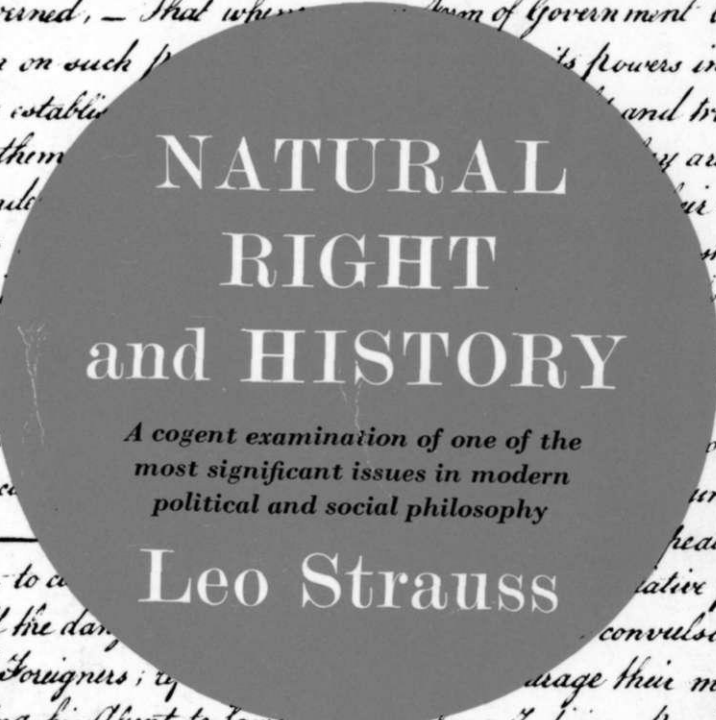


Unanimous Declaration

When in the course of human events, it becomes
 of the earth, the separate and equal station to which the Laws of Nature
 is which impel them to the separation. — We hold
 Rights, that among these are Life, Liberty and the pursuit of Happiness
 of the governed, — That whenever a new form of Government becomes
 foundation on such principles, its powers in such
 ments long established, and transitional
 to right them, they are accountable to them
 ce them under the same duties, and
 na of these are to restrain, and not to extend
 peated injuries and wrongs, which are not
 He has refused to assent to our petitions, and
 a, unless he should first acknowledge that
 accommodate our grievances. — He has refused
 He has refused to assent to our petitions, and
 aures. — He has refused to assent to our petitions,
 lutions, to call us to account, — He has refused
 posed to all the dangers of our invasions, and
 zation of Foreigners; — He has refused to assent
 by refusing his assent to Laws for punishing
 naries. — He has erected a multitude of New
 nding Armies without the Consent of our
 a jurisdiction foreign to our constitution,
 — For protecting them, by a mock Trial,
 of the world: — For imposing Taxes on us
 without our Consent: — For abolishing the
 free System of English Laws in a
 n-example and fit instrument for introducing
 the same absolute rule



NATURAL RIGHT and HISTORY

A cogent examination of one of the
 most significant issues in modern
 political and social philosophy

Leo Strauss

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Natural Right and History

CHARLES R. WALGREEN FOUNDATION LECTURES

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FOREWORD

FOR many years the political philosophy of responsible government has been a neglected field in American political science. Characteristic of this period was the complete rejection of natural law, the standard by which, traditionally, government relations were judged. Law and rights emanated from the states. Under democratic regimes it was held that majority will created law and granted rights. Beyond these, no restrictions of law could bind the sovereign state. In recent years that peculiar twentieth-century phenomenon—the totalitarian regime—revived among political philosophers the study of the traditionalist natural law doctrine, with its insistence upon limited state authority.

This work of Professor Strauss, based upon his Walgreen Foundation lectures, presents a keen analysis of the philosophy of natural right. It is a critique of certain modern political theories and an able presentation of basic principles of the traditionalist point of view.

JEROME KERWIN

Chairman of the Walgreen Foundation

PREFACE

THIS is an expanded version of six lectures which I delivered at the University of Chicago in October, 1949, under the auspices of the Charles R. Walgreen Foundation. In preparing the lectures for publication I have tried to preserve their original form as much as possible.

