

Nature and Convention

Arthur Lovejoy quotes Friedrich Nicolai as saying: 'Der Begriff und das Wort "Natur" ist ein wahrer Scherwenzel'—the concept of 'nature' is the Jack of all trades of moral and political philosophy. This remark may serve as a warning against constructing yet another theory on this basis. However it is not a warning, but rather an invitation to take an interest in the very logic of this concept. My interest in and even fascination with this concept lies precisely in these questions: How is it that it can be played in almost any game as almost any card? How is it that it can be employed in almost any construction in almost any capacity? And how is it that, nevertheless, this concept retains its power and force and one can be sure that it will continue to do so? At present the notion enjoys great prestige; ironically, just at the time when so many moral theologians are dismantling their theories based on the concept of 'nature'. Its stakes are high not only among the environmentalists. The popular, widely but vaguely used notion of 'alienation' makes sense only if there is a real nature of man from which we are supposed to be alienated.

In this paper I shall first illustrate with a few brief examples the variety of uses this concept can and does have. My examples are very schematic, over-simplified references to otherwise complex theories, serving to illustrate not the theories but their varieties. Then I shall indicate that the confusing variety is not without rhyme or reason. For a fuller explanation of the logic of the term 'nature' and, incidentally, of many other terms, I shall have to explain my distinction between what I shall call an "insider's" and an "outsider's" vocabulary to describe various theories and practices. I shall end by saying a few words about the notion of 'progress'. This might sound unexpected, but the notion of 'progress' does tie up with what I shall try to say about the contrast between nature and convention.

We can base the necessity for social institutions on nature by claiming that without these institutions we would soon destroy each other,

for the state of nature is a war of all against all, and we know that this life is nasty, brutish and short. Alternatively, we may claim that in the state of nature we are nice, benevolent and social, that is, we are by nature social animals and consequently our social institutions are based on nature. It does matter, however, which argument is used, because the type, I almost said the nature, of the institutions that one or the other would justify will differ greatly. The first type can be used by the sovereign, not by the subjects, by pointing to the consequences of not accepting some sort of political institution. The second type of argument can be more readily used by the subjects when they think the sovereign is not creating or supporting institutions that they think follow from or are intended by our natural social condition.

There can be further variations on and combinations of these two simple patterns. For St. Augustine, for instance, there was no need for a political state in our natural condition before the Fall. There must be a state now because we are in a fallen condition, and if this is the reason for its existence, then its function is to keep us up to what we were supposed to be before or without the Fall. The state exists to enforce the Divine Laws. This is an interesting combination of the above two theories: our natural condition is not a war of all against all, yet the state does not grow out of our natural sociability; its existence is called for by a Hobbesian condition. In the thirteenth and fourteenth centuries the newly-revived Aristotelian theory of the state challenged this, again by reference to nature. We are political animals, this is our very nature, and consequently the state and political institutions exist by nature. But if the state exists by nature then it has its own good, its own end, and should not serve an end outside its own, so it should not be subordinated to the Church.

Rousseau comes to mind, along with Hobbes, when one talks of the state of nature. Rousseau did not so much reject the Hobbesian description of the war of all against all; rather he placed it in a stage already removed from our original condition. Only if we have property can we be envious, only if we live in society (i.e., in the present ill-constructed society, not in the one where the General Will is to rule) can we hate each other. None of the Hobbesian characteristics can exist in our natural, pre-social condition; they are the results of living in our badly conceived society. We should note the similarity between this and St. Augustine's view. The difference is that the present condition of mankind—which, according to both thinkers, is an aberration—

is not the result of original sin for Rousseau, but of our social arrangements.

According to Rousseau we still preserve our Original Virtue but we cannot exercise it because of the System. The remedy differs accordingly. If our present condition is caused by an estrangement from God, then only grace or an eschatological event can heal the wound. But if the system is to blame then we have to change the system. This is the logical force of Rousseau's adding an idyllic stage of mankind before the Hobbesian stage. Its force is this: if the Hobbesian stage *were* the natural state of mankind, then the Leviathan is here to stay. The way to shake off the permanency of the Leviathan is, obviously, to say that it is not a permanent but an artificial device. Of course this is Hobbes' view also. But unless we postulate a previous state of nature, Hobbes' artificial device is a permanent artificial device, following from the very nature of things. For St. Augustine and Rousseau it is an artificial device, not following from the nature of things but from an aberration. (We shall see presently that the vitality of the concept of 'nature' comes from its being contrasted with what, in contradistinction, is described as 'artificial,' or in similar terms like 'man-made,' thus providing a powerful conceptual weapon for those who want to argue against, knock, or eliminate whatever they so describe in contradistinction to 'nature.')

