It is bound to be the handmaid of any *powers* or of any *interests* that be.⁴²

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

In ordinary life, we understand by a sane man a man who knows what he is doing, a man who knows why he is doing what he does. If we cannot have any knowledge regarding the ultimate principles of our choices—that is to say, regarding their soundness or unsoundness—we are in the position of men who are sane and sober when they are engaged in trivialities, and gamble like mad men when confronted with serious issues: retail sanity and wholesale madness. In little things we may follow reason, and our choices may be judicious. In the most important things, we must be guided not by thought or light, but by blind choice.⁴³ If there is no natural right, everything a man can afford to dare will be permitted, and nothing a man can afford to dare will be forbidden. The rejection of natural right seems to lead to nihilism.⁴⁴

Once we realize that our basic principles have no other support than our blind choice, we cannot, as reasonable beings, believe in them anymore. We cannot wholeheartedly act upon them anymore. We cannot live anymore⁴⁵ as rational beings. To be able to live, it becomes necessary to silence the easily silenced voice of reason which tells us that our basic principles have no other support than our preference or blind choice, and hence are as good or as bad as any other principles. The more we cultivate reason, the more we cultivate

⁴¹ End of page 3.

⁴² The word “twice” appears to be handwritten after this sentence.

⁴³ In the typescript, there are handwritten parentheses around this sentence.

⁴⁴ The paragraph starting with “In spite of this, generous liberals . . .” was added in the printed version of *NRH*, 5. Also inserted in *NRH*, 6, is the reference to “pursuing a Socratic goal with the means, and the temper, of Thrasymachus,” as well as the sentence beginning with “The fact that reasons compels us to go beyond the ideal of our society.”

⁴⁵ The typescript reads: “any more.”

nihilism, the less are we able to be members of any integrated “culture.” The inevitable practical consequence of nihilism is fanatical⁴⁶ obscurantism.⁴⁷

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

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

Since natural right is today a matter of recollection rather than of actual knowledge, this means that we are in need of historical studies which will familiarize us with the whole complexity of the issue. We have to become, for some time, students of what is called “history of ideas,” but this will aggravate rather than remove the difficulty of impartial treatment. To quote Lord Acton, “Few discoveries are more irritating than those which expose the pedigree of ideas. Sharp definitions and unsparing analysis would displace the veil beneath which society dissembles its divisions, would make political disputes too violent for compromise, and political alliances too precarious for use, and would embitter politics with all the passions of social and religious strife.”⁴⁸

We can overcome this danger only by considering the fact that for every conscientious scholar the problem of natural right is not a partisan affair. At a superficial glance, the issue of natural right presents itself today as a⁴⁹ matter of party allegiance. Looking around us, we see two hostile camps, heavily fortified and strictly guarded. One is occupied by the liberals of various descriptions—to use this somewhat loose term; the other by the Catholic

⁴⁶ The typescript reads: “fantical.”

⁴⁷ End of page 4.

⁴⁸ The quote is taken from Lord Acton, *The History of Freedom and Other Essays* (London: Macmillan, 1907), 62, but it goes unidentified in *NRH*.

⁴⁹ End of page 5.

and non-Catholic disciples of Thomas Aquinas.⁵⁰ But both armies, and in addition those who prefer to sit on the fence,⁵¹ or to hide their heads in the sand, are, if I may heap metaphor on metaphor, in the same boat. They are all modern men. No matter how neutral we may be, we are all in the grip of the same dilemma.

Natural right in its classic form, the only form in which it is defensible, is connected with a teleological view of the universe. All natural beings have a natural end, a natural destiny, which determines what kind of operation⁵² is good for them. In the case of man, *reason is required for discerning these operations*. Reason determines what *is by nature right*,⁵³ with ultimate regard to man's natural end. This teleological view of the universe, of which the teleological view of man forms a part, has been destroyed for all practical purposes by modern natural science. From the point of view of Aristotle—and who could dare to claim to be a better judge in this matter than Aristotle?—the issue⁵⁴ between the mechanical and teleological conception of the universe is decided by the manner in which the problem of the heaven, and the heavenly bodies and their motions, is settled. Now in this respect, which from Aristotle's own point of view was the decisive one, the issue seems to have been decided finally in favor of the mechanical conception of the universe.

Two opposite conclusions could be drawn from this momentous decision. First, the mechanical, or at any rate nonteleological, conception of the universe had to be accompanied by a nonteleological conception of human life. This “naturalistic solution” proves to be impossible. It is impossible to banish ends from the social sciences, or what amounts to the same thing, to conceive of ends as derivative from desires or impulses. Therefore, the alternative has prevailed: which means that we have had to accept a typically modern dualism of a nonteleological natural science⁵⁵ and a teleological science of man.

This is the position which the modern followers of Thomas Aquinas, among others, are forced to take, a position which implies a radical break with the thought of Aristotle, as well as that of Thomas Aquinas himself. The

⁵⁰ Although no mention is made, the obvious reference is Jacques Maritain's *Les droits de l'homme et la loi naturelle* (*The Rights of Man and Natural Law*) (1942). In November of 1947, Maritain helped to “galvanize” public opinion for the approval of the UDHR.

⁵¹ The typescript reads: “fences.”

⁵² The typescript reads: “operations.”

⁵³ In the typescript, these italicized expressions are underlined by hand.

⁵⁴ In the typescript, a horizontal line is drawn by hand over “the” and half of “issue.”

⁵⁵ End of page 6.

fundamental dilemma in whose grip we are is the one caused⁵⁶ by the success of modern natural science, a success which is presupposed rather than made doubtful by the so-called crisis in physics. An adequate solution to the problem of natural right cannot be found before this basic problem has been solved.

Naturally, there is no scarcity of elegant solutions to that problem, but the experience of some centuries has shown that modern natural science always survives⁵⁷ the elegant solutions of the problems created by, and coeval with, modern natural science.

Religious faith, faith in biblical revelation, no doubt solves the difficulty, but religious faith is not rational knowledge. Needless to say, I cannot even discuss this basic problem; I have to limit myself to that aspect of the problem of natural right which can be clarified within the confines of my department—or, if I may be bold, of my division. I shall consider myself most fortunate if I shall succeed in shedding some light on our problem. I must say that even so the exposition will not always be very easy.⁵⁸

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

[NATURAL RIGHT AND THE HISTORICAL APPROACH]

Now, as for the rejection of natural right in the name of history, this appears on the most popular level as follows: Natural right is a right that is⁵⁹ universally acknowledged.⁶⁰ History, including anthropology, teaches us that no such right exists. Instead of the supposed uniformity, we find an indefinite variety of notions of right or justice.

Now, one cannot understand the meaning of the attack on natural right in the name of history before one has realized the utter irrelevance of this

⁵⁶ The typescript reads: “cause,” though a *d* is inserted by hand.

⁵⁷ The typescript reads: “survives,” though a *v* is inserted by hand.

⁵⁸ The two previous paragraphs were omitted in *NRH*, and the concluding one was rephrased, clarifying that the lectures will be limited to “that aspect of the problem of natural right which can be clarified within the confines of the social sciences” (*NRH*, 8).

⁵⁹ End of page 7.

⁶⁰ The typescript reads: “acknowledge,” though a *d* is inserted by hand.

particular kind of argument. In⁶¹ the first place, consent⁶² of all mankind is by no means a necessary condition of the existence of natural right. Quite a few famous natural right teachers have argued that precisely if natural right is rational, its⁶³ discovery presupposes the cultivation of reason, and therefore natural right will not be acknowledged universally. One ought not even to expect any inkling of natural right among savages.

Furthermore, the historical variety of notions of right was always known. It is absurd to claim that the discovery of a still greater number of varieties of notions of right by modern students has in any way affected the fundamental issue. Above all, knowledge of the great variety of notions of right or wrong is so far from being incompatible with the idea of natural right that it⁶⁴ is actually the essential condition for the emergence of that idea.

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

To clarify the present-day rejection of natural right in the name of history, our first task must be to grasp the specific difference between the historical view, or historical consciousness of the nineteenth and twentieth centuries on the one hand, and of conventionalism on the other. The conventionalist view—to repeat, that all⁶⁵ right is conventional, or no right is natural—was based on a fundamental distinction between nature and convention. It implied that nature is of higher dignity than convention, or the fiat of society. It implied that nature is the standard, but that “right and justice are conventional.”

This means that right and justice have no basis in nature; that they are ultimately *against* nature; that they have their ground in arbitrary decisions, explicit⁶⁶ or implicit, of social community. They have no basis but

⁶¹ In the typescript there is a small vertical mark before “In.”

⁶² The typescript reads: “concent,” though a line is drawn by hand under the second *c* in the word.

⁶³ The typescript reads: “it.”

⁶⁴ The typescript reads: “is.”

⁶⁵ End of page 8.

⁶⁶ A question mark has been handwritten in the margin to the line that says “ultimately *against* nature, that they have their ground in arbitrary decisions, explicit / implicit.”

explicit or tacit agreement, and agreement may produce peace, but it cannot produce truth.

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

Accordingly, the modern view does not conceive of the notions of right and wrong as fundamentally arbitrary. It tries to discover their causes; it tries to find intelligible relations in their variety and sequence.

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

But both conventionalists and historicists agree as to one most fundamental point, namely, as to the legitimacy and necessity of the distinction between nature and convention; for this distinction is implied in the very idea of philosophy. Philosophizing means to ascend from the cave to the light of the sun, to *the* truth. The cave is the world of opinion; opinion is essentially variable. Men cannot live,⁶⁷ they cannot live together, if opinions are not stabilized by social fiat. Opinion thus becomes authoritative opinion, or public dogma. Philosophizing means, then, to ascend⁶⁸ from public dogma to essentially private knowledge.

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

⁶⁷ End of page 9.

⁶⁸ The typescript reads: “ascent.”

The fundamental premise of conventionalism is, then, nothing other than the idea of philosophy as quest for the eternal truth. The modern opponents of natural right, on the other hand, reject this very idea. According to them, there is no possibility of knowing the eternal truth. According to them, all human thought is historical, and hence unable ever to grasp the eternal truth. Permit me to call this view *historicism*,⁶⁹ the view that all human thought, not merely all thought regarding right and wrong, is historical. It is on the basis of the historicist thesis that natural right is rejected today.

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

The reasons which motivate early historicism—the historical schools and its students, and other social sciences—the reasons which motivated early historicism⁷⁰ were not all of them of a purely theoretical character. The historical school emerged as a reaction to the political philosophy that had paved the way for the French Revolution and had guided the French Revolution.

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

The founders of the historical school realized more or less clearly that the acceptance of any universal or abstract principles has necessarily, as far as thought is concerned, a revolutionary, disturbing, unsettling effect. For the recognition of universal principles forces us to measure the actual by the ideal, and the actual is more likely than not to fall short of the ideal. The recognition of universal principles thus normally breeds dissatisfaction, if only theoretical dissatisfaction, with the actual, and such dissatisfaction could be considered as a germ of treason. “The good man is a bad citizen in a bad polity.”

⁶⁹ In the typescript, “historicism” is underlined by hand.

⁷⁰ End of page 10.

To get rid of this danger once and for all, to reconcile man absolutely to any established order, the significance, if not the existence, of universal principles had to be denied. This was achieved partly by the radical separation of right or law from morality, and partly by the substitution of the idea or the ideal of justice for natural right. These eminently⁷¹ conservative men did not realize that they were continuing and even sharpening the revolutionary tendencies of the modern period. That⁷² tendency was in opposition to all otherworldliness or transcendence. Otherworldliness or transcendence is not a preserve of revealed religion: it is implied in the original idea of political philosophy as a quest for the best political order. For the best social or political order, as Plato and Aristotle understood it, is and is meant to be normally different from the actual, or beyond all actual orders.⁷³

Historicism may be described, to begin with, as a much more radical form of modern “this-worldliness” or immanence than the very French radicalism of the eighteenth century. The historical school wanted men to be absolutely at home “in this world,” and since any universal principles make at least most men potentially homeless in this world,⁷⁴ the historical school depreciated universal principles in favor of historical principles. It believed that by understanding his historical context, man would arrive at principles which would be as objective as those of the older, prehistoricist political philosophy, but which in addition would not be abstract or universal, but concrete or particular—principles fitting the particular age or the particular nation, principles relative to the particular age or the particular nation.

In trying to discover standards that combined objectivity or nonarbitrariness with relativity to particular historical situations, the historical school made assumptions of a questionable character. It assumed the existence of folk-minds and/or of laws of the universal historical process. These assumptions proved to lead to distortions of the historical evidence, or otherwise to endanger unbiased historical research. They were therefore rejected in the second part of the nineteenth century as “metaphysical,” which means unwarranted.

And so, the infancy of historicism came to its end. The historical school had succeeded in discrediting universal or abstract principles. An unbiased

⁷¹ The typescript reads: “eminintly.”

⁷² A large closing parenthesis has been handwritten around the lines “had to be denied.... tendencies of the modern period. That.”

⁷³ End of page 11.

⁷⁴ The typescript reads: “homeless in world.”

study of history showed that all attempts to derive norms from history as history led to failure, and no objective standards of any kind remained. To the unbiased historian, history revealed itself as a meaningless web, spun by what man did, produced, and thought, no more than by unmitigated chance: it revealed itself as a tale told by an idiot. The historical standards, the standards thrown out by this meaningless process, could no longer claim to be hallowed by sacred powers behind that process.

The only standards that are possible from this point of view are of a purely subjective character, standards that have no support other than the free choice of⁷⁵ the individual. Their objective support is nothingness. The view of history as a meaningless web was not novel. In opposition to the classical view, the historicists asserted that the only solid, or the most important, knowledge of human life or of man is that which emerges out of the study of history.

History as history presents to us the depressing spectacle of a disgraceful variety of thoughts and beliefs, and above all, of the passing away of any thoughts or beliefs ever held by man. It shows us, in other words, that all human thought is historical, essentially⁷⁶ relative to specific historical situations, destined to perish with the situation to which it belongs.

At first glance, historical evidence seems to be sufficient to support this contention, but it is easy to see that no historical evidence can possibly support this contention. History as history teaches us that a certain idea has been abandoned in favor of another idea. It cannot tell us, as history, whether this change was reasonable, which means whether the rejected idea deserved to be rejected or not. Only an impartial philosophic analysis of the idea concerned could teach us anything regarding its worth.

The basis of historicism is not history and not historical evidence, but philosophy, a philosophic analysis of thought, a philosophic analysis of thought that allegedly leads to the result that all human thought depends ultimately on fickle⁷⁷ and dark fate, and not on evident principles accessible to man as man.

I will not be able today to give you a sketch and a discussion of this central historicist argument. I have to postpone this until next time. Permit me

⁷⁵ End of page 12.

⁷⁶ The typescript reads: "essential."

⁷⁷ The typescript reads: "flickle."

to state only the conclusion at which an analysis of this alleged demonstration of the purely historical character of all human thought would lead.

It would lead to the result, I believe, that the basic issue is not settled. Therefore, the most urgent need is for understanding of the issue—and this means, above everything else, for an understanding of the classical alternative to modern⁷⁸ thought.

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

We need, in the very first place, a nonhistoricist understanding of non-historicist philosophy, but we need hardly less urgently a nonhistoricist understanding of historicism, namely, an understanding of the genesis of historicism that does not take for granted the soundness of historicism.

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

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

I suggest then this general line of approach: history meant throughout the ages primarily—and I think rightly—political history. Accordingly, the so-called discovery of history is the work, not of philosophy in general, but of political or⁷⁹ social philosophy. It was a predicament peculiar to eighteenth

⁷⁸ End of page 13.

⁷⁹ End of page 14.

century political philosophy that led to the emergence of the historical school. That political philosophy of the eighteenth century was a philosophy of natural right. It consisted in a peculiar interpretation of natural right, namely, the specifically modern interpretation of natural right, which I will try to discuss in the fifth lecture.

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

Originally philosophy had been the humanizing quest for the eternal order, and hence it has been a pure source of human inspiration and aspirations. Since the seventeenth century, philosophy has been a weapon, and hence an instrument. It is this politicization⁸⁰ of philosophy as such that was discerned as the root of our troubles by a writer who denounced *la trahison des clercs*, “the treason of the intellectuals.” He committed the fatal mistake, however, of not seeing the essential difference between intellectuals, on the one hand, and philosophers on the other. In this he remained a dupe of the thing which he denounced, for the politicization⁸¹ of philosophy⁸² consists precisely in this: the difference between intellectuals and philosophers, a difference formerly known as the difference between philosophers and gentlemen, on the one hand, and between philosophers and sophists on the other, becomes blurred and finally disappears.⁸³

LECTURE II ⁸⁴

[NATURAL RIGHT AND THE DISTINCTION BETWEEN FACTS AND VALUES]

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

⁸⁰ The typescript reads: “politization.”

⁸¹ The typescript reads: “politization.”

⁸² The typescript reads: “pholosophy.”

⁸³ End of page 15.

⁸⁴ The typescript reads: “NATURAL RIGHT AND THE DISTINCTION BETWEEN FACTS AND VALUES” / The second in the series of six Walgreen lectures by Leo Strauss.” Leo Strauss seems to be reading from a manuscript, but probably for lack of time he pursues the theme at the beginning of the third lecture. (See our subtitle between square brackets.)

