Natural Right and Political Philosophy
NATURAL RIGHT AND POLITICAL PHILOSOPHY

Essays in Honor of
Catherine Zuckert and Michael Zuckert

Edited by
ANN WARD AND LEE WARD

University of Notre Dame Press
Notre Dame, Indiana

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Acknowledgments

We would like to thank the contributors to this volume for their scholarly insights and professionalism and the enthusiasm they brought to this project. Their efforts made our task much more manageable than it might otherwise have been. The editorial and production team at the University of Notre Dame Press have been a joy to work with, and we are grateful for their unstinting support for this project from its inception.

We also would like to thank Campion College at the University of Regina for its continued support of our research, in particular, a grant from the Campion College President’s Fund, which helped toward the completion of this volume. And of course we thank Catherine Zuckert and Michael Zuckert for their friendship over many years. It goes without saying that without their inspiration this volume would not have been possible.
Introduction

Practically every student of political philosophy is familiar with Aristotle’s remark that philosophy begins in wonder. Rare, perhaps, is the great fortune of experiencing the principle of wonder embodied in the life and work of individuals. Catherine Zuckert and Michael Zuckert are two such individuals. This volume aspires to be a fitting tribute to these political philosophers who in deed and speech have inspired their many students, colleagues, friends, and admirers across a broad range of the American academy and beyond.

Catherine Zuckert and Michael Zuckert were undergraduates at Cornell University and graduate students at the University of Chicago. They bear the impress of legendary teachers and carry these examples into their own teaching careers at Carleton College, Fordham University, and the University of Notre Dame, where they have taught for the past decade and a half. In addition, the Zuckerts have been visiting professors and scholars at the University of Michigan, the University of Delaware, Bowling Green University, and the Liberty Fund. They have also been invited lecturers throughout North America, Europe, and Asia, bringing their wit and wisdom from Toledo to Tokyo.
To the Zuckerts’ record of inspirational teaching and speaking must be added their research achievements. Between them they have authored, coauthored, and edited more than a dozen books and an astonishing one hundred articles and book chapters. It is scarcely imaginable how with such a record of scholarly accomplishments the Zuckerts have also managed to remain active citizens of the profession, whether in a number of official capacities in the American Political Science Association and its various sections or serving on editorial boards, including Catherine Zuckert’s role as editor of the journal *Review of Politics*.

The Zuckerts have always tended to disdain the beaten path. Whether it is in their studies of politics and literature, American political thought and postmodern philosophy, or their introduction of political philosophy to wider audiences through adaptations for radio and television, the Zuckerts have always been the founders of new ways of thinking about old, still vital questions. However, what is important about the Zuckerts is not solely what they are doing and what they have done but also crucially who they are. Catherine Zuckert and Michael Zuckert are among the pioneering American academic couples. Among their teachers very few if any had spouses who were also academics. Today, as this volume attests, many of the Zuckerts’ students, friends, and colleagues are academic couples who have always seen in their example not only the fruitful blending of professional, personal, and philosophical commitments but also collaboration as a model of philosophic friendship—a way of life noble and good.

One of the animating principles of this volume is the notion that in order to honor the Zuckerts properly, we must also explore an idea. The idea of natural right or natural justice that exists independently of human convention is arguably the unifying thread that binds the diverse elements of the Zuckerts’ vast oeuvre. We do not presume here in this introduction to propose an authoritative definition of natural right. In this respect, the Zuckerts’ work speaks for itself, as does that of the contributors to this volume, each of whom in his or her chosen way addresses an aspect of natural right and natural rights. Investigating the complications and challenges to the concept of that which is right by nature, the chapters in the present volume bring to light themes such as the tension between natural right and divine command and the many controversies and debates surrounding natural right and the history of philosophy. For instance,
is natural right and what is best moral action, or is it philosophy? Is it natural law or natural rights, ancient or modern utopianism, democracy or something better, enlightened liberalism or non-Enlightenment liberation? As the contributions to this volume suggest, the Zuckerts’ body of innovative and diverse research, whether on Plato, Locke, Jefferson, or Strauss, has never been about following the intellectual fads and trends one sees so often in academic circles. Rather the Zuckerts’ career has been marked by the challenge to orthodoxy offered through respectful and engaging but also deeply penetrating scholarship of the highest order.

