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COMMENT ON OPPENHEIM:

IN DEFENSE OF "THE NATURAL LAW THESIS"

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The core of Oppenheim's attack on what he calls the natural law thesis¹ is the contention that it rests upon an incorrect epistemology:

To subscribe to the natural law thesis is to adhere to the epistemological theory of value-cognitivism. Value-cognitivism claims that there exist intrinsic value-judgments which are cognitively true or false, regardless of the speaker's or listener's intrinsic value-commitments.

In contrast to this view is the epistemological theory of value non-cognitivism, which tells us that

Value-words do not designate objects, and it is misleading to use nouns such as "Justice" and "Goodness." . . . A value-expression in an intrinsic value-judgment refers to a relation which holds between an evaluating subject and some object or event or state of affairs which he values intrinsically, whether positively or negatively.

I take the foregoing to mean that, to predicate just or good of a law or of a man does not tell us anything about the law or man, but rather describes an attitude toward the law or man. Justice, as a noun, is misleading, because justice is not a "thing" or a "this"; it is not a substance but an attribute; not a real noun, but an hypostatized adjective, a quality of evaluating subjects, never of the objects of which the subjects themselves always predicate it. I think this last point particularly important, because grammatical forms are an important index to human consciousness of reality, and the grammar Oppenheim rejects is, so far as I am aware, universal. I doubt whether there are any developed languages in which "justice," "virtue," "nobility," etc., do not exist either as substantive nouns, or collective nouns referring to identical qualities distributed in particular objects. The human race, like M. Jourdain, has apparently been talking "the natural law thesis" all its life.²

¹ He treats with indifference the distinction between natural right and natural law. I do not think it is always necessary to draw this distinction, provided one is aware when it does, and when it does not, make an important difference to the subject under discussion. For example, Oppenheim has a section on "Natural Law Based on Divine Revelation." I think that analysis would have shown that this expression is self-contradictory: a law based on revelation is by definition divine law; and divine law, by definition, is a different kind of law from natural law. The fact that some who call themselves natural law teachers base their doctrine upon revelation may be convenient for Oppenheim's argument, but that is no reason for accepting their self-characterization at face value. On this question see ch. VIII, "Natural Right and Natural Law," in my *Thomism and Aristotelianism* (Chicago, 1952).

² Oppenheim's war upon the interlocking deceptions of conventional grammar and natural right theory begins, appropriately enough, with the Declaration of Independence. The statement that "All men are endowed with certain unalienable rights" is, according to him, grossly misleading, if it is held to mean the same kind of thing as "all men are endowed with two eyes," or "all persons in the United States are endowed with the right

The theory of value non-cognitivism is then extremely paradoxical, and would drastically revise our conceptions of reality. This of course is no objection to it, for to be a scientist means to submit one's conceptions to the test of reason. But I think we should approach the issue with an awareness that much is at stake; for to assert that, when we talk about intrinsic right and wrong, we are talking only about our own tastes, *de quibus non est disputandum*, is to remove justice itself from the jurisdiction of the court of reason. Let us then see whether the sanction of reason can be given to this abdication of reason.³

of free speech." "Surely," he says, "the framers . . . did not intend to make the obviously false assertion that all men do in fact have the same legal rights." Now I think it morally certain that the framers *did* intend to make the assertion, which is *not* obviously false, that all men do have some legal rights which are the same. These are their rights under natural law, not under positive law.

Let us examine some of these rights, held by the framers to be universal rights of man, to see whether their assertion is an obvious falsehood. We must first understand these rights as the framers understood them, not as Oppenheim understands them, if we are to judge of their truth or falsehood. I cannot here prove my interpretation to be that actually held by the framers, but the interpretation I offer will show that they *need* not have been either deceptive in their language, nor false in the inferences that they intended to be drawn from it. Let us assume that by the right to life and liberty, the framers meant the right of self-preservation, and all the means necessary thereto. Let us assume that they regarded self-preservation as a right, because they regarded it as the strongest human passion, and all other human passions, including the passion for truth, as weak and ineffective when opposed to it. Suppose that, for this reason, they regarded the true morality an enlightened self-preservation, and that they regarded all other moralities as false, because they were, inadvertently or otherwise, at war with human nature itself, which universally sought preservation above all else. To say that some men commit suicide is no more an objection to the empirical validity of the Declaration than to say that some men do not have two eyes is an objection to the second statement, or that some men are in jail is an objection to the third. The second statement *means*, that all men would have two eyes, if there were no damage to their natural physical development, and the former *means*, that all men would prefer self-preservation to any conflicting, alleged good, if they were not maimed in their intellectual development.