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

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

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

All knowledge, all understanding, however limited and objective or scientific, presupposes a frame of reference. It takes place within a horizon. It presupposes a horizon, which means a comprehensive view of the whole, a *Weltanschauung*, as the Germans say. Only such a comprehensive vision makes possible any seeing, any observation or any orientation. That comprehensive view cannot be validated by reasoning because it is the basis of all reasoning. Accordingly, there is a variety of such comprehensive visions, each as legitimate as the other. We have to choose a comprehensive view with no rational guidance, and it is absolutely necessary to⁸⁵ choose one, for without it there is no meaning, no understanding, no orientation. Neutrality or suspension of judgment are impossible. Our choice has no support but itself. It is not supported by any objective or theoretical certainty. Our comprehensive view is separated from the nothing, the complete absence of meaning, by nothing but our choice of the view in question. This does not mean that we are free to choose the content of the comprehensive view; that content is imposed by fate.

The horizon within which understanding and orientation takes place is produced by the fate of the individual or his society. All human thought depends on fate, on something that thought cannot master and whose workings it cannot anticipate. Yet the support of the horizon is ultimately the choice by the individual, since that fate has to be accepted by the individual.

⁸⁵ End of page 1.

We are free in the sense that we are free either to choose in anguish the world-view and standards imposed on us by fate, or else to lose ourselves in illusory security, and thus to despair.⁸⁶

This historicist thesis is exposed to a very obvious difficulty—to a difficulty which can be postponed, as it were, so that it will be obscured by considerations of a much more subtle character, but which is bound to reappear in a different guise. That difficulty can be stated as follows: *Historicism asserts that all human thought is historical and hence destined to be replaced by other human thought.*⁸⁷ Now, historicism itself is human thought, hence historicism is only of temporary validity. Yet historicism claims to have brought to light a truth which has come to stay, truth valid for all thought, for all time. However much thought has changed and will change, it will always remain historical. Historicism, we may say, thrives or vegetates on the fact that it inconsistently exempts itself from its own verdict. The historicist thesis is, strictly speaking, self-contradictory or absurd. We cannot see the historical character of all thought without transcending history, without grasping something transhistorical, something eternal.

The historicist rejoinder takes the following line: Philosophy in the⁸⁸ earlier sense, in the only tenable sense, claimed to be based on self-evident principles, rejected all dogmatic positions, which means all positions based on principles that are not self-evident. Now, the historicist contends that philosophy in this sense is impossible. Every philosophy necessarily rests on dogmatic, nonevident presuppositions; the very idea of philosophy as a quest for eternal truth rests on such a dogmatic premise.

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

To this, the historicist answers as follows. Eternal alternatives presuppose that there is something eternal accessible to man as man, something eternal that is in principle always accessible. Eternal alternatives presuppose,⁸⁹ in

⁸⁶ In the typescript, parentheses are added by hand around this sentence.

⁸⁷ In the typescript, part of this sentence is lightly underlined by hand.

⁸⁸ End of page 2.

⁸⁹ The typescript reads: “pre-supposes.”

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

This proof indeed was based on a more fundamental premise which may be formulated as follows: nothing comes into being out of nothing or through nothing. The fundamental principle of philosophy is then the principle of causality, or of intelligible necessity. It is this fundamental premise of all philosophy which is questioned by historicism as a dogmatic assumption. I draw this conclusion: that the real decision regarding the issue raised by historicism cannot be reached by discussion confining itself to the social sciences.⁹⁰ The basic problem [is] of causality.⁹¹

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

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

What is true of philosophy in general is true of political philosophy in particular, but there is this difference between what we expect from political philosophy, on the one hand, and from the purely theoretical branches of philosophy, on the other. A full understanding of the eternal political alternatives which are at the bottom of all temporary and accidental alternatives would be of little practical value. A purely theoretical political philosophy

⁹⁰ The typescript reads: “sicences.”

⁹¹ End of page 3.

could not decide the question of what the ultimate goals of wise or sound policy are. It would have to delegate that decision to a blind choice.

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

Socrates started from our undeniable ignorance regarding the most important things. We know that we do not know the most important things, but we cannot say that we cannot know the most important things. While we know that we cannot have⁹² full knowledge, there are no assignable limits to the progress of understanding. From this it follows that the most important thing for a man as man is to strive for knowledge, or to philosophize. Our ignorance regarding the most important things appears to be a sufficient reason for suggesting that the quest for knowledge of the most important things is the most important thing, or the one thing needful. That this conclusion is not wholly barren of political consequences is known to every reader of Plato's *Republic*.

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

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

Modern man is a dogmatic skeptic, whereas Socrates was a zetetic skeptic, a seeking skeptic. The utmost modern man dares to assume that⁹³ we are indeed capable of knowing the eternal alternatives, and especially the eternal alternatives regarding the way we ought to live, but that the conflict of these alternatives cannot be resolved by human reason. Natural right is rejected, not only on the ground that all human thought is historical, but likewise because it is thought that there are a variety of ultimate principles, eternal

⁹² End of page 4.

⁹³ The typescript reads: "assume is that."

principles of good, that conflict with each other, and none of which can be proved to be superior to the others.

Substantially this was the position taken by Max Weber. I propose to turn now to an analysis of Weber's position. It seems to me, as well as to many others, that there has not been a single man since Weber who has devoted a comparable amount of intelligence, assiduity, knowledge, and devotion to the basic problems of the⁹⁴ social sciences. In spite of his shortcomings, he was the greatest social scientist of our century.

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

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

The distinction between values and facts would not have found the wide acceptance which it did find if there were not some foundation for it. It is akin to the old distinction between questions of fact and questions of right, and similar distinctions. *What we have to wonder about is whether the circumstance, that the distinction between facts and values is reasonable within the certain limits, justifies the radical separation of disciplines, at least to the extent that social science is declared to be fundamentally limited to the study⁹⁵ of facts.*⁹⁶ Weber himself contends that his conception of a value-free, or ethically neutral, social science is fully justified by what he calls the most fundamental of all oppositions, namely, the opposition of the Is and the Ought or of reality and the norm. But this clearly is not true.

Let us assume that we had at our disposal general objective knowledge of what is right and wrong, or of the Ought, or the norm. That knowledge

⁹⁴ End of page 5.

⁹⁵ The typescript reads: "sudy."

⁹⁶ In the typescript, the sentence is underlined by hand.

would not⁹⁷ have been derived from empirical science, but it would quite legitimately influence all empirical social science, for social science is meant to be of practical value. *It tries to find means for given ends.*⁹⁸ If we would know what the legitimate ends and their hierarchy are, this knowledge would naturally guide all search for experience; it would direct that search. Social science would culminate in objectively true, concrete value judgments. It would [truly] be⁹⁹ policymaking, or architectonic science, not a mere supplier of data for the real policymakers. In short, if there were a rational knowledge of the ends, or of the true value system, that knowledge would be the natural foundation for all empirical social science. *The true reason why Weber rejects the notion that social science could legitimate value judgments is, then, not his belief in the fundamental opposition of the Is and the Ought, but his conviction that there cannot be any genuine knowledge of the Ought.*¹⁰⁰ He denies to man any genuine knowledge, any science, empirical or rational, any knowledge, scientific or philosophic, of the true value system. Human reason is incapable of solving the decisive value problem. The solution to those problems has to be left to the free choice, not guided by reason, of each individual.

I contend that *this view necessarily leads to nihilism*¹⁰¹—[t]hat is to say, to the conclusion that every preference, however evil, base, or insane, would have to be judged before the tribunal of human reason as being as legitimate as any other preference.

It is obviously my duty to substantiate this indictment. In doing that, I cannot help thinking, if not talking, of Hitler, but I shall avoid the fallacy that in the last two decades has frequently been used as a substitute for the reduction¹⁰² to absurdity: I mean the reduction to Hitlerism. People sometimes believed that they had refuted lovers of dogs, vegetarians, and nationalists by triumphantly observing that Hitler too was a lover of dogs, a vegetarian, and a nationalist.

⁹⁷ End of page 6.

⁹⁸ In the typescript, the whole sentence is underlined by hand.

⁹⁹ The typescript reads: "would be truly."

¹⁰⁰ In the typescript, the whole sentence is underlined by hand.

¹⁰¹ In the typescript, the words here italicized are underlined by hand.

¹⁰² The typescript reads: "reduction," though the *a* in the word has been crossed out by hand.

At first glance Weber seems to stand at the opposite pole¹⁰³ of nihilism,¹⁰⁴ since he speaks of the moral commands, of the ethical imperatives. He makes a distinction between the moral imperatives which appeal to our conscience and the cultural values which appeal to our feeling. The individual ought to fulfill his moral duties, but he is under no obligation to actualize cultural ideals. The latter depends upon his wishes. Weber is greatly concerned with keeping unimpaired the specific dignity of moral commands as distinguished from mere cultural values. For a moment, one might think that, according to him, there are absolutely binding rational norms, the moral laws—but that in addition there are other valuable things in the world, whose value is not guaranteed by morality itself, and regarding whose value gentlemen or honest men¹⁰⁵ might well disagree, such as Gothic architecture, private property, monogamous marriage. Yet this is only a first impression. What Weber really means is that ethical imperatives are as subjective as are cultural values. According to him, it is perfectly consistent to reject cultural values in the name of ethics, and vice versa, to reject ethics in the name of cultural values. It is on this basis that Weber develops his concept of the personality, or of the dignity of man.

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

At this stage we still have something resembling an objective norm, a categoric imperative, "Thou shalt have ideals." That imperative is absolutely formal in the sense that it does not determine in any way the content of the ideals, but it might still seem to create a universal brotherhood of all noble souls, of all men¹⁰⁶ who are not enslaved to their appetites, their passions, and their selfish interest—in short, of all "idealists," of all men who can justly esteem and respect each other.

¹⁰³ The typescript reads: "opposite poll."

¹⁰⁴ End of page 7.

¹⁰⁵ The typescript reads: "man."

¹⁰⁶ End of page 8.

But this is only a delusion. Weber himself expresses his equivalent of the categoric imperative by saying, “Thou shalt become what thou art.” This, perhaps, is not a felicitous expression for a man who insists so strongly on the fundamental opposition¹⁰⁷ between the Is and the Ought. Let us turn therefore to the other formulation, which is less ambiguous and apparently preferred by Weber himself: “Follow thy demon” or “Follow thy¹⁰⁸ God or demon.” Now there is, according to Weber, a deadly conflict between the values people might choose. What one man considers following God, another will consider with equal justification following the devil.

The categoric imperative amounts to this: “Follow God or the devil, but whatever you choose, do it with all your heart, with all your soul and with all your power.” What is absolutely base is only to follow your appetites, passions, or self-interest, and to be indifferent or lukewarm to whatever the ideals [are]¹⁰⁹. In other words, “follow your demon” would be excellent¹¹⁰ advice if we could be sure that there are no evil demons.

At this stage, we still have some kind of a criterion. Any heroic life, any resolute life is good—Saul or Samuel, Cesare Borgia or Savonarola, Lenin or Albert Schweitzer—but since Weber considers even this formal criterion subjective, he cannot leave it there. He is at least consistent enough to ascribe the same dignity that he ascribed to the cultural values, to what he calls vitalistic values, to the principle *Sich ausleben*, which means to follow one’s instincts without restraint, or to live freely according to one’s appetites, or to live the life of the senses.¹¹¹

At this point, the distinction between one who autonomously chooses his ideals and one who is enslaved to his appetites, passions, and selfish interests¹¹² becomes obscure. It is reduced to the difference between one who openly flaunts all conventions and is prepared to shoulder full responsibility for his choice of the life of the senses and one who surreptitiously and hypocritically gratifies his instincts.

¹⁰⁷ The typescript reads: “position.”

¹⁰⁸ The typescript reads: “They.”

¹⁰⁹ The typescript reads: “are the ideals.”

¹¹⁰ The typescript reads: “would be an excellent.”

¹¹¹ *Sich ausleben* means something like “enjoy life (to the full),” but Strauss here explains Weber’s intention. See Max Weber, *Max Weber on the Methodology of Social Sciences*, trans. and ed. Edward Shils and Henry Finch (Glencoe, IL: Free Press, 1949).

¹¹² End of page 9.

It is hard to defend hypocrisy, but I cannot help noting that while I may be duly impressed by the moral courage of Number One, I am equally impressed by his impudence, and I consider it perfectly legitimate to waver¹¹³ when confronted with the choice between the impudent and brutal he-man and the sober and easygoing moral coward. More generally expressed, if one can legitimately choose vitalistic values in defiance of cultural and moral values, one can with equal right choose the values of the philistine in preference to those of Greenwich Village. The philistine is, according to the accepted view, the very opposite of an idealist. Hence Weber's categoric imperative now undergoes a further transformation. It no longer dictates, "Thou shalt have ideals," it merely dictates, "Thou shalt have preferences."

It is obvious that the superiority of the so-called vitalistic values to selfish desires can be defended only by reference to the natural superiority of the former, e.g., health, strength, beauty to the latter,¹¹⁴ say, money. But Weber rejects in principle¹¹⁵ all attempts to derive ideals from reality, from the natural order.

One last obstacle¹¹⁶ to complete chaos seems to remain. Whatever preferences I might have or choose, I must act rationally, I must be honest with myself. I must be¹¹⁷ consistent in my adherence to my preferences, and I must rationally choose the means required by my preferences. But why? What difference can this make after Weber has reduced us to a condition in which a man¹¹⁸ may, with equal reason, reject or espouse the cause of what he calls the heartless voluptuaries?

We cannot take seriously this belated insistence on sanity—this inconsistent concern with consistency—after we have been told that we should follow God or the devil, or that we should follow our demon. We have been authoritatively informed¹¹⁹ about the relation between demon and madness, and we know from Plato that a case can be made in favor of madness over and against sanity.

¹¹³ The typescript reads: "waiver."

¹¹⁴ The typescript reads: "later."

¹¹⁵ The typescript reads: "principles."

¹¹⁶ The typescript reads: "obstacles."

¹¹⁷ The typescript reads: "I be."

¹¹⁸ The typescript reads: "many," though the *y* has been crossed out by hand.

¹¹⁹ End of page 10.

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

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

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

Let us now consider some of the consequences of Weber's value theory on social science as a purely theoretical pursuit. The rejection of value judgments would lead to the consequence that we are allowed to give a strictly factual description of the overt actions that take place in concentration camps, for instance, and possibly an equally¹²⁰ factual analysis of the motivations of the persons concerned. We would not be permitted to use the term "cruelty," which implies a value judgment. Every reader who is not perfectly stupid would of course see that the actions described are cruel. The factual description would amount to a circumlocution, to the deliberate suppression of knowledge, or, to use Weber's favorite term, to an act¹²¹ of intellectual dishonesty. But I will not waste moral ammunition on things which are not quite worthy of it.

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

¹²⁰ The typescript reads: "equal."

¹²¹ End of page 11.

Weber waxes indignant about those who do not see the difference between Gretchen¹²² and a prostitute, [w]hich means he is dissatisfied with people who fail to see the nobility of sentiment present in one case and absent in the other.

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

Weber discusses the influence of Puritanism on poetry, music, and so forth—a special case of religion and the arts. He notes, on the whole, the negative effect of Puritanism on art. The relevance of this fact, if it is a fact, arises exclusively from the circumstance that here a genuine religious impulse leads to a decline of art. For clearly, no one would attach any significance to a case in which a languishing superstition leads to the production of trash. Weber is in fact concerned with a situation in which a genuine and high religion leads¹²³ to the decline of art. The cause is genuine and high religion, the effect is the decline of art. Both cause and effect become visible only on the basis of value judgments.

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

As a matter of fact, I gather that there exists a sociological concept of knowledge in which everything that pretends to be knowledge, even if it is manifest nonsense, is accepted as knowledge. But this leads to certain difficulties. It¹²⁴ exposes one to the danger of falling victim to every deception and self-deception of the historical actors. It would penalize every critical attitude towards these actors and would deprive social science and history of all value. The self-interpretation of a blundering general will not be accepted by the political historian. Still, within limits, the kind of objectivity that consists in the avoidance of evaluations, or critical appraisals, is legitimate and indispensable.

¹²² Gretchen is a character in Goethe's play *Faust*. Weber's indignation seems to be directed to Roscher's "narrow-minded" interpretation of Faust, and that of other contemporaries, in his methodological writings. See Max Weber, *Collected Methodological Writings*, ed. Hans Henrik Bruun and Sam Whimster, trans. Hans Henrik Bruun (London: Routledge, 2012), 26n3. See *NRH*, 52–53.

¹²³ The typescript reads: "lead."

¹²⁴ End of page 12.

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

When discussing the question of what the essence of Calvinism [is],¹²⁵ Weber says: “Judgments on what is essential in such matters are either value judgments, expressing what these historians¹²⁶ consider essential of permanent values, or else one understands by what is causally significant”—which means that aspect of the phenomenon through which it exercises the greatest historical influence.

We must note¹²⁷ that Weber does not even allude to a third possibility, namely, that precisely for the historians, the first claim to be considered the essence of Calvinism would have [been] assigned to what Calvin himself considered the characteristic feature of his life work.

The neglect of this factor, the neglect of the fact that the basis of all studies in the history of ideas has to be impeccable interpretation, affects Weber’s most famous historical study on the spirit of capitalism and Protestant ethics in adverse manner. The thesis of that study is that Calvinist theology was a major cause of the capitalist spirit. Weber stresses the fact that this effect was in no way intended by Calvin, that Calvin would have been shocked by it and, what is more important, that the crucial link in the chain of causes, namely, a peculiar¹²⁸ interpretation of the dogma of predestination, was rejected by Calvin, but emerged quite naturally among the “*epigoni*, and among the general run” of his followers.

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

¹²⁵ The typescript reads: “what is the essence of Calvinism.”

¹²⁶ The typescript reads: “historian.”

¹²⁷ The typescript reads: “not,” though an *e* is handwritten at the end of the word.

¹²⁸ End of page 13.

is based on a carnal understanding of a spiritual teaching. The utmost that Weber could reasonably have claimed is that the degeneration of the¹²⁹ Calvinist theology led to the emergence of the capitalist spirit.