Catherine Zuckert has sought to rediscover natural right through a rediscovery of the classical political philosophy of Plato. She does so first through an examination of the rejection of natural right in her book *Postmodern Platos: Nietzsche, Heidegger, Gadamer, Strauss, Derrida* (1996). Zuckert calls these thinkers “Platos” because all return to Plato to recover the original character of philosophy, making their understanding of Plato central to their thought as a whole. These thinkers are “postmodern” because they all return to Plato in the conviction that modern rationalism, its promise and possibilities, has collapsed. Considering the meaning and significance of the claim made by Nietzsche and Heidegger that Platonic philosophy is no longer possible, Zuckert examines the responses of Gadamer, Strauss, and Derrida to this challenge in the different ways of reading texts that each develops: hermeneutics, secret teaching, and deconstruction.

Zuckert turns to the Platonic dialogues themselves to experience the rediscovery of classical natural right. In *Plato’s Philosophers: The Coherence of the Dialogues* (2009), Zuckert argues against reading the dialogues according to the now standard but highly problematic theory of “chronology of composition”—“early,” “middle,” and “late” dialogues based on the time Plato wrote them—in favor of the “dramatic” dating of the dialogues—using internal indications by Plato himself to discover when the conversations recorded actually took place. When read in the sequence Plato suggests by means of their dramatic dates, Zuckert, taking a comprehensive view of the dialogues as a whole, argues that the dialogues manifest an overarching narrative. The dialogues, in which Socrates is Plato’s most important philosopher, depict the problems that gave rise to Socratic philosophy. The most important problem of pre-Socratic
philosophy is its failure to give a “teleological” account of human nature, or to explain what the naturally best way of life for the human being is. The other philosophers Plato depicts—the Athenian Stranger, Parmenides, Timaeus, and the Eleatic Stranger—pose challenges to Socratic philosophy and, according to Zuckert, reveal its limits. One of its key limits is that Socrates, focusing on the human being in abstraction from its context within nonhuman nature, is unable to present a cosmology or an account of the intelligibility of nature as a whole. Socrates thus leaves an apparently unbridgeable gap between our understanding of human life and the nonhuman world. Despite dramatizing its limitations, Zuckert argues that Plato shows his own understanding to be that in the end there is no alternative preferable to Socratic philosophy.

Literature, for Zuckert, has also been an important source of reflection on natural right. In *Natural Right and the American Imagination: Political Philosophy in Novel Form* (1990), Zuckert argues that the major motif of the American novel—the hero’s withdrawal from civil society to live in nature and subsequent return to society—is a reflection on the “state of nature” and “social contract” philosophy on which America was explicitly founded. Presenting not only a fictional rebellion against established laws and customs, this motif also considers new grounds on which a just community may be established. Thus Zuckert argues that in mythologizing the rational principles of the American founding, American novelists also self-consciously reinterpret them.

In John Locke, Michael Zuckert finds perhaps the most seminal thinker of the modern period; the intellectual figure most responsible for shaping the way citizens of modern liberal democracies understand rights and constitutional government. In *Natural Rights and the New Republicanism* (1994), Zuckert locates Locke in the broader sweep of seventeenth-century English political thought. However, he presents a vision of Locke as a philosopher of the first order, who eludes the conventional interpretive categories established many years ago by the followers of C. B. MacPherson, Leo Strauss, or the Cambridge school led by Quentin Skinner. For Zuckert, reexamining Locke is not an exercise in ideological self-affirmation or a mere antiquarian curiosity but rather a reconsideration of what he calls “the phenomenology . . . of human rights claiming” (Zuckert 1994, 277). Zuckert’s Locke is a bold and original thinker who
anticipates much of later philosophy by positing the individual as a being capable of self-creation and of moral ownership of the rights he or she possesses. It is little wonder that Zuckert’s *Launching Liberalism* (2002) is at its core an extensive treatment of Locke and his enormous influence on modernity.

