

THE SOLID QUARRY OF
RELATIVELY SOBER REASON

Classical Philosophy > Classical
Liberalism

Or: How I Learned to Stop Worrying and Love Situational Ethics

by

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Today, we can say with some justification that we live in the future. The future seems to be as it has always been portrayed in the different types of literature: it is characterized principally by the triumph of the physical sciences. We have discarded all previous social sciences and it appears that a main reason we have done so is that we now know that their contemporary physical sciences were wrong.

Supposedly, existence has been sufficiently accounted for such that matter is the only thing that can be said to exist and that is susceptible of genuine knowledge—i.e. of being a *fact*. This has ushered in a corresponding 'social science' such that anything that is descriptive of something material is a 'fact,' and anything else is, just, like, someone's opinion, man.¹ Since everything relating to how a person *should* live their lives is not material and there cannot be genuine knowledge about what is not material, this view is known as *Moral Nihilism*.²

People are necessarily organized in some way—even if the organization consists in a lack thereof. According to this *modern view*, we can regard *descriptions* of human organizations as facts, but preference for one or another organization can only be based on, like, someone's opinion, man. Nonetheless, the ability to choose among these organizations is still considered to be dependent on political decisions.³ *Politics* is still, as Aristotle said, the *master science*: "it determines which sciences ought to exist in states, what kind of sciences each group of citizens must learn, and what degree of proficiency each must attain. We observe further that the most honored capacities, such as strategy, household management, and oratory, are contained in politics. Since this science uses the rest of the sciences, and since, moreover, it legislates what people are to do and what they are not to do, its end seems to embrace the ends of the other sciences."⁴

And so people are quite fanatic about their opinions—even their opinions about subjects that they believe are only susceptible to being just, like, someone's opinion, man. After all, if they value their life or life generally then they have a considerable interest in how their society is organized. '*I have a right to my opinion,*' such a person is likely to say. They do not seem disturbed by their predicament of knowing that there is no genuine basis for their values but having to live as though there is.⁵ Leo Strauss aptly says that "[t]hey appear to believe that our inability to acquire any genuine knowledge of what is intrinsically good or right compels us to be tolerant of every opinion about good or right or to recognize all preferences or all 'civilizations' as equally respectable."⁶ Thus they assure themselves that their opinion will be tolerated, and seem to be satisfied that they have established a right just by *feeling the right way about stuff* (or, if you prefer, the *left* way). But this view, which leads to a rejection of all 'absolutist' positions, is itself an absolutist position, and results in an infinite regress.⁷

To take perhaps the most general conclusion with regard to human organization from the modern person's absolute nihilistic tolerance, many people insist that a society isn't just unless its citizens have equal political influence in the form of *one person, one vote*. That way everyone's opinion has equal influence in the only court that really matters (pun intended): the material fact of human organization. This modern view, however, is typically expressed in slightly less modern terms. It is rarely explicitly suggested that our obligation to be empathetic & ensure that everyone has equal political influence is because of our *lack of ability to have knowledge* or even because of our *knowledge of our lack of ability to have knowledge*. Typically, there is a satisfaction that political equality is a requirement because of *rights* that we have *simply because we exist*, or because we are human.

That we actually have such rights is, of course, the view of *Classical Liberalism*, which still presents itself as an alternative to the aforementioned *Modern Nihilism* in the forms of *Conservatism* and *Libertarianism*. Classical Liberals say that we can have genuine knowledge of which kinds of human organization are preferable—knowledge that is prescriptive and not merely descriptive—and so the Classical Liberal doesn't end up in the modern predicament. But, the Classical Liberal mostly ends up with the same views as the

nihilist with regard to the master science—that everyone should have equal political influence—and so its language of 'rights' & much of its rationale is still frequently used by the modern view. In fact, the modern view is a development of the Classical Liberal view. At some level, it could be said that the views that the Modern Nihilist is satisfied to fanatically hold by opinion are generally the views of Classical Liberalism stripped of their specific rationale.⁸

But how do we choose between these two views? Is the triumph of the physical sciences sufficient justification for the modern predicament, or did we did we hastily throw the proverbial baby out with the bathwater? Presumably, each one thinks that the other is inaccurate with regard to social science. If Classical Liberalism is an adequate account of social reality, then maybe we can simply bundle it with the prevailing physical sciences. But, if it can be shown to *necessarily* lead to Modern Nihilism,⁹ then the two views are not really proper opponents. But, since Modern Nihilism follows Classical Liberalism, if it thinks Classical Liberalism is inaccurate then it would need to be shown that Classical Liberalism was itself a *necessary* development. Otherwise, the next candidate for being the proper opponent of Modern Nihilism is the predecessor of Classical Liberalism.

And so our present task is settled: Who will move on to the final round to compete with the reigning champion, Modern Nihilism? Classical Liberalism, or its predecessor, *Classical Philosophy*? The decisive question is, which one provides a superior description of reality? Since the physical sciences do not seem to be the decisive difference between the two views, we will defer the discussion of their compatibility with the prevailing physical sciences until the Final Round.

Classical Liberalism and the State of Nature

We must begin by establishing what we mean by *Classical Liberalism*. Instead of a comprehensive account, we will keep it simple and identify individual people & their ideas without which these philosophies could not be said to exist.¹⁰ Furthermore, since this is a writing about *philosophy*, and not *the history of philosophy*, we will not be shy about making additional points so as to make the best possible defense even if these points were not originally included historically.