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

Still, there is an element in Weber's view of the social sciences that is not affected by our previous criticism. Let me consider this. The corruption of¹³⁰ Calvinism led to the emergence of the capitalistic spirit. This implies an inevitable value judgment on vulgar Calvinism. They unwittingly destroyed what they honored most highly. But Weber's thesis, reduced to a defensible form, does not imply a¹³¹ value judgment on the corruption of Calvinist theology in general; for assuming that Calvinist theology is a bad thing, its corruption was a good thing; for what Calvin would have rejected as a carnal understanding could be accepted by other people as a secular or this-worldly understanding that leads to such good things as secularized individualism, secularized democracy, and so forth.

Even from this¹³² point of view, vulgar Calvinism would appear as an impossible position, but preferable to Calvinism proper for the same reason that Sancho Panza may be considered preferable to Don Quixote. In other words, the issue of Calvinism-capitalism essentially leads us to the question of religion versus irreligion. It is this conflict that, according to Weber, cannot be settled by human reason, as little as the conflict between different genuine religions.

¹²⁹ In the typescript, "the degeneration of the" is crossed out.

¹³⁰ The typescript reads: "corruption of," which appears to be lightly crossed out by hand.

¹³¹ End of page 14.

¹³² The typescript reads: "thi" though an s is handwritten at the end.

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

I will not have the time to go into the matter, but I will be forced to devote a short part of the next lecture to a brief discussion of Weber's proofs, and then I shall turn to the third subject.¹³³

LECTURE III¹³⁴

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

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

Why was that basis so little in need of proof? Why was it so self-evident to him? A provisional answer is supplied by the second observation we make prior to any analysis of his proofs. As he indicates at the beginning of his earliest discussion of the subject, *his thesis is only a generalized version of an older and more common thesis: the thesis that there is an insoluble conflict between ethics and politics.*¹³⁵ The actualization of political values is sometimes, he says, impossible without incurring moral guilt—that is to say, without transgressing the moral law. The spirit of *realpolitik*, of *power politics*,¹³⁶ seems to have begotten Weber's nihilistic position.

¹³³ End of page 15.

¹³⁴ Typescript reads: "THE ORIGIN OF THE IDEA OF NATURAL RIGHT" / The third in the series of six Walgreen lectures by Leo Strauss," but after the brief mention of the theme of the previous lecture (the "rejection of natural right"), Strauss claims the liberty to devote some more time to conclude the theme, in fact beginning the topic of the idea of natural right only on page 11 of the typescript, roughly corresponding to the halfway mark of the third lecture, taking about another hour of speech.

¹³⁵ In the typescript, "his...politics" is underlined by hand.

¹³⁶ In the typescript, "power politics" is underlined by hand.

Nothing is more revealing than the fact that, in a related context, when speaking of conflict and peace, Weber puts the term “peace” in quotation marks,¹³⁷ whereas he does not take this precautionary measure when speaking of conflict. Conflict is for Weber an unambiguous thing, whereas peace is not. There may be “phony peace”; there cannot be “phony war.”

As for Weber’s proofs themselves, I must limit myself to the discussion of two examples. The first is one that Weber used in order to illustrate the character of most issues of social policy. Social policy is concerned with justice, but *what justice requires cannot be decided*,¹³⁸ according to Weber, *by any*¹³⁹ ethics. Two diametrically opposed views are equally legitimate or defensible, two views which we may identify as those of Marxism on the one hand and of Stakhanovism on the other.

Whether one owes much to the most efficient, or whether one should demand much from the most efficient, whether one should, for instance, in the name of justice (inasmuch as other considerations, for example that of the necessary incentives, have to be¹⁴⁰ disregarded when justice alone is the issue) accord opportunities to the genius, or whether on the contrary one should attempt, like Babeuf, to equalize the unequal distribution of mental gifts through rigorous provision that the genius should not exploit for himself his unusually great opportunities in the world, since he has already the great advantage of a most gratifying feeling of superiority—this question can hardly be answered on the basis of ethical premises.¹⁴¹

Let us grant that this is so. What would follow? That we have to make a blind choice? That we have to grant the same right to Babeuf’s view and to Stakhanovism? Not at all. If no solution is morally superior to the other, the problem has to be transferred from the tribunal of ethics to that of convenience or expediency. And considerations as to which of the two solutions offers the best incentive to socially valuable activity would, of course, be decisive. Precisely if Weber is right, a man like Babeuf, who makes an unwarranted demand in the name of justice, and makes a lot of fuss about it, would have to be characterized by social science as an objective science, as a crackpot.¹⁴²

¹³⁷ End of page 1.

¹³⁸ Lightly underlined by hand in the typescript.

¹³⁹ Lightly underlined by hand in the typescript.

¹⁴⁰ The typescript reads: “have be.”

¹⁴¹ Strauss here quotes Weber’s “The Meaning of ‘Ethical Neutrality’ in Sociology and Economics.” See Shils and Finch, *Max Weber on the Methodology of the Social Sciences*, 15–16.

¹⁴² End of page 2.

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

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

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

According to Weber's interpretation, even the proof that in a given situation such action would be absolutely reckless and destructive, for all foreseeable future, of all possibility of the existence of revolutionary workers—even such a proof would be no valid argument against what Weber calls the "real" syndicalist. It seems to me that Weber's real syndicalist is a¹⁴³ construction, as is indicated by Weber's own remark that if the syndicalist is consistent, his kingdom is not of this world.

There can be no doubt that what Weber understands by the ethics of pure intention is a certain interpretation of Christian ethics. A good illustration of what Weber means by the opposition between the two types of ethics is afforded by the contrast between John Brown and Lincoln. Now, if the ethics of pure intention is essentially Christian, and not of "this world," or purely¹⁴⁴ rational, it has no basis¹⁴⁵ or is not defensible within the context of the social sciences which, as Weber admits, are limited to matters of this world. The ethics of pure intention would become defensible not on the basis of the personal conviction of any individual, but only on the basis of divine revelation—in this case, on the basis of the New Testament.

¹⁴³ The typescript reads: "a a construction," though the second *a* has been crossed out by hand.

¹⁴⁴ The typescript reads: "pruely."

¹⁴⁵ End of page 3.

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

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

We cannot leave it at that. The issue called ethics of pure intention versus ethics of responsibility is, according to Weber himself, at bottom the same as the issue of biblical morality versus secular morality. The fact that reason cannot resolve the conflict between the two types of ethics means for Weber that reason is unable to supply a basis for a purely secular position.¹⁴⁶

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

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

Man cannot live without light, guidance, knowledge. Only through knowledge of the good can he find the good that he needs. The basic question is therefore whether men can acquire that knowledge of the good without

¹⁴⁶ End of page 4.

which they cannot guide their¹⁴⁷ lives, individually or collectively, by the unaided efforts of their natural powers, or whether they are dependent for that knowledge on revelation by an omnipotent and omniscient God. No alternative is more fundamental than this—human guidance, or divine guidance.

The first alternative is that characteristic of philosophy or science in the original meaning of the term. The second is presented to us in the Bible. This dilemma cannot be evaded by any harmonization or synthesis, for each of the two antagonists proclaim[s] something as the one thing needful, as the only thing that ultimately counts, and the one thing needful proclaimed by the Bible is the opposite to that proclaimed by philosophy—a life of autonomous insight versus a life of obedient love.

In every attempt at harmonization, in every synthesis, however impressive, one of the two opposed elements is sacrificed more or less subtly, but in any event surely, to the other. Philosophy, which intends to be the queen, must be made the handmaid of revelation, or vice versa.¹⁴⁸

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

This state of things would appear to be but natural. Revelation is always so uncertain to unassisted reason that it can never compel the assent of unassisted reason, and man is so built that he can find his satisfaction,¹⁴⁹ his bliss, in free investigation, in recognizing, if not in solving, the riddle of being. But, on the other hand, man yearns so much for a solution of that riddle, and human knowledge is always so limited, that the desirable character of divine illumination cannot be questioned, and the possibility of revelation cannot be refuted.

Now, it is precisely this state of things that seems to decide irrevocably against philosophy and in favor of revelation. Philosophy has to grant that revelation is possible, that the idea of revelation is not self-contradictory; but to grant that revelation is possible is tantamount to granting that philosophy

¹⁴⁷ The typescript reads: "heir."

¹⁴⁸ End of page 5.

¹⁴⁹ The typescript reads: "satisfaction."

is perhaps something infinitely unimportant, that philosophy is perhaps not the one thing needful. To grant that revelation is possible means, at any rate, to grant that the philosophic life is not necessarily the good life.

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

Whatever we may think about this idea, Weber knew all too well that this difficulty cannot be overcome by reference to the practical value of science. For¹⁵⁰ the question arises immediately as to whether control of nature (or however one might describe the practical role of science) is really and evidently a good thing. Since Hiroshima, this point does not have to be labored. At any rate, there is a difficulty created by the fact that science or philosophy is unable to legitimate itself in its full meaning. Once the possibility of revelation is admitted, Weber's skepticism and despair is explained.

He partly succeeded in concealing this despair from himself by vacillating between two diametrically opposed views about our age and our situation.¹⁵¹ On the one hand, he believed that our age was the first to have eaten of the tree of knowledge—that is to say, that it was the first in which man could face his true situation without any delusions. But, on the other hand, he believed that we are headed for a situation in which we will be confronted with this alternative: either the completely empty existence of specialists without vision and voluptuaries without heart, or else a religious existence guided by new prophets or the old ones.

He tried to remain faithful to the cause of autonomous reason. He refused to make the sacrifice of the intellect which, he said, is required by every religion; but he despaired when he was brought face to face with the fact¹⁵² that science or philosophy itself requires such a sacrifice—[i]n other words, that science or philosophy itself rests ultimately on dogmatic premises.

¹⁵⁰ End of page 6.

¹⁵¹ In the typescript, "He...himself" is underlined by hand. Square brackets are also added by hand around it.

¹⁵² The typescript reads: "face."

Weber's social science owes its peculiar character to Weber's absolute perplexity when he was faced with the gravity of the religious problem. But let us hasten back with all possible speed from these awful depths,¹⁵³ to a superficiality which, while not exactly gay, promises at least to be harmless.

Having come to the surface again, we are met by about six hundred large pages covered with the smallest possible number of sentences and the largest possible number of footnotes, and devoted to the methodology of the social sciences. Yet we feel very soon that we have come if not from the frying pan into the fire, at any rate¹⁵⁴ from the fire into the frying pan, for Weber's methodology is something different from what¹⁵⁵ methodology is supposed to be.

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

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

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

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

¹⁵³ The typescript reads: "depts."

¹⁵⁴ End of page 7.

¹⁵⁵ The typescript reads: "that," which is replaced by a handwritten "WHAT" above.

Very few people today will be satisfied with this notion of reality, which Weber had taken over from neo-Kantian¹⁵⁶ empirio-criticism, and which he modified merely by adding some strongly emotional touches of his own. It is sufficient to remark that he¹⁵⁷ himself was unable to adhere consistently to that notion of reality. In addition, he could not deny that there is an articulation of reality that precedes all scientific transformation of reality. That articulation, that wealth of meaning, we have in mind when speaking of the world of common sense, or of the natural¹⁵⁸ understanding of the world. Weber's social science lacks completely a coherent analysis of the social world as it is known to common sense, that is to say, of social reality as it is actually experienced¹⁵⁹ in social life or social action. In accordance with his view of the character of the social sciences,¹⁶⁰ the place of such an analysis is taken in his work by definitions of ideal types, which means of artificial constructs, which are not even meant to correspond to the intrinsic articulation of social reality.

In addition, they are meant to be of a¹⁶¹ strictly ephemeral character. They are meant to express primarily the questions that the present-day social scientist addresses to present-day social reality. I will not insist on the fact that such ideal types are real obstacles to any genuine understanding of social phenomena of the past, or of cultures other than our own. It is more important to note that ideal types of this kind preclude every possibility of a truly critical attitude toward present-day social reality. This is, of course, in agreement with Weber's notion of a nonevaluating social science.

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

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

¹⁵⁶ The typescript reads: "neo-Kantianism," though "ism" is crossed out by hand.

¹⁵⁷ The typescript reads: "the."

¹⁵⁸ End of page 8.

¹⁵⁹ The typescript reads: "experienced."

¹⁶⁰ The typescript reads: "science."

¹⁶¹ The typescript reads: "to be a."

absolutely subjective world of the individual sensations and the truly objective world discovered by science.

This view stems from the seventeenth century, when modern thought emerged by¹⁶² virtue of the break with classical philosophy. The originators of modern thought still agreed with the classics in this, that philosophy or science is a perfection of man's natural understanding of the natural world. They differed from the classics insofar as they opposed the new philosophy or science as a true¹⁶³ and natural understanding of the world, to the perverted understanding of the world by the schoolmen. The victory of the new philosophy or science was decided by the victory of its decisive part, namely, the new physics. That victory finally led to the result that the new physics and the new natural science in general became independent of that rump of philosophy, which from then on came to be called "philosophy," and in fact became the authority for "philosophy." Thus, not modern philosophy, but modern natural science came to be considered the perfection of man's natural understanding of the world.

This view still dominates Kant's *Critique of Pure Reason*, for instance. But in the nineteenth century it became more and more obvious that a distinction had to be made between what was then called, and is still called, scientific understanding, or the world of science, and the natural understanding, or the world in which we live. It became obvious at the same time that a scientific understanding of the world emerges by way of a specific modification of the natural understanding. Since a natural understanding is therefore the presupposition of the scientific understanding, one cannot analyze science and the world of science before one has analyzed natural understanding, the natural world, or the world of common sense.

The natural world, the world in which we live and act, is not the object or the product of a theoretical attitude. It is a world not of mere objects at which we detachedly look, but of things and affairs which we handle.¹⁶⁴

Yet we must be aware that by identifying the natural world with the world in which we live, we are dealing with *a mere construct*. The world in which we live is already the product of science, or at any rate is profoundly

¹⁶² End of page 9.

¹⁶³ The typescript reads: "truly."

¹⁶⁴ A square bracket has been added in the right margin around this paragraph.

determined by the¹⁶⁵ existence of science, to say nothing of technology. The world in which we live is free from ghosts, witches, and so forth; and, but for the existence of science, it would abound with beings of that kind.

To get hold of the natural world as a world that is radically prescientific or prephilosophic, one has to go back beyond the first emergence of philosophy or science. It is not necessary for this purpose to engage in extensive and fundamentally hypothetical anthropological studies.¹⁶⁶ The *information that classical philosophy supplies about origins*¹⁶⁷ suffices, especially if it is supplemented by consideration of the basic principles of the Bible,¹⁶⁸ for reconstructing the essential elements of the natural world

In doing this, we are able to understand the origin of the idea of natural¹⁶⁹ right; I turn now to this subject.

[THE ORIGIN OF THE IDEA OF NATURAL RIGHT]

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

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

The idea of natural right must be unknown as long as the idea of nature is unknown. The discovery of nature is a work of philosophy. Where there is no philosophy, there is no knowledge of natural right as such. Accordingly, the Old Testament, for example, whose basic premise may be said to be the implicit rejection of philosophy, does not know nature. The Hebrew term for

¹⁶⁵ End of page 10.

¹⁶⁶ In the typescript, square brackets are added by hand.

¹⁶⁷ In the typescript the *s* appears to have been added by hand and underscored at the end of “origin.”

¹⁶⁸ Parts of these clauses have been underlined in a manner suggesting that everything from “The information” to “the Bible” is meant to be underlined.

¹⁶⁹ A horizontal line has been added by hand over “of natural.”

nature is unknown to the¹⁷⁰ Hebrew Bible. It is unnecessary to say that heaven and earth are not the same thing as nature. By the same token, there is no natural right proper in the Old Testament. The discovery of nature necessarily precedes the discovery of natural right. In other words, philosophy is older than political philosophy.

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

Philosophy as distinguished from myth came into being when nature was discovered, for the first philosopher was the first man who discovered nature. The whole history of philosophy is nothing but the record of the ever again¹⁷¹ repeated attempt to grasp fully what was implied in that crucial discovery, made by some Greek in the sixth century or before.

To understand the significance of this discovery, in however provisional a manner, we must return from the idea of nature to its prephilosophic equivalent. The purport of the discovery of nature cannot be grasped if one understands by nature the totality of phenomena; for the discovery of nature consists precisely in the splitting up of that totality into phenomena which are natural and phenomena which are not natural. Nature is a term of distinction.¹⁷² Prior to the discovery of nature, the characteristic behavior of anything or any class of things was conceived of as its “custom” or its way. This means that no fundamental distinction was made between customs or ways which are always and everywhere the same, and customs or ways which differ from nation to nation.

Barking and wagging of the tail is a way of dogs; menstruation is a way of women; the crazy things done by mad men are the ways of mad men, just as not eating¹⁷³ pork is a way of Jews, and not drinking wine is a way of Muslims. Custom or way, then, is the prephilosophic equivalent of nature.

¹⁷⁰ End of page 11.

¹⁷¹ The typescript reads: “everagain” in original.

¹⁷² In the typescript, square brackets are added by hand around this sentence.

¹⁷³ End of page 12.