When the framers thought of some men as maimed in their intellects, they thought of the grounds alleged by divine right monarchy, and feudalism, as the basis for political obligation. These grounds they thought gross superstition, which no one with the knowledge of natural causes provided by modern science could believe in. The strength of the passion of self-preservation throughout all nature was a fact attested to by science. Hence governments constructed to satisfy this passion they thought in accordance with nature, and in this sense in accordance with natural right. It seems to me that one can argue against this view, by arguing against the analysis of the passions it presupposes, and the conception of man's relation to nature. But if the analysis and the conception are correct, the empirical validity of the statement follows.

* Oppenheim attempts to repudiate this characterization and insists that non-cognitivism does lead to what he calls rational choice; it is, however, confined exclusively to the choice of appropriate means. But I do not believe it is possible to deny rationality to the ends without denying it to the means as well. Our author himself places limits upon the choice of ends, in the name of rationality: "Someone who chooses incompatible goals in the mistaken belief that they can both be realized . . . makes an irrational decision. . . ." Why? If reason cannot help him choose between these goals, if it cannot point

All of us, at least prior to becoming value non-cognitivists, *believe* that when we call a man or law good or just, we distinguish something in the man or law, whatever that belief may in addition tell others about ourselves. We believe that our positive or negative evaluation is a consequence of our cognition of baseness or nobility, justice or injustice, in the man or law, and not the other way round. If this belief were unfounded and we were to abolish the "misleading nouns" from our vocabulary, we could then say only that we liked, or positively evaluated, or disliked and negatively evaluated the man or law. We could not say that the man or law expresses *my* idea of justice or nobility. For the expression "my idea of justice" only indicates how the idea of justice, which I regard as having an objective nature, appears subjectively to me. It would be like "my idea of Eisenhower," or "my idea of the American constitution." My ideas on these subjects may be grossly distorted, as indeed those of everyone in the world may be, but neither I nor anyone doubts, for this reason, that the things in question exist, or that there is an objective truth in regard to them. The *idea* of a just or noble man then implies the idea of justice or nobility, an idea which I implicitly grant to be the yardstick of *my* idea, the moment I use

to a compromise or synthesis which transcends them, perhaps the pain of relinquishing either of the goals would be greater than the satisfaction of gaining one without the other.

The categorical imperative of non-cognitivism is to act so "that the state of affairs you will help to bring about will be valued *by you* as the best of all possible worlds." I think this is a valid goal for all political and moral action, but I do not see how it can be realized on the value non-cognitivist's premises. Without an idea of human happiness which is conceived as having cognitive status, inter-subjective communicability, and hence universality, I believe there is no rational way of predicting what course of action might bring about such a desirable state of affairs. The value non-cognitivist, it seems to me, assumes that if I bring about the state of affairs that I *now* think would be best, I will bring about the one that I would *then* also think best. But this assumption is clearly erroneous. If there is any brute fact of human experience, it is that success, no less than failure, is a cause of men's changing their goals. This is a special case of the more general fact that men, no less than circumstances, are constantly changing. The goals of youth are not those of age, etc. The man who is to evaluate the results of his own actions is not the same man as he who initiated them. Non-cognitivism takes no account of the dynamic of human life.