The essential aspect of Classical Liberalism seems to be the *state of nature* theory. Although Thomas Hobbes was the first to have expounded it, it is John Locke's formulation that seems to be the version to which defenses seem more likely to refer.¹¹ We will identify three parts of his formulation.¹²

Locke says, “[t]o understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.” (2,4)

Also, “The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.” (2,6)

And finally, “that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation: for the law of nature would, as all other laws that concern men in this world 'be in vain, if there were no body that in the state of nature had a power to execute that law, and thereby preserve the innocent and restrain offenders.” (2,7)

So we now have the three parts of our *state of nature theory*: 1) men are “naturally in... a state of perfect freedom to order their actions”; 2) “The state of nature has a law of nature to govern it... [that] no one ought to harm another in his life, health, liberty, or possessions”; and 3) “the execution of the law of

nature... is put into every man's hands... to such a degree, as may hinder its violation.”

Our first task will be to attempt to make clear what Locke means by the *state men are naturally in*. The common understanding is that the *state of nature* is what exists *before* a state is established. Locke suggests this by his examples¹³, “the promises... between the two men on the desert island... or between a Swiss and an Indian, in the woods of America” (2, 14). Robert Nozick summarizes some implications of the view, saying that “[t]he fundamental question of political philosophy, one that precedes questions about how the state should be organized, is whether there should be any state at all.”¹⁴

Later, Locke describes what suffices as a departure from the *state of nature*. “[B]ecause no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto, punish the offences of all those of that society; there, and there only is political society, where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it.”¹⁵ (7, 87)

Of note here is the requirement that “every one of the members hath quitted this natural power [to 'punish offenses']”. Earlier, Locke had said, “I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases”—i.e., because people are biased in their own defense. There, he acknowledged “that civil government is the proper remedy for [these] inconveniencies of the state of nature” but that he “[desires] to know what kind of government that is, and how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to be judge in his own case.”¹⁶ (2, 13) He follows at our later section, saying, “the end of civil society, being to avoid, and remedy those inconveniencies of the state of nature, which necessarily follow from every man's being judge in his own case, by setting up a known authority, to which every one of that society may appeal upon any injury received, or controversy that may arise,” means that people without such an ability to appeal “are still in the state of nature,” (7, 90) i.e. that people without such an ability have to take matters into their own hands.

A final addition, Locke had said that man having “quitted his power to punish offences... he has given a right to the commonwealth to employ his force, for the execution of the judgments of the commonwealth, whenever he shall be called to it; which indeed are his own judgments, they being made by himself, or his representative.” (7, 88) This *representative* quality and the ability to appeal are the two main factors that we will identify in the construction of our *state of nature theory* which, in John Locke's words, make government “consistent with civil society” (7, 90) by being a “remedy for [those] inconveniencies of the state of nature.” (2, 13; 7, 90)

The Classical Response

Now that the exposition is complete, we can begin our *Classical* analysis. As with *Classical Liberalism*, instead of providing a comprehensive account, we will identify specific people and their ideas without which *Classical Philosophy* could not be said to exist. Socrates, his student Plato, and Plato's student Aristotle, seem to fit this requirement without much controversy.

We will begin our analysis of the *state of nature* with the first part of our model, that men are “naturally in... a state of perfect freedom to order their actions.” Here, as often, Classical analysis benefits from its use of Greek vocab: the same Greek word, *nomos*, means 'law' and 'convention'. These two concepts are never confused, but each will necessarily call the other to mind as they should. Plato picked Homer as the most important lawgiver over the literal lawgivers Solon & Lycurgus¹⁷—but was it *nomos* in the sense of 'law' or 'convention'? Surely it was both, since, to name a few examples, Homer's work accounted for much of Greek religion, and the deliberation of his characters

served as a model for Greek politics. There is even a section in *The Republic* where Socrates has to make the case that his lifestyle of philosophy is truly the most noble versus Homer's Achilles' lifestyle of pursuing glory through public life.¹⁸ Indeed, the attention that Plato gives to controlling poetry in his 'ideal city' seems quite strange to the modern reader that doesn't associate law and convention. There is, however, a fairly popular phrase in current use that reflects this exact idea: *politics is downstream from culture*.¹⁹ Merely from these considerations, it seems as though someone would have to grow up with no idols—or even no culture—in order to have anything resembling “perfect freedom.”

And so we see that the case of "a Swiss and an Indian, in the woods of [17th century] America" is not really a *state of nature* even if only because they are a *Swiss* and an *Indian*. Aristotle provides more details with his conception of man as the *political animal*: “A voice is a signifier of what is pleasant or painful, which is why it is also possessed by the other animals (for their nature goes this far: they not only perceive what is pleasant or painful but signify it to each other). But speech is for making clear what is beneficial or harmful, and hence also what is just or unjust. For it is peculiar to human beings, in comparison to the other animals, that they alone have perception of what is good or bad, just or unjust, and the rest.”²⁰ A detail that is lost with English translation is that the Greek word for 'speech' is *logos*, which, among other things, also means 'reason', depending on the context. This makes some sense to us since reason doesn't seem to consist in anything if not language that is used for speech. Considering the *political animal* and the more general conception of *nomos*, I summarize the Classical view thus: man is characterized by speech and a particular man cannot create his own first language.

Nozick had told us that “[t]he fundamental question of political philosophy, one that precedes questions about how the state should be organized, is whether there should be any state at all.” Strauss says about political philosophy, “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.”²¹ It is now clear that political philosophy does not begin considerations about the state.