I am grateful to the Charles R. Walgreen Foundation and especially to its chairman, Professor Jerome G. Kerwin, for inducing me to present coherently my observations on the problem of natural right. I am also grateful to the Walgreen Foundation for generous clerical assistance.

Some sections of this study have been published previously, either in their present form or in a shorter version. Chapter i was published in the *Review of Politics*, October, 1950; chapter ii in *Measure*, spring, 1951; chapter iii in *Social Research*, March, 1952; chapter v(A) in *Revue internationale de philosophie*, October, 1950; chapter v(B) in the *Philosophical Review*, October, 1952.

I wish to thank the editor of the *Revue internationale de Philosophie* for his kind permission to reprint.

L. S.

CHICAGO, ILLINOIS
October 1952

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There were two men in one city; the one rich, and the other poor. The rich man had exceeding many flocks and herds: But the poor man had nothing, save one little ewe lamb, which he had bought and nourished up: and it grew up together with him, and with his children: it did eat of his own meat, and drank of his own cup, and lay in his bosom, and was unto him as a daughter. And there came a traveller unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the wayfaring man that was come unto him; but took the poor man's lamb, and dressed it for the man that was come to him.

Naboth the Jezreelite had a vineyard which was in Jezreel, hard by the palace of Ahab king of Samaria. And Ahab spake unto Naboth, saying, Give me thy vineyard, that I may have it for a garden of herbs, because it is near unto my house: and I will give thee for it a better vineyard than it; or, if it seem good to thee, I will give thee the worth of it in money. And Naboth said to Ahab, The Lord forbid it to me, that I should give the inheritance of my fathers unto thee.

IT IS proper for more reasons than the most obvious one that I should open this series of Charles R. Walgreen Lectures by quoting a passage from the Declaration of Independence. The passage has frequently been quoted, but, by its weight and its elevation, it is made immune to the degrading effects of the excessive familiarity which breeds contempt and of misuse which breeds disgust. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." The nation dedicated to this proposition has now become, no doubt partly as a consequence of this dedication, the most powerful and prosperous of the nations of the earth. Does this nation in its maturity still cherish the faith in which it was conceived and raised? Does it still hold those "truths to be self-evident"? About a generation ago, an American diplomat could still say that "the natural and the divine foundation of the rights of man . . . is self-evident to all Americans." At about the same time a German scholar could still describe the difference between German thought and that of Western Europe and the United States by saying that the West still attached decisive importance to natural right, while in Germany the very terms "natural right" and "humanity" "have now become almost incomprehensible . . . and have lost altogether their original life and color." While abandoning the idea of natural right and through abandoning it, he continued, German thought has 'created the historical sense,' and thus was led eventually

to unqualified relativism.¹ What was a tolerably accurate description of German thought twenty-seven years ago would now appear to be true of Western thought in general. It would not be the first time that a nation, defeated on the battlefield and, as it were, annihilated as a political being, has deprived its conquerors of the most sublime fruit of victory by imposing on them the yoke of its own thought. Whatever might be true of the thought of the American people, certainly American social science has adopted the very attitude toward natural right which, a generation ago, could still be described, with some plausibility, as characteristic of German thought. The majority among the learned who still adhere to the principles of the Declaration of Independence interpret these principles not as expressions of natural right but as an ideal, if not as an ideology or a myth. Present-day American social science, as far as it is not Roman Catholic social science, is dedicated to the proposition that all men are endowed by the evolutionary process or by a mysterious fate with many kinds of urges and aspirations, but certainly with no natural right.

