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**THE CITY AND MAN**



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THE CITY  
AND MAN

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## *Preface*

*This study is an enlarged version of the Page-Barbour Lectures which I delivered at the University of Virginia in the Spring of 1962. I am grateful to the Committee on the Page-Barbour Lectures at the University of Virginia for having given me the opportunity to develop my views on a rather neglected aspect of classical political thought more fully than I otherwise might have done.*

An earlier and shorter version of the lecture on Plato's *Republic* was published as a part of the chapter on Plato which I contributed to the *History of Political Philosophy*, edited by Joseph Cropsey and myself (Rand McNally, 1963).

L.S.

*July, 1963*



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## INTRODUCTION

*It is not self-forgetting and pain-loving antiquarianism nor self-forgetting and intoxicating romanticism which induces us to turn with passionate interest, with unqualified willingness to learn, toward the political thought of classical antiquity. We are impelled to do so by the crisis of our time, the crisis of the West.*

It is not sufficient for everyone to obey and to listen to the Divine message of the City of Righteousness, the Faithful City. In order to propagate that message among the heathen, nay, in order to understand it as clearly and as fully as is humanly possible, one must also consider to what extent man could discern the outlines of that City if left to himself, to the proper exercise of his own powers. But in our age it is much less urgent to show that political philosophy is the indispensable handmaid of theology than to show that political philosophy is the rightful queen of the social sciences, the sciences of man and of human affairs: even the highest lawcourt in the land is more likely to defer to the contentions of social science than to the Ten Commandments as the words of the living God.

The theme of political philosophy is the City and Man. The City and Man is explicitly the theme of classical political philosophy. Modern political philosophy, while building on classical political philosophy, transforms it and thus no longer deals with that theme in its original terms. But one cannot understand the transformation, however legitimate, if one has not understood the original form.

Modern political philosophy presupposes Nature as understood by modern natural science and History as understood by the modern historical awareness. Eventually these presuppositions prove to be incompatible with modern political philosophy. Thus one seems to be confronted with the choice between abandoning political philosophy altogether and returning to classical political philosophy. Yet such a return seems to be impossible. For what has brought about the collapse of modern political philosophy seems to have buried classical political philosophy which did not even dream of

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the difficulties caused by what we believe to know of nature and history. Certain it is that a simple-continuation of the tradition of classical political philosophy—of a tradition which was hitherto never entirely interrupted—is no longer possible. As regards modern political philosophy, it has been replaced by ideology: what originally was a political philosophy has turned into an ideology. This fact may be said to form the core of the contemporary crisis of the West.

That crisis was diagnosed at the time of World War I by Spengler as the going down (or decline) of the West. Spengler understood by the West one culture among a small number of high cultures. But the West was for him more than one high culture among a number of them. It was for him the comprehensive culture. It is the only culture which has conquered the earth. Above all, it is the only culture which is open to all cultures and which does not reject the other cultures as forms of barbarism or which tolerates them condescendingly as “underdeveloped”; it is the only culture which has acquired full consciousness of culture as such. Whereas “culture” originally and naively meant *the* culture of *the* mind, the derivative and reflective notion of “culture” necessarily implies that there is a variety of equally high cultures. But precisely since the West is the culture in which culture reaches full self-consciousness, it is the final culture: the owl of Minerva begins its flight in the dusk; the decline of the West is identical with the exhaustion of the very possibility of high culture; the highest possibilities of man are exhausted. But man’s highest possibilities cannot be exhausted as long as there are still high human tasks—as long as the fundamental riddles which confront man, have not been solved to the extent to which they can be solved. We may therefore say that Spengler’s analysis and prediction is wrong: our highest authority, natural science, considers itself susceptible of infinite progress, and this claim does not make sense, it seems, if the fundamental riddles are solved. If science is susceptible of infinite progress, there cannot be a meaningful end or completion of history; there can only be a brutal stopping of man’s onward march through natural forces acting by themselves or directed by human brains and hands.