One Classical Liberal response I've seen to this more general *politics* is from Montesquieu. Paul Rahe says of Classical Liberals, “[t]hey took their bearings not from man's capacity for public deliberation and cooperative action, but rather from his fear of death and aversion to pain. As a consequence, they considered the Greeks' set of preferences to be a travesty of common sense. No one stated this more clearly than Montesquieu. The Hellenes were guilty, he contends, of having 'confounded the power of the people with the liberty of the people.' Had they understood political freedom in light of its true purpose, they would have recognized that it is not first and foremost a sharing in power, but that it 'consists in security, or at least in the opinion that one has of one's security.' In Montesquieu's view, the Greeks placed far too much emphasis on public-spiritedness and rendered the citizens of their polities insecure by subjecting them to the purview of their fellows. 'Virtue itself has a need for limits,' he argues. True 'political liberty is to be found only in moderate governments.’”²²

First, I'll respond that Aristotle can easily be said and should be said to have made virtue essentially consist in moderation.²³ But more importantly, we are trying to discern which view is a more accurate reflection of reality. It is clear that the Liberal's natural man could only make arrangements for his self-preservation by means of what Aristotle calls *politics*, i.e. using his capacity for speech, or thought, to determine what constitutes a good life.

A reader that comes with some experience of these discussions might expect me to quibble with the Liberal's use of the word *nature* as a starting point for man. After all, *physis*, the Greek word for 'nature', necessarily refers to a generative element and therefore entails some sort of goal.²⁴ But such quibbling is not unambiguous here since the *state of nature* is only identified as a beginning

in order to serve as a goal for justice in society.

But just how opposed to Aristotle's *political animal* is Locke, really? Locke hedges: “[t]hough I have said... that all men by nature are equal, I cannot be supposed to understand all sorts of equality: age or virtue may give men a just precedency...” But he quickly insists that this wasn't a hedge at all: “and yet all this consists with the equality, which all men are in, in respect of jurisdiction or dominion one over another.” (6, 54) So, some men are superior because of their age or their virtue, but Locke insists that this has no implication for ruling. Yet surely, if there is such a thing as virtue²⁵, a man of superior virtue only lacks a claim to rule if he is in a society of similarly virtuous men, in which case he wouldn't be of superior virtue.²⁶

Locke has left himself vulnerable for a reason: he is preparing to discuss the inequality due to age.²⁷ Locke says, “[c]hildren, I confess, are not born in this full state of equality, though they are born to it. Their parents have a sort of rule and jurisdiction over them, when they come into the world, and for some time after; but it is but a temporary one. The bonds of this subjection are like the swaddling clothes they are wrapt up in, and supported by, in the weakness of their infancy: age and reason as they grow up, loosen them, till at length they drop quite off, and leave a man at his own free disposal.” (6, 55)

Elaborating, Locke asks of qualifying for natural law, “[i]s a man under the law of nature? What made him free of that law? what gave him a free disposing of his property, according to his own will, within the compass of that law? I answer, a state of maturity wherein he might be supposed capable to know that law, that so he might keep his actions within the bounds of it. When he has acquired that state, he is presumed to know how far that law is to be his guide, and how far he may make use of his freedom, and so comes to have it; till then, some body else must guide him, who is presumed to know how far the law allows a liberty. If such a state of reason, such an age of discretion made him free, the same shall make his son free too.” Then he asks of civil law, “[i]s a man under the law of England? What made him free of that law? that is, to have the liberty to dispose of his actions and possessions according to his own will, within the permission of that law? A capacity of knowing that law; which is supposed by that law, at the age of one and twenty years, and in some cases sooner. If this made the father free, it shall make the son free too. Till then we see the law allows the son to have no will, but he is to be guided by the will of his father or guardian, who is to understand for him.” (6, 59)

Of note here is that deserving the freedom that comes from man's natural equality doesn't merely require age, but requires either a “state of maturity” or a “capacity of knowing the law.” Man, then, is political, because “some body else must guide him, who is presumed to know how far the law allows a liberty”, that is, *he cannot acquire these things for himself*. Locke follows this to the obvious conclusion: “if, through defects that may happen out of the ordinary course of nature, any one comes not to such a degree of reason, wherein he might be supposed capable of knowing the law, and so living within the rules of it, he is never capable of being a free man, he is never let loose to the disposal of his own will (because he knows no bounds to it, has not understanding, its proper guide) but is continued under the tuition and government of others.” (6, 60) At this point, we must accept Aristotle's *proportional equality*, that “justice seems to be equality, and it is, but not for everyone, only *for equals*. Justice also seems to be inequality, since indeed it is, but not for everyone, only for *unequals*.”²⁸

Reflecting on our progress, the first part of the *state of nature* that we have been considering was that men are “naturally in... a state of perfect freedom to order their actions.” However, we have seen that man's freedom is limited by his culture, and that man can only be free if he develops his capacity for reason so as to learn how to live with freedom. We should accept both assertions on the basis of our experience with reality, and the latter we also discovered in Locke's own account of children. These additions have improved the theory, and we have

identified these additions as Aristotle's conception of man as the *political animal*.

Now let's consider what will become of the other parts of our *state of nature* theory. The second part was that "no one ought to harm another in his life, health, liberty, or possessions." This is nearly what is known as the *nonaggression axiom*, which is stated, "no one has the right to initiate aggression against the person or property of anyone else."²⁹ Note the key difference, that the former says "no one ought to *harm*..." and the latter says "no one has the right to *initiate aggression*." We will at least say what we can say firmly, that if someone holds either of these views based on individual 'rights' derived from the *state of nature* theory, they will need to find another basis since we have seen that it is right that the man of preeminent virtue rule.³⁰ As Strauss says, summing up the Classical view, "[w]hat is true of self-restraint, self-coercion, and power over one's self applies in principle to the restraint and coercion of others and to power over others. To take the extreme case, despotic rule is unjust only if it is applied to beings who can be ruled by persuasion or whose understanding is sufficient: Prospero's rule over Caliban is by nature just."³¹

The third part, however, seems to survive, even if its meaning is changed a little. It was that "the execution of the law of nature... is put into every man's hands... to such a degree, as may hinder its violation." We only have to stipulate that it is not really put into the hands of 'every man', but rather those of *every man that has knowledge of human virtue*.