Marx, in this respect, is also similar to St. Augustine. The political state did not always exist. Note how even just to say this much already reduces the importance and prestige of political institutions—at least for the unreflective mind. The present condition of mankind is that of alienation and division and the political state is at best an arbitrator and at worst the upholder of the interests of one side of the divided society. History is the history of the transmutations of the divisions in society until the transcendence of our alienation, which is the regaining of our real nature. Once we have regained our real nature 'the state will wither away'.

'Nature' can be used in arguments smaller, much smaller, than these cosmic or quasi-cosmic grand arguments. In the state of nature some of us would envisage our existence there with garlands of flowers around our necks and heads. Not Tertullian. When Tertullian argued against the pagan practice of wearing crowns of flowers on the head during pagan festivities, he claimed that 'the argument for Christian observances becomes stronger when even Nature, which is the

first of all teaching, supports them'. Each of our senses has a natural object for enjoyment and there is no such *natural* pleasure as wearing flowers on our heads. 'With sight and smell, then, make use of flowers, for these are the senses by which they were meant to be enjoyed.... It is as much against nature to crave a flower with the head as to crave food with the ear or sound with the nostril. But everything which is against nature is deservedly known amongst all men as a monstrous thing'.¹ But, one might say, what an unnatural thing it is to smell flowers for enjoyment! Indeed, when St. Basil admonishes us not to read pagan literature for its enjoyment but for whatever value we can derive from it, he sets as an example to us the bees who are attracted by flowers for the honey and not for enjoyment.

In these and other contexts of moral and political arguments 'nature' is not a shorthand term for rivers, trees and birds. It belongs rather to the family of words like 'real,' 'authentic,' 'objective,' 'true,' 'genuine'. I do not mean that it is a synonym for any of these but that it behaves like them in two important respects. One is that we make a *claim* by using these terms; we are not merely describing but also prescribing by using these terms. Even, as we shall see, when this term is used to refer to some aspects of natural phenomena in the course of a moral or political argument, it refers to such phenomena as a recommendation, as a standard. This is much more the case when the term does not even refer to any natural phenomena but clearly sets up a standard.

The other respect in which 'nature' behaves like the terms mentioned above is that it lives on a contrast. The meaning of 'nature' can be understood only by completing the phrase 'as against...'. The sort of thing I have in mind is what J.L. Austin says about the logic of the word 'real'.² Sometimes 'real' means that the object in question is not a toy, at other times that it is not artificial; or it can qualify the size of an object, as for instance when a child wants a real bicycle. What complicates matters is that the term 'nature' can be contrasted not only with various different *concepts* like artificial, man-made, aberrant, alienated, contrived, and so on;³ we should also look out for the specific contrasts within each particular sense of the concept. There are many ways in which things can be contrived or artificial; there are many different ways in which people can be alienated within each of the different senses of alienation.

I would like to say that the term 'nature' has such a great variety of uses because all human institutions, and not only institutions but the whole political, moral, and cultural life we live in is man-made, and consequently all institutions and human practices are liable to be contrasted to 'nature'.

By saying that all institutions are man-made I am not saying anything more shocking than when we say that language or science is man-made. I resist the addition of the qualifier 'only' to 'man-made'. I am not saying 'only man-made'. One of the reasons why I resist the qualifier will be clear in a minute. To the other reason I shall return at the end of this paper. Now I just want to say that everything is liable to be contrasted to 'nature' at different times, and the time for the contrast comes when people, or some people, begin to question some of our institutions or practices. While an institution is in accord with our living moral beliefs, while a practice is part of our moral life, we not only do not question them; we hardly even notice them, they are so *natural*. Institutions and practices become visible in proportion to our lack of belief in and natural acceptance of them. Our living moral life is transparent; this, incidentally, is one of the reasons why moral science is a difficult art.

No English gentleman would think he is formal. This is a French gentleman's description of him. For the English gentleman, on the other hand, the life of the Frenchman is full of formalities. The lives of both are not only visible and noticeable to each other, but by being described as formal they are claimed to be man-made and artificial: *only* man-made compared to how one 'ought' to behave. And when the whole notion of a gentleman is questioned we do it by asking: 'When Adam delved and Eve span, who was then the gentleman?,' that is, by implying that being a gentleman was not provided, at the start, by nature.