However this may be, in one sense Spengler has proved to be right; some decline of the West has taken place before our eyes. In 1913 the West—in fact this country together with Great Britain and Germany—could have laid down the law for the rest of the earth

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without firing a shot. Surely for at least a century the West controlled the whole globe with ease. Today, so far from ruling the globe, the West's very survival is endangered by the East as it has not been since its beginning. From the Communist Manifesto it would appear that the victory of Communism would be the complete victory of the West—of the synthesis, transcending the national boundaries, of British industry, the French Revolution and German philosophy—over the East. We see that the victory of Communism would mean indeed the victory of originally Western natural science but surely at the same time the victory of the most extreme form of Eastern despotism.

However much the power of the West may have declined, however great the dangers to the West may be, that decline, that danger, nay, the defeat, even the destruction of the West would not necessarily prove that the West is in a crisis: the West could go down in honor, certain of its purpose. The crisis of the West consists in the West's having become uncertain of its purpose. The West was once certain of its purpose—of a purpose in which all men could be united, and hence it had a clear vision of its future as the future of mankind. We do no longer have that certainty and that clarity. Some among us even despair of the future, and this despair explains many forms of contemporary Western degradation. The foregoing statements are not meant to imply that no society can be healthy unless it is dedicated to a universal purpose, to a purpose in which all men can be united: a society can be tribal and yet healthy. But a society which was accustomed to understand itself in terms of a universal purpose, cannot lose faith in that purpose without becoming completely bewildered. We find such a universal purpose expressly stated in our immediate past, for instance in famous official declarations made during the two World Wars. These declarations merely restate the purpose stated originally by the most successful form of modern political philosophy—a kind of that political philosophy which aspired to build on the foundation laid by classical political philosophy but in opposition to the structure erected by classical political philosophy, a society superior in truth and justice to the society toward which the classics aspired. According to the modern project, philosophy or science was no longer to be understood as essentially contemplative and proud but as active and charitable; it was to be in the service of the relief of man's estate; it was to be cultivated for the sake of human power; it was to

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enable man to become the master and owner of nature through the intellectual conquest of nature. Philosophy or science should make possible progress toward ever greater prosperity; it thus should enable everyone to share in all the advantages of society or life and therewith give full effect to everyone's natural right to comfortable self-preservation and all that that right entails or to everyone's natural right to develop all his faculties fully in concert with everyone else's doing the same. The progress toward ever greater prosperity would thus become, or render possible, the progress toward ever greater freedom and justice. This progress would necessarily be the progress toward a society embracing equally all human beings: a universal league of free and equal nations, each nation consisting of free and equal men and women. For it had come to be believed that the prosperous, free, and just society in a single country or in only a few countries is not possible in the long run: to make the world safe for the Western democracies, one must make the whole globe democratic, each country in itself as well as the society of nations. Good order in one country presupposes good order in all countries and among all countries. The movement toward the universal society or the universal state was thought to be guaranteed not only by the rationality, the universal validity, of the goal but also because the movement towards the goal seemed to be the movement of the large majority of men on behalf of the large majority of men: only small groups of men who, however, hold in thrall many millions of their fellow human beings and who defend their own antiquated interests, resist that movement.

This view of the human situation in general and of the situation in our century in particular retained a certain plausibility, not in spite of Fascism but because of it, until Communism revealed itself even to the meanest capacities as Stalinism and post-Stalinism, for Trotskyism, being a flag without an army and even without a general, is condemned or refuted by its own principle. For some time it appeared to many teachable Westerners—to say nothing of the unteachable ones—that Communism was only a parallel movement to the Western movement—as it were its somewhat impatient, wild, wayward twin who was bound to become mature, patient, and gentle. But except when in mortal danger, Communism responded to the fraternal greetings only with contempt or at most with manifestly dissembled signs of friendship; and when in mortal danger, it was as eager to receive Western help as it was determined to give