Why then, did Philosophy regress?

Now that we have put the *state of nature* in a firmer place and see that it is an inferior description of reality compared to man as the *political animal*,³² maybe we can discern some reasons for the regression. It is instructive to consider that Classical Liberalism can be said to follow the development of Capitalism, about which, although it consisted in many factors, we will be satisfied to name just one gigantic factor.³³ The colonization of the Americas in the 16th century mobilized massive amounts of capital and brought property to the forefront of political thought. As Karl Marx said, capitalism "has been the first to show what man's activity can bring about. It has accomplished wonders far surpassing Egyptian pyramids, Roman aqueducts, and Gothic cathedrals; it has conducted expeditions that put in the shade all former Exoduses of nations and crusades."³⁴

Fitting with his *state of nature*, Locke links human morality to a right to possess property: "Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his."³⁵ (5, 27) We have already seen several places where Locke asserts that someone possesses a right to something as though it is property,³⁶ and probably the most famous example of such language is the second sentence of the *Declaration of Independence*, "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."

But this new form of speaking is only that. If it contributes any new meaning that isn't expressed by simply saying that some circumstance is right or wrong then that new meaning is positioning right as a general rule that is owned by the individual. There is no particular example of someone possessing a right that couldn't be described in the more general way that *it is right that this or that happen*. A person has a right to not be coerced; it is right that a person not be coerced. A person has a right to the product of his labor; it is right that a person possess the product of his labor. A person has a right to health care; it is right that a person is provided with health care.

It should not be controversial that the more general conception is the superior description of reality. David Boaz admits that "rights pertain only to a certain domain of morality—a narrow domain in fact—not to all of morality. That doesn't mean that the idea of rights is invalid or incomplete *in the domain where*

it applies; it just means that most of the decisions we make every day involve choices that are broadly circumscribed by the obligation to respect each other's rights."³⁷ So, he expands morality beyond rights but then circumscribes it by "the obligation to respect each other's rights." Really, it is the other way around: *rights* are just a particular name for some of a particular society's general rules, and their application should be circumscribed by an analysis of what is simply right in a particular situation. A society has to behave as if its rules are legitimate. But, since what is right consists in the particular situation, sometimes it will be wrong to enforce or respect someone's 'rights' even if doing so is necessary from society's perspective. Even if we have rights, a person shouldn't do something wrong just because he has a right to do it. Conversely, *a person shouldn't necessarily permit by inaction someone to do something wrong just because the actor has a right to do it*—whether a person should or shouldn't depends on the particular situation. These are distinctions for which, **as we'll see shortly from Strauss**, a legal expression cannot be made. The proper conclusion is that sometimes it is right when general rules are violated and, although regrettable, that the righteous perpetrator face society's penalty.³⁸

We don't even need an extreme example where society is in an existential crisis to see the superiority of the general conception of right. Consider adult children that won't have any contact with their parents.³⁹ The adult child is wrong in nearly every case, but a consistent Classical Liberal would set as **the most general moral judgment** the requirement that the parent has to respect his child's right to live however he wants so long as the child doesn't prevent anyone else from doing the same. Certainly, in a free society—and free society is desirable, although it requires virtue—people will be *able* to do things that are wrong. But it seems like a contempt for the meaning of words to say that someone has a *right* to do *wrong*.⁴⁰

What, then, can be said about right? Strauss summarizes Aristotle's view thus: "[w]hen speaking of natural right, Aristotle does not primarily think of any general propositions but rather of concrete decisions. All action is concerned with particular situations. Hence justice and natural right reside, as it were, in concrete decisions rather than in general rules. It is much easier to see clearly, in most cases, that this particular act of killing was just than to state clearly the difference between just killing as such and unjust killings as such. A law which solves justly a problem peculiar to a given country at a given time may be said to be just to a higher degree than any general rule of natural law which, because of its generality, may prevent a just decision in a given case. In every human conflict there exists the possibility of a just decision based on full considerations of all the circumstances, a decision demanded by the situation. Natural right consists of such decisions. Natural right thus understood is obviously mutable. Yet one can hardly deny that in all concrete decisions general principles are implied and presupposed."⁴¹

In fact, a system of *situational ethics* is required by Aristotle's aforementioned *proportional equality* that we had to accept because of Locke's requirement that free people have to be mature.⁴² There is a reason why such a system is tough at first for many modern people to digest: a considerable amount of discredit was brought upon situational ethics by Machiavelli. Strauss again: "[i]t is important that the difference between the Aristotelian view of natural right and Machiavellianism be clearly understood. Machiavelli denies natural right, because he takes his bearings by the extreme situations in which the demands of justice are reduced to the requirements of necessity, and not by the normal situations in which the demands of justice in the strict sense are the highest law. Furthermore, he does not have to overcome a reluctance as regards the deviations, and he is not concerned with the punctilious investigation of whether any particular deviation is really necessary or not. The true statesman in the Aristotelian sense, on the other hand, 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 and humanity itself. No legal expression of this difference can be found. Its political importance is

obvious.”⁴³

Conclusion

And so we have replaced the *state of nature* with the *political animal* and *rights* with *right* and *wrong*, which results in *situational ethics*. Is there another basis for someone to support the view that someone should be able to live however they want, so long as they allow other people to do the same?