Now there is a special vocabulary for describing other people's beliefs and practices that one does not believe in oneself or has ceased to believe in oneself. If we asked the elder of a tribe to tell us the fairy tales of the tribe he would happily oblige. If however we asked him to tell us their myths he would say that they have not got any. This is not because he wants to keep them secret but because if he described what they had as 'myths' he would not have them any more except as stories he no longer believes in. Other tribes do have myths. Had he not

described them as myths he would accept them as a valid account of the world. He would not describe any part of their living practices as magic either, or as only symbolic. The title of Mary Douglas's book *Natural Symbols* is an understandable anomaly, if not a contradiction in terms. In the book she laments the disappearance of so many of our living practices and beliefs, if for no other reason than that our lives are impoverished by their loss. She wants to assert that some of the symbols we are losing are not merely, or not only, symbols, but by the time we come to describe them as symbols they can no longer be resuscitated by being described as 'natural'. Most of her examples are from the impoverishment of Catholic life during the last couple of decades. As she puts it: 'the liturgical signal boxes are manned by colour-blind men'. And one knows how some of the clergy describe the adherence of some of the laity to what they themselves believed in some twenty years ago as 'adherence to magic,' and one knows their preoccupation with their conviction that modern man cannot accept myth any more. I am not concerned with the rightness or wrongness of their belief but with the analysis of the situation. It is not modern man who cannot accept myth; no man believes in myths; not even primitive men believed in them by the time that they came to regard them as myths. By the time the clergyman describes his problem in these terms I think the problem he describes is his own and not that of modern man. For he, too, the modern man, does not exist except as a description in the world of those who describe their beliefs as myths.

'Only man-made' belongs to the family of words like 'myth' and 'magic' and other terms which are part of an outsider's vocabulary to describe other people's practices and beliefs. This is why in saying that all our institutions and practices are man-made I did not want to say that they are *only* man-made. If I used that qualification I would be operating within one of the theories I am trying to analyse.

The strength of the term 'nature'—and of the various constructions like 'by nature,' 'according to nature,' 'natural,' etc.—comes from our continuing need to recommend something natural in contradistinction to other man-made beliefs and practices. Sometimes we can refer by this term to some aspects of our physical or biological existence, but even in those cases we select those aspects and use them as standards. At other times we use the term 'nature' to refer to concepts far removed from our physical existence. These latter are the more standard cases in natural law theories. We define the nature of an

institution conceptually as when we define the nature of the political state, of a university, of marriage, or of a contract. I shall give two brief examples from the two ends of the scale, one from Antiphon, who is the only native Athenian sophist of any note, and the other from Marx, from his comments on the proposed Prussian divorce laws.

‘Justice, then,’ says Antiphon,

consists in not transgressing the laws and customs of the city of which one is a citizen. It follows that the way for a man to be just with most advantage to himself is for him to respect the laws when in the presence of witnesses, but when he is alone and unwitnessed to respect the commands of nature. What the laws command is an extraneous imposition; what nature commands is a constraint that is part of our very being. The law is an artificial convention, not a natural growth; but nature is natural, not conventional. If, then, you transgress the laws, you are free from shame and from penalty—provided that those who participate in the convention do not know, but not otherwise; whereas if you seek to repress, beyond the bounds of possibility, what inheres in your nature, the resulting damage to you cannot be any the less for being kept private, nor any the greater for being made public because the damage is caused not by what people think but by what actually happens.

The point to which these considerations are leading is this: that *many duties imposed by law are hostile to nature.*⁴

Here there is a clear reference to some of the physical aspects of our nature, but it is used as a recommendation, as a standard, in contradistinction to our man-made laws.

Eugene Kamenka, in his *Ethical Foundations of Marxism*, claims that it is hardly surprising that Marx should have begun his political activity by upholding natural law. It is not surprising because he moves in the Hegelian tradition where the nature of an institution is given by its concept and to appeal to a concept is to appeal to nature. As an example, this is what Marx comments on the proposed Prussian divorce laws:

The dissolution of a marriage is nothing but the declaration: this marriage is a *dead* marriage, whose existence is a snare and delusion. It is self-evident of course, that neither the capricious will of a legisla-

tor nor the capricious will of a private person, but only the *essence of the matter* can decide whether a marriage is dead or not, for it is well-known that a declaration of death depends on the facts of the case and not on the *wishes* of the parties concerned. But if in the case of physical death you demand precise and unmistakable proofs, must not the legislator lay down *moral death* only after the most incontestable symptoms?