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not even sincere words of thanks in return. It was impossible for the Western movement to understand Communism as merely a new version of that eternal reactionism against which it had been fighting for centuries. It had to admit that the Western project which had provided in its way against all earlier forms of evil could not provide against the new form in speech or in deed. For some time it seemed sufficient to say that while the Western movement agrees with Communism regarding the goal—the universal prosperous society of free and equal men and women—it disagrees with it regarding the means: for Communism, the end, the common good of the whole human race, being the most sacred thing, justifies any means; whatever contributes to the achievement of the most sacred end partakes of its sacredness and is therefore itself sacred; whatever hinders the achievement of that end is devilish. The murder of Lumumba was described by a Communist as a reprehensible murder by which he implied that there can be irreprehensible murders, like the murder of Nagy. It came to be seen then that there is not only a difference of degree but of kind between the Western movement and Communism, and this difference was seen to concern morality, the choice of means. In other words, it became clearer than it had been for some time that no bloody or unbloody change of society can eradicate the evil in man: as long as there will be men, there will be malice, envy and hatred, and hence there cannot be a society which does not have to employ coercive restraint. For the same reason it could no longer be denied that Communism will remain, as long as it lasts in fact and not merely in name, the iron rule of a tyrant which is mitigated or aggravated by his fear of palace revolutions. The only restraint in which the West can put some confidence is the tyrant's fear of the West's immense military power.

The experience of Communism has provided the Western movement with a twofold lesson: a political lesson, a lesson regarding what to expect and what to do in the foreseeable future, and a lesson regarding the principles of politics. For the foreseeable future there cannot be a universal state, unitary or federative. Apart from the fact that there does not exist now a universal federation of nations but only of those nations which are called peace-loving, the federation that exists masks the fundamental cleavage. If that federation is taken too seriously, as a milestone on man's onward march toward the perfect and hence universal society, one is bound

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to take great risks supported by nothing but an inherited and perhaps antiquated hope, and thus to endanger the very progress one endeavors to bring about. It is imaginable that in the face of the danger of thermonuclear destruction, a federation, however incomplete, of nations outlaws wars, *i.e.* wars of aggression; but this means that it acts on the assumption that all present boundaries are just, *i.e.* in accordance with the self-determination of nations; but this assumption is a pious fraud of which the fraudulence is more evident than the piety. In fact, the only changes of present boundaries for which there is any provision are those not disagreeable to the Communists. One must also not forget the glaring disproportion between the legal equality and the factual inequality of the confederates. The factual inequality is recognized in the expression "underdeveloped nations." The expression implies the resolve to develop them fully, *i.e.* to make them either Communist or Western, and this despite the fact that the West claims to stand for cultural pluralism. Even if one would still contend that the Western purpose is as universal as the Communist, one must rest satisfied for the foreseeable future with a practical particularism. The situation resembles the one which existed during the centuries in which Christianity and Islam each raised its universal claim but had to be satisfied with uneasily coexisting with its antagonist. All this amounts to saying that for the foreseeable future, political society remains what it always has been: a partial or particular society whose most urgent and primary task is its self-preservation and whose highest task is its self-improvement. As for the meaning of self-improvement, we may observe that the same experience which has made the West doubtful of the viability of a world-society has made it doubtful of the belief that affluence is the sufficient and even necessary condition of happiness and justice: affluence does not cure the deepest evils.

The doubt of the modern project is more than merely a strong but vague feeling. It has acquired the status of scientific exactitude. One may wonder whether there is a single social scientist left who would assert that the universal and prosperous society constitutes the rational solution of the human problem. For present-day social science admits and even proclaims its inability to validate any value-judgments proper. The teaching originated by modern political philosophy in favor of the universal and prosperous society has admittedly become an ideology—a teaching not superior in truth

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and justice to any other among the innumerable ideologies. Social science which studies all ideologies is itself free from all ideological biases. Through this Olympian freedom it overcomes the crisis of our time. That crisis may destroy the conditions of social science: it cannot affect the validity of its findings.