Nevertheless, the need for natural right is as evident today as it has been for centuries and even millennia. To reject natural right is tantamount to saying that all right is positive right, and this means that what is right is determined exclusively by the legislators and the courts of the various countries. Now it is obviously meaningful, and sometimes even necessary, to speak of "unjust" laws or "unjust" decisions. In passing such judgments we imply that there is a standard of right and wrong independent of positive right and higher than positive right: a standard with reference to which we are able to judge of positive right. Many people today hold the view that the standard in question is in the best case nothing but the

1. "Ernst Troeltsch on Natural Law and Humanity," in Otto Gierke, *Natural Law and the Theory of Society*, translated with Introduction by Ernest Barker, I (Cambridge: At the University Press, 1934), 201-22.

ideal adopted by our society or our "civilization" and embodied in its way of life or its institutions. But, according to the same view, all societies have their ideals, cannibal societies no less than civilized ones. If principles are sufficiently justified by the fact that they are accepted by a society, the principles of cannibalism are as defensible or sound as those of civilized life. From this point of view, the former principles can certainly not be rejected as simply bad. And, since the ideal of our society is admittedly changing, nothing except dull and stale habit could prevent us from placidly accepting a change in the direction of cannibalism. If there is no standard higher than the ideal of our society, we are utterly unable to take a critical distance from that ideal. But the mere fact that we can raise the question of the worth of the ideal of our society shows that there is something in man that is not altogether in slavery to his society, and therefore that we are able, and hence obliged, to look for a standard with reference to which we can judge of the ideals of our own as well as of any other society. That standard cannot be found in the needs of the various societies, for the societies and their parts have many needs that conflict with one another: the problem of priorities arises. This problem cannot be solved in a rational manner if we do not have a standard with reference to which we can distinguish between genuine needs and fancied needs and discern the hierarchy of the various types of genuine needs. The problem posed by the conflicting needs of society cannot be solved if we do not possess knowledge of natural right.

It would seem, then, that the rejection of natural right is bound to lead to disastrous consequences. And it is obvious that consequences which are regarded as disastrous by many men and even by some of the most vocal opponents of natural right do follow from the contemporary rejection of natural right. Our social science may make us very wise or clever as

regards the means for any objectives we might choose. It admits being unable to help us in discriminating between legitimate and illegitimate, between just and unjust, objectives. Such a science is instrumental and nothing but instrumental: it is born to be the handmaid of any powers or any interests that be. What Machiavelli did apparently, our social science would actually do if it did not prefer—only God knows why—generous liberalism to consistency: namely, to give advice with equal competence and alacrity to tyrants as well as to free peoples.² According to our social science, we can be or become wise in all matters of secondary importance, but we have to be resigned to utter ignorance in the most important respect: we cannot have any knowledge regarding the ultimate principles of our choices, i.e., regarding their soundness or unsoundness; our ultimate principles have no other support than our arbitrary and hence blind preferences. We are then in the position of beings who are sane and sober when engaged in trivial business and who gamble like madmen when confronted with serious issues—retail sanity and wholesale madness. If our principles have no other support than our blind preferences, everything a man is willing to dare will be per-

2. "Vollends sinnlos ist die Behauptung, dass in der Despotie keine Rechtsordnung bestehe, sondern Willkür des Despoten herrsche . . . stellt doch auch der despotisch regierte Staat irgendeine Ordnung menschlichen Verhaltens dar. . . . Diese Ordnung ist eben die Rechtsordnung. Ihr den Charakter des Rechts abzusprechen, ist nur eine naturrechtliche Naivität oder Überhebung. . . . Was als Willkür gedeutet wird, ist nur die rechtliche Möglichkeit des Autokraten, jede Entscheidung an sich zu ziehen, die Tätigkeit der untergeordneten Organe bedingungslos zu bestimmen und einmal gesetzte Normen jederzeit mit allgemeiner oder nur besonderer Geltung aufzuheben oder abzuändern. Ein solcher Zustand ist ein Rechtszustand, auch wenn er als nachteilig empfunden wird. Doch hat er auch seine guten Seiten. Der im modernen Rechtsstaat gar nicht seltene Ruf nach Diktatur zeigt dies ganz deutlich" (Hans Kelsen, *Algemeine Staatslehre* [Berlin, 1925], pp. 335-36). Since Kelsen has not changed his attitude toward natural right, I cannot imagine why he has omitted this instructive passage from the English translation (*General Theory of Law and State* [Cambridge: Harvard University Press, 1949], p. 300).

missible. The contemporary rejection of natural right leads to nihilism—nay, it is identical with nihilism.