Specifically, however, the comparative estimate of consequences, which non-cognitivism holds to be the peculiar province of rationality, is, apart from an objective idea of happiness, impossible, for it leads theoretically to an infinite regress. Consider: I might estimate that course of action A is desirable, because it leads to state of affairs A', which I now consider most desirable. However, the achievement of A' will cause me to value, not A', but B', and my present degree of dissatisfaction will be reduplicated. Unfortunately, I cannot solve this dilemma by choosing B, since not B but A leads to the preference for B'. And so forth. It is no answer to this to say that such examples are by no means necessary. Of course they are not. Neither are any other examples. But the possibilities are demonstrably unlimited, and this fact proves that predictability is a delusion. If there is no basis for predicting the degree of human satisfaction that will result from perfect rationality on non-cognitivist premises, there is no reason whatever for obeying the injunction, "Be rational." The only premise that makes the non-cognitivist's imperative intelligible is the proposition that non-cognitivism explicitly rejects: that there must be some grounds for continuing the same set of goals, the same state of character, through the shifting scenes of human life. But if such grounds exist, they must be susceptible of cognition.

such an expression. There is no way of letting the noun in, or the adjective which implies the noun, without the work of misleading being done. But positive or negative evaluations, in and of themselves, express nothing but what is agreeable or disagreeable to our passions. They tell us no more, perhaps even less, than do screams of pain or grunts of pleasure. They are no part of articulate language proper. What is purely subjective, as the value non-cognitivist tells us every intrinsic value judgment is, is incapable of communication.⁴

Let us see why this is so. Speech presupposes common experiences. If we speak of our feelings, it is because we believe that others feel what we feel. This conviction, we might observe, persists even after reflection teaches us that it can never be proved. We have no way of proving, of being certain beyond doubt that when we say "sweet" the word conveys the same thing to anyone else in the world. All we know is that most people act as if it does, and we think it most improbable that they would so act if they did not experience "sweet" as we do. The whole web of language is built upon this kind of assumption; and this, in itself is not normally held to detract from the cognitive status of the objects to which language refers.

The common experience presupposed by speech presupposes in its turn a world of objects common to the speakers. Accordingly, the inter-subjectivity of language presupposes the *objectivity* and *identity* of the communicating subjects. They must be objective, because there can be no communication without self-consciousness, and self-consciousness is consciousness of one's self as an object, because it is consciousness of one's self as an "other." They must be identical, in the sense that the cause of our access to the world of objects must be conceived as being the same, for the objects to be conceived as being the same. In explaining a novel experience to someone else, we assume that he can imagine it, and that he could, in principle, experience it as we do. To the extent that we do not regard this as possible, we do not believe communication is possible. We do not try to explain the colors of a sunset to a man blind from birth. And, it might be added, in a world of the blind a single man with vision could not believe in the reality of the visible world.

The theory of value non-cognitivism, as it seems to me, is nothing but a partial application of the age-old discovery that the world of objects presupposed by the world of language about objects, cannot be demonstrated to exist. To say this, of course, is to say nothing but that the condition of all demonstration cannot itself be a subject of demonstration. From the indemonstrability of such a world, skeptics have often proceeded to the denial of its real existence, or at least to the denial that we have knowledge of its existence. The curious thing about value non-cognitivism, as expressed by Oppenheim, is that its total skepticism concerning the objectivity of "values" is matched by an equally complete credulity concerning "facts." Non-cognitiv-

⁴ Oppenheim says that non-cognitivism "does not maintain that value-words, even in the intrinsic sense, are meaningless, but only that they have normative, evaluative, directive, rather than cognitive meaning." I will try to prove in what follows that they could not have the other meanings if they did not have cognitive meaning.

ism, he says, "does not doubt the objectivity of empirical knowledge." However, in what follows I shall show that there is no ground for such discrimination. What Oppenheim calls "intrinsic value-judgments" and what he calls "empirical knowledge" are both, in principle, cognitions of an objective reality, or neither are. The entire external world, the world external to our sensorium, and premised in the grammar which testifies to a common human consciousness of such an external world, must be assumed to be real or none of it must be. This does not, be it noted, mean that there is an objective reality to correspond to every noun, whether man, ghost, or angel. It means that, only insofar as one ascribes objective reality to the world in which these objects are supposed to exist, can one discuss the truth or falsity of sentences which use these nouns as if they did refer to something real. And, of course, these nouns, like hydra, satyr, or mermaid, must be compounded of qualities that are undeniably objective and real if they are to be communicated, even as fantasies.