While everything or every class of things has its custom or way, there is a particular custom or way that is of particular importance—“our” way, the way of “us” living here, the way of life of the group to which a man belongs. We may call it the paramount custom or way. Not all members of a group remain always in that way, but they mostly return to it if they are properly reminded. The paramount way comes into sight as the right way. Its rightness is proved by its oldness. I quote Edmund Burke: “There is a sort of presumption against novelty drawn out of a deep consideration of human nature and human affairs, and the maxim of jurisprudence is well laid down, *Vetustas pro lege, semper habetur.*”¹⁷⁴

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

Originally, the question of the first things was answered by authority, for authority, as the right of human beings to be obeyed, is essentially derivative from law, and law is originally nothing other than the way of life of the community. The first things cannot become questionable, or the goal of a quest. Philosophy cannot emerge, or nature cannot be discovered, and still less, natural right, if authority is not doubted as such—[t]hat is to say, as long as at least any general statement of any being whatsoever is still accepted on trust. The emergence of the idea of natural right presupposes the doubt of authority.¹⁷⁵

Plato has indicated, by the conversational settings of his *Republic* and his *Laws*, rather than by explicit statements, how indispensable¹⁷⁶ is doubt of authority or freedom from authority for the discovery of natural right. In the *Republic*, the *discussion of natural right starts* long after the aged Cephalus, *the father*, the head of the house in which the discussion takes place, has left in order to take care of the sacred offerings to the gods. The absence of

¹⁷⁴ The typescript reads: “haletuv.” The legal maxim cited is “ancient custom is always held as law.”

¹⁷⁵ End of page 13.

¹⁷⁶ The typescript reads: “indispensible.” “Discussion of natural right starts” and “the father” are underlined by hand.

Cephalus, or of what he stands for, is indispensable¹⁷⁷ for the quest for natural right. Or, if you wish, men like Cephalus do not need natural right. Similar considerations apply to the *Laws*.

The original form of the doubt of authority, and therefore the original direction of philosophy, or the perspective in which nature was discovered, was determined by the original character of authority. One cannot reasonably identify the good with the ancestral if one does not believe in the absolute superiority of the ancestors, if one does not believe that the ancestors, or those who established the ancestral¹⁷⁸ way, were gods, or sons of gods, or at least dwelt near the gods.

Accordingly, the identification of the good with the ancestral leads to the view that a genuine law must have been given by gods, or sons of¹⁷⁹ gods, or pupils of gods. It must be divine law.

Seeing that the ancestors are ancestors of distinct groups, one is led to believe that there is a variety of divine laws or codes, each of which is the work of a divine or semidivine being. But the admission of a multiplicity of divine codes leads to difficulties, since the various codes contradict each other. One code absolutely praises actions which another code absolutely condemns. One code demands a sacrifice of one's first-born son, whereas another code forbids all human sacrifices as an abomination. Similarly, the rites of one tribe provoke the horror of another. But what is decisive is the fact that the various codes contradict each other regarding the first things. The view that the gods were borne by the earth cannot be reconciled with the view that the earth was fashioned by the gods. Thus, the question¹⁸⁰ arises as to which code is the right code, or the truly divine code, and which account of the first things is the true account. The right way is now no longer guaranteed by authority. It becomes a quest. The primeval identification of the good with the ancestral is replaced by the fundamental distinction between the good and the ancestral. The quest for the right way or for the first things is the quest for the good as distinguished from the ancestral. It will prove to be the quest for what is good by nature, as distinguished from what is good merely by convention.

¹⁷⁷ The typescript reads: "indispensable."

¹⁷⁸ The typescript reads: "ancestral."

¹⁷⁹ The typescript reads: "or," with *f* added by hand to replace *r*.

¹⁸⁰ End of page 14.

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

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

It is thus that the “I,” the ego, is enabled to oppose itself to the “we” without any sense of guilt. But it is not the “I” as “I” that acquires that right. Dreams and visions have been of decisive importance for establishing the claims of¹⁸¹ the divine codes or the sacred accounts of the first things. By virtue of the universal application of the distinction between hearsay and seeing with one's own eyes, a distinction is now made between the one true and common world, perceived¹⁸² in waking, and the many untrue and private worlds of dreams and visions. Thus, it appears that neither the “we” of any particular group, nor a unique “I” endowed with special privileges, but man as man is a measure of truth and untruth, of the being or nonbeing of all things.

The divine codes and the sacred accounts of the first things were said to be known not from hearsay, but by way of superhuman information. When it was demanded that the distinction between hearsay and seeing with one's own eyes be applied to the most weighty matters, it was demanded that the superhuman origin of all alleged superhuman information be proven by examination in the light, not of traditional criteria used for distinguishing between true and false oracles, for instance, but of such criteria as were

¹⁸¹ End of page 15.

¹⁸² The typescript reads: “preceived.”

derived in an evident manner from the rules which guide us in matters fully accessible to human knowledge.

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

The first of these two distinctions led to the demand that the first things must be brought to light *by starting from what all men can see now*.¹⁸³ But not all visible things are equally adequate starting points for the discovery of the first things. The man-made things lead to no other first things than man, who certainly¹⁸⁴ is not the first thing simply. The artificial things are seen to be inferior in every respect to the things that are not man-made.

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

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

Once nature is discovered, it becomes impossible to interpret equally as customs or ways the characteristic behavior both of natural groups and of the different human tribes. The customs of natural beings are recognized as their natures, and the customs of the different human tribes are recognized as

¹⁸³ This phrase is underlined by hand in the typescript, and "all men" and "see" have been circled by hand.

¹⁸⁴ End of page 16.

their conventions. The primeval notion of custom is split up into the notions of nature, on the one hand, and of convention, on the other. The distinction between nature and convention is therefore coeval with the discovery of nature, and hence with philosophy.

It follows from this that the emergence of philosophy radically affects man's attitude towards political things in general, and towards law in particular, because it radically affects man's understanding of these things. Originally, the authority, the root of all authority, was the ancestral. Through the discovery of nature, the claim of the ancestral was uprooted. Philosophy appeals from the ancestor to the good, to that which is good intrinsically, to that which is good by nature. Yet philosophy uproots the claim of the ancestral in such a way as to preserve¹⁸⁵ an essential element of it: for, when speaking of nature, the first philosophers had in mind the first things, the oldest things.

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

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

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

¹⁸⁵ End of page 17.

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

With regard to the situation in the eighteenth century, Charles Beard has said: “The clergy and the monarchists claimed special rights as divine right. The¹⁸⁶ revolutionists resorted to nature.” What is true of the eighteenth-century revolutionists is true, *mutatis mutandis*, of all political philosophers who recognize natural right.¹⁸⁷

LECTURE IV¹⁸⁸

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

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

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

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

The present-day discussion of natural right suffers from the fact that the idea of natural right is taken too much for granted by its adherents, as well

¹⁸⁶ End of page 18.

¹⁸⁷ End of page 19. The end of Lecture III corresponds to about one third of *NRH*, 92–93.

¹⁸⁸ The typescript reads: “CLASSIC NATURAL RIGHT” / The fourth in the series of six Walgreen lectures by Leo Strauss,” but in fact the topic of classic natural right is addressed only in Lecture V of the oral delivery.

as by its opponents. For this reason, we were forced to pay some attention to the tremendous effort that was required so that the very idea of natural right could¹⁸⁹ emerge.

The discovery of natural right presupposes¹⁹⁰ the discovery of nature. The discovery of nature is identical with the emergence of philosophy or of the scientific spirit. To understand the discovery of nature one has to clarify the character¹⁹¹ of prephilosophic life. Prephilosophic life is characterized above all by two facts: first, the identification of the good with the ancestral, and second, the prephilosophic equivalent of the concept of nature, the concept of custom or way.

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

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

At any rate, we cannot understand classic natural right before we understand¹⁹² the position in opposition to which the classical natural right doctrine was elaborated. I shall call that position conventionalism.

Conventionalism is the view that all right, and even all moral distinctions in general, are conventional, not natural. That philosophers should first

¹⁸⁹ The typescript reads: "coud" with / added by hand.

¹⁹⁰ The typescript reads: "pre-supposes."

¹⁹¹ End of page 1.

¹⁹² The typescript reads: "understood."

incline towards conventionalism is what one would expect; for right presents itself to begin with as inseparable from law. And law or convention comes to sight with the emergence of philosophy, as the very opposite of nature.¹⁹³

I quote the crucial pre-Socratic text on this subject: Heraclitus says, “For God all things are fair and good and just. But man has made the supposition that some things are just and others are unjust.”¹⁹⁴ That is to say, all principles of preference, and in particular all notions of justice, which of course necessarily implies the distinction between just and unjust, are merely human suppositions, human conventions. In the language of the nineteenth century, the distinctions between good and bad, between moral and immoral, between just and unjust, are purely subjective.

We shall arrive at a better understanding of conventionalism by means of the following consideration. However indifferent to moral distinctions the cosmic order may be thought to be, man himself is a natural being, and he is compelled by his nature to make choices. Thus, a question arises whether human nature does not supply us with natural principles of preference; or, to illustrate the point by the best-known pre-Socratic doctrine, atomism: if we grant that there is no good or bad, or right or wrong, as far as the atoms are concerned, the same is not necessarily true of all compounds of atoms, and especially of that compound popularly known by the name of man. Man does have preferences that are not merely conventional. We must therefore distinguish between those human desires which are natural, or in accordance with nature—that is to say, human nature—and desires that are destructive¹⁹⁵ of human nature and perversions of human nature, and hence against nature, as well as desires that originate in conventions only.

We are thus eventually led to the notion of a life—a human life—that is good because it is in accordance with nature. The life according to nature is *the good life*. The question is then: How is the life that agrees with nature related to justice and civil society? In order to arrive at a clear distinction between the natural and the conventional we have to return, according to the suggestion of the ancient thinkers, to that point where convention could not yet have affected man’s nature and desires. Such a point would seem to be the moment of birth. There can¹⁹⁶ be no doubt that throughout the his-

¹⁹³ End of page 2.

¹⁹⁴ Frag. 102 (Diels-Kranz).

¹⁹⁵ The typescript reads: “destructive,” with *e* added by hand to replace *i*.

¹⁹⁶ End of page 3.

tory of the doctrines of natural right, reflection on how man is “immediately from the moment of his birth” played the crucial role. But there are obvious limitations to this procedure. The most important one is that man’s growth to adulthood would be as natural as babyhood. Thus, it became more important to find out what adult man is like before he is affected by convention. This means: What does man look like prior to his entry into civil society? It depends on the answer to this question whether civil society will be thought to arise naturally, or in accordance with nature, or else against nature.

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

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

According to conventionalism, civil society is not natural because man is¹⁹⁷ by nature not a social animal. The question of the origin of civil society has an entirely different meaning if one supposes that there is an origin of man, [rather] than if one supposes that the human race is eternal. If the human race is eternal, every foundation of a given civil society will have been preceded by the disintegration of earlier society. The prepolitical stage is always at the same time a past political stage. On the other hand, if the human race has a beginning, and if the emergence of civil society presupposes at least some conscious cooperation on the part of man, there must

¹⁹⁷ End of page 4.

have been a time, however brief, in which man could not have lived in civil society—a time which absolutely preceded civil society.

The conventionalist thesis presupposes that the human race had a beginning. What, then, was man like when he made his first appearance on earth? This question is answered today by the theory of evolution. But the theory of evolution was unacceptable to earlier thinkers, for the reason that what we constantly observe is not the evolution of one species out of another but the permanence of species. Dogs generate dogs, cats generate cats. There was only one way in which the genesis of the human race could *be explained naturally without recourse to evolution*:¹⁹⁸ equivocal generation. The first man had to be conceived to have sprung from the earth—to be earth-born, like mushrooms. We smile at this theory, but we have to admit that the demand it makes on our credulity is not essentially greater than that made by the theory of evolution. The genesis of man out of non-man remains the same old mystery. However this may be,¹⁹⁹ the earth-born could not have been babies; babies would have perished at once. They had to be adults. Being born as adults, they did not need the help of other human beings in order to survive; hence man by nature is asocial. But this argument is insufficient to establish the view that man is by nature asocial, for, by the next generation, the offspring were already in need of human beings from the moment of birth.

The conventionalist thesis must then be based on an additional assumption,²⁰⁰ a more important assumption. To discover that assumption, we start from the following consideration. In the most famous attempt to establish the existence of natural right against the conventionalist denial, the *conventionalist thesis is identified with the view* that the good, what is by nature good, *is the pleasant*.²⁰¹ *The basis of conventionalism seems to be hedonism*²⁰²—that the good is identical with the pleasant. Conversely, we see that hedonism, if it is consistent—think of Aristippus and Epicurus—leads to a depreciation of the whole political sphere, and hence in particular²⁰³ of right: to a depreciation which can be expressed adequately only in terms

¹⁹⁸ In the typescript, “be explained...evolution” is underlined by hand.

¹⁹⁹ The typescript reads: “maybe.”

²⁰⁰ End of page 5.

²⁰¹ See *NRH*, 117 with 109n41.

²⁰² These parts have been lightly underlined by hand.

²⁰³ The typescript reads: “hence of in particular.”

of the thesis that all political things, and in particular right and wrong, are merely conventional.

It would not be surprising at²⁰⁴ any rate if the primeval equation of “the good is identical with the ancestral” had been succeeded first of all by the equation, “the good is identical with the pleasant.” For *if the identity of the good with the ancestral*²⁰⁵ is rejected in the name of nature, the things depreciated²⁰⁶ by ancestral customs or divine law inevitably present themselves as emphatically natural and hence good. The things forbidden by ancestral custom are forbidden because they are desired, and the fact that they are forbidden by convention shows that they are not desired on the basis of convention. They are then desired by nature.²⁰⁷

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

The most enticing expression of this is found in the comedies of²⁰⁸ Aristophanes. In trying to say a few words on this fact I am forced, at the same time, to explain why it is not generally known. Aristophanes presents himself as a teacher of citizen virtue and of justice—one of his masks bears the name “Dicaeopolis” or “Just City.” In the interest of a just polity, conducted in the spirit of the ancestral order, Aristophanes ridicules the excesses,²⁰⁹ the foolish innovations, of Athenian democracy. It would be stupid, and in fact it is quite impossible, to disregard this aspect of his comedies, but it is clearly only their most obvious aspect. Equally important, ultimately more important, is the glorification of pleasure, and especially of the pleasure of sex. Now, it is decisive that, from Aristophanes’s point of view, the fully understood claims

²⁰⁴ The typescript reads: “surprisingaat,” with the extra *a* crossed out by hand.

²⁰⁵ This part has been lightly underlined by hand.

²⁰⁶ In the typescript, a line appears to have been lightly drawn by hand either through or under “things depreciated.”

²⁰⁷ In the typescript, an opening angle bracket (<) has been added by hand to the beginning of this paragraph.

²⁰⁸ End of page 6.

²⁰⁹ The typescript reads: “excesse.”

of the city and justice are incompatible with the claims of pleasure, and that this conflict is identical with that of convention and nature.

This result is confirmed by the fact that we find in Aristophanes's work a third great theme apart from the themes of "city" and "sex"; that third theme is represented by the human type who is aware of the fundamental opposition between nature and convention, and of its significance—and this is the wise man. Aristophanes himself is, of course, a wise man in this²¹⁰ sense—in the pre-Socratic sense. His close connection with pre-Socratic philosophy is clearly indicated in Plato's *Banquet*, where he is made to change his place in the appointed sequence of speakers with a physician who proves to be a natural philosopher in the pre-Socratic style.

Being a wise man, Aristophanes makes the wise man the central theme of his thought on human affairs. In the *Clouds*, he presents a wise man who is a failure: Socrates; and in the *Thesmophoriazusae*, he presents a wise man who is a success: Euripides. The wise man who succeeds, who gets away with the wisdom, is a poet. It is for this reason that Socrates fails. Wisdom unprotected by poetry fails. A wise man who wants to express his views in public has to put his head on the executioner's block. Therefore, as is shown in the same comedy, the wise man will express his²¹¹ views only after having put on the rags of Euripides's tragic heroes.

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

I have now to sketch the reasoning that leads up to the thesis that all right or civil society is conventional. On the basis of materialism, the primary criterion will be sense²¹² perception. Accordingly, the criterion of sound preference will be the pleasure of the senses, a pleasure, a good, that is produced by nature itself, and therefore in no way dependent on the whims and follies of man. This substantial good appears to be the opposite of that shadowy good called right or justice.

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

²¹⁰ The typescript reads: "the."

²¹¹ End of page 7.

²¹² The typescript appears to read: "senoe," though there is a line crossing out the *o*.

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

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

"Right and society are needed for the sake of pleasure." This means that reasoning or calculation teaches us that they are needed for that purpose. Hence,²¹³ right and society are desired only on the basis of calculation, and not through natural primary impulse. If things originating in sound calculation were for this reason natural, all products of the arts would be natural; and this would destroy the basic distinction between nature and art on which the very idea of philosophy depends. There are indeed things that originate in calculation and are nevertheless natural. They are natural because they eventually become intrinsically pleasant. The great example is friendship. Now, civil society does not have this character. Civil society is necessary indeed, but not intrinsically pleasant, and therefore ultimately against nature. More precisely, convention, as such, need not be against nature. It might fill a gap left by nature, but nature in the sense of the essential character of the compound of atoms is opposed to force or violence. What a thing does naturally is opposed to what it does under compulsion; what it does under compulsion is against its grain, against its nature. Now, all coercion, all forcible restraint, is for this reason against nature. But coercion and forcible restraint are essential to civil society; hence civil society is against its nature.

It would seem to follow from this that the only life according to nature is primitive anarchy, or primitive noncoercive society. This conclusion was drawn by quite a few classical thinkers who thus gave rational support to the myth of the golden age at the beginning. But this conclusion could not be consistently maintained by philosophers, for it is hard to see how philosophy could have been possible in primitive society, and they could not conceive of

²¹³ End of page 8.

the good life, of a life according to nature, that lacked philosophy—the source of the highest and most solid pleasures. The following view prevailed: the strictly asocial life in the beginning was unpleasant in spite of the absence of restraint, because of its insecurity. Civil society is then needed for the sake of pleasure. But civil society with its coercion substitutes the pain arising from coercion for the pain arising from constant insecurity. The solution which suggested itself on this basis was the following.²¹⁴ The good life, the life according to nature, is the retired life of the philosopher, who lives at the fringes of civil society. Right and civil society are necessary indeed, but they are necessary evils; they are not by themselves according to nature.