In spite of this, generous liberals view the abandonment of natural right not only with placidity but with relief. They 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. Only unlimited tolerance is in accordance with reason. 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. At the bottom of the passionate rejection of all "absolutes," we discern the recognition of a natural right or, more precisely, of that particular interpretation of natural right according to which the one thing needful is respect for diversity or individuality. But there is a tension between the respect for diversity or individuality and the recognition of natural right. When liberals became impatient of the absolute limits to diversity or individuality that are imposed even by the most liberal version of natural right, they had to make a choice between natural right and the uninhibited cultivation of individuality. They chose the latter. Once this step was taken, tolerance appeared as one value or ideal among many, and not intrinsically superior to its opposite. In other words, intolerance appeared as a value equal in dignity to tolerance. But it is practically impossible to leave it at the equality of all preferences or choices. If the unequal rank of choices cannot be traced to the unequal rank of their objectives, it must be traced to the unequal rank of the acts of choosing; and this means eventually that genuine choice, as distinguished from spurious or despicable choice, is

nothing but resolute or deadly serious decision. Such a decision, however, is akin to intolerance rather than to tolerance. Liberal relativism has its roots in the natural right tradition of tolerance or in the notion that everyone has a natural right to the pursuit of happiness as he understands happiness; but in itself it is a seminary of intolerance.

Once we realize that the principles of our actions have no other support than our blind choice, we really do not believe in them any more. We cannot wholeheartedly act upon them any more. We cannot live any more as responsible beings. In order to live, we have to silence the easily silenced voice of reason, which tells us that our principles are in themselves as good or as bad as any other principles. The more we cultivate reason, the more we cultivate nihilism: the less are we able to be loyal members of society. The inescapable practical consequence of nihilism is fanatical obscurantism.

The harsh experience of this consequence has led to a renewed general interest in natural right. But this very fact must make us particularly cautious. Indignation is a bad counselor. Our indignation proves at best that we are well meaning. It does not prove that we are right. Our aversion to fanatical obscurantism must not lead us to embrace natural right in a spirit of fanatical obscurantism. Let us beware of the danger of pursuing a Socratic goal with the means, and the temper, of Thrasymachus. Certainly, the seriousness of the need of natural right does not prove that the need can be satisfied. A wish is not a fact. Even by proving that a certain view is indispensable for living well, one proves merely that the view in question is a salutary myth: one does not prove it to be true. Utility and truth are two entirely different things. The fact that reason compels us to go beyond the ideal of our society does not yet guarantee that in taking this step we shall not be confronted with a void or with a multiplicity of incompatible and equally justifiable principles of "natural right." The grav-

ity of the issue imposes upon us the duty of a detached, theoretical, impartial discussion.

The problem of natural right is today a matter of recollection rather than of actual knowledge. We are therefore in need of historical studies in order to familiarize ourselves with the whole complexity of the issue. We have for some time to become students of what is called the "history of ideas." Contrary to a popular notion, this will aggravate rather than remove the difficulty of impartial treatment. To quote Lord Acton: "Few discoveries are more irritating than those which expose the pedigree of ideas. Sharp definitions and unsparing analysis would displace the veil beneath which society dissembles its divisions, would make political disputes too violent for compromise and political alliances too precarious for use, and would embitter politics with all the passions of social and religious strife." We can overcome this danger only by leaving the dimension in which politic restraint is the only protection against the hot and blind zeal of partisanship.