First, let us remark that the objectivity of the external world cannot be demonstrated. Most of us, usually at an early age, have had the solipsist fantasy that nothing exists outside our individual consciousness (a fantasy readily communicated). Nevertheless we realized that, while unable to disprove such a possibility, we could only act *as if* it were not true. From time to time faint impulses of doubt return. Some, like Dr. Johnson, need only kick an occasional stone to set their doubts at rest. Others, like David Hume, erect whole philosophical systems that insist upon the fantastic nature of the allegedly "real" world, but promptly endow the fantasies with the metaphysical properties, if not the metaphysical status, of the banished reality. Hume even demonstrated that individual consciousness, solipsist or otherwise, was a pure, unsupported fiction, so that his friend Robertson was forced to wonder whether the *Treatise of Human Nature* was in fact written by one David Hume. The point about such skepticism, as it seems to me, is that (to use an unscientific expression) it doesn't get you anywhere. Physicists may debate the nature of the universe; they do not question whether it has objective existence. The three blind men each gave a different account of the elephant, depending upon whether he had hold of the trunk, the tail, or the ear. Yet each knew that he had hold of something, and would have been foolish to abandon this conviction as "pure subjectivism" because the others reacted differently to the same object. Clearly, it was possible, by sticking to the conviction that something real was at hand, for the blind men to frame an hypothesis to account for a single object possessing the differing qualities separately experienced by the separate men. Political scientists, if they are possessed of all their faculties, have even less reason than the blind men, to abandon the objectivity of justice, because they find contradictions in the differing accounts of it.

Let me now show why "intrinsic value judgments" and "empirical knowledge" are equally subjective and, for this reason, equally objective. Take any so-called statement of fact, e.g., "this is a chair." Such a statement obviously does not mean that "to be a chair" is the same thing as "to be this." Unless I knew "what it is to be a chair" before I saw "this" I could not recognize "this"

as a "chair." I could not derive my knowledge of "chair" from any particular chair, nor from the observation of any number of chairs, for in each case the identification of "this" would be based upon the prior intellectual cognition of "what it is to be a chair." Sensation, or a judgment of the mind utilizing only the data of the senses, is insufficient to make possible a judgment of fact. Empirical knowledge, properly so called, is a synthesis of sense data with definitions, universals, in terms of which the sense data are ordered. Where these universals come from, how they arise in us, and what their manner of existence may be, are also age-old questions, perhaps the most difficult ever conceived by the human mind. That they do not arise in us *without* sensation, does not mean that they arise *from* sensation, as Kant showed in his criticism of Hume. What is indisputable, I think, is that every noun, such as "chair," is entirely subjective, in that it is *a priori* with respect to the sense-data it orders, and pre-exists in the mind of the man making the judgment of fact before he makes it. Yet it is objective, insofar as it forms a predicate which is inter-subjectively communicable, and presupposes an order of things common to the speaker and his actual or potential addressees. If the reality denominated by this predicate were not conceived as objective, and the noun the reflection of that reality, its effect rather than its cause, then articulate speech would be mere solipsist fantasy.

We may go further. If I make the judgment, "this is a good chair," I do not thereby premise any reality different from that assumed to exist in my merely factual statement. I merely affirm that the object before me fulfills adequately or completely the requirements specified in my concept of a chair. If I find the chair wobbly, I may say that it is not a very good chair, indicating that the object does not live up to specifications, for wobbliness is excluded from the unqualified concept of chair. From this it will appear that the expression "chair," without qualification, means the same as "good" or "perfect" chair. This may appear paradoxical, but admits of a ready explanation. When we speak of a poor or defective chair, we are really speaking metaphorically, for the defective chair is not, in the strict sense, a chair. The unqualified term applies only to the perfect object. Consider for a moment an object possessed of all the attributes of "chairness": the perfect chair. Suppose that first one leg is damaged, then the damage is extended successively to other parts; it becomes more and more defective, until we can only say, "it was a chair." Finally it becomes a mere heap of broken lumber, unrecognizable as bearing more relation to a chair than to any other possible wooden object. When did it cease to be a chair? Only when it lost all traces of its original form? If it did not cease to be a chair in some measure when the first damage was done, it did not cease to be a chair when the last damage was done. What has ceased, in even the smallest measure, to be a chair is, to that extent, not a chair. But the concept chair, with which we discriminate, say, tables from chairs, has no deficiency in "chairness." The resemblance of the defective chair to a "true" chair enables us to call it a chair in virtue of this resemblance. But resemblance is not identity, and we are in fact employing analogy. It is because, in common parlance, we