Probably the most sophisticated version of this view occurs in the work of the Epicurean²¹⁵ poet Lucretius. According to Lucretius, the best and most happy society was early society—the society antedating by far the foundation of cities. Originally, man roamed in forests without social bonds of any kind. Their weakness, and the dangers threatening them from wild beasts, induced them to unite for the sake of protection. After entering society, the original savage life was replaced by one of kindness and fidelity. The destruction of these habits is, however, characteristic of life in cities. On the other hand, philosophy has its home in cities. There is thus a disproportion between the requirements of philosophy, [city life] and the requirements of society, [innocence and kindness].²¹⁶ This disproportion is necessary for the following reason. The happiness²¹⁷ or innocence of early society was fundamentally due to the reign of a salutary delusion. The members of early society lived within a closed horizon. They trusted in the eternity of the visible universe, in the protection offered by the walls of the world. Their trust was not yet shaken by reason, by reasoning about natural catastrophes,²¹⁸ or by drawing any lessons from such catastrophes.²¹⁹ However, once this trust was shaken, man had no choice but to seek support and consolation in the belief in beneficent gods who would guarantee the firmness of the walls of the world, or whose goodness would be a substitute for that firmness.

²¹⁴ End of page 9.

²¹⁵ The typescript reads: "Epicurian."

²¹⁶ The words between square brackets are in the transcript. See however *NRH*, 112.

²¹⁷ The typescript reads: "hapiness."

²¹⁸ The typescript reads: "catastrophies."

²¹⁹ The typescript reads: "catastrophies."

But the belief in active gods, which grows out of fear for “our” world, and of attachment to “our” world—the world of sun, moon, stars, and the earth covering itself with fresh green every spring, as distinguished from the unattractive but eternal elements out of which our world has come into being and into which it will again perish—this belief in active gods engendered unspeakable evils. The only remedy lies in breaking through those walls of the world at which religion stops, and²²⁰ in becoming reconciled to the fact that we live in an unwalled city, and that nothing, absolutely nothing, that a human being can love, can be eternal. In other words, the only remedy lies in philosophizing, which alone affords the highest and most solid pleasure. Yet philosophy is repulsive to the people—who, however, cannot return to the happy simplicity of the early age. The only true happiness belongs to an entirely different epoch from that of the happiness of society. The practical consequence is the withdrawal of the philosopher from political life. Since the life according to nature is the life of philosophy, political life is life devoted to civil society and justice, and hence cannot be according to nature. Accordingly, the dignity which it necessarily claims is purely conventional.

The previous argument implies the admission that right and civil society are necessary for the sake of the truly natural life. It²²¹ thus does not dispose wholly of the suspicion that right and civil society are after all natural. The gap (if it is a gap) is filled by the following considerations. Right and civil society belong together, but civil society is essentially against nature because of its essentially arbitrary origin and character. By nature, all men belong to one and the same community, that of the species. This community is the only natural community. The family, for instance, is not natural. I refer to the argument of the *Republic*, which is much older than Plato, as is shown by the parallel of Aristophanes’s *Assembly of Women*. Only the community of the species is natural. There is no natural difference between citizens and foreigners. This difference has its only basis in an arbitrary fiat of society. Certain human beings are declared to be citizens, and others²²² foreigners. But are not the citizens the natural products of citizens—is not a citizen begotten by a citizen father and mother? Yet there is the curious fact that “natural” children are not legitimate children, and what legitimate children are depends, not on nature, but on law; and [there is] the equally curious fact

²²⁰ End of page 10.

²²¹ The typescript reads: “If,” though a *t* is added by hand to replace *f*.

²²² The typescript reads: “other.”

called “naturalization” by virtue of which²²³ a natural foreigner is artificially transformed²²⁴ into a natural citizen—to say nothing of the fact that first generations cannot have been children of citizen fathers and mothers.

It is, then, convention that arbitrarily cuts off one segment of the human race and sets it against the rest. This is not legitimated by the fact of language, for language was admittedly conventional. Accordingly, the difference between Greeks and barbarians is purely conventional, a most unnatural division, as unnatural as if we were to divide all numbers at the number 10,000—and place some of the numbers on one side and all other numbers on the other. What is perhaps more important still, the distinction between free men and slaves is purely conventional. It is based on the arbitrary agreement that people taken prisoners in war and ransomed are to be made slaves. Arguments such as these are at the bottom of the conventionalist thesis, and not the observation of the variability of laws and notions of right. The observation that fire burns in Persia as well as in Greece, whereas property is not inherited in the same way in Persia as in Greece, was only a secondary and extraneous confirmation of what was known, or believed to be known, through more solid, or less ambiguous, considerations.

My account of the conventionalist thesis differs somewhat from the usual. The technical reason for the difference is this: the usual account is based chiefly on the presentation of the sophistic doctrines in Plato’s dialogues. I am unable to accept these presentations as historical evidence. Plato was not concerned with historical truth but with a deeper truth. He wants to let us see what a sophist is; and sophistry, according to Plato, is not a phenomenon of Greek life, but an eternal human possibility. He characterized the sophist by typical teachings. He imputes to the historical sophists such teachings as are most in character with the various types of sophistic life. Hence, Plato’s presentation of sophists cannot be used as historical evidence for ascertaining what the teachings, that is to say, the conscious views, of the sophists were. Still less can they be used for ascertaining the²²⁵ character of the conventionalist position in general, for the conventionalist position is the work not of sophists but of philosophers. The sophists used the already existing conventionalist teachings of pre-Socratic philosophy. Sometimes they may have modified it.

²²³ The typescript reads: “by which virtue of which.”

²²⁴ End of page 11.

²²⁵ End of page 12.

Still, even Plato's presentation of sophistic teachings reflects the fact I have tried to set forth. For example, in the first two books of the *Republic* we are brought face²²⁶ to face with the view that right and civil society are against nature, because by nature man desires, not equality, but superiority; that is to say, the natural desire incompatible with right and civil society, whose natural character explains why right and civil society are merely conventional, is the desire for superiority, for having "more than" others. Now, this view presupposes that superiority is the highest good, and that it is the highest good because it is the most pleasant thing. This means [that] right and civil society are against nature because they are destructive, not of all pleasures, but of the highest pleasure, of that pleasure which is highest²²⁷ by nature.

The difference between the conventionalist philosophy and the *sophist*²²⁸ would then seem to be this: the conventionalist philosophy finds the highest pleasure in wisdom or philosophy, whereas the sophist finds the highest pleasure in superiority, in renown or prestige, and consequently also in wealth. We see from this example that the teaching which Plato ascribes to the sophists is meant to make the sophists express in speech what they were doing in deeds, what they were living. The sophist, Plato lets²²⁹ us see, is a man who somehow knows that philosophy and wisdom is superior to all other human activities, but who is concerned with wisdom not on account of its intrinsic goodness, but because it is most highly honored. As for [the] teaching of the most famous sophist, Protagoras: Protagoras accepted the conventionalist thesis without any qualification. The myth which Plato imputes to him does not at all contradict the report of the *Theaetetus*,²³⁰ which is confirmed by other sources. The myth of²³¹ Protagoras is based on the distinction between nature, art, and convention—nature is represented by the subterranean work of the gods, and especially of Epimetheus.²³² Epimetheus,²³³ the one in whom thought follows production, is the allegorical representation²³⁴ of nature, materialistically understood, in which thought comes after blind working.

²²⁶ The typescript reads: "fact" though an *e* is added by hand to replace *t*.

²²⁷ The typescript reads: "which is is highest."

²²⁸ In the typescript, "sophist" is underlined by hand.

²²⁹ The typescript reads: "let."

²³⁰ The typescript reads: "Theatetus."

²³¹ End of page 13.

²³² The typescript reads: "Epimethus."

²³³ The typescript reads: "Epimethus."

²³⁴ The typescript reads: "re-resentation," though a *p* is added by hand above the dash.

The subterranean work of the gods is work without light, and therefore has a similar meaning as Epimetheus.²³⁵ Art is represented by Prometheus, by his theft, his rebelliousness. Convention is represented by Zeus's gift of right and sense of shame, a gift that does not become effective but through the punitive activity of civil society. I would say that it is impossible to interpret the myth of Protagoras without considering the context of that remarkable display, inferior only to Socratic display. The context shows that the myth serves the purpose of defending Protagoras²³⁶ against the suspicion that he is undermining Athenian democracy by asserting that special training is necessary for becoming politically competent.

It is more important for the present purpose to note another implication of the alleged or real insight into the essential arbitrariness of the conventional character of civil society. That insight need not be made the basis of conventionalism. It can be made the basis of a natural right doctrine. In fact, the earliest form of natural right doctrine arises from the view that civil society is essentially conventional. The conventionalist argument, it will be recalled, was based on the opposition of what is *natural and what is violent*,²³⁷ but violence or force was also understood as the opposite of justice or right. Hence, the natural could be identified with the right. The identification could be justified as follows: We understand by right something good, but if whatever is against nature is for this reason bad, it follows that what is against nature is certainly unjust. From this point of view, the question as to whether the origin of civil society is according to nature or against nature becomes identical with the question as to whether or not the origin of civil society is just or unjust. For example, when Aristotle is so anxious to prove²³⁸ the natural character of the polis, he is not concerned with disproving the notion that civil society is made, or [is] a work of art, and not growth, or in proving that it is a historical product; for he holds that the city is both growth and a work of art. No, he wants to prove that civil society is fundamentally just.

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

²³⁵ The typescript reads: "Epimethus."

²³⁶ The typescript reads: "Protogoras."

²³⁷ In the typescript, "natural and what is violent" is underlined by hand.

²³⁸ End of page 14.

slaves—by nature all men are free. But if all men are by nature free, no man is by nature subject to any other man. All subjection is conventional. By nature, all men are equal. Therefore, a condition that disagrees with natural freedom and equality is unjust; and hence civil society as such is unjust. Yet civil society may prove to be indispensable, and what is really indispensable cannot be unjust.

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

This must be borne in mind if one wants to understand the specific character of the doctrines of the classic age of contractualism in the seventeenth and²³⁹ eighteenth centuries.²⁴⁰ For, in modern times, the necessary depreciation of the contractual in favor of the natural was abandoned, together with the idea of the natural as a standard. But in premodern times, it is safe to assume that this depreciating implication is present whenever we are confronted with a contractual doctrine. This is confirmed rather than refuted by the fact that Catholic thinkers adopted the contractual doctrine, for that doctrine brought out most clearly the inferiority of the earthly city, or of the power temporal, to the city of God, or the power spiritual. The Catholic thinkers in question characteristically ascribed contractual origin, not to the spiritual power, but to the temporal power.²⁴¹

Another proof is offered by one of the earliest mentions of the contractual doctrine which has come down to us. In a passage of Plato's *Crito*, Socrates

²³⁹ End of page 15.

²⁴⁰ The typescript reads: "contractualism the seventeenth and eighteenth centuries."

²⁴¹ The previous four paragraphs were omitted in *NRH*, in which the myth of the *Protagoras* is followed by the mention of the passage from Plato's *Crito*.

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

This is all I wanted to say about the origin of the idea of natural right. I regret to say that my schedule has been somewhat modified. I shall be forced to devote Wednesday's lecture to classical natural right and Friday's lecture to the last two subjects—modern natural right and the crisis of modern natural right.²⁴²

LECTURE V²⁴³

When opening a work like Locke's *Second Treatise of Civil Government*, the present-day reader is struck by the way in which Locke takes it for granted that all men are by nature free and equal. He is likely to assume that Locke was naive, that he did not reflect on a highly questionable premise. The present-day reader usually does not consider the alternative possibility, namely, that Locke's²⁴⁴ premise is self-evident, and that our failure to see its evidence is due to the fact that we approach the problem in the wrong perspective.

Whatever might be true about Locke in particular, there can be no doubt that the problem of natural right in general cannot be properly understood on the basis of present-day thought—that in order to understand it as a most important problem, a change of perspective is required.²⁴⁵ To effect such a change is always difficult. It cannot be effected by a single argument or by an accumulation of arguments. It requires an ever-repeated, relentless effort.

²⁴² End of page 16.

²⁴³ The typescript is here titled: "MODERN NATURAL RIGHT" / The fifth in a series of six Walgreen lectures by Leo Strauss," but except for the first two paragraphs, which mention Locke's work, the remainder of the lecture is devoted to classic natural right and corresponds to a small part of chapter 4 of *NRH*.

²⁴⁴ The typescript reads: "Lock's."

²⁴⁵ The typescript reads: "require."

The technical term for efforts of this kind, for efforts in changing²⁴⁶ one's perspective, is history of ideas, or history of thought. No one will undertake the trouble involved in all studies of this kind if he is not convinced that a change in perspective is absolutely necessary; and this conviction, if it is to be reasonable, must be based on the insight that, in our present-day perspective, the most important things are almost invisible. In short, one is unable to understand the problem of natural right if one does not realize, at the same time, the hopeless difficulty into which modern thought has led us. All serious students in the field of history of thought are guided and inspired by the sense that they have to recover something of utmost importance that has been lost—not to say squandered; that we have to learn something of utmost importance, not about the²⁴⁷ great thinkers of the past, but from them; that we have to learn something of utmost importance from the great thinkers of the past which we cannot learn from any contemporary, however intelligent and learned and wise.

[CLASSIC NATURAL RIGHT]

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

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

²⁴⁶ The typescript reads: "efforts to changing."

²⁴⁷ End of page 1.

As we have seen, classical natural right was preceded not only by conventionalism, but also by an earlier natural right doctrine that survived by the side of the more powerful and more splendid Socratic tradition—we might almost say, survived subterraneously throughout the centuries. That pre-Socratic natural right is characterized by the assertion of the natural freedom and equality of all men. It became the starting point of modern natural right which, however, is as fundamentally distinguished from pre-Socratic natural right as it is from classic natural right. I will discuss the characteristic feature of modern natural right next time.

For the moment, it suffices to note the most striking difference between²⁴⁸ pre-Socratic and classic natural right. Classic natural right asserts a *natural inequality* of man,²⁴⁹ and hence it asserts that, by nature, some men are the rulers of others, or that, by nature, some men are subordinated to others. This implies a denial of the natural freedom of all men, freedom understood in the political sense.

From the point of view of the classics, the issue raised by conventionalism, or the denial of natural right, was much more important than the issue raised by egalitarian natural right. In fact, the issue of conventionalism is more fundamental than the issue raised by egalitarian natural right. This explains why it is much easier to derive from the writings of the classics a clearer²⁵⁰ picture of conventionalism than of egalitarian natural right. It is reasonable to suppose that conventionalism was, philosophically, of a higher order than ancient egalitarianism. At any rate, the basic fact of the classical natural right teaching is the critique of conventionalism.

Since conventionalism is ultimately based on the identification of the good with the pleasant,²⁵¹ the basic part of the classic natural right teaching is a critique of hedonism. The basic thesis of the classics can be stated as follows. The good is different from the pleasant. The good is more fundamental than the pleasant. The most common pleasures are connected with satisfaction of wants. The wants precede the pleasures. The wants supply, as it were, the channels within which pleasure can move. The wants determine what can possibly be pleasant for man. The difference of wants accounts for the

²⁴⁸ End of page 2.

²⁴⁹ In the typescript, parentheses have been added by hand around this clause.

²⁵⁰ The typescript reads: "clear."

²⁵¹ In the typescript, light parentheses appear to have been added by hand around "conventionalism... the pleasant."

difference of pleasure. The differences between pleasures cannot be understood in terms of pleasures, in terms of greater and smaller, purer or mixed pleasures, but only by reference to the wants or the satisfaction of wants, or to the activities which are more fundamental than the pleasures. Think of the difference between the pleasures of food and the pleasures of hearing.

Now, man's natural wants are not unconnected with each other. There is a natural order of these wants, an order pointing back to man's natural constitution, which determines the order, that is to say, the hierarchy of the various wants. It²⁵² is a hierarchic order of man's natural constitution, and in particular of the human soul, which is the basis of classic natural right. The supreme place in that order is occupied by understanding, by the awareness of essential necessities. A thing is good if it does its proper work well. Man is good if he does well the proper work of man as man. That proper work consists in understanding and in intelligent action. A good life is a life that is in accordance with the natural order of man's being. The life, as it were, flows from a well-ordered or healthy soul. It is a life according to nature. Therefore, it is possible to call the rules defining or circumscribing the general character of the good life the natural law. The life according to nature, the life of human excellence or virtue, the life of a high-class person, and not the life of pleasure as pleasure, is the right life.

The classical view can best be illustrated as follows. The thesis that the life according to nature is a life of human excellence is defensible, and has been defended, on hedonistic grounds.²⁵³ Yet the classics always protested against this manner of understanding the good life. From the hedonistic point of view, nobility of character is good because it is conducive to, and even indispensable for, a life of pleasure. Nobility of character is not good for its own sake. According to the classics, this is a distortion of the phenomena of what every unbiased and competent—that is to say, not morally obtuse—person knows from his experience. We admire excellence without any regard to our pleasure or to our benefits. We admire, for instance, the strategic genius of the head of the victorious army of our enemies. There are things that are admirable or noble by nature, intrinsically, and nothing is more admirable than the aspect of a well-ordered soul.

The phenomenon of admiration of human excellence cannot be explained on hedonistic or utilitarian grounds, except by means of ad hoc hypotheses.