Social science has not always been as skeptical or restrained as it has become during the last two generations. The change in the character of social science is not unconnected with the change in the status of the modern project. The modern project was originated as required by nature (natural right), *i.e.* it was originated by philosophers; the project was meant to satisfy in the most perfect manner the most powerful natural needs of men: nature was to be conquered for the sake of man who himself was supposed to possess a nature, an unchangeable nature; the originators of the project took it for granted that philosophy and science are identical. After some time it appeared that the conquest of nature requires the conquest of human nature and hence in the first place the questioning of the unchangeability of human nature: an unchangeable human nature might set absolute limits to progress. Accordingly, the natural needs of men could no longer direct the conquest of nature; the direction had to come from reason as distinguished from nature, from the rational Ought as distinguished from the neutral Is. Thus philosophy (logic, ethics, esthetics) as the study of the Ought or the norms became separated from science as the study of the Is. The ensuing depreciation of reason brought it about that while the study of the Is or science succeeded ever more in increasing men's power, one could no longer distinguish between the wise or right and the foolish or wrong use of power. Science cannot teach wisdom. There are still some people who believe that this predicament will disappear when social science and psychology catch up with physics and chemistry. This belief is wholly unreasonable, for social science and psychology, however perfected, being sciences, can only bring about a still further increase of man's power; they will enable men to manipulate man still better than ever before; they will as little teach man how to use his power over man or non-man as physics and chemistry do. The people who indulge this hope have not grasped the bearing of the distinction between facts and values.

The decay of political philosophy into ideology reveals itself most obviously in the fact that in both research and teaching, politi-

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cal philosophy has been replaced by the history of political philosophy. This substitution can be excused as a well-meaning attempt to prevent, or at least to delay, the burial of a great tradition. In fact it is not merely a half measure but an absurdity: to replace political philosophy by the history of political philosophy means to replace a doctrine which claims to be true by a survey of more or less brilliant errors. The discipline which takes the place of political philosophy is the one which shows the impossibility of political philosophy. That discipline is logic. What for the time being is still tolerated under the name of history of political philosophy will find its place within a rational scheme of research and teaching in footnotes to the chapters in logic textbooks which deal with the distinction between factual judgments and value-judgments; those footnotes will supply slow learners with examples of the faulty transition, by which political philosophy stands or falls, from factual judgments to value-judgments.

It would be wrong to believe that in the new dispensation the place once occupied by political philosophy is filled entirely by logic however enlarged. A considerable part of the matter formerly treated by political philosophy is now treated by a non-philosophic political science which forms part of social science. This new political science is concerned with discovering laws of political behavior and ultimately universal laws of political behavior. Lest it mistake the peculiarities of the politics of the time and the places in which social science is at home for the character of all politics, it must study also the politics of other climes and other ages. The new political science thus becomes dependent on a kind of study which belongs to the comprehensive enterprise called universal history. It is controversial whether history can be modelled on the natural science on which the new political science aspires to be modelled. At any rate, the historical studies in which the new political science must engage must become concerned not only with the working of institutions but with the ideologies informing those institutions as well. Within the context of these studies, the meaning of an ideology is primarily the meaning in which its adherents understand it. In some cases the ideologies are known to have been originated by outstanding men. In such cases it becomes necessary to consider whether and how the ideology as conceived by the originator was modified by the adherents. For precisely if only the crude understanding of ideologies can be politically effective, it is necessary to



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grasp the characteristics of crudity: if the routinization of charisma is a permitted theme, the vulgarization of thought ought to be a permitted theme. One kind of ideology consists of the teachings of the political philosophers. These teachings may have played only a minor political role, but one cannot know this before one knows them solidly. This solid knowledge consists primarily in understanding the teachings of the political philosophers as they themselves meant them. Each of them was undoubtedly mistaken in believing that his teaching is the true and final teaching regarding political things: we know through a reliable tradition that this belief forms part of a rationalization; but the process of rationalization is not so thoroughly understood that it would not be worthwhile to study it in the case of the greatest minds; for all we know there may be various kinds of rationalization. It is then necessary to study the political philosophies as they were understood by their originators in contradistinction to the way in which they were understood by their adherents, and various kinds of their adherents, but also by their adversaries and even by detached or indifferent bystanders or historians. For indifference does not offer a sufficient protection against the danger that one identifies the view of the originator with a compromise between the views of his adherents and those of his adversaries. The genuine understanding of the political philosophies which is then necessary may be said to have been rendered possible by the shaking of all traditions; the crisis of our time may have the accidental advantage of enabling us to understand in an untraditional or fresh manner what was hitherto understood only in a traditional or derivative manner. This may apply especially to classical political philosophy which has been seen for a considerable time only through the lenses of modern political philosophy and its various successors.