frequently employ words in such a metaphorical sense, that we use "good chair" in contradistinction to "poor chair," although in the strictness of logic "good" adds nothing to "chair." I think this analysis is borne out by the fact that the unqualified substantive is frequently the most emphatic form of the superlative. "That is a chair," may convey the sense of "that is the best of all possible chairs" with greater emphasis than is possible in the latter version.⁵ We conclude then that a judgment of the "value" of a chair is a judgment that the object under consideration has more or less "chairness," and such a judgment of "value" is not different in kind from the judgment of "fact" that "this is a chair."

It may be objected that to talk about chairs in a discussion of natural right is irrelevant, because chairs are not natural, but artificial objects. The definition of chair, but not man, can be known independently of observation. We can imagine a chair for ourselves without ever seeing one, if only we conceive the purpose for which chairs are made. Or, if we do not have such a purpose ourselves, it can be communicated to us by someone else. The existence of actual chairs is verifiable empirically because, but only because, we have authoritative knowledge of the possible existence of such objects.

Now, in dealing with this objection, it is important to be clear as to what is, and what is not, in dispute. What is not in question is whether we have objective knowledge of "values" as well as facts." The subjectivity of the universal term, in virtue of which we judge of the existence of "man," "horse," "dog," "tree," or "stone," is neither greater nor less than it is in the case of "chair." Neither is the inter-subjectivity, and hence objectivity, of this universal term. Consequently no so-called judgment of value can be more nor less a cognitive judgment than any judgment of fact. Judgments of the excellence of objects may become moral judgments when the object under consideration is a man, since moral judgments are judgments of human excellence. But in the same way that we judged a chair to be good in virtue of the presence in the wooden object before us of "chairness," so we judge a man good in virtue of the presence of humanity in the living organism before us. The question then is whether we are to treat all our empirical knowledge of man, which must perforce include our knowledge of human qualities, not excepting moral qualities, as merely hypothetical, and in this sense arbitrary and subjective.

This question goes to the root of the issue raised by modern science and philosophy in its pristine form in the seventeenth century: whether we know only what we make, and whether knowledge of "nature" is not therefore essentially hypothetical, since it is essentially knowledge only of definitions which are constructs of our own mind. That is to say, is not every natural object, indeed is not every system of natural philosophy, essentially an artifact,

⁵ See Antony's speech over the body of the dead Brutus:

His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, "This was a man."

Julius Caesar, Act V, Scene v, 73-75.

quite as much as a chair? Is there any more intrinsic connection between the matter out of which "man," "horse," "dog," or "planet," are constituted, and the "being" or form of the objects answering to those definitions, than there is an intrinsic connection between the wood of the chair and the chair?

The typical answer by modern philosophy and science is that there is no such intrinsic connection. The ground for this negative is the famous division of qualities into primary and secondary. The primary qualities (*e.g.*, "mass" in the seventeenth century, "energy" in the twentieth) are conceived as the genuine reality, the secondary (the forms, colors, sights, sounds, of "our" world) as epiphenomena, the result in us of the impact upon us of the primary qualities, the "real" substances. A paradoxical curiosity about the relation of the primary and secondary qualities, is that the human mind has no direct access to what is regarded as "primary": we never see "mass" or "energy," which are abstractions depending upon a whole train of assumptions; what we see with our eyes are only the objects formed with the secondary qualities. We regard as less real the world to which we seem to have direct access than that to which we have access only by means of assumptions. Now there can be no doubt that the method of abstraction practiced by modern science has given us great power over nature: there is, perhaps, little reason to doubt that the atoms, to which we have access only *via* hypotheses, are as real as the lump of uranium ore in the prospector's hand.