There is reference here to physical nature, to physical death, but it is only an analogy, rather highlighting the fact that the nature Marx is talking about is not physical nature. In looking for the symptoms of a moral death the legislator has to look at the *concept* of marriage, in contradistinction to the man-made proposals of the new divorce laws which reflect only the wishes of the parties concerned.

Between these two extremes, somewhere along the line, is St. Paul who referred to our ordinary moral life when he referred to what he called 'natural law'. He used the term 'law' because in his conceptual world what regulated his people's behaviour was the Law. When he observed that people who did not have the Law also behaved, he described this by saying that they have 'another law,' and, in contradistinction to the positive Divine Law, he described this other law as natural law. Otherwise there is no reference to nature in this usage; he is far from making a recommendation like Antiphon. All the characteristics he gives of this natural law are the characteristics of our ordinary morality. It would be an *extra* additional claim to claim that this morality consists in some conformity with nature in some sense of 'nature'.

The distinction and contrast between nature and convention, between *phusis* and *nomos* is one of the oldest distinctions and contrasts ever made. In a different context I would argue that this distinction signified the very beginning of our philosophical speculations. As a technical term in pre-Socratic philosophy *phusis* meant the intrinsic and qualitative constitution of things, or what things really were or were made of. But things did not appear to be what these cosmologists claimed they were 'by their nature'. Thus, when the distinction was made between what they claimed to be the intrinsic qualities of matter and those which were perceived by us, the term 'nature' was used to designate the former. The interesting thing to note is that not only was the term 'nature' borrowed by moral and political philosophers to draw the sort of distinction we are discussing in this paper, but the contrast-

ing term of the moral philosopher, 'nomos,' was borrowed and used by the cosmologists to designate the subjective aspect of our experience. For instance Democritus says: '*Nomoi* things possess colour, *nomoi* they are sweet, *nomoi* they are bitter; but in reality there exist only atoms and the void'.⁵ These are interesting pointers to the origins of the notion that what is objective and true is provided by nature and what is subjective and erroneous is provided by human beings. Though I mentioned one of the earliest cases of the parallel distinction, by 'origin' I do not mean origin in time but a conceptual origin. For the parallel distinction in both natural philosophy and moral philosophy persists through the centuries and I need only to remind ourselves of its succinct expression in the eighteenth century by Hume:

So, when you pronounce an action or character to be vicious, you mean nothing, but that from the constitution of your nature you have a feeling or sentiment of blame from the contemplation of it. Vice and virtue, therefore, may be compared to sounds, colours, heat and cold, which, according to modern philosophy, are not qualities in objects, but perceptions in the mind: and this discovery in morals, like the other in physics, is regarded as a considerable advancement of the speculative sciences.⁶

This parallel is a very persuasive model. In fact Hume could not have read Democritus, at least not with this in mind, otherwise he would not have regarded his comparison as 'a considerable advancement of the speculative sciences'.

Is our language, then, permeated permanently with a distinction which is slanted against human achievement in spite of the fact that all our human life is a human achievement? Are we committed to describing only those aspects of our achievement that we suspect, question, or want to belittle or discard as human, and describing those aspects of it that we cherish, believe in, or are proud of by using some variant of the term 'nature'? Indeed, it seems that it is very difficult to praise and recommend anything by describing it as man-made as long as we use the conceptual framework of the nature-convention distinction. But do we need to be inside it? Here we should again recall the distinction between the insider's and the outsider's vocabulary. If I use the term 'man-made' inside the conceptual world of the nature-convention distinction then inevitably the qualifying 'only' will be at-

tached to or understood to be attached to the term 'man-made'. In order to be able to praise anything by saying that it is a human achievement, we have to go outside this conceptual framework to become non-believers in it, as it were. It is the notion of progress that provides that other conceptual framework which enables us to speak of human achievements with praise. This is how, surprisingly, the idea of progress is connected to the idea of nature in the complex logical tug-of-war of ideas.