The issue of natural right presents itself today as a matter of party allegiance. Looking around us, we see two hostile camps, heavily fortified and strictly guarded. One is occupied by the liberals of various descriptions, the other by the Catholic and non-Catholic disciples of Thomas Aquinas. But both armies and, in addition, those who prefer to sit on the fences or hide their heads in the sand are, to heap metaphor on metaphor, in the same boat. They all are modern men. We all are in the grip of the same difficulty. Natural right in its classic form is connected with a teleological view of the universe. All natural beings have a natural end, a natural destiny, which determines what kind of operation is good for them. In the case of man, reason is required for discerning these operations: reason determines what is by nature right with ultimate regard to man's natural end. The teleological view of the universe, of which the teleological view of man forms a part, would seem

tice obtain at different times and in different nations. It is absurd to claim that the discovery of a still greater number of such notions by modern students has in any way affected the fundamental issue. Above all, knowledge of the indefinitely large variety of notions of right and wrong is so far from being incompatible with the idea of natural right that it is the essential condition for the emergence of that idea: realization of the variety of notions of right is *the* incentive for the quest for natural right. If the rejection of natural right in the name of history is to have any significance, it must have a basis other than historical evidence. Its basis must be a philosophic critique of the possibility, or of the knowability, of natural right—a critique somehow connected with "history."

The conclusion from the variety of notions of right to the nonexistence of natural right is as old as political philosophy itself. Political philosophy seems to begin with the contention that the variety of notions of right proves the nonexistence of natural right or the conventional character of all right.² We shall call this view "conventionalism." To clarify the meaning of the present-day rejection of natural right in the name of history, we must first grasp the specific difference between conventionalism, on the one hand, and "the historical sense" or "the historical consciousness" characteristic of nineteenth- and twentieth-century thought, on the other.³

2. Aristotle *Eth. Nic.* 1134^a24-27.

3. The legal positivism of the nineteenth and twentieth centuries cannot be simply identified with either conventionalism or historicism. It seems, however, that it derives its strength ultimately from the generally accepted historicist premise (see particularly Karl Bergbohm, *Jurisprudenz und Rechtsphilosophie*, I [Leipzig, 1892], 409 ff.). Bergbohm's strict argument against the possibility of natural right (as distinguished from the argument that is meant merely to show the disastrous consequences of natural right for the positive legal order) is based on "the undeniable truth that nothing eternal and absolute exists except the One Whom man cannot comprehend, but only divine in a spirit of faith" (p. 416 n.), that is, on the assumption that "the standards with reference to which we pass judgment on the historical, positive law . . . are themselves absolutely the progeny of their time and are always historical and relative" (p. 450 n.).

Conventionalism presupposed that the distinction between nature and convention is the most fundamental of all distinctions. It implied that nature is of incomparably higher dignity than convention or the fiat of society, or that nature is the norm. The thesis that right and justice are conventional meant that right and justice have no basis in nature, that they are ultimately against nature, and that they have their ground in arbitrary decisions, explicit or implicit, of communities: they have no basis but some kind of agreement, and agreement may produce peace but it cannot produce truth. The adherents of the modern historical view, on the other hand, reject as mythical the premise that nature is the norm; they reject the premise that nature is of higher dignity than any works of man. On the contrary, either they conceive of man and his works, his varying notions of justice included, as equally natural as all other real things, or else they assert a basic dualism between the realm of nature and the realm of freedom or history. In the latter case they imply that the world of man, of human creativity, is exalted far above nature. Accordingly, they do not conceive of the notions of right and wrong as fundamentally arbitrary. They try to discover their causes; they try to make intelligible their variety and sequence; in tracing them to acts of freedom, they insist on the fundamental difference between freedom and arbitrariness.

What is the significance of the difference between the old and the modern view? Conventionalism is a particular form of classical philosophy. There are obviously profound differences between conventionalism and the position taken by Plato, for example. But the classical opponents agree in regard to the most fundamental point: both admit that the distinction between nature and convention is fundamental. For this distinction is implied in the idea of philosophy. Philosophizing means to ascend from the cave to the light of the sun, that is, to the truth. The cave is the world of opinion as opposed to