But whether nature has in the course of the modern centuries become more intelligible, whether our progress in releasing the forces of nature has in fact been progress in comprehending her secrets, may well be doubted. It must certainly be doubted by anyone who regards the problem of human nature as not inferior in dignity to the problem of subhuman nature. For the problem of understanding human nature, the especial concern of political scientists, can never be solved by the method of modern science, insofar as that method conceives of man as an epiphenomenon, as a by-product of a more fundamental sub-human reality. While plants, and animals other than man, may without self-contradiction be conceived as forms which are epiphenomena of some more fundamental sub-human reality, man cannot be so conceived. Intelligence cannot be regarded as a by-product of unintelligence. The "what" of man, his self-consciousness, his awareness of himself as an "other," linked by the symbols of articulate speech to other selves, and linked not merely by these symbols, but by an intelligible reality of which the symbols are symbols, cannot be conceived as the effect of an unintelligent cause. For in that case man's intelligence would, like the secondary qualities, be regarded as an illusion, corresponding as it would to nothing in a reality outside man's brain. But the doctrine of an unintelligent primary reality, being itself a product of man's brain, would also have to be regarded as an illusion. The doctrine that man, the intelligent being, is "caused" by an unintelligent first principle, cannot then escape self-contradiction. Intelligence is an irreducible reality.

The doctrines of the dualism of mind and matter, man and nature, etc., which have characterized the modern struggling with this difficulty, are of

course not solutions, but only reformulations of the problem. The distinction between "facts" and "values," characteristic of present-day social science, is but another such dualism. Yet if intelligence is an irreducible "fact," then the various qualities, including justice, which are manifestations of man's intelligence are also facts. In answer to the problem posed above, we would have to say then, that however hypothetical, however arbitrary or subjective may be our knowledge of natural objects other than man, our knowledge of man himself cannot be so regarded. For if man himself is believed to be but a construct, a mere hypothesis, then we are reduced to the total skepticism mentioned above, a skepticism which does not help us correct erroneous conceptions of reality, but abandons all possibility of correcting such errors.

Oppenheim complains that adherents of what he calls natural law never go beyond mere assertion, when they say that something they regard as a matter of duty or obligation takes precedence over some conflicting duty or obligation asserted by someone else.

But the most important argument against ethical *a priorism* in its Platonic or Aristotelian variant can be put in the form of the rhetorical question: If A claims that he has "grasped as absolute and universal necessity" that tyrannical laws ought to be disobeyed and B retorts that the moral duty to obey all positive law is "grounded in the abstract-universal nature of things," by what objective, *i.e.* inter-subjective criteria shall one decide whose reason is pure and whose sense of right is wrong?

First, let us say that this question is indeed rhetorical, since no classical natural right doctrine would ever ground any rule of action in universal necessity. Aristotle said of the things just by nature, "all is changeable." All moral action, according to Aristotle, is in accordance with prudence. Prudence dictates that we always seek the greater good, or the lesser evil, in any given instance. There is no "abstract-universal" way of knowing that resistance to tyranny will be productive of more good than evil. It is obvious that no one can tell what action will be right without attention to the circumstances in which the action takes place. Oppenheim's rhetorical suggestion that natural right has no concern for the consequences of intended actions is grossly misleading. Natural right is concerned, rather, with a means of evaluating the results of proposed courses of action.

Let us then ask a different kind of question. Ought we, in our political behavior, to "preserve, protect, and defend" any regime, without regard to whether it is tyrannical or non-tyrannical? Ought we not, apart from personal inclinations, tastes, or convenience, to avoid the one, and promote the other, as far as in us lies? Let us frame the case of a genuine, not rhetorical "conflict of values." Suppose we argue the case with an unreconstructed Nazi, who agrees with us that will and reason are two fundamental ingredients of humanity, but insists that will is paramount, and reason instrumental; that will dictates the goal and reason instructs the choice of paths to it; that reason is therefore valuable as a means to the strengthening of our will-power, and that the expression of will-power, above all by the subjection of others, is of the essence of man's humanity. In war, the conflict of wills is at its most intense, and therefore it is

in war, not in peace, that man's highest good is achievable. To this, let us counter what I think would be the credo of liberal-democracy. Not will, but reason, is the paramount factor in man's humanity. Not subjection of others, but understanding of ourselves and others, is the highest expression of this essence. War-like activities are not ends in themselves, but can be means to an end. The cultivation of reason needs both peace and freedom, and good men will fight for these conditions, when they cannot have them any other way. But no sane man, who could have peace and freedom without war, would go to war.