The type of mini-argument presented by the question 'when Adam delved and Eve span, who was then the gentleman?' can only be answered by the type of claim made by Xenophanes: 'The gods did not reveal to men all things from the beginning, but men through their own search find in the course of time that which is better.' This remark of Xenophanes is often quoted as one of the very first expressions of the idea of progress. Since then the idea of progress has had a complex and chequered history, as complex, if not more complex, than that of the concept of nature. When, in conclusion, I want to put in a good word for progress I am far from giving a blank endorsement of the idea. I am following the intellectual pilgrimage of Robert Nisbet who was and still is one of the most acute critics of the idea of progress. Indeed, most of our woes are due to the triumphant progress of the idea of progress. But now when our civilisation is so much under attack by knockers and levellers who would present what is most primitive as not only equal to but better than our hard-won, fragile, man-made fruits of civilisation, one begins to value one aspect of the idea of progress, an aspect which reaffirms our respect for our past rather than our confidence in the future. When people are dismantling and throwing out treasures of our culture and giving no better reasons than that 'this was added only in the nineteenth century' and 'this was added only in the middle ages,' then one does want to reaffirm Xenophanes' claim.

I would like to end by quoting the last few paragraphs of Gertrude Himmelfarb's long review of Nisbet's *History of the Idea of Progress* in which Nisbet gave his guarded support to the idea.

It is not so much that Nisbet has changed his views as that history has given them an ironic twist. In *The Sociological Tradition* he explained how the ideals of the Enlightenment had become perverted, democracy issuing in a 'tyranny imposed by the mass,' liberty in a 'morbid

isolation' of the individual, reason in a 'rationalisation of spirit,' secularism in 'sterile disenchantment'. It was this perversion which Burke, Tocqueville, Burckhardt, Weber, Durkheim, and the others in the great tradition were responding to and which made them impatient with any theory of progress....

We are now witnessing one of those 'deep moral crises' that have periodically assailed us, only this time so deep that it may signal the end of Western civilisation. (As a small symptom of this, Nisbet cites the reversal of the role of the Western and non-Western worlds. Where once it was assumed that the West would serve as a model for the developing nations, ours being the condition toward which they were developing, we are being increasingly confronted with the claim that the Third World, with its peculiar, and peculiarly despotic, varieties of socialism, is the model for the future.) It is in this situation of 'disbelief, doubt, disillusionment, and despair' (one can go on with these negatives—a distrust of ourselves, a discontent with what we have achieved, a disrespect for our principles and institutions, a debasement of our culture) that Nisbet calls for a return to the idea of progress, perhaps not so much to signify our faith in the future as to reaffirm our faith in ourselves—which is to say, in our own past and present. Only by re-establishing the continuity can we prevent ourselves from being engulfed by a new 'wave of the future' that is not our future at all.⁷

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1. *De Corona*, 5.
2. Cf. his *Sense and Sensibilia* (Oxford: Clarendon Press, 1962), 70–73.
3. I cannot remember off-hand whether Arthur Lovejoy recorded over forty or over seventy different usages of ‘nature’ in his article “‘Nature’ as an Aesthetic Norm’.
4. *The Writings of the Young Marx*, ed. and tr. Loyd D. Easton and Kurt H. Guddat (New York: Doubleday Anchor, 1967), 141.
5. Diels, *Fragm.* 125.
6. *Treatise*, Book III, Pt. 1, Sec. 1.
7. *Commentary*, June, 1980.

12. Moses Hess, Marx and Money

1. Several years ago, after I translated Moses Hess’s essay *On the Essence of Money*, I asked Professor Peter Heath of the University of Virginia whether he would be kind enough to read it. The result of this request was such a drastic transformation of my text that had my original version still not weighed on his elegant style I would have liked to call this a joint translation.

While Peter Heath so improved on my English translation of a German text, my wife did her best to improve the English of my English discussion of Hess’s thought. Though she wished I would turn to saner subjects, she helped with more than style.

Professor Eugene Kamenka wrote copious helpful comments on an earlier version of this essay. Though he did not see this present completely rewritten text I would like to express my gratitude for his earlier comments as well as for his constant help whenever one turned to him.

Anyone who writes on Moses Hess cannot help but be indebted to Professor Silberner’s authoritative work on the life of Hess. I also relied on Professor John Weiss’ work, and of course on Professor Isaiah Berlin’s lively essay. Finally I would like to thank Robert Castiglione, who helped me to clarify so much while we were disentangling the complexities of Feuerbach.

2. ‘Über die Sozialistische Bewegung in Deutschland,’ *Neue Anekdoten*, Darmstadt, 1845, in *Moses Hess, Philosophische und Sozialistische Schriften*, ed. W. Mönke (Vaduz: Topos Verlag, 1980), 2nd ed., 293–94.