²⁵² End of page 3.

²⁵³ See *NRH*, 128.

These hypotheses amount fundamentally to the assertion that all admiration is a kind of telescoped calculation of benefits for ourselves. These hypotheses are the outcome of²⁵⁴ a materialistic or monistic doctrine which dogmatically rejects the possibility that there are phenomena which are absolutely irreducible to others, and especially to their conditions. These hypotheses are not conceived in the spirit of a truly empirical science.

Man is by nature a social animal.²⁵⁵ Man is so constituted by nature that he cannot live well but by living with others, and, more specifically, but by living in civil or political society. More than that, there is a natural relation, a natural kinship of all men as men. It is the natural sociability and sociality of man that is the basis of natural right, in the narrow and strict sense of right. There is no relation of man to man in which man is absolutely free to act as he pleases, or as it suits him, and all men are somehow aware of this fact.

Every ideology is an attempt to justify, before one's self and others, such behavior as is somehow felt to be in need of justification. That is to say, it is felt to be not obviously right. Why did the Athenians believe in their autochthony²⁵⁶ but because they knew that conquest—taking their land from others—is not just, and that a self-respecting society as distinguished from a gang of robbers cannot become reconciled to the idea that its very foundation was laid in crime?

By virtue of his rationality, man possesses a latitude of choices that no other being on earth possesses. The sense of this latitude, this freedom, is accompanied by a sense that the full and unrestrained exercise of that freedom is not right. Natural freedom, we may say, is accompanied by a sacred awe, by a kind of divination that not everything is permitted. This awful anxiety restraining man from the unrestrained exercise of his natural freedom may be called the natural conscience. Restraint is therefore as natural, as primeval, as freedom. As long as man has not cultivated reason properly, he will have all sorts of fantastic notions as to the limits set to his freedom by

²⁵⁴ End of page 4.

²⁵⁵ Compare the following paragraph with *NRH*, 129–39. Strauss seems to depart from the text that he had prepared to present what he qualified as very “sketchy” remarks. Nonetheless, we cannot be sure to what extent the central section of *NRH* was complete at the time of the oral delivery because, contrary to other chapters, this went unpublished until the final version of the book.

²⁵⁶ The typescript reads: “autochthomy.”

nature. He will elaborate absurd taboos. But what prompts savages in these savage doings is not savagery²⁵⁷, but the divination of right.²⁵⁸

[THREE TYPES OF CLASSIC NATURAL RIGHT]

These very sketchy remarks about the basis of classical natural right must here suffice. As for the edifice erected on that basis, there is considerable difference of view among the various representatives of classic natural right. Very roughly speaking—I would like to emphasize this “very roughly speaking”—we may distinguish three types of classical natural right teaching, types which I shall call, first, the Socratic-Platonic; second, the Aristotelian; and third, the Thomistic view.²⁵⁹ As for the Stoics, it seems to me that their natural right teaching is of the Socratic-Platonic type. This may sound paradoxical, since we have been taught by A. J. Carlyle and others that the Stoics originated an entirely new type of natural right teaching.²⁶⁰ But, to say nothing of other considerations, Carlyle’s construction is based on the disregard of the close connection between Stoicism and Cynicism, and Cynicism was originated by a personal disciple of Socrates. For the sake of brevity, I will disregard in this lecture the differences between Socratic-Platonic on the one hand, and the Stoics on the other.

Socrates’s teaching concerning justice presents itself at first glance as a flat rejection of the distinction between nature and convention, or of the distinction between natural right and conventional or positive right. He contends that the just is identical with the legal. Justice consists in giving everyone what is due to him, and what is due to the other is prescribed by the law, by the law of the city. The identification of the just and the legal is certainly not Socrates’s last word on that subject, but it is, of course, well-considered. There is an important kinship between justice and legality. Justice is opposed to violence, to arbitrary or emotional action, and to partiality. Law as law meets these requirements of justice, but it is clearly not the whole story.²⁶¹

²⁵⁷ The typescript reads: “savage.”

²⁵⁸ End of page 5.

²⁵⁹ In the typescript, checkmarks have been added by hand above “Socratic-Platonic,” “Aristotelian,” and “Thomistic.” The distinction between the three types of classic natural right teachings (*NRH*, 146–56) is presented here in a different way from the one presented in *NRH*, namely, the Platonic-Ciceronian view. Cicero is absent in this oral delivery.

²⁶⁰ Strauss appears to have in mind A. J. Carlyle’s influential *A History of Medieval Political Theory in the West*, vol. 1 (Edinburgh: Blackwood, 1903).

²⁶¹ Compare this paragraph with *NRH*, 120–21.

In the first place, there are unjust laws. In the second place, all laws, being made by men, reflect the character of the man who made them. More precisely, all laws are ultimately relative to the political or social order, to the regime.²⁶² Democratic laws differ from oligarchic laws not only in regard to the legislative process that produced them, but above all, as regards their substance. Think of the difference between oligarchic and democratic tax laws. Thus, the study of justice is driven back from the laws to the most fundamental social fact which, according to the classics, is the regime; for the character of a society is decisively determined by the character of the ruling or authoritative human type in it. Such types are, for instance, hereditary nobility, priests, the rich, the common man, and so forth.

Justice in the full sense is possible only in a regime in which the just, qua just, rule. But justice proves ultimately²⁶³ to be²⁶⁴ identical with, or at least inseparable from, wisdom.²⁶⁵ The absolutely just regime is then the rule of the wise. Now, it would be absurd to hamper the free flow of wisdom by any regulations or laws. Hence, absolute rule of the wise is needed. It would be equally absurd to hamper the free flow of wisdom by consideration of the unwise opinions and wishes of the unwise. Hence, no responsibility of the wise rulers to the unwise subjects. The wise alone will be able to rule justly.²⁶⁶ They alone will be able to give to everyone what is due to him, not according to a possibly foolish positive law, but according to nature.

Take the famous example of a big boy who has a small coat, and a small boy who has a big coat. The big boy is the rightful owner of the small coat because he or his father bought it. But it is not good for him; it does not fit him. We are then confronted with the paradoxical fact that what is just is not good. Yet we assume that justice is good. We get rid of the paradox by means of a distinction, of the distinction between what is just by convention, and what is just by nature. The big boy is the just owner of a small coat, according to convention, but he will be the just owner of a big coat according to nature. In other words, just ownership must be divorced from legal ownership. If the wise rule, the wise ruler will paternally assign to the two boys what they really deserve, what is good for them—to the big boy the big coat, and to the

²⁶² End of page 6.

²⁶³ The typescript reads: "ultimately."

²⁶⁴ In the typescript, "be" is added by hand to replace "the," which has been crossed out by hand.

²⁶⁵ Compare with *NRH*, 140.

²⁶⁶ The typescript reads: "wise alone will be able to rule justly," with a large space before "wise."

small boy the small coat. They will not give anything to anyone except what is good for him, or what he can use well, and they will take away from anyone what he cannot use well.²⁶⁷

Justice requires, then, the abolition, not only of laws and rule of laws and responsible government, but of private property as well. Nor is this the whole story. Justice requires that one give to everyone what is good for him—no partiality is permitted. But the existence of political societies, which are necessarily closed societies, leads to the consequence that citizens are treated differently from foreigners; especially in war, one is not concerned with giving enemies what an impartial and discerning justice would consider their due.²⁶⁸ Political society necessarily has a different standard of morality in peace than in war. In peace, deception, for example, is considered unjust, but in war, it is considered praiseworthy. Justice requires, then, finally, the abandonment of political society altogether in favor of a world society, without private property, and under the absolute rule of the wise.

According to Socrates and his followers, this solution, while theoretically the only just solution, is practically impossible. To mention only one aspect of the problem, the absolute rule of the wise requires that the wise are freely obeyed by the unwise. It requires previously that the wise are recognized as wise by the unwise. These conditions are extremely unlikely to be met, and if they are not met, the rule of the wise degenerates into tyranny, a regime wholly incompatible with the most elementary demands of justice. The indispensable requirement for wisdom has then to be qualified by the requirement of consent. But the admission of the need for consent is tantamount to the admission of a right of folly, which means of an irrational, if inevitable, right. Social life requires a fundamental compromise between wisdom and folly,²⁶⁹ and this means—from this point of view—a compromise between natural right and the right that is based only on opinion. Social life requires the dilution of natural right by merely conventional right. Natural right, in other words, would act as dynamite for society. What is by nature good must be diluted by the ancestral in order to become politically good or salutary.²⁷⁰

²⁶⁷ End of page 7. Compare with *NRH*, 147.

²⁶⁸ See *NRH*, 149.

²⁶⁹ The typescript reads: “folloy,” though the second *o* is crossed out by hand.

²⁷⁰ The typescript reads: “salutory.”

I have to add one important point regarding which there is full agreement²⁷¹ among all the classics. They conceived of the reconciliation of the requirements of wisdom with those of consent or freedom as follows. A wise legislator frames a code that the citizen body freely adopts. That code should be as unalterable as possible.²⁷² The administration of law should be entrusted to a type of people who are most likely to be capable of equitable administration. The classics call this type of people gentlemen, which means in practice an urban patriciate that derives its income from agriculture.²⁷³ They devised or recommended²⁷⁴ various institutional techniques that appeared to be conducive to this order, which they called aristocracy. Aristocracy is a mixed regime—mixed of kingship, aristocracy, and democracy. In the mixed regime, the aristocratic element, the gravity of the senate, occupies the intermediate, that is to say the central or key, position. The mixed order is really—and it was originally meant to be—aristocracy, strengthened and protected against its inherent dangers by the admixture of monarchic and democratic elements.

But the classics knew very well that the best regime is not always possible, or that the actualization of the best regime depends on conditions over which man has practically no control. As they put it, the actualization of the best regime depends on chance. Under more or less unfavorable conditions, only more or less imperfect regimes are the only practicable solution, which means that the classics made a distinction between the good and the just regime. A relatively bad regime may offer the only just solution for a given society. I emphasize this point because it is absolutely essential for the proper understanding of modern natural right, in which the distinction between the best regime and the just or legitimate regime was eventually abolished; and therewith, the flexible character of premodern political philosophy was replaced by a peculiarly modern doctrinaire rigidity.

It might seem to be impossible to believe in the superiority of modern liberal democracy to all practicable alternatives, and, at the same time, to believe in the superiority of classical political philosophy to modern political

²⁷¹ End of page 8.

²⁷² The typescript reads: “should be unalterable as possible.” See *NRH*, 152.

²⁷³ See *NRH*, 142.

²⁷⁴ The typescript reads: “recommend.”

philosophy.²⁷⁵ But²⁷⁶ those who hold both views make a distinction between the approach, the technique, the conceptual framework of classical political philosophy, on the one hand, and its results, on the other. It is perfectly possible, in fact, to hold the view that the questions addressed by the classics to social reality were more adequate, more lucid, more profound, more comprehensive than the questions raised by modern political philosophy, and modern social science in general, and at the same time to take issue with the answers given by classical political philosophy. But what goes too far is a somewhat cowardly attempt to make the classics out to be champions of liberal democracy. We have to face the fact that classical political philosophy was antidemocratic. I shall not stoop to dwell on the equally undeniable fact that the classics would, of course, be still more opposed to Bolshevism and Fascism, two regimes they would have rejected as tyrannies.

Let us rather try to understand why the classics were opposed to them. According to a widespread view, this was simply due to their class situation. Belonging to the urban patriciate, they of course went with their families.²⁷⁷ A minor difficulty arises from the circumstances that Socrates was a plebeian, but this difficulty has been disposed of not inelegantly by the suggestion that Socrates was adopted by the patriciate, or that he succeeded in climbing up the social ladder.

Now, much can be said in favor of the view that, when studying a political doctrine, one has to consider the political interest or bias, and even the class interest, of its originator. But the problem consists in identifying properly the class to which the individual in question belongs. The widespread Marxist or crypto-Marxist view overlooks the fact that there is a class interest of philosophers qua philosophers. Philosophers do not go with their families. As Lord Monmouth put it when speaking to his grandson in Disraeli's novel *Coningsby*, "You will go with your family, sir, like a gentleman. You are not to consider your opinions, like a philosopher or a political adventurer." We know from our own limited experience that very²⁷⁸ young boys and girls are capable of that extraordinary intellectual feat that enables a human being to liberate his mind from the influence of the class in which he was raised. It is

²⁷⁵ The content of the oral delivery of these two following paragraphs were omitted in *NRH*.

²⁷⁶ End of page 9.

²⁷⁷ Compare with *NRH*, 143.

²⁷⁸ End of page 10.

reasonable to suppose that this feat was not beyond the capacities of Socrates and Plato and Aristotle.

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

Now, it is an experience of many centuries in very different natural and moral climates that there was one and only one class that was habitually sympathetic to philosophy—not intermittently, like kings—and this was the urban patriciate. The common people had no understanding of, and no sympathy for, philosophy. The common people of earlier centuries were given to fanatical obscurantism rather than to enlightenment. As Cicero says, “The philosophers are suspect to the many.” Only in the nineteenth century—in the Anglo-Saxon countries a little bit earlier—did this state of things radically change. The true reason why the classics rejected democracy was their view of natural right. They argued as follows. Democracy as rule of majority is the rule of the common people. That is to say, the rule of the uneducated, because in former ages education depended on certain economic conditions. But the educated have a higher right by nature than the uneducated, for education is participation in philosophy and wisdom, and the only absolutely legitimate type of rule is wisdom.

After this digression, which dealt with classical political philosophy in general, I turn now to the natural right doctrine peculiar to Aristotle.²⁷⁹ It is very difficult to establish the precise character of the doctrine, and I speak about the subject only with a great deal of trepidation. The only thematic utterance of Aristotle on natural right which certainly expresses his own view covers barely one²⁸⁰ page of the *Nicomachean*²⁸¹ *Ethics*. The statements on natural right that occurred in his *Rhetoric* very probably have to be taken as expressive of topics he recommended for rhetorical use, and not as formulations of Aristotle’s own views. The difficulty of that crucial passage of the *Ethics* is sufficiently illustrated by the fact that the two most celebrated

²⁷⁹ The following paragraphs correspond to the section on the Aristotelian theory of natural right in *NRH*, 156–63.

²⁸⁰ End of page 11.

²⁸¹ The typescript reads: “Micomachean” in original, with *N* added by hand to replace *M*.

medieval commentators, Averroes and Thomas Aquinas, understood the passage in diametrically opposite ways.

Before discussing the controversial issue, I have to clarify that aspect of Aristotle's natural right teaching regarding which there can be no doubt. Aristotle denies that there is a fundamental disproportion between natural right and the requirements of political society; he denies that political society essentially demands a fundamental compromise between reason and unreason. In this, as well as in many other respects, he opposes the divine²⁸² madness of Plato and, by anticipation, the paradoxes of the Stoics in the spirit of his unrivaled exactness—that is to say, fidelity to the phenomena and sobriety. If Socratic and Platonic natural right is admittedly incompatible with political society, and man is admittedly by nature a political animal, as he gives us to understand, what is the use of considering that right (i.e., Socratic-Platonic) natural right?

The basic difference between Plato and Aristotle would seem to be this: Plato never discussed any subject, be it political or biological or whatever else, but with a view to the Socratic question: "What is the right way of life?" And the right way of life is philosophic. Plato defines natural right with direct reference to the fact that the only truly just life is a life of philosophy. Aristotle, on the other hand, treats each of the various levels of human existence on its own terms. When he discusses justice, he discusses justice as everyone knows it, and especially as it is understood in political life, and he refuses to be drawn into the dialectical whirlpool that carries us beyond justice, in the ordinary sense of the term, towards a philosophic life. Again, Aristotle does not deny the ultimate²⁸³ right of that dialectical movement, but he asserts that the intermediate stages of the process, while not absolutely consistent, are sufficiently consistent to be described on their own terms, especially since these intermediate stages are of the utmost practical importance. In this spirit, Aristotle says that natural right is a part of political right. This must be rightly understood. Not all natural right is political right. For example, the relation of justice that obtains between two complete strangers who meet on a deserted island is not one of political justice, and yet it is determined by natural right. What Aristotle suggests is that the most fully developed form of natural right is that natural right that obtains among fellow citizens. Fellow

²⁸² The typescript reads: "devine," though an *i* is added by hand to replace *e*.

²⁸³ End of page 12.

citizens have many more things in common which fall within the province of justice than do any²⁸⁴ other people.

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

In addition, Aristotle says explicitly that all right, or natural right, is changeable. He does not qualify that statement. Let us now look at the alternative version, the Averroist version, which is characteristic of the Islamic in general, as well as of the Jewish Aristotelians, and which was set forth within the Christian²⁸⁵ world by Marsilius of²⁸⁶ Padua in the fourteenth century, and presumably by all Christian or Latin Averroists.

Averroes understands by natural right “conventional natural right” or, as Marsilius of Padua puts it, “Natural right is only quasi-natural right.” Actually, it is conventional, but it is distinguished from positive right by the fact that it is based on universal, or rather ubiquitous conventions. The idea is this. In all civil societies, certain views of right and wrong necessarily develop. They²⁸⁷ specify the minimum requirements of society. They correspond roughly to the second table of the Decalogue, but include the command of divine worship. In spite of their universality and evident necessity, they are conventional for this reason: what society really needs are not immutable rules of conduct, for in certain situations the disregard of the basic rules may be needed for the preservation of society. But, for pedagogic reasons, society is compelled to present these general rules as universally valid. Since the rules

²⁸⁴ The typescript reads: “nay.”

²⁸⁵ End of page 13.

²⁸⁶ The typescript reads: “of.”

²⁸⁷ The typescript reads: “The,” though a y is added by hand.