knowledge. Opinion is essentially variable. Men cannot live, that is, they cannot live together, if opinions are not stabilized by social fiat. Opinion thus becomes authoritative opinion or public dogma or *Weltanschauung*. Philosophizing means, then, to ascend from public dogma to essentially private knowledge. The public dogma is originally an inadequate attempt to answer the question of the all-comprehensive truth or of the eternal order.⁴ Any inadequate view of the eternal order is, from the point of view of the eternal order, accidental or arbitrary; it owes its validity not to its intrinsic truth but to social fiat or convention. The fundamental premise of conventionalism is, then, nothing other than the idea of philosophy as the attempt to grasp the eternal. The modern opponents of natural right reject precisely this idea. According to them, all human thought is historical and hence unable ever to grasp anything eternal. Whereas, according to the ancients, philosophizing means to leave the cave, according to our contemporaries all philosophizing essentially belongs to a "historical world," "culture," "civilization," "*Weltanschauung*," that is, to what Plato had called the cave. We shall call this view "historicism."

We have noted before that the contemporary rejection of natural right in the name of history is based, not on historical evidence, but on a philosophic critique of the possibility or knowability of natural right. We note now that the philosophic critique in question is not particularly a critique of natural right or of moral principles in general. It is a critique of human thought as such. Nevertheless, the critique of natural right played an important role in the formation of historicism.

Historicism emerged in the nineteenth century under the protection of the belief that knowledge, or at least divination, of the eternal is possible. But it gradually undermined the belief which had sheltered it in its infancy. It suddenly appeared

4. Plato *Minos* 314^a10-315^a2.

within our lifetime in its mature form. The genesis of historicism is inadequately understood. In the present state of our knowledge, it is difficult to say at what point in the modern development the decisive break occurred with the "unhistorical" approach that prevailed in all earlier philosophy. For the purpose of a summary orientation it is convenient to start with the moment when the previously subterranean movement came to the surface and began to dominate the social sciences in broad daylight. That moment was the emergence of the historical school.

The thoughts that guided the historical school were very far from being of a purely theoretical character. The historical school emerged in reaction to the French Revolution and to the natural right doctrines that had prepared that cataclysm. In opposing the violent break with the past, the historical school insisted on the wisdom and on the need of preserving or continuing the traditional order. This could have been done without a critique of natural right as such. Certainly, pre-modern natural right did not sanction reckless appeal from the established order, or from what was actual here and now, to the natural or rational order. Yet the founders of the historical school seemed to have realized somehow that the acceptance of any universal or abstract principles has necessarily a revolutionary, disturbing, unsettling effect as far as thought is concerned and that this effect is wholly independent of whether the principles in question sanction, generally speaking, a conservative or a revolutionary course of action. For the recognition of universal principles forces man to judge the established order, or what is actual here and now, in the light of the natural or rational order; and what is actual here and now is more likely than not to fall short of the universal and unchangeable norm.⁵ The recognition of universal principles thus tends to

5. "• • . [les] imperfections [des États], s'ils en ont, comme la seule diversité, qui est entre eux suffit pour assurer que plusieurs en ont . . ." (Descartes, *Discours de la méthode*, Part II).

prevent men from wholeheartedly identifying themselves with, or accepting, the social order that fate has allotted to them. It tends to alienate them from their place on the earth. It tends to make them strangers, and even strangers on the earth.

By denying the significance, if not the existence, of universal norms, the eminent conservatives who founded the historical school were, in fact, continuing and even sharpening the revolutionary effort of their adversaries. That effort was inspired by a specific notion of the natural. It was directed against both the unnatural or conventional and the supernatural or otherworldly. The revolutionists assumed, we may say, that the natural is always individual and that therefore the uniform is unnatural or conventional. The human individual was to be liberated or to liberate himself so that he could pursue not just his happiness but his own version of happiness. This meant, however, that one universal and uniform goal was set up for all men: the natural right of each individual was a right uniformly belonging to every man as man. But uniformity was said to be unnatural and hence bad. It was evidently impossible to individualize rights in full accordance with the natural diversity of individuals. The only kinds of rights that were neither incompatible with social life nor uniform were "historical" rights: rights of Englishmen, for example, in contradistinction to the rights of man. Local and temporal variety seemed to supply a safe and solid middle ground between anti-social individualism and unnatural universality. The historical school did not discover the local and temporal variety of notions of justice: the obvious does not have to be discovered. The utmost one could say is that it discovered the value, the charm, the inwardness of the local and temporal or that it discovered the superiority of the local and temporal to the universal. It would be more cautious to say that, radicalizing the tendency of men like Rousseau, the historical school asserted