The second main element of Michael Zuckert’s intellectual project is his interpretation of the political thought of the American founding. As we see from Zuckert’s analysis in *The Natural Rights Republic* (1996), Lockean philosophy is the bedrock of the American natural republican. That is to say, for Zuckert the United States is a regime distinct from all that came before precisely because it is the first polity to self-consciously derive its fundamental principles from Locke. Whether it is the affirmation of human equality in the *Declaration of Independence*, Thomas Jefferson’s democratization of Lockean liberalism in a uniquely American political naturalism, or the “completion” of the Constitution of 1787 by the Civil War Amendments, Zuckert constantly seeks rich intellectual streams to explore the philosophical foundations of American democracy. As such, Zuckert’s work is simply required reading for all those who Alexander Hamilton identified in *Federalist #9* as “enlightened friends to liberty” (Hamilton 1961, 72); that is to say, all those supporters of liberal democracy who seek to better understand who we are, who we think we are, and who we wish to become.

Catherine Zuckert and Michael Zuckert have collaborated to show how students and admirers of Leo Strauss can be those enlightened supporters of liberty that Hamilton wished for. In *The Truth about Leo Strauss: Political Philosophy and American Democracy* (2006), Catherine and Michael seek to make sense of Strauss’s complex and often tension-ridden approach to America and liberal democracy. Exploring Strauss’s political thought, the Zuckerts explain how he held together his philosophic advocacy of a “return to the ancients” with his qualified political endorsement of modern liberal democracy.

The chapters in this volume are organized according to the four main themes of the Zuckerts’ scholarly writings: ancient political philosophy, early modern political theory, American political thought, and
politics and literature. In the first part, “Classical Natural Right,” there are five chapters. In chapter 1 Lorraine Smith Pangle addresses Socrates’ famous claim that knowledge is virtue by exploring the relationship between moderation and self-control in Xenophon’s *Memorabilia*. For Xenophon’s Socrates, mastery of the body is deeper and more fundamental than moderation, and thus it is self-control that is the basis of virtue and wisdom. Pangle, for this reason, argues that Xenophon’s account is superior to Aristotle’s in the *Nicomachean Ethics*. While self-control may be less important for more ordinary and less philosophic natures like Xenophon, it is the grounding of Socrates’ life. Ann Ward, in chapter 2, explores Socrates’ mediation of the claims of moral absolutism and moral skepticism in Plato’s *Euthyphro*. Through the action of the dialogue, Ward argues, Plato suggests that both certainty of moral knowledge and the embrace of moral ignorance can be damaging to human life. Socrates is seen pushing Euthyphro toward a middle position between these two conditions by pointing to the way in which divine things, such as the “idea” of the pious, reveal themselves to human beings. Socrates’ unique engagement with these moral positions reaffirms the value of the family in human life. Yet Socrates also suggests that pious love of the gods can be transcended by the philosophic quest for the ideas or nature of things.

In chapter 3 Kevin M. Cherry investigates Aristotle’s critique of Plato’s *Laws*, most notably for the understanding of philosophy and its place in political life that is revealed. Cherry argues that from Aristotle’s perspective the Athenian Stranger’s proposal for philosophic rule provides a cosmology that is an improper basis for political order. In contrast to the cosmology in the *Laws* that shows a disorderly universe precarious to human flourishing, Aristotle grounds his concept of the universe in an unmoved mover and his understanding of political philosophy in questions of what is just and equal in the *polis*. In chapter 4 Mary P. Nichols focuses on how the *Nicomachean Ethics* supports both Aristotle’s criticism of Plato and his own alternative approach to political life in the *Politics*. Nichols argues that Aristotle’s critique of Plato’s idea of the good in book 1 of the *Ethics* is in fact demanded by friendship, and by his understanding of the good life for human beings, including happiness and virtue. Turning to Aristotle’s *Politics*, Nichols shows how the *Ethics* is consistent with Aristotle’s political critique of the *Republic* as well as his own.
political thought. In reducing individuals to the class of which they are members, Plato denies human beings the diversity of goods for which they strive. Without the distinct contributions made by members of a community, there is no politics in Aristotle’s sense, where differences justify participation.