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

How then can we find a safe middle road between these formidable opponents, Averroism and Thomism? I make this suggestion: When speaking of natural right, Aristotle does not think primarily, as both Thomas and Averroes do, of any general propositions, but rather of concrete decisions. All action is concerned with individual cases. Hence justice and natural right reside, as it were, rather in concrete decisions than in general rules. A just law which is the just solution of the problem²⁸⁸ peculiar to a given country at a given time is just to a higher degree than any general proposition of natural right which, because of its generality, may be positively misleading in a given case. In every human conflict, there exists the possibility²⁸⁹ of a just decision based on full consideration of all relevant factors and their respective weight, a decision, as it were, demanded by the situation. Such decisions, and nothing else, constitute natural right.

But, one may object, in all concrete decisions, general principles are involved—those principles which Aristotle analyzed under the headings [of] commutative and distributive justice—and these principles would seem to be universally valid. What then does Aristotle mean by saying that all natural right is mutable, or, in other words, why does natural right reside in concrete decisions, rather than in general rules?

There is a meaning of justice that is not exhausted by the principles of commutative and distributive justice. Before being the commutatively or distributively²⁹⁰ just, the just is the common good. The common good consists normally in what is required by commutative and distributive justice, or by the other virtues, but the common good comprises also the mere existence,

²⁸⁸ End of page 14.

²⁸⁹ The typescript reads: “possibility.”

²⁹⁰ The typescript reads: “distributivel,” though a *y* is added by hand.

the mere survival, the mere independence of the political society. Let us recall an extreme situation, a situation in which the mere existence or independence of the political society finds itself in clear and present danger. In extreme situations, there may be a conflict between the requirements of the self-preservation of society and the requirements of commutative and distributive justice. In such situations, and only in such situations, it can be said that the public welfare is the highest law, for in man the laws are silent, even in regard to the general rules of natural right.

A decent society will not go to war but for a just cause, but what it will do during such a war will depend to a considerable extent on what the enemy, possibly an absolutely unscrupulous enemy, forces it to do. There are no assignable limits to²⁹¹ what might be just reprisals. But war casts its shadow on peace. The most just society cannot survive without “intelligence,” which means, without espionage. Espionage, in its turn, is impossible without a kind of suspension of certain general rules of natural right. Let us cover this necessity with a veil of charity. The crucial point is this, that political society requires that the normally valid rules of natural right are justly changed, that they are changed in accordance with natural right, in extreme situations, and Aristotle seems to contend that there is not a single rule of natural right which is not subject to this qualification. Natural right is mutable because what is intrinsically just in a given situation depends on whether the situation is a normal or an emergency situation, and no general rule can be formulated which defines in advance the precise character of emergency situations.²⁹² An emergency situation is one which an intelligent and conscientious statesman on the spot would judge to be one. Every dangerous external or internal enemy is inventive, to the extent that he is capable of transforming what on the basis of previous experience were considered normal situations into emergency situations.

Natural right must be mutable in order to be capable of coping with the inventiveness of wickedness. As in all other interesting moral issues, there is no substitute for practical wisdom. What cannot be decided in advance by general rules, what can be decided in the critical moment only by the most competent persons on the spot, can be made visible as just, in retrospect, to all.

²⁹¹ End of page 15.

²⁹² This sentence has been highlighted with a square bracket in the right margin.

The convincing discrimination between extreme actions that were just, and extreme actions that were unjust, is the highest duty of the true historian.²⁹³

The Aristotelian view of natural right is based ultimately on the distinction between the just and the noble. In many cases the just is noble and vice versa, but not universally. To pay one's debts is just, but not noble. To be justly punished is just, but not noble. Accordingly, the wise statesman, who reluctantly bows to harsh necessity and orders harsh reprisals on a savage enemy, acts justly, but not²⁹⁴ nobly. Noble actions require, as Aristotle says, a certain equipment, without which equipment they are not possible. Hence, noble actions are not possible under all circumstances. Therefore, the requirements of nobility can be, and are, relatively inflexible, but we are obliged to act justly under all circumstances. Therefore, the requirements of justice have to be much more flexible in a situation in which there exists no alternative for men who are not of heroic virtue. In such a situation, the demands of justice coincide²⁹⁵ with those of necessity. Consider the case of the two shipwrecked men clinging to a plank which can support only one of them.

It is a recognition of the flexibility of natural right that makes it unnecessary to demand, as Plato did, the dilution of natural right. It is important that²⁹⁶ the difference between Aristotelian natural right and Machiavellian be clearly understood. Machiavelli denies natural right because he takes his bearings by the extreme situations. Furthermore, he feels no reluctance as regards the deviation from what is normally right. On the contrary, he seems to derive no small enjoyment from their contemplation, and he is not concerned with the punctilious investigation of whether these deviations are really necessary or not. The true statesman in the Aristotelian sense, on the other hand, as distinguished from and opposed to Machiavelli, takes his bearings by the normal situation, and by what is normally right. And he reluctantly deviates from what is normally right only in order to save the cause of justice or humanity itself. No legal expression of this difference can be found. Its political importance would seem to be obvious. The two opposite extremes—cynicism and idealism—combine in order to blur it, and they

²⁹³ This sentence has been highlighted with a square bracket in the right margin.

²⁹⁴ End of page 16.

²⁹⁵ The typescript reads: "coincides."

²⁹⁶ The typescript reads: "tha," though a *t* is added by hand.

have not been unsuccessful, for extremes are always simpler and easier to grasp than the right mean, which discloses itself only to mature discretion.²⁹⁷

As regards Thomistic natural right, I must limit myself to a very few sentences.²⁹⁸ I can do this all the more readily since I know that there are a number of²⁹⁹ gentlemen on this campus, notably my colleague Mr. Kerwin,³⁰⁰ who are much more competent to discuss this subject than I am. Thomistic natural right may be described as a synthesis of Socratic-Platonic and of Aristotelian natural right. Thomas agrees with the Socratic-Platonic over against Aristotle as to the immutability of natural right, which means as to the fact that there are certain universally valid propositions of natural right, although there is a difference between Thomas and the Socratic-Platonic as to the content of these propositions. On the other hand, Thomas agrees with Aristotle over against Socrates and Plato as regards the fundamental harmony between natural right and civil society.³⁰¹

But the Thomistic synthesis, as well as any other synthesis, comprises more than the elements supplied by its two antithetic opponents. The notion that made Thomism possible, and that is alien to the Socratic-Platonic as well as to Aristotle, is the inseparable connection of natural right with the personal God who created³⁰² everything out of nothing. Divine omnipotence makes certain the ultimate triumph of justice, because it leads to the substitution of particular providence for the chance of the ancients.

In particular, creation guarantees that natural law is sufficiently promulgated for³⁰³ all men, and therefore that it is absolutely obligatory³⁰⁴ for³⁰⁵ all men. Above all, natural reason can show, according to Thomas, the

²⁹⁷ In the typescript, the section of this paragraph from “The true statesman in the Aristotelian sense” until the end has been highlighted with a square bracket in the right margin.

²⁹⁸ This and the following paragraphs, until the end of the lecture, correspond to the very brief approach to the Thomistic doctrine of natural right at *NRH*, 163–64.

²⁹⁹ End of page 17.

³⁰⁰ Jerome G. Kerwin (1896–1977) was Strauss’s colleague in the Political Science Department of the University of Chicago where he taught for almost forty years. He was also the chairman of the Walgreen Foundation. See “In Memoriam,” *PS: Political Science & Politics* 11, no. 1 (Winter 1978): 112–13.

³⁰¹ In the typescript, two vertical lines have been added by hand in the right margin highlighting this sentence. The final two sentences in the paragraph have also been highlighted with a square bracket in the right margin.

³⁰² In the typescript, an arrow pointing to this word has been added by hand in the right margin.

³⁰³ The typescript reads: “to.”

³⁰⁴ The typescript reads: “obligatory,” with *a* and both *r*’s crossed out by hand.

³⁰⁵ The typescript reads: “on.”

insufficiency of the natural goal or end of man, or that the ultimate end of man cannot consist in philosophic investigation, as all ancient philosophers thought. Thus, natural reason creates at least a prejudice in favor of the need for a positive divine law that completes or perfects natural law.³⁰⁶

The ultimate consequence of the Thomistic interpretation of natural right was, then, that natural right became practically inseparable, not only from natural theology, which means from a natural theology which is in fact based on the Bible, but even from revealed theology. Modern natural right was partly a reaction to this³⁰⁷ absorption of natural right by theology. The modern effort was based on the premise, which would have been acceptable to the classics, that the moral principles have a greater evidence than the teachings even of natural theology, and therefore that natural right should be kept separate from theology and its controversies.

The second important respect in which modern political thought may be said to have returned to the classics, in opposition to the Thomistic synthesis, is illustrated by such issues as the indissolubility of marriage and birth control. A work like Montesquieu's *Spirit of the Laws* can only be understood if one considers the fact that it is directed primarily against the Thomistic doctrine of natural right. Montesquieu tried to recover for statesmanship a latitude that had been considerably restricted by the Thomistic teaching. What Montesquieu's personal beliefs were will always remain controversial, but there can be no doubt as to the fact that what he explicitly teaches, as a student of politics, and as politically defensible and right, is nearer to Plato and Aristotle than to Thomas.³⁰⁸

LECTURE VI³⁰⁹

[MODERN NATURAL RIGHT]

The most famous and by far the most influential of the modern natural right teachers was no doubt John Locke. But Locke makes it particularly difficult

³⁰⁶ In the typescript, a parenthesis highlighting this sentence has been added by hand in the right margin.

³⁰⁷ End of page 18.

³⁰⁸ End of page 19.

³⁰⁹ The typescript is here titled: "THE CRISIS OF MODERN NATURAL RIGHT AND THE TURN TOWARD HISTORY" / The sixth in a series of six Walgreen lectures by Leo Strauss." In his last lecture, however, Leo Strauss addresses modern natural right, namely, Locke's and Hobbes's thought, without omitting the reference to Machiavelli. However, from page 10 of the transcript to the end,

for us to recognize how modern he is, how much he deviates from the tradition of natural right. He was an eminently prudent man, and he reaped the reward of superior prudence: he was listened to by many people, and he wielded a tremendous influence on men of affairs and on a large body of opinion. But it is of the essence of prudence to know that there is a time for speaking, and a time for silence. Acting in this spirit, Locke had the good sense to quote only the right people, and to be silent about the wrong people, even if he had more in common, in the last analysis, with the wrong people than with the right ones.

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

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

The natural right concept had undergone a change from Hooker to Locke. A real break in the tradition had occurred in the meantime; it couldn’t have been otherwise. For the period from Hooker to Locke witnessed the emergence of modern natural science, of nonteleological natural science, and therewith the destruction³¹⁰ of the basis of traditional natural right, that basis being a teleological natural science.

[A. HOBBS]

The man who was the first to draw, nay, to see, the consequences of that momentous change of natural right, was Thomas Hobbes—that imprudent, impish, and iconoclastic extremist, who is yet so enjoyable a writer

the last six pages present a brief summary of Rousseau, and a single remark on Burke: “I do not have the time to discuss the basic idea of Burke’s theory in this lecture.” The title, however, is even more clear than *NRH* on the intention of the last section of these lectures by qualifying the crisis of modern natural right as “the turn toward history.”

³¹⁰ End of page 1.

on account of his lucid and boyish straightforwardness and never-failing humanity. But Hobbes was punished for his recklessness by the Anglo-Saxon nations, and especially by the Carnegie Classics³¹¹ of International³¹² Law, which³¹³ reprinted the work of many nonentities³¹⁴ who had learned their decisive lessons from Hobbes, yet refused to reprint anything by Hobbes. In the Anglo-Saxon world, Hobbes is still considered the black sheep in an otherwise respectable family. Yet he exercised an enormous influence on all subsequent political thought, on Continental and even, incredible as it may seem, on Anglo-Saxon thought—and especially on Locke, the judicious Locke, who judiciously refrained from quoting him.

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

Machiavelli had rejected the whole tradition of political philosophy proper as useless or utopian, because it had taken its bearings by human excellence or virtue, or by how men ought to live. The right way of answering the question of the right order of society ought to be the realistic one, that takes its bearings by how men actually live. This demand followed from Machiavelli's reflections on the formation or roots of civil society. All legitimacy has its roots in revolution or usurpation, i.e., in illegitimacy. All moral orders have been established by morally questionable means.³¹⁵ Civil society in general has its roots, not in justice, but in injustice.³¹⁶

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

³¹¹ The typescript reads: "and especially this editing the Carnegie Classics."

³¹² The typescript reads: "Internaltional."

³¹³ The typescript reads: "who."

³¹⁴ The typescript reads: "nonemities."

³¹⁵ The typescript reads: "news," though it is crossed out, and "MEANS" is added above by hand.

³¹⁶ End of page 2.

just society.³¹⁷ The foundation of civil society, the supreme case in politics, is repeated within civil society in all extreme situations.

Machiavelli takes his bearings by the extreme case, because he thinks the extreme situation is more revealing of the root, and hence of the true character, of civil society than are the normal situations. In the spirit of Machiavelli, Hobbes and his successors will make the right of self-preservation the clue to civil society, for the right of self-preservation is the right classically exercised in the extreme case of conflict between individuals. Machiavelli implies that the fundamental character of society is determined sufficiently by its roots. Independent consideration of its purpose is irrelevant, if not impossible. The ultimate justification of this view requires the banishment of the idea of purpose from all scientific or rational considerations.³¹⁸

It is at this point that the Machiavellian revolution joins hands with the Galilean theories, with the foundation of modern natural science. Modern natural science is mechanistic and mathematical. It is a combination of Epicurean mechanistic physics with Platonic mathematical physics. Machiavelli's politics is a combination of Epicurean notions of the origin of civil society with the Platonic concern with the good order of society.³¹⁹

Machiavelli's ancient and classical predecessors—think of the arguments of Glaucon,³²⁰ Callicles,³²¹ Carneades³²²—are concerned with the right life of the individual, but they are indifferent to the question of the right order of society.³²³ By³²⁴ combining the Epicurean or sophistic teaching regarding the origin of society with the Platonic concern with the right order of society, Machiavelli became the originator of that characteristically modern position that may loosely be described as political idealism based on materialistic science.

In Machiavelli's own case, that combination led to the substitution of patriotism, or merely political virtue, for moral virtue and the contemplative

³¹⁷ In the typescript, this sentence has been highlighted by hand both by means of square brackets and a vertical line in the right margin.

³¹⁸ In the typescript, the section of this paragraph from "Machiavelli implies that the fundamental character" until the end has been highlighted with a square bracket in the right margin.

³¹⁹ In the typescript, parentheses are added by hand around this paragraph.

³²⁰ The typescript reads: "Glauceon," though *ce* is crossed out by hand and *u* is added by hand above.

³²¹ The typescript reads: "Collicles," though the *o* is crossed out and an *a* is added by hand above.

³²² The typescript reads: "Corneades."

³²³ In the typescript, this sentence has been highlighted with a square bracket in the right margin.

³²⁴ End of page 3.

life. It was a difficulty in the substitution of merely political virtue for moral virtue—the difficulty implied in Machiavelli’s admiration for the wolfish policies of the Romans—that induced Hobbes to attempt the restoration of moral philosophy, and especially of natural right, on the plane of Machiavelli’s realism. The predominant school of thought had defined natural right, or more generally, natural law, with a view to the natural end or perfection of man as a rational and social animal. What Hobbes attempted to do, on the basis of Machiavelli’s fundamental objection to the utopian teaching of the tradition, if in opposition to Machiavelli’s own solution, was to maintain the idea of natural law, or of the moral law, but to divorce it from the idea of man’s perfection.³²⁵

Only if natural law has its roots, or rather its sufficient reason, in how man actually lives, in something that is fully actual in all men, or most men most of the time, can it be effectual, or of practical value. Which means: the foundation of natural law must be found, not in impotent reason, but in an emotion, in the most powerful of all emotions; and according to Hobbes, that emotion is the fear of death, and more particularly, the fear of violent death at the hands of others. It is this emotion that expresses most clearly the most powerful of all drives, the desire for self-preservation.³²⁶

Now, if the desire for self-preservation or the fear of violent death is the root of natural right, of all justice, this means that the fundamental moral fact is not an obligation or duty, but a right. All moral duties are derivative from³²⁷ the fundamental and inalienable right of self-preservation. Furthermore, all moral duties are only conditionally binding. They are binding only to the extent to which their performance does not endanger our self-preservation. But the right of self-preservation itself is unconditional or absolute.³²⁸ In technical language, by nature there exist only perfect rights, but no perfect duties; and finally, since natural right as distinguished from natural duty is the fundamental and absolute moral fact, the functions, as well as the limits, of civil society are to be defined in terms of natural right, as distinguished from

³²⁵ In the typescript, the section from “to maintain the idea of natural law” until the end of the paragraph has been highlighted by hand both by means of square brackets and a vertical line in the right margin.

³²⁶ In the typescript, a square bracket in the right margin appears to highlight this entire paragraph.

³²⁷ End of page 4.

³²⁸ In the typescript, parentheses are added by hand around this sentence. A square bracket in the right margin also highlights this sentence. What appears to read “Urgent?” has also been added by hand next to the square bracket. See the corresponding text in *NRH*, 181.

duty or virtue or perfection.³²⁹ The state has a purpose, not of producing or promoting a virtuous life, but of safeguarding the natural rights of each, and the actions of the state find an absolute limit in these rights. Even a criminal justly condemned³³⁰ to death does not lose his natural right to kill the guards, and if need be anyone else, to escape from the electric chair.