Social science will then not live up to its claim if it does not concern itself with a genuine understanding of the political philosophies proper and therewith primarily of classical political philosophy. As has been indicated, such an understanding cannot be presumed to be available. It is frequently asserted today that such an understanding is not possible: all historical understanding is relative to the point of view of the historian, in particular to his country and his time; the historian cannot understand a teaching as it was meant by its originator but he necessarily understands it differently than its originator understood it; ordinarily the historian's

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understanding is inferior to the originator's understanding; in the best case the understanding will be a creative transformation of the original understanding. Yet it is hard to see how one can speak of a creative transformation of the original teaching if it is not possible to grasp the original teaching as such. Besides, one may grant that the initial point of view of the historian who studies a teaching expounded in the past necessarily differs from that of the originator of the teaching or, in other words, that the question which the historian addresses to his author necessarily differs from the question which his author attempted to answer; yet surely the primary duty of the historian consists in suspending his initial question in favor of the question with which his author is concerned or in learning to look at the subject matter in question from his author's point of view. To the extent to which the social scientist succeeds in this kind of study which is imposed on him by the requirements of social science, he not only enlarges the horizon of present-day social science, he even transcends the limitations of social science, for he learns to look at things in a manner which is as it were forbidden to the social scientist. He will have learned from his logic that his science rests on certain hypotheses, certainties or assumptions. He learns now to suspend these assumptions. He is thus compelled to make these assumptions his theme. Far from being merely one of the innumerable themes of social science, history of political philosophy, and not logic, proves to be the pursuit concerned with the presuppositions of social science.

Those presuppositions prove to be modifications of the principles of modern political philosophy, and these principles in turn prove to be modifications of the principles of classical political philosophy. One cannot understand the presuppositions of present-day social science without a return to classical political philosophy. Social science claims to be decisively superior to classical political philosophy which surely lacked the alleged insight into the radical difference between facts and values. When attempting to understand classical political philosophy on its own terms, the social scientist is compelled to wonder whether the distinction is as necessary or as evident as it seems today. He is compelled to wonder whether not present-day social science but classical political philosophy is the true science of political things. This suggestion is dismissed out of hand because a return to an earlier position is believed to be impossible. But one must realize that this belief is

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a dogmatic assumption whose hidden basis is the belief in progress or in the rationality of the historical process.

The return to classical political philosophy is both necessary and tentative or experimental. Not in spite but because of its tentative character, it must be carried out seriously, *i.e.* without squinting at our present predicament. There is no danger that we can ever become oblivious of this predicament since it is the incentive to our whole concern with the classics. We cannot reasonably expect that a fresh understanding of classical political philosophy will supply us with recipes for today's use. For the relative success of modern political philosophy has brought into being a kind of society wholly unknown to the classics, a kind of society to which the classical principles as stated and elaborated by the classics are not immediately applicable. Only we living today can possibly find a solution to the problems of today. But an adequate understanding of the principles as elaborated by the classics may be the indispensable starting point for an adequate analysis, to be achieved by us, of present-day society in its peculiar character, and for the wise application, to be achieved by us, of these principles to our tasks.

One can come to doubt the fundamental premise of present-day social science—the distinction between values and facts—by merely considering the reasons advanced in its support as well as the consequences following from it. These considerations lead one to see that the issue concerning that distinction is part of a larger issue. The distinction is alien to that understanding of political things which belongs to political life but it becomes necessary, it seems, when the citizens' understanding of political things is replaced by the scientific understanding. The scientific understanding implies then a break with the pre-scientific understanding, yet at the same time it remains dependent on the pre-scientific understanding. Regardless of whether the superiority of the scientific understanding to the pre-scientific understanding can be demonstrated or not, the scientific understanding is secondary or derivative. Hence, social science cannot reach clarity about its doings if it does not possess a coherent and comprehensive understanding of what is frequently called the common sense view of political things, *i.e.* if it does not primarily understand the political things as they are experienced by the citizen or statesman; only if it possesses such a coherent and comprehensive understanding of its basis or matrix can it possibly show the legitimacy, and make intelligible the character, of that

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peculiar modification of the primary understanding of political things which is their scientific understanding. We contend that that coherent and comprehensive understanding of political things is available to us in Aristotle's *Politics* precisely because the *Politics* contains the original form of political science: that form in which political science is nothing other than the fully conscious form of the common sense understanding of political things. Classical political philosophy is the primary form of political science because the common sense understanding of political things is primary.