that the local and the temporal have a higher value than the universal. As a consequence, what claimed to be universal appeared eventually as derivative from something locally and temporally confined, as the local and temporal *in statu evanescenti*. The natural law teaching of the Stoics, for example, was likely to appear as a mere reflex of a particular temporal state of a particular local society—of the dissolution of the Greek city.

The effort of the revolutionists was directed against all otherworldliness⁶ or transcendence. Transcendence is not a preserve of revealed religion. In a very important sense it was implied in the original meaning of political philosophy as the quest for the natural or best political order. The best regime, as Plato and Aristotle understood it, is, and is meant to be, for the most part, different from what is actual here and now or beyond all actual orders. This view of the transcendence of the best political order was profoundly modified by the way in which "progress" was understood in the eighteenth century, but it was still preserved in that eighteenth-century notion. Otherwise, the theorists of the French Revolution could not have condemned all or almost all social orders which had ever been in existence. By denying the significance, if not the existence, of universal norms, the historical school destroyed the only solid basis of all efforts to transcend the actual. Historicism can therefore be described as a much more extreme form of modern this-worldliness than the French radicalism of the eighteenth century had been. It certainly acted as if it intended to make men absolutely at home in "this world."

6. As regards the tension between the concern with the history of the human race and the concern with life after death, see Kant's "Idea for a universal history with cosmopolitan intent," proposition 9 (*The Philosophy of Kant*, ed. C. J. Friedrich ["Modern Library"], p. 130). Consider also the thesis of Herder, whose influence on the historical thought of the nineteenth century is well known, that "the five acts are in this life" (see M. Mendelssohn, *Gesammelte Schriften, Jubiläums-Ausgabe*, III, 1, pp. xxx-xxxii.)

Since any universal principles make at least most men potentially homeless, it depreciated universal principles in favor of historical principles. It believed that, by understanding their past, their heritage, their historical situation, men could arrive at principles that would be as objective as those of the older, prehistoricist political philosophy had claimed to be and, in addition, would not be abstract or universal and hence harmful to wise action or to a truly human life, but concrete or particular—principles fitting the particular age or particular nation, principles relative to the particular age or particular nation.

In trying to discover standards which, while being objective, were relative to particular historical situations, the historical school assigned to historical studies a much greater importance than they had ever possessed. Its notion of what one could expect from historical studies was, however, not the outcome of historical studies but of assumptions that stemmed directly or indirectly from the natural right doctrine of the eighteenth century. The historical school assumed the existence of folk minds, that is, it assumed that nations or ethnic groups are natural units, or it assumed the existence of general laws of historical evolution, or it combined both assumptions. It soon appeared that there was a conflict between the assumptions that had given the decisive impetus to historical studies and the results, as well as the requirements, of genuine historical understanding. In the moment these assumptions were abandoned, the infancy of historicism came to its end.

Historicism now appeared as a particular form of positivism, that is, of the school which held that theology and metaphysics had been superseded once and for all by positive science or which identified genuine knowledge of reality with the knowledge supplied by the empirical sciences. Positivism proper had defined "empirical" in terms of the procedures of the natural sciences. But there was a glaring contrast between

the manner in which historical subjects were treated by positivism proper and the manner in which they were treated by the historians who really proceeded empirically. Precisely in the interests of empirical knowledge it became necessary to insist that the methods of natural science be not considered authoritative for historical studies. In addition, what "scientific" psychology and sociology had to say about man proved to be trivial and poor if compared with what could be learned from the great historians. Thus history was thought to supply the only empirical, and hence the only solid, knowledge of what is truly human, of man as man: of his greatness and misery. Since all human pursuits start from and return to man, the empirical study of humanity could seem to be justified in claiming a higher dignity than all other studies of reality. History—history divorced from all dubious or metaphysical assumptions—became the highest authority.