I cannot dwell on the obvious inadequacies of Hobbes's doctrine as he himself developed it. These inadequacies must not blind us to a much more important fact, namely, that Hobbes³³¹ originated an entirely new type of doctrine, a type which one could call, for want of a better term, the liberal doctrine. According to this type of doctrine, the fundamental facts are the rights, and not the duties, of men. Justice does not consist, therefore, in complying with standards that are independent of the wills of individuals—for example, the just price—but in granting to others the same rights which one claims for himself.³³² For example, a man who has a great natural talent for acquisition of wealth is just if he grants to those less gifted in this respect the same right to unlimited acquisition that he claims for himself. His justice is not impaired by the fact that he is a ruthless competitor, provided he grants to others the same right to ruthless competition that he claims for himself. Justice is not defined by an objective and substantive norm, but by an agreement among the members of the society. Justice ceases to be material justice; it becomes purely formal.³³³

The final formulation of this view is Rousseau's concept of the general will. The general will, that is, the will of society, is a substitute for substantive natural law. No appeal from the general will to natural right can be justified. The general will is sacrosanct for no other reason than because it imposes the same demands equally on all.³³⁴ The content of these demands is irrelevant. The basis of Rousseau's teaching is the same as that of Hobbes, the natural right of self-preservation.

³²⁹ In the typescript, "since natural right...perfection" has been highlighted by hand with both an opening square bracket and a light closing square bracket and a vertical line in the right margin.

³³⁰ The typescript reads: "condemed."

³³¹ The typescript reads: "hobbes," though an *H* is added by hand over the *h*.

³³² In the typescript, "the liberal doctrine...himself" has been highlighted by square brackets.

³³³ End of page 5.

³³⁴ In the typescript, "The general will, that is...equally on all" has been highlighted by hand by means of square brackets and a vertical line in the right margin. This strong claim was rephrased in *NRH*, 276, as "Rousseau may be said to have indicated the character of such a law of reason by his teaching concerning the general will, by a teaching which can be regarded as the outcome of the attempt to find a 'realistic' substitute for the traditional natural law."

No change in moral orientation has been more important than the shift of emphasis from natural duties, or the duties of man, to natural right, or the rights of man. A comparison of Locke's doctrine with that of Hooker would show that this precisely is the decisive difference between Hooker and Locke. Hooker, like Thomas³³⁵ Aquinas, puts all emphasis on men's duties, whereas Locke puts the emphasis on a man's natural rights.³³⁶

Another element of Hobbes's basic reasoning must be considered in this context. If everyone has by nature the right to self-preservation, he has to have all means conducive to self-preservation. This means, in the first place, the right to all proper means.³³⁷ Man does not have the right to all things, but only to those things that are really needed for his self-preservation.

At this point, the great question arises: Who is to be the judge of what means are proper? The classics would have said the natural judge is a man of practical wisdom, a wise man. Hobbes finds fault with this decision. He does not so much question the superior wisdom of the wise man, but he questions the wise man's interest in, or concern with, the self-preservation of the fool. The fool may be a poorer judge of what is conducive to his self-preservation, but he is most seriously concerned with his self-preservation. Therefore, if every man has a natural right to his self-preservation, he has to be allowed to be *the sole judge*³³⁸ of the proper means. Thus the fundamental objection to equalitarian natural right is overcome by³³⁹ Hobbes, and it leads to the following consequences.

In both the classical and the modern scheme, the solution of the political problem consists in a synthesis that is meant to satisfy the requirements of wisdom, on the one hand,³⁴⁰ and the requirements of consent or freedom, on the other. But whereas in the classical scheme the priority was assigned to wisdom, in the modern scheme, the priority is assigned to consent or freedom.

The tradition which Hobbes opposed assumed that man can reach his perfection only in and through civil society, and therefore that civil society

³³⁵ In the typescript, a checkmark has been added by hand in the right margin next to "Thomas."

³³⁶ In the typescript, parentheses are added by hand around this paragraph. This comment was modified in *NRH*. See the comparison between Locke and Hooker on 165, and for the shift of emphasis to natural rights, see 182.

³³⁷ The typescript reads: "This means, in the first place, to all proper means."

³³⁸ In the typescript, "sole judge" is underlined by hand.

³³⁹ End of page 6.

³⁴⁰ The typescript reads: "on the other hand."

is, strictly speaking, prior to the individual. And from this, the tradition was led³⁴¹ to the conclusion that the primary moral facts are duties and not rights. Natural rights came to sight in the premodern era, if they did come to sight, only as derivative and conditional. The primacy of natural right required the denial of the thesis that civil society is prior to the individual—or, positively expressed, it required the assertion that there is a state of nature.

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

Hobbes dropped this subdivision, and he replaced the distinction between the state of nature and the state of grace by the distinction between the state of nature and the state of civil society. Hobbes, in so doing, denied, if not the fact, at any rate the importance of the fall of man, and accordingly asserted that what is needed for remedying the deficiency or inconveniences of the state of nature is not³⁴² divine grace, but strong and orderly human government.

This antitheological implication of the concept of the state of nature can only with difficulty be separated from its intrapolitical meaning, which is the primacy of rights as distinguished from duties. Civil society achieves its primary, if not its sole function, in safeguarding these natural rights. Accordingly, what is needed is not so much the formation of character as the devising of the right kind of institutions.³⁴³ From Hobbes’s point of view: “When commonwealths come to be dissolved by intestine disorder, the fault is not in men as they are the matter, but as they are the makers and orderers of them.”³⁴⁴ That is to say, man as maker of civil society can solve, once and for all, the problem inherent in man as the matter of civil society. As Kant expressed it more than a century later, it is not true that the erection of the best society requires a nation of angels. No, the best society can be established

³⁴¹ The typescript reads: “lead,” though the *a* is crossed out by hand.

³⁴² End of page 7.

³⁴³ In the typescript, parentheses are added by hand around “the right kind of institutions.”

³⁴⁴ *Leviathan*, chap. 29.

in a nation of devils, provided they have sense—[t]hat is to say, provided they follow *enlightened* self-interest.

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

The new type of natural right doctrine is based on Machiavelli's critique³⁴⁵ of classical political philosophy. Classical political philosophy was primarily³⁴⁶ the quest for the best political order, an order that was possible indeed, but whose actualization was admittedly very unlikely. Its actualization was thought to depend on the availability of particularly favorable conditions, which are not likely to come together very frequently. The actualization of the best regime was thought to depend on chance.

Machiavelli's doctrine can be expressed as follows. Let us dismiss this³⁴⁷ impractical and utopian society, let us try to discover a sound order of society whose actualization is probable, not to say certain. In the hands of the modern natural right teachers, Machiavelli's suggestion took on the following form. Let³⁴⁸ us replace the quest for the best regime with the quest for the legitimate regime, for whereas the best regime is admittedly almost utopian, legitimate regimes are everywhere practical. That is to say, let us establish, on the basis of the new natural right of the inalienable rights of each individual, that social order, sufficiently defined by natural right, that can alone claim to be a just order in all cases, regardless of circumstances. Let us replace the idea of the best regime, which does not and is not meant to supply an answer to the question of what is a just order here and now.

Let us replace that idea by the idea of the³⁴⁹ just order which answers the fundamental political question regardless of place and time. In other words, whereas, according to the classics, political theory was in need of being supplemented by the practical wisdom of the statesman on the spot, the new type

³⁴⁵ The typescript reads: "critigue."

³⁴⁶ The typescript reads: "primarily."

³⁴⁷ End of page 8.

³⁴⁸ In the typescript, an opening parenthesis is added by hand before "Let."

³⁴⁹ In the typescript, an opening square bracket has been placed around this word.

of political theory as such solved the crucial practical problem—the problem of what order is just here and now.³⁵⁰

In the decisive aspect, there was no longer any need for statesmanship, as distinguished from political theory. We may call this type of thinking “doctrinairism,” and we shall venture to say that doctrinairism made its first appearance in political theory—for lawyers are altogether in a class by themselves—in the seventeenth century. Its external sign was the splitting up of political philosophy or political theory in the old sense, into a natural constitutional law or natural constitutional right on the one hand, and the Machiavellian “reason of state”-type of political science on the other.

It is in the spirit of the seventeenth-eighteenth century natural constitutional law that, to mention one case, Thomas Paine declared democracy to be not only the best³⁵¹ regime, but the only legitimate regime. And it is in the same spirit that, even today, when the insistence on the unique character of each moral situation has become almost an obsession, quite a few people, and especially those who ridicule all universal principles, and see nothing but unique situations, rebel a priori against the notion that, given this unique world situation, and unique circumstances of Turkey, Portugal, Yugoslavia,³⁵² et cetera, the regimes of the types Kemal, Salazar, Tito, et cetera might be lesser evils than all practicable alternatives, and therefore justly be tolerated, and even assisted. For natural constitutional law leads to the consequence that the crucial difference between what is best, and therefore not always possible, and what may be justly done under more or less unfavorable circumstances—that this difference, which is the indispensable condition for all sound statesmanship, becomes obsolete.

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

³⁵⁰ In the typescript, a closing parenthesis is added by hand after “now.”

³⁵¹ End of page 9.

³⁵² The typescript reads: “Yugoslavia.”

[THE CRISIS OF MODERN NATURAL RIGHT]

My final task in these lectures will be to sketch the manner in which the historical approach of the nineteenth and twentieth centuries emerged out of the crisis of modern natural right. I shall try to illustrate this process by one example, the example of Rousseau. Rousseau arrived at his position by wholeheartedly³⁵³ accepting and thinking through to its ultimate conclusion the basic premise of Hobbes, namely, the primacy and sufficiency of the right of self-preservation, or, what amounts to the same thing, the idea of the state of nature as the state characterized by the absence, not only of society, but even of sociability. He deviates from Hobbes for the same reason for which he deviates from all previous political philosophers: “the philosophers who have examined the foundations of society have all of them felt the necessity to³⁵⁴ go back to the state of nature, but not one of them has arrived there.” All of them have painted civilized man while claiming to paint natural man, or man as he is in the state of nature.

Hobbes, as well as all others, attempted to establish the character of natural man by looking at man as he is now. This procedure was intelligible and defensible as long as one accepted the view that man is by nature social. On this basis, one was justified³⁵⁵ in drawing the line between the natural and the conventional by identifying the conventional with what is directly and explicitly established by positive law or convention.

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

³⁵³ The typescript reads: “whole-hartedly.”

³⁵⁴ End of page 10.

³⁵⁵ The typescript reads: “justivied.”

I think this criticism of Hobbes by Rousseau is absolutely justified. On the basis of the premise that natural man is³⁵⁶ social, Rousseau attempts to reconstruct the state of nature, or the natural constitution of the human mind, by using the following criterion: those types of mental acts that presuppose society do not belong to man's natural constitution. Proceeding in this manner, he arrives by impeccable logic at the conclusion that man is by nature good. But another conclusion, or rather another formulation of the same conclusion, is more important in our present context, namely: "It is not so much the understanding that constitutes the specific difference³⁵⁷ of man among the animals, as his quality of a free agent." A truly epoch-making redefinition of man. Rousseau goes on to say, however, that this definition is exposed to doubt, and he therefore replaces freedom by perfectibility. Man is by nature not the rational animal, but is almost infinitely perfectible. That is to say, the infinite malleable animal.

We have arrived right at the threshold of present-day social science. Rousseau contends that reason itself is acquired. To have reason means to have "general ideas." But general ideas, as distinguished from memory or the imagination, are not the products of a natural or unconscious process. They presuppose definitions,³⁵⁸ they owe their being to definitions; hence general ideas presuppose³⁵⁹ language, and since language is admittedly not natural, reason itself cannot be natural.

Now, the salient point in Rousseau's thesis is not the denial of the natural character of reason, but the ground of the denial. "General ideas" owe their being, not to a natural process, but to a conscious construction, and that construction and it alone leads to truth. In opposition to all nominalism,³⁶⁰ Rousseau contends that the general ideas are not confused but clear—clearer than any other ideas. That is to say, clear knowledge of the truth requires a break with the naturally formed ideas, or with the world of common sense, or with the trust in the natural working of the human mind.

The underlying view can be stated as follows. Knowledge based on the natural working of the human mind remains exposed to doubt. Premodern

³⁵⁶ In the typescript, "is" is followed by "as," though "as" is crossed out by hand.

³⁵⁷ End of page 11.

³⁵⁸ In the typescript, a question mark has been added by hand in the right margin next to the line that says "are not the products of a natural or unconscious process. They presuppose define-."

³⁵⁹ The typescript reads: "pre-supposes."

³⁶⁰ The typescript reads "nomination."

philosophy or science, which did not question the reliability of the natural working of the mind, was therefore always accompanied³⁶¹ by skepticism, and hence not genuine science. To arrive at genuine science, one has to find the beginning that is not exposed to any doubt. Only such thoughts are not exposed to any doubt as are absolutely within the power of the human mind. But only such thoughts whose truth depends on the human mind alone—that is to say, only the conscious and artificial products of the human mind—meet this condition.³⁶²

This dogmatism based on the most extreme skepticism was a serious temptation³⁶³ for anyone who was satisfied that teleological physics had failed, and, therefore, that a materialistic mechanistic physics was inevitable. But we have been informed³⁶⁴ by Plato and Aristotle about the skeptical consequences of materialism. The possibility of materialistic natural science could be guaranteed, however, without assumption of a soul or mind irreducible to matter, provided that one could show that man is able to establish an absolute beginning of science that would not be threatened by the fortuitous consequences of blind and aimless processes, an absolute beginning whose prehistory, in terms of its mechanical or psychological causation, would be utterly irrelevant. These absolute beginnings are the basic definitions. They are meant to create an island exempt from the flux of the mechanical processes. Only the anticipatory revolt against the materialistically understood nature could make possible the science of such nature. The assertion of man's "creativity," or of "a hitherto little-known spontaneity" of the human mind, was the inevitable supplement of the materialistic science that was informed by Aristotle and Plato about the limitation of materialism.

I return to Rousseau's argument. If Rousseau does not believe that reason belongs to man's natural constitution, how then was it acquired? Rousseau suggests an answer on the basis of his analysis of thought. "We do not seek to know but because we desire to enjoy" things other than knowledge itself. Reason is essentially later than wants, and essentially the wants of the body. Reason emerges in the process of satisfying these wants. Reason is essential in the service of this satisfaction, or, more generally expressed, of self-preservation. Yet, these wants being simple and uniform, reason could

³⁶¹ The typescript reads: "accompanied."

³⁶² End of page 12.

³⁶³ The typescript reads: "temptatio."

³⁶⁴ In the typescript, a checkmark has been added by hand in the right margin next to "informed."

never develop but for the fact of the change of circumstances—of the “environment”—change that forces man to think, to invent, in order to survive. The mind progresses in exact proportion to the manner in which the basic wants are modified by the circumstances. The specific manner in which the wants are satisfied molds man. Once man is thus molded, he develops new wants, and,³⁶⁵ in satisfying them, his mind develops further. The progress of the mind is, then, a necessary process. It is necessary, however, not because the mind as a natural faculty has a natural tendency to its own actualization, but because external and accidental circumstances force understanding and its development upon man.

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

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

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

Natural right is a right which man has in the state of nature, but man in the state of nature proves to lack all human traits. By being presocial, he proves to be prerational, and hence premoral. He is nothing but a stupid animal. As³⁶⁶ Rousseau says, what sense does it make that we should seek the

³⁶⁵ End of page 13.

³⁶⁶ End of page 14.

standard for our action, the standard of justice, by returning to such a natural man? Can humanity or justice consist in imitating a stupid animal? Had not Rousseau himself shown that what is really of value, is not a state of nature, [which] is in no sense a gift of nature, but what man did in order to overcome nature—that everything valuable was due to the historical process through which, and through which alone, man became human?

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

For a moment—the moment lasted more than a century—it seemed wiser to seek the standard of justice in the historical process that leads from the stupid animal to civilized man. But this approach presupposed that the historical process, or its results, were unambiguously preferable to the state of nature.

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

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

After the collapse of historicism, as well as all the other attempts to³⁶⁷ find a rational solution of Rousseau's problem on the basis of the rejection of classic natural right, no choice is left but to return to classic natural right. Such a return was attempted at the last minute by Edmund Burke. I do not have the time to discuss the basic idea of Burke's theory in this lecture.

³⁶⁷ End of page 15.

[CONCLUDING REMARK]

Permit me to conclude these lectures with a personal remark. The subject of these lectures has been of such a nature that I could not help touching on issues regarding which all men of good will feel strongly. I do not believe that I have hurt anyone's feelings, but I may have said³⁶⁸ things that conflict with the most cherished convictions held by some of you. This cannot be helped.

One cannot try to reach clarity on the issues regarding which clarity is most needed without questioning all cherished convictions, whether they are one's own, or those of others. Whether we like it or not, we have to follow the model of the master of those who know. It has been well said of Aristotle, *Solet Aristoteles*³⁶⁹ *quaerere pugnam*: "Aristotle has a habit of seeking a fight." He is seeking a fight, not because he loves fight and enmity, but because he loves peace and friendship; but true peace and friendship can only be found in the truth. Truth demands that we prefer her to all human friendship—*amicior veritas*—and, if necessary, that we sacrifice to her considerations of kindness and politeness. To her inflexible demands, we are obliged to obey to the best of our powers, for it is not in our hands whether we shall succeed or fail. From this sacred obligation, all freedom of inquiry, all academic freedom, is derived. There is no other support for this most precious natural right—which most happily is recognized by the fundamental law of this country.³⁷⁰

³⁶⁸ The typescript reads: "siad," though "SAID" is added by hand above.

³⁶⁹ The typescript reads: "Aristotles."

³⁷⁰ End of page 16. The last two paragraphs were omitted in *NRH*.