Mary Keys, in chapter 5, explores Augustine’s defense of the virtue of humility in books 1 through 5 of the *City of God*. Keys argues that Augustine’s defense of humility is not only a defense of Christianity and divine grace, but also of a new concept of natural right. Humility gladly acknowledges familial bonds, thus showing that humility has a foothold in human nature despite its fallen state. Augustine also critiques the natural wrongness of victory by aggression against peaceful neighbors in favor of the greater natural goodness of moderate political self-rule. Countering false divinization of self and society and so strengthening commitment to moderation and justice among human beings, humility, Keys concludes, is for Augustine what is right according to nature.

Part II, “Modern Natural Rights,” illustrates the development of modern political theory from the early modern period to the end of the twentieth century. In chapter 6 David Lewis Schaefer tackles the debate surrounding the moral theory in the apparently unsystematic work of the sixteenth-century French essayist Michel de Montaigne. For Schaefer, Montaigne represents a distinct break from the classical tradition and a lowering of the standards of moral responsibility in a manner much more akin to Machiavelli’s *Prince* than Aristotle’s morally serious individual. In Montaigne’s permissive approach to dealing with presumed vice Schaefer sees a version of humane and moderate government that would become a model for later Enlightenment philosophers.

In chapter 7 Lee Ward examines the classical question about the best regime as it is reworked in Spinoza’s famous treatment of the Hebrew Commonwealth in the Old Testament. Ward argues that Spinoza used his treatment of the Hebrew Commonwealth to illustrate the important differences between theocracy and democracy. Democracy, for Spinoza, is the most natural and hence best regime because it reflects a true understanding of humanity’s status in nature, whereas theocracy is the most narcissistic regime because it encourages a false idea about the moral significance of what is distinctly human in nature. In
particular Ward identifies the tension between the claims about divine and human origins of divine law as a permanent source of instability in the Hebrew polity and a cautionary tale for moderns about the perennial problem of theocracy.

In chapter 8 Vickie Sullivan argues that the revulsion from cruelty and arrogance, which we saw in Montaigne in chapter 6, assumes even greater significance in the later work of his compatriot Montesquieu. In particular Sullivan examines the importance Montesquieu places on the role of due process and rights of the accused. For Sullivan, not only does the treatment of criminal procedure in the *Spirit of the Laws* signify a crucial element in providing for the subjective feeling of security enjoyed by individuals in moderate regimes; it also represents an important aspect of Montesquieu's project to secularize political society. In chapter 9 Jeffrey Church offers an opportunity to reexamine the well-known Hegelian critique of Lockean natural rights theory. Contrary to the many critics of the Lockean “atomistic individual” inspired by Hegel, Church argues that in crucial respects Hegel was actually indebted to Locke, especially in terms of Hegel’s reliance on the Lockean idea of moral “personhood” and the central role of property in determining the features of civil society. However, where Locke and Hegel differ seriously, according to Church, is in their disagreement about the human good. For Hegel, the human good is not the contentless Lockean concept of happiness but rather the inescapably ethical and political nature of the self and civil society. As such, Hegelian political society includes but cannot be reduced to the protection of individual natural rights.