Our description of the character of the *Politics* is manifestly provisional. "Common sense" as used in this description is understood in contradistinction to "science," i.e. primarily modern natural science, and therewith presupposes "science" whereas the *Politics* itself does not presuppose "science." We shall first attempt to reach a more adequate understanding of the *Politics* by considering the objections to which our contention is exposed.

## Chapter I

### ON ARISTOTLE'S POLITICS

*According to the traditional view, it was not Aristotle but Socrates who originated political philosophy or political science. More precisely, according to Cicero, Socrates was the first to call philosophy down from heaven, to establish it in the cities, to introduce it also into the households, and to compel it to inquire about men's life and manners as well as about the good and bad things. In other words, Socrates was the first philosopher who concerned himself chiefly or exclusively, not with the heavenly or divine things, but with the human things. The heavenly or divine things are the things to which man looks up or which are higher than the human things; they are super-human. The human things are the things good or bad for man as good or bad for man and particularly the just and noble things and their opposites. Cicero does not say that Socrates called philosophy down from heaven to earth, for the earth, the mother surely of all earthly things and perhaps the oldest and therefore the highest goddess, is itself super-human. The divine things are higher in rank than the human things. Man manifestly needs the divine things but the divine things do not manifestly need man. In a parallel passage Cicero speaks not of "heaven" but of "nature": the higher than human things from whose study Socrates turned to the study of the human things, is "the whole nature," "the kosmos," "the nature of all things." This implies that "the human things" are not "the nature of man"; the study of the nature of man is part of the study of nature.<sup>1</sup> Cicero draws our attention to the special effort which was required to turn philosophy toward the*

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<sup>1</sup> Cicero, *Tusc. disput.* V 10, and *Brutus* 31. Cf. Xenophon, *Memorabilia* I 1.11-12 and 1.15-16, *Hiero* 7.9, *Oeconomicus* 7.16 and 7.29-30, as well as Aristotle, *Metaphysics* 987b1-2 and *Eth. Nic.* 1094b7, 14-17; 1141a20-22, b7-8; 1143b21-23; 1177b31-33.

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human things: philosophy turns primarily away from the human things toward the divine or natural things; no compulsion is needed or possible to establish philosophy in the cities or to introduce it into the households; but philosophy must be compelled to turn back toward the human things from which it originally departed.

The traditional view regarding the beginnings of political philosophy or political science is no longer accepted. Prior to Socrates, we are told, the Greek sophists turned to the study of the human things. As far as we know, Socrates himself did not speak about his predecessors as such. Let us then see what the man who takes Socrates' place in Plato's *Laws*, the Athenian stranger, says about his predecessors, about all or almost all men who prior to him concerned themselves with inquiries about nature. According to him, these men assert that all things which have come into being ultimately out of and through certain "first things" which are not strictly speaking "things" but which are responsible for the coming into being and perishing of everything that comes into being and perishes; it is the first things and the coming into being attending on the first things which these men mean by "nature"; both the first things and whatever arises through them, as distinguished from human action, are "by nature." The things which are by nature stand at the opposite pole from the things which are by *nomos* (ordinarily rendered as "law" or "convention"), *i.e.* things which are not only not by themselves, nor by human making proper, but only by men holding them to be or positing that they are or agreeing as to their being. The men whom the Athenian stranger opposes assert above all that the gods are only by law or convention. For our present purpose it is more immediately important to note that according to these men the political art or science has little to do with nature and is therefore not something serious. The reason which they advance is that the just things are radically conventional and the things which are by nature noble differ profoundly from the things which are noble by convention: the way of life which is straight or correct according to nature consists in being superior to others or in lording it over the others whereas the way of life which is straight or correct according to convention consists in serving others. The Athenian stranger disagrees entirely with his predecessors. He asserts that there are things which are just by nature. He can also be said to show by deed—by the fact that he teaches

legislators—that he regards the political art or science as a most serious pursuit.<sup>2</sup>