David Boaz has an interesting section in his *Libertarianism: A Primer* called 'Do You Have to Believe in Natural Rights to Be a Libertarian?' He says, “some libertarians, especially economists, do not accept the theory of natural individual rights. Jeremy Bentham, a generally libertarian British philosopher of the early nineteenth century derided natural rights as 'nonsense on stilts.' Such modern economists as Ludwig von Mises, Milton Friedman, and Milton's son David Friedman reject natural rights and argue for libertarian policy conclusions on the basis of their beneficial consequences.”⁴⁴

First, we will note that Boaz never really grapples with the fact that *natural rights imply natural right*, i.e. natural morality—we saw that natural rights are just a particular way to phrase statements about society's general rules. So, the proper question is, 'Do You Have to Believe in *Natural Right* to Be a Libertarian?' Anyway, economics is the study of scarce resources which have alternative uses⁴⁵ and what these economists mean by beneficial is to use knowledge of economics to maximize productivity and therefore maximize standard of living. But the decisive question here is, why is raising the standard of living beneficial? It's either because improving man's condition is right by nature and is susceptible to being a fact, or it is right by convention, in which case it is limited to being just, like, someone's opinion, man. But if it is right by nature, then that entails a number of other abstract facts, such as that adult children should contact their parents, and that freedom consists in virtue. From my knowledge of these economists—whom I admire—I doubt that they would admit that such abstract things about living well could be facts. So, then, we are back where we began, with the modern social science that considers anything that isn't material to be, just, like, someone's opinion, man.⁴⁶

A few words are appropriate here about an issue into which we almost swerved earlier. If Classical Liberalism isn't really a satisfying description of reality, then what should we think about that greatest Classical Liberal accomplishment, the Founding of America? Quite a lot has been written on this subject.⁴⁷ First, we will say that if society requires general rules and what is right consists in the particular situation, then there are particular situations in which it is right to adopt general rules—i.e. the founding of a society. Strauss suggested an interpretation of Classical Philosophy, that “Civil society is incompatible with any immutable rules, however basic; for in certain conditions the disregard of these rules may be needed for the preservation of society; but, for pedagogic reasons, society must present as universally valid certain rules which are generally valid. Since the rules in question obtain normally, all social teachings proclaim these rules and not the rare exceptions. The effectiveness of the general rules depends on their being taught without qualifications, without ifs and buts. But the omission of the qualifications which makes the rules more effective, make them at the same time untrue.”⁴⁸

Philosophically, it should be noted that the Founders hadn't really abandoned the requirement that freedom consist in virtue. It is properly said that the phrase *pursuit of happiness* in the *Declaration of Independence* still referred to the conception of happiness as linked to virtue which originated in Classical Philosophy.⁴⁹ Also, the two main influences on the Founders, Locke and Montesquieu, still associated freedom with virtue.⁵⁰

But clearly, as we can see from its modern advocates Boaz, Nozick, Rothbard, and others, Classical Liberalism became something that split freedom from virtue—that conceived of freedom as *license*. Or at least, virtue has been reduced to doing whatever you want so long as you don't interfere with anyone else's ability

to do the same. An adult child that avoids his parents is only wrong to do so in, like, someone's opinion, man. As we have seen, this view cannot be supported by the *state of nature* theory, but it does seem to find a home in the *modern nihilism* we observed at the outset, which requires a radical tolerance of all views because it asserts that there cannot be genuine knowledge about what constitutes living well.

We can conclude that Classical Liberalism came into the world in a state of conflict. On the one hand, it firmly established that a person has rights as a condition of his existence, and on the other it required that an individual have virtue in order to exercise that right. This was a ticking philosophical time bomb which ultimately led to the abandonment of the requirement for virtue, but in haste and without considering whether or not that was the appropriate part of Classical Liberalism to abandon. We must have that discussion, but it will be left for a later writing.

FOOTNOTES

1. Consider some examples from a single work by a very influential social scientist: Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, I. "I might add, whoever wants a sermon should go to a conventicle. The question of the relative value of the cultures which are compared here will not receive a single word. It is true that the path of human destiny cannot but appall him who surveys a section of it. But he will do well to keep his small personal commentaries to himself, as one does at the sight of the sea or of majestic mountains, unless he knows himself to be called and gifted to give them expression in artistic or prophetic form;" III. "In such a study, it may at once be definitely stated, no attempt is made to evaluate the ideas of the Reformation in any sense, whether it concern their social or their religious worth. . . we are merely attempting to clarify the part which religious forces have played in forming the developing web of our specifically worldly modern culture, in the complex interaction of innumerable different historical factors;" IV.n85 "I should regret it if any evaluation of one or the other form of religion should be read into this discussion. We are not concerned with that here. It is only a question of the influence of certain things which, from a purely religious point of view, are perhaps incidental, but important for practical conduct." Consider also, https://en.wikipedia.org/wiki/Fact-value_distinction

References to people by pronouns will, when appropriate, default to male (such as *he*, *his*, and in this case, *just, like someone's opinion, man*). This is for convenience, and is not meant to exclude referring to women.

2. This kind of *nihilism* is essentially what separates the the modern philosophy that followed Nietzsche from the modern philosophy that came from the Renaissance (i.e. *Classical Liberalism*). Accordingly, we will sometimes refer to the former philosophy as *Modern Nihilism*. But it should be noted that this view is not exclusively modern. At *Sophist*, 246A, Plato describes this debate as a Battle of Gods and Giants—the gods being people that believe that nonmaterial things can exist (and that there can be genuine knowledge of them), and the Giants that only matter can exist. Plato says, "On this issue an interminable battle is always going on between the two camps" (translated by Francis Cornford).

3. It will be objected that politics follows the organization of a state and that therefore politics plays no role in the *state of nature*. But, it will be seen that a major point of this writing is that politics is properly understood more generally.