In the final chapter in Part II Walter Nicgorski returns to the question of the theologico-political problem. Nicgorski examines perhaps the most famous contemporary expounder of this problem, Leo Strauss. He concludes that Strauss saw openness to the challenge posed by theology as one of the preconditions of philosophy. In this respect, Nicgorski argues, Pope John Paul II was a good counterpart to Strauss. In the 1998 encyclical *Fides et Ratio* Nicgorski sees an argument for the fruitful relation between reason and faith establishing philosophy and theology as mutually supporting endeavors. Insofar as Strauss and John Paul II balanced the benefits of revelation's purifying critique of reason with reason's capacity to exalt the human person, then both figures, Nicgorski
suggests, can be seen as instrumental in renewing a form of Socratic rationalism in the wake of modernity’s demise into a postmodern future.

Part III examines various aspects of American political thought and practice. The contributors look at the first natural rights republic from a number of perspectives, including theoretical, historical, biographical, and institutional. In chapter 11 Peter Lawler looks back to the intellectual and theological roots of America by examining the relation between the Lockean and Christian features of American republicanism. He challenges the assumption that New England’s Puritan founders were in any sense hostile to liberty. However, he takes issue with Lockean liberalism in arguing that Michael Zuckert’s post-Christian Lockean individual represents an ultimately incoherent ground for personal identity. Lawler finds in the work of the novelist Marilynne Robinson an alternative to self-interested utility lying in Christian inspired love and meaningful service to others.

In chapter 12 Jean Yarbrough asks, Was Thomas Jefferson the first American Progressive? By locating Jefferson in the orbit of French enlightenment figures such as Turgot and Condorcet, Yarbrough highlights Jefferson’s great confidence in progress, especially in the redemptive power of education and his endorsement of the salutary effects of periodic, major political change and renewal. Yarbrough concludes by tracing the complex legacy of Jefferson for twentieth-century Progressives such as Herbert Croly and John Dewey, who sought to harness Jefferson’s democratic spirit while largely jettisoning his, in their view outdated, theory of natural rights. As such, Yarbrough doubts whether later Progressives can claim to be authentic heirs of Jefferson.

David Nichols turns our gaze away from the founding era luminary Jefferson toward the lesser known but highly influential Gouverneur Morris. In chapter 13 Nichols argues that this talented New Yorker has every claim to be called the “Father of the Constitution.” He identifies in Morris a robust defense of liberalism and the key role he played in shaping the language of the final draft of the Constitution of 1787. In particular, Nichols credits Morris with presenting the most sophisticated defense of an independent executive and with being the most committed nationalist at the Convention. With his emphasis on a strong national government, modern economy, the abolition of slavery, the rise of
political parties, and the central role of the presidency, Morris, Nichols finds, is not only a lost jewel among founding-era figures but also a foreshadowing of modern American life.

In chapter 14 David Alvis examines one of the institutions close to Morris’s heart, namely, the U.S. presidency. Alvis argues that contrary to first impressions, the adoption of the electoral college was not intended to be a check on democratic or majoritarian impulses. Rather, Alvis claims that careful analysis of the debate about the presidency at the 1787 Convention reveals that the framers viewed the electoral college as a way to protect the interests of smaller states while allowing for the benefits of popular election of the chief executive. Thus, rather than dilute democracy in the way Hamilton suggests in the Federalist Papers, Alvis argues, the Convention debates emphasized the role the electoral college would play in securing some kind of popular preference for successful presidential candidates.

The final two chapters in Part III continue the theme of statesmanship in American history by examining two different kinds of leaders. In chapter 15 Diana Schaub considers the African American civil rights leader Booker T. Washington’s reflections on the “Great Emancipator” Abraham Lincoln. In her detailed and careful treatment of the text and structure of several of Washington’s speeches, Schaub finds the use of Lincoln as a model of self-emancipation for African Americans and an inspiration for future reconciliation and even racial harmony in America. In chapter 16 Kirk Emmert examines Theodore Roosevelt’s political biographies of Oliver Cromwell, Thomas Hart Benton, and Gouverneur Morris. Emmert argues that Roosevelt conceived of his biographical writings as a form of political education, according to which Americans could learn to identify what kind of leaders they should seek and what qualities should be encouraged among a democratic citizenry in a natural rights republic.