In order to be able to act and to speak as he does, the Athenian stranger need not abandon the fundamental distinction from which the men whom he opposes start. Despite the most important difference between him and them, the distinction between nature and convention, between the natural and the positive, remains as fundamental for him, and for classical political philosophy in general, as it was for his predecessors.<sup>3</sup> Our failure to recognize this is partly due to modern philosophy. We cannot do more than to remind readers of the most obvious points. The distinction mentioned became questionable primarily through the reasoning which was meant also to dispose of chance. The “explanation” of a chance event is the realization that it is a chance event: the fortuitous meeting of two men does not cease to be fortuitous when we know the whole prehistory of the two men prior to their meeting. There are then events which cannot meaningfully be traced to preceding events. The tracing of something to convention is analogous to the tracing of something to chance. However plausible a convention may appear in the light of the conditions in which it arose, it nevertheless owes its being, its “validity,” to the fact that it became “held” or “accepted.”<sup>4</sup> Against this view the following reasoning was advanced: the conventions originate in human acts, and these acts are as necessary, as fully determined by preceding causes, as natural as any natural event in the narrow sense of the term; hence the distinction between nature and convention can only be provisional or superficial.<sup>5</sup> Yet this “universal consideration regarding the concatenation of the causes” is not helpful as long as one does not show the kind of preceding causes which are relevant for the explanation of conventions. Natural conditions like climate, character of a territory, race, fauna, flora appear to be especially relevant. This means, however, that in each case the “legislator” has prescribed what was best for his people or that all customs are sensible or that all legislators

<sup>2</sup> *Laws* 631d1-2; 690b7-c3; 870e1-2; 888e4-6; 889b1-2, 4, c4, d-890a; 891c2-3, 7-9, e5-6; 892a2-3, c2-3; 967a7-d2.

<sup>3</sup> Consider especially *Laws* 757c-e.

<sup>4</sup> *Eth. Nic.* 1134b19-21.

<sup>5</sup> Spinoza, *Tr. theol.-pol.* IV (sect. 1-4 Bruder).

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are wise. Since this sanguine assumption cannot be maintained, one is compelled to have recourse also to the errors, superstitions, or follies of the legislators. But one can do this only as long as one possesses a natural theology of one kind or another as well as knowledge of what constitutes the well-being, the common good, of any people. The difficulties which were encountered along this way of explaining conventions led people to question the very notion of convention as some sort of making; customs and languages, it was asserted, cannot be traced to any positing or other conscious acts but only to growth, to a kind of growth essentially different from the growth of plants and animals but analogous to it; that growth is more important and of higher rank than any making, even the rational making according to nature. We shall not insist on the kinship between the classical notion of "nature" and this modern notion of "growth." It is more urgent to point out that partly as a consequence of the modern notion of "growth," the classical distinction between nature and convention, according to which nature is of higher dignity than convention, has been overlaid by the modern distinction between nature and history according to which history (the realm of freedom and of values) is of higher dignity than nature (which lacks purposes or values), not to say, as has been said, that history comprehends nature which is essentially relative to the essentially historical mind.

The Athenian stranger, to return, unlike his predecessors, takes the political art or science seriously because he acknowledges that there are things which are by nature just. He traces his divergence from his predecessors to the fact that the latter admitted as first things only bodies whereas, according to him, the soul is not derivative from the body or inferior in rank to it but by nature the ruler over the body. In other words, his predecessors did not recognize sufficiently the fundamental difference between body and soul.<sup>6</sup> The status of the just things depends on the status of the soul. Justice is the common good *par excellence*; if there are to be things which are by nature just there must be things which are by nature common; but the body appears to be by nature each one's own or private.<sup>7</sup> Aristotle goes to the end of this road by asserting that the political association is by nature and that man is by nature political

<sup>6</sup> *Laws* 891c1-4, e5-892b1; 896b10-c3.

<sup>7</sup> *Laws* 739c6-d1 (cf. *Republic* 464d8-9 and 416d5-6).



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