4. Aristotle, *Nicomachean Ethics*, 1094a25; Aristotle went further than modern social science and concluded, "[t]hus it follows that the end of politics is the good for man." All quotes from the *Nicomachean Ethics* are from the Martin Ostwald translation.

5. An interesting question is, what *really* distinguishes this predicament from religion? We will save that question, though, for another writing.

6. Leo Strauss, 'Natural Right and History,' Introduction, p5

7. Strauss continues: "But this leads to the admission of a rational or natural right of every preference that is tolerant of other preferences or, negatively expressed, of a rational or natural right to reject or condemn all intolerant or all 'absolutist' positions. The latter must be condemned because they are based on a demonstrably false premise, namely, that men can know what is good." In other words, the statement is an infinite regress because it reduces to 'all views are equal because we cannot have knowledge about what is right, except for this statement, and that statement, and that statement, and so on, for infinity.' For more on infinite regress, cf Aristotle, *Metaphysics* II.2

8. Here, of course, the major exception is the Classical Liberal conception of the individual being linked to property rights.

9. By *necessarily*, it is meant that one ideology leads to the other as result of thinking through its philosophical consequences—not *necessarily* as a historical matter.

10. “[‘Primary being’] may mean whatever is intrinsic to primary beings... limiting them and marking them as a this-something, or whatever when destroyed destroys such a primary being,” Aristotle, *Metaphysics* 1017b15 (translated by Richard Hope).

11. For Hobbes & the *state of nature* see Leo Strauss *Natural Right & History* Chapter Va. Locke's formulation is defended, or at least departed from, in David Boaz *Libertarianism: A Primer*, Mark Levin *Ameritopia: The Unmaking of America*, Robert Nozick *Anarchy, the State, and Utopia* and Murray Rothbard *For a New Liberty: The Libertarian Manifesto*, which were among the works consulted for this writing.

12. All John Locke quotes will be taken from his *Second Treatise on Government*, and all spelling, grammar, etc that appears questionable is in the original.

13. Locke begins his examples with, “since all princes and rulers of independent governments all through the world, are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state.”

14. Robert Nozick, *Anarchy, the State, and Utopia*, 'Political Philosophy'

15. Note how similar this is to Nozick's minimal requirement for the State: “We may proceed, for our purposes, by saying that a necessary condition for the existence of a state is that it (some person or organization) announce that, to the best of its ability (taking into account costs of doing so, the feasibility, the more important alternative things it should be doing, and so forth), it will punish everyone whom it discovers to have used force without its express permission.” — Robert Nozick, *Anarchy, the State, and Utopia*, 'Is The Dominant Protective Association A State?'

16. Locke's point with his question is that a government that “remedies the inconveniencies” actually has to be an improvement on the *state of nature* and not merely any state whatsoever.

17. Plato, *Republic*, 606e. This circumstance is not unlike crediting the various influences on America's Founders—among whom John Locke is included—with their proper influence on the Founding.

18. Plato, *Republic*, 386a. Allan Bloom says, “[Socrates'] true intention comes to light in the seven quotations from Homer, concerning Hades, he cites at the beginning of this part of the discussion. All but the central one have to do more or less directly with Achilles; so indeed do most of the Homeric passages cited in what remains of the discussion of poetry. Socrates brings Achilles to the foreground in order to analyze his character and ultimately to do away with him as *the* model for the young. The figure of Achilles, more than any teaching or law, compels the souls of Greeks and all men who pursue glory. He is the hero of heroes, admired and imitated by all. And this is what Socrates wishes to combat; he teaches that if Achilles is the model, men will not pursue philosophy, that what he stands for is inimical to the founding of the best city and the practice of the best way of life. Socrates is engaging in a contest with Homer for the title of teacher of the Greeks—or of mankind.” (Bloom, *The Republic of Plato*, 'Interpretive Essay', 386a-392c)

19. This quote is variously attributed to either Andrew Breitbart or Timothy Goeglein.

20. Aristotle, *Politics* 1253a7. All quotes from Aristotle's *Politics* will come from the CDC Reeve translation.

21. Leo Strauss, *The City and Man* p13

22. Paul Rahe, *Republics Ancient & Modern* 1.i.3. *Hellas* has always been the name the Greeks have given to Greece (similar to *Duetschelnd* and Germany), and the people of Greece are the *Hellenes*. I have not found out where the word 'Greece' came from, but the country is still called 'Hellas' today.

23. In his *Nicomachean Ethics* (1104a12), Aristotle's first remark about his *situational ethics*, which we will discuss later, is this: “First of all, it must be observed that the nature of moral qualities is such that they are destroyed by defect and by excess.” That is, Aristotle makes moral qualities—and as is clear from other passages, excellence generally—consist in moderation. Plato is tougher to defend here, but it would merely require making the entirely plausible case for a moderate Plato as opposed to the craven utopian ideologue for which his *Republic* has made him known.