How can this contradiction of one position by another be resolved? Oppenheim, I think, would have to let the two assertions stand in conflict, since they rest on conflicting "value" judgments. But I believe that the Nazi position can be shown ultimately to contradict, not only what the liberal-democrat says, but what the Nazi himself says. If the experience of man's humanity were fundamentally equivocal; that is, if what we meant when we said "man" were not really everywhere the same, this would not be so. Most people, however, do not say everything that is implied by the expression "man," and one man's partial understanding may very well contradict another man's partial understanding. A full understanding of the meaning of the human experience of man's humanity, the experience which underlies our perception of human beings, may not be available to confront every so-called "value judgment." Nevertheless, there is sound reason to hope that the full explication of the assumptions involved in one judgment of what a good man is, will lead to agreement with the fullest explication of the assumptions of every other such judgment. Let us turn to the case in hand.

The Nazi, I believe, if he were asked to say why subjecting others to his will was good, would answer that in this he found his greatest satisfaction. Yet in contemplating such satisfaction, he would realize (if he thought it through) that this satisfaction would be denied him, if he were master of the world, surrounded exclusively by slaves. It requires the testimony, not of slaves, but of other masters, to be convinced of one's mastery. And one must be convinced of one's mastery to receive satisfaction from it. He depends, at the least, upon the praise and fellowship of fellow master race members. But, by equal reason, the master race itself cannot know itself to be a master race in a world in which there are only slaves, and no enemies. Its sense of its own mastery is dependent upon the possibility of war. If then, through victory in war, a master race extinguished all actual or potential equals, all enemies, it would have to turn upon itself. The master-folk, having eliminated all enemies, would have to make enemies of friends, in order to achieve the good life. But, in making enemies of his friends, which his commitment to war logically entails, our Nazi would be destroying the basis for the satisfaction he now takes in contemplating victory in war. The Nazi would finally realize that he needs friends, not merely for the satisfaction that it gives him in purely self-regarding activities, but for their own sake. Life without friends cannot be consistently regarded as a good thing, and a person who regards war as better than peace cannot consistently act on his principle, without ultimately acting to destroy the basis of all friendship.

No one, it will be recalled, placed a higher value on comradeship than the Nazis, but although they may not have realized it, they acted (demonstrably, we think) to destroy the basis of all comradeship in the world, including their own. On the other hand, the cultivation of reason is consistent with friendship, not contingently, as a means to egotism, but essentially. We cannot cultivate reason without friends, and in doing so we act always to strengthen the bonds of friendship, never to destroy them.

Finally, a word about the theory of obligation in natural right doctrine. Why "ought" the Nazi to prefer liberal-democracy? Such an ought is *not*, I maintain, a command in the imperative mood proper. "Thou shalt" and "thou shalt not" belong to positive law, whether human or divine. The imperatives of natural right have the character of the "then" clause in an "if . . . then" proposition. "If you would be happy, then you must be virtuous." What frequently obscures the "if" clause is the fact that, as Aristotle showed in the first book of the *Nicomachean Ethics*, all men *do* desire happiness. Nevertheless, the command as such is hypothetical, not categorical. To conclude, I would say that Nazis ought not to be Nazis, because human well-being, including that of Nazis, would be something irrational, if it were what the Nazis say it is. The element of reason in man cannot be subordinated to the element of will, without subverting an order in the soul of man which all men, when they think clearly and consistently, recognize as the basis of their cognition of humanity. A man may reject the claims of reason upon him, but he cannot then, at the same time, in a manner consistent with the humanity still in him, call himself a good man.