Part IV is an exploration of topics in politics and literature. Arlene W. Saxonhouse, in chapter 17, examines the relationship between Aristophanes’ portrait of Euripides and the performance of Euripides’ tragedies. Saxonhouse shows the Aristophanic Euripides putting ordinary, common people onstage, thereby democratizing tragedy and turning the noble into the ignoble to undermine the hierarchies of ancient myth.
When we turn to Euripides’ plays themselves, we see that Euripides critiques democracy; democracy must articulate a difference between high and low to confront the passionate drive for power of the unworthy. Saxonhouse concludes that while Euripides endorses the democratic principle of equality, he also brings to light its complications.

In chapter 18 Timothy Spiekerman considers why Shakespeare in *Julius Caesar* wants to draw us into a conspiracy to save a republic that was supposedly doomed to fail. Spiekerman explores the possibility that Shakespeare did not in fact believe that the monarchy established by the Caesars was inevitable but was rather the result of crucial errors made by the conspirators against Julius Caesar, Brutus and Cassius. Their most important failure from Shakespeare’s perspective, Spiekerman contends, was a superstition arising from their guilty consciences. Shakespeare also implies that their fatalism resulted from their propensity to think too much, leading Spiekerman to conclude that Shakespeare saw a connection between philosophy and political weakness. In chapter 19 Thomas L. Pangle explores the mystery of the authorial voice and perspective of *Don Quixote*. According to Pangle, Cervantes suggests that he is an Averroist philosopher who proceeds without the light of faith, guided as he is by the natural light. As an Averroist he is interested in debunking the books of chivalry because they represent a Christian imperialism specifically and the militancy of “modern” religion more generally. The figure of Don Quixote himself, Pangle argues, embodies how the great monotheistic religions appear to a natural philosopher. Although not leading us to hate Quixote, Cervantes suggests two alternatives to his religious lunacy: romantic love or a synthesis of Quixote as courageous warrior with Sancho Panza as representative of legislative and judicial common sense.

Christine Dunn Henderson, in chapter 20, examines the place of what Alexis de Tocqueville would call mores and social convention in Edith Wharton’s *The Age of Innocence*. Convention, Henderson argues, is only one of three forces operating in the novel. Convention must be understood with two other themes—change and character—for it is the intersection of these three forces that drives the novel along. In chapter 21 Michael Davis suggests how we might begin to understand Tom Stoppard’s dramatic trilogy, *The Coast of Utopia*. Assuming that the trilogy is a powerfully antiutopian project, Davis asks why Stoppard shows great
affection for his utopian characters. Stoppard, Davis argues, believes that political utopians are noble spirits who long to usher in a settled world but a world in which ironically there is not a place for them. Nonetheless utopians cannot resist the attempt to establish an impossible world because we are most alive in the moment we anticipate a noble future. Stoppard’s affection, therefore, is affection for humanity the core of which is to dream or idealize. Davis concludes that Stoppard’s critique of utopianism rests on his belief that both politics and the eroticism of private life are grounded in what limits us owing to our nature as temporal creatures.

This volume represents our best efforts to provide a fitting tribute to Catherine Zuckert and Michael Zuckert. As editors, this volume is both a professional and a personal experience for us. We had the great fortune to be students of the Zuckerts, as well as students of other contributors to this volume, most significantly Mary Nichols, David Nichols, Michael Davis, and Thomas Pangle. The deep outpouring of respect and affection for the Zuckerts that we have witnessed since this project began has been truly moving. Several more volumes could have been filled with contributions from other students, colleagues, friends, and admirers of the Zuckerts, who wished to add their voices to this tribute. Sadly, it was impossible to include everyone. However, we hope that this offering exudes the generous spirit of the Zuckerts and their abiding confidence that we can know some important things about the most important questions.

REFERENCES