24. For the definition of *nature*, see Aristotle *Metaphysics* V.4

25. Locke has acknowledged the concept of *virtue* (Greek word: *arete*). We cannot really understand *virtue* without considering the Classical conception. Bloom says that *virtue* “is the translation used by Cicero and all other thinkers in the tradition of moral and political thought. It means, broadly stated, 'the specific excellence of a thing'... Contemporary usage has narrowed the sense of the word, but we still can grasp its broader meaning. If we fail to recognize that our understanding of virtue is different from the

classical view, we cannot become aware of the very great change in moral understanding that has occurred. The moral sense of virtue can only be developed in relation to its larger sense, and, thus, it is no accident that Socrates' first use of the word [in the *Republic*] is in relation to horses." (Allan Bloom, *The Republic of Plato*, I.n27)

26. From Aristotle, *Politics*, 1284a2, "[I]f there is one person or more than one (though not enough to make up a complete *polis*) who is so outstanding by reason of his superior virtue that neither the virtue nor the political power of all the others is commensurable with his (if there is only one) or theirs (if there are a number of them), then such men can no longer be regarded as part of the polis. For they would be treated unjustly if they were thought to merit equal shares, when they are so unequal in virtue and political power. For anyone of that sort would reasonably be regarded as a god among human beings. Hence it is clear that legislation too must be concerned with those who are equals both in birth and in power, and that for the other sort there is no law, since they themselves are law. For, indeed, anyone who attempted to legislate for them would be ridiculous, since they would presumably respond in the way Antisthenes tell us the lions did when the hares acted like popular leaders and demanded equality for everyone." The word *polis* has been left untranslated. For modern expressions consider the popular refrain in our time that 'there can't be democracy in the Middle East.'

27. That children should be ruled by their parents does not seem to be frequently discussed by defenders of something like our *state of nature* theory because it is treacherous for them. I only found Locke discuss it. Rothbard, in *For a New Liberty* chp. 7, does not discuss the subject of ruling children, but devotes considerable length to complaining that parents are required to have their children formally educated in modern society. The sinister motive he identifies is that the State wants to create Unity.

28. *Politics* 1280a10, emphasis in the translation. Consider also, *Nicomachean Ethics* 1131a21, about justice, "there will be the same equality between the persons and the shares: the ratio between the shares will be the same as that between the persons. If the persons are not equal, their shares will not be equal; but this is the source of quarrels and recriminations, when equals have and are awarded unequal shares or unequals equal shares. The truth of this is further illustrated by the principle 'To each according to his deserts.' Everyone agrees that in distributions the just share must be given on the basis of what one deserves, though not everyone would name the same criterion of deserving: democrats say it is free birth, oligarchs that it is wealth or noble birth, and aristocrats that it is excellence." Excellence is a translation of *arete*, the same Greek word that is translated as *virtue*, depending on the context.

29. David Boaz, *Libertarianism: A Primer* chp. 3 'The Nonaggression Axiom'. Murray Rothbard states it very similarly in *For a New Liberty*, "that no man or group of men may aggress against the person or property of anyone else."

30. The argument we used was that parents may coerce children, but since children do not merely have to advance in age in order to have the requisite knowledge for freedom, it follows that age is not really the decisive factor and that such an inequality entitles and obligates the superior person to rule. This conclusion could be avoided by denying that parents should rule their children, or by lowering the claim for rights below freedom (such as, that people shouldn't eat other people like animals).

31. Strauss *Natural Right and History*, p133; In Shakespeare's *The Tempest*, Prospero is a sort of philosopher king—i.e. a man of preeminent virtue—stranded on an island in the Atlantic Ocean where he rules Caliban, who is not political and has not developed the ability to deliberate about how to live life well.

32. Someone might quibble with some particular aspect of Aristotle's *political animal*, but when considering his view we are obligated to make the best case for it—not the specific case that he made. That is the difference between *philosophy & the history of philosophy*. Someone might point out that including Locke's analysis of raising children is contrary to making the best case for the *state of nature*, but a best case is not made by disregarding reality, especially essential aspects of every person's life like being raised from childhood. The only aspects of Aristotle's philosophy that are essential to the *political animal* that need to be questioned only really need to be questioned in a comparison with the post-Nietzsche kind of modern philosophy, and will be saved for a later writing.

33. Even though it was Classical Liberalism had a distinct economic bent and led to the establishment of economics as a particular study, Classical Philosophy was no slouch for economic insight. Consider from Thomas Sowell, *Basic Economics* 4th Edition p286 (emphasis in original), "This view that there is something special about labor as a source of output, and of the value of individual commodities, existed before Marx was born—and not only among radicals, but even among such orthodox economists as Adam Smith, the father of *laissez-faire* economics. The first sentence of Smith's 1776 classic *The Wealth of Nations* says: 'The annual labour of every nation is the fund which originally supplies it

with all the necessaries and conveniences of life which it annually consumes, and which consist always either in the immediate produce of that labour, or in what is purchased with that produce from other nations.'

By the late nineteenth century, however, economists had given up the notion that it is primarily labor which determines the value of goods, since capital, management and natural resources all contribute to output and must be paid for from the price of that output, if these inputs into the production process are to continue to be supplied. More fundamentally, labor, like all other sources of production costs, was no longer seen as a source of value. On the contrary, it was the value of the goods to the consumers which made it worthwhile to incur the costs required to produce those goods—provided that the consumer was willing to pay enough to cover those production costs.

This new understanding marked a revolution in the development of economics. It is also a sobering reminder of how long it can take for even highly intelligent people to get rid of a misconception whose fallacy then seems obvious in retrospect. It is not costs which create value; it is value which causes purchasers to be willing to pay for the costs incurred in the production of what they want. Where costs have been incurred in excess of what the consumers are willing to pay, the business simply loses money, because those costs do not create value, whether they are labor costs or other costs, and consumers will not pay enough for what they do not value enough to cover these costs."

Also, from Locke, "Nor is it so strange, as perhaps before consideration it may appear, that the property of labour should be able to over-balance the community of land: for it is labour indeed that puts the difference of value on every thing; and let any one consider what the difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley, and an acre of the same land lying in common, without any husbandry upon it, and he will find, that the improvement of labour makes the far greater part of the value. I think it will be but a very modest computation to say, that of the products of the earth useful to the life of man nine tenths are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several expences about them, what in them is purely owing to nature, and what to labour, we shall find, that in most of them ninety-nine hundredths are wholly to be put on the account of labour." (5, 40)

And finally, from Aristotle, *Nicomachean Ethics* 1164a22, "Which person should have the right of assessing the value of the benefit, the first giver or the first recipient? The latter, since the giver seems to be leaving it up to him. We are told that this is what Protagoras used to do: after every course he taught he would tell his student to estimate how much the knowledge gained was worth to him, and that was the amount he would take as his fee." Protagoras offers this account in Plato's *Protagoras* at 328b, but it is Aristotle that turns it into a general principle.