But history proved utterly unable to keep the promise that had been held out by the historical school. The historical school had succeeded in discrediting universal or abstract principles; it had thought that historical studies would reveal particular or concrete standards. Yet the unbiased historian had to confess his inability to derive any norms from history: no objective norms remained. The historical school had obscured the fact that particular or historical standards can become authoritative only on the basis of a universal principle which imposes an obligation on the individual to accept, or to bow to, the standards suggested by the tradition or the situation which has molded him. Yet no universal principle will ever sanction the acceptance of every historical standard or of every victorious cause: to conform with tradition or to jump on "the wave of the future" is not obviously better, and it is certainly not always better than to burn what one has worshiped or to resist the "trend of history." Thus all standards suggested by history as such proved to be fundamentally ambiguous and

therefore unfit to be considered standards. To the unbiased historian, "the historical process" revealed itself as the meaningless web spun by what men did, produced, and thought, no more than by unmitigated chance—a tale told by an idiot. The historical standards, the standards thrown up by this meaningless process, could no longer claim to be hallowed by sacred powers behind that process. The only standards that remained were of a purely subjective character, standards that had no other support than the free choice of the individual. No objective criterion henceforth allowed the distinction between good and bad choices. Historicism culminated in nihilism. The attempt to make man absolutely at home in this world ended in man's becoming absolutely homeless.

The view that "the historical process" is a meaningless web or that there is no such thing as the "historical process" was not novel. It was fundamentally the classical view. In spite of considerable opposition from different quarters, it was still powerful in the eighteenth century. The nihilistic consequence of historicism could have suggested a return to the older, pre-historicist view. But the manifest failure of the practical claim of historicism, that it could supply life with a better, a more solid, guidance than the prehistoricist thought of the past had done, did not destroy the prestige of the alleged theoretical insight due to historicism. The mood created by historicism and its practical failure was interpreted as the unheard-of experience of the true situation of man as man—of a situation which earlier man had concealed from himself by believing in universal and unchangeable principles. In opposition to the earlier view, the historicists continued to ascribe decisive importance to that view of man that arises out of historical studies, which as such are particularly and primarily concerned not with the permanent and universal but with the variable and unique. History as history seems to present to us the depressing spectacle of a disgraceful variety of thoughts and beliefs and, above

all, of the passing-away of every thought and belief ever held by men. It seems to show that all human thought is dependent on unique historical contexts that are preceded by more or less different contexts and that emerge out of their antecedents in a fundamentally unpredictable way: the foundations of human thought are laid by unpredictable experiences or decisions. Since all human thought belongs to specific historical situations, all human thought is bound to perish with the situation to which it belongs and to be superseded by new, unpredictable thoughts.

The historicist contention presents itself today as amply supported by historical evidence, or even as expressing an obvious fact. But if the fact is so obvious, it is hard to see how it could have escaped the notice of the most thoughtful men of the past. As regards the historical evidence, it is clearly insufficient to support the historicist contention. History teaches us that a given view has been abandoned in favor of another view by all men, or by all competent men, or perhaps only by the most vocal men; it does not teach us whether the change was sound or whether the rejected view deserved to be rejected. Only an impartial analysis of the view in question—an analysis that is not dazzled by the victory or stunned by the defeat of the adherents of the view concerned—could teach us anything regarding the worth of the view and hence regarding the meaning of the historical change. If the historicist contention is to have any solidity, it must be based not on history but on philosophy: on a philosophic analysis proving that all human thought depends ultimately on fickle and dark fate and not on evident principles accessible to man as man. The basic stratum of that philosophic analysis is a "critique of reason" that allegedly proves the impossibility of theoretical metaphysics and of philosophic ethics or natural right. Once all metaphysical and ethical views can be assumed to be, strictly speaking, untenable, that is, untenable as regards their claim

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