34. Karl Marx & Friedrich Engels, *The Communist Manifesto*

35. Peruvian economist Hernando de Soto seems to have made it much of his mission in life to convince people that although people can own property, property can only really be used efficiently as capital in a society where property ownership is thoroughly documented. In such a society, he says that "every parcel of land, every building, every piece of equipment, or store of inventories is represented in a property document that is the visible sign of a vast hidden process that connects all these assets to the rest of the economy. Thanks to this representational process, assets can lead an invisible, parallel life alongside their material existence. They can be used for credit." This fits well with man as the *political animal*, where we would say that although man doesn't need to live in a developed society to own property, his ownership of property is perfected along with the development of society.

36. For example, in order of appearance: "...every one has a right to punish the transgressors..." (2,7); "...he has given a right to the commonwealth to employ his force..." (7,90); "...every man has a property in his own person: this no body has any right to but himself." (5, 27)

37. David Boaz, *Libertarianism: A Primer*, p76-77; emphasis in the original

38. Of course, the classic example is the life of Socrates, who investigated the possibility of natural right and therefore necessarily scrutinized the rules of his society, Athens. Ultimately, he was charged with turning youths away from Athens, and in Plato's depiction of his trial in the *Apology*, Socrates concedes that philosophy does not obviously have a proper place in society. One of Socrates' great insights was that you couldn't really blame him or society.

39. For the last several decades, Dennis Prager has made it a personal mission to convince adults to keep in contact with their parents. He says, "[w]hile I can imagine situations in which there is a moral justification for cutting off all contact with a parent, those situations are rare. Beyond the parent who presents a physical threat to the child or who has a history — a real history, not a 'recovered memory' induced by a psychotherapist — of sexual molestation or serious physical abuse, it is very difficult to imagine a situation

in which never communicating with a parent is justifiable.”

http://www.jewishjournal.com/opinion/article/adults_who_do_not_speak_to_a_parent_20110719

40. This is a great example of the usefulness of the Greek's general conception of law and convention as *nomos*. No one would really suggest passing a law to require people to regularly contact their parents, and yet it should be generally agreed that contacting parents is the right thing to do, even in a supposed *state of nature*. For another example, consider the 1977 Nazi march in Skokie, Illinois—home of a number of Holocaust survivors. The Nazis were allowed to march because society requires general rules, but it was wrong that they did march and it was wrong that they were Nazis. The same can be said about the Westboro Baptist Church. But, the general rule that permits these wrongs—the freedom of speech in the First Amendment—is appropriate for a society that is not characterized by such wrongs.

41. Leo Strauss, *Natural Right and History* p159. Cf, Aristotle *Nicomachean Ethics* 1103b32, “That we must act according to right reason is generally conceded and may be assumed as the basis of our discussion... But let us first agree that any discussion on matters of action cannot be more than an outline and is bound to lack precision; for... one can demand of a discussion only what the subject matter permits, and there are no fixed data in matters concerning action and questions of what is beneficial, any more than there are for matters of health. And if this is true of our general discussion, our treatment of particular problems will be even less precise, since these do not come under the head of any art which can be transmitted by precept, but the agent must consider on each different occasion what the situation demands, just as in medicine and in navigation. But although such is the kind of discussion in which we are engaged, we must do our best.” Also, consider Edmund Burke, *Reflections on the Revolution in France*, referring to people in his time (1790) that opposed the Glorious Revolution of 1688 because William of Orange was not part of the hereditary blood line, “The gentlemen of the Society for Revolutions see nothing in that of 1688 but the deviation from the constitution; and they take the deviation from the principle for the principle. They have little regard to the obvious consequences of their doctrine, though they must see, that it leaves positive authority in very few of the positive institutions of this country.” Burke was a notable opponent of Locke.

42. Actually, Strauss cites Aristotle's *proportional equality* that we saw in n31 from his *Nicomachean Ethics* 1131a21 as an example in Aristotle's mind of a general principle that is implied by particular situations.

43. Leo Strauss *Natural Right and History*, p161-162

44. David Boaz *Libertarianism: A Primer*, p82

45. Thomas Sowell, *Basic Economics* 4th Edition p2; citing Lionel Robbins, p2

46. cf. n1

47. See Harry Jaffa, *A New Birth of Freedom*, Thomas G. West, *Vindicating the Founders*

48. Leo Strauss, *Natural Right and History*, p158

49. Consider from George Washington's *Inaugural Address*, “[T]here is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness.” For the Classical view of happiness as virtue, see Aristotle, *Nicomachean Ethics* I.7.

50. Earlier we saw Locke say that to benefit from Natural Law required “a state of maturity wherein he might be supposed capable to know that law, that so he might keep his actions within the bounds of it.” (6, 59) For Montesquieu, consider from his *Spirit of the Laws*, “in a popular state there must be an additional spring, which is VIRTUE. What I say is confirmed by the entire body of history and is quite in conformity with the nature of things. For it is clear that less virtue is needed in a monarchy, where the one who sees to the execution of the laws judges himself above the laws, than in a popular government, where the one who sees to the execution of the laws feels that he is subject to them himself and that he will bear their weight.” (1, 3, 3)