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POLITICS, MORALS, NATURE AND CONVENTION

Aristotle says, near the beginning of his *Nicomachean Ethics*¹, that the subject-matter of political science, namely a certain excellence and justice in human action, is of such variety and inconstancy that it might seem to be the product of human convention (νόμος), and not part of the natural order of things (φύσις). A similar inconstancy, he adds, is characteristic of things which we hold to be good. (He now has in mind, evidently, commodities, or qualities of character, rather than actions). Wealth, for example, he remarks, has been the ruin of some people, bravery of others. His immediate point is that the variety and inconstancy of which he is speaking must be taken as a warning not to expect, in either political or moral science, too great certitude or precision: certainly not that degree of them which is characteristic, say, of mathematics. But the more interesting point, in a way, is the bearing which the variety and inconstancy mentioned may have on the subject-matter of the two studies, political and moral science. He indicates, explicitly for the first and implicitly for the second, that the comparative irregularity of the phenomena with which they are concerned is or may be a sign that we are dealing in them with purely human creations or contrivances, as contrasted with what «exists by nature» (φύσει). My object in the present paper is to take up and examine this contrast. (I shall make no attempt to trace Aristotle's own further treatment of it. I am simply taking what he says in the passage noted as representing an interesting theme for independent discussion).

What exists by nature —the idea would seem to be— is stable in a way in which social and individual norms, virtues and values —those which make up what may be loosely called the moral fabric of a society— are not. For example: if there are any triangles in nature then in each instance the sum of the three angles will be 180° on a plane. This is nature at its most stable. Natural triangles on a plane are bound to be triangles of a certain

1. I 3, 1094 b 14 sqq.



standard, so to speak: it is not just probable that they will be true to type. Water, left to itself, will run downhill. A disease, left to take its course, will kill or impair the organism or else be got rid of, according to the organism's condition. A naturally-felt emotion like panic terror, will, if left to develop, issue in paralysis or flight. All this, too, is stable. The stability in the later examples is not logical, as in the case of the natural triangle; but, whatever its basis, it is an over-all general feature of things left to themselves. The beginnings of instability come when things are not left to themselves, when one mixes one's labour with nature. This it is that introduces into nature—as factors—wants, requirements, objectives, designs, projects and so on—all that irradiates it with purpose, that in a sense ramifies it, in a sense makes it more complex than it is «in itself». Thus, water may be forced to run uphill; a disease may be prevented, or treated in more and more novel ways; panic terror may be overcome by training; we may even, without violating any logic, abandon orthodox logic (so to speak) when we find that nature is to be interpreted and charted, on occasion, in terms of an elliptic or hyperbolic, rather than Euclidean geometry. (It is not that this theoretic shift as such renders nature less stable, but once mixed with nature as a factor it can transform nature in indefinitely many ways).

One can say something along these lines, then, about the stability of what «exists by nature», when men are thought of as the spectators of nature rather than as agents in it. But is this possibility enough to provide us with an interesting contrast between the phenomena of politics and morals, lacking as they are said to be in stability, and the natural? It is not, because the contrast so far is too obvious. It is no sort of *discovery* that political and moral phenomena lack the sort of stability that is characteristic of unviolated nature, because politics and morals are precisely part of a violation. They belong conspicuously to men as agents and not as spectators. They could not conceivably belong to nature as do those stable features and ways of behaving of which I have given some examples. Laws and moral rules are no part of the articulation of nature, like the laws of falling bodies; justice is no feature of natural organisms as health may be; moral corruption does not come about like disease; political obligation and moral decency, unlike fear, do not *occur* in nature. And all of this is rather obviously so. There is no interesting possibility of treating social ideals, justice or moral excellence as being naturally embodied anywhere—as having *that* sort of stability. It would seem not worth while, therefore, to point out that they lack this feature, if it were not that a great philosopher could write, *I am far removed from the sentiment of those who maintain that there are no rules of goodness and of perfection in the nature of*

*things*², and that we might thereby seem licensed to think of a universe in which there might *be* such rules but not a soul to be affected by them: or perhaps of a universe where there were some souls, but where we were *to be quietists and wait ridiculously with folded arms* for what God would decree³.

The next thing we have to do, therefore, is to look at the natural on another level, one on which it will be intertwined with what people do, and not limited to what they merely find confronting them. The quest will still be for a kind of stability, in «natural» phenomena, which it may be of some interest to identify as not belonging to political or moral phenomena. Now this is difficult —difficult in prospect, at least—for anyone who is accustomed to take with any degree of seriousness the classic contrasts which have been drawn between man in his organized political and institutionally moral condition, and «the natural condition of mankind» or «the state of nature» as variously depicted. It does not matter for our present purposes that these «natural» states or conditions may never have existed or, alternatively, that they may have occurred in only a very few small, special or isolated examples. It does matter that they purport to show us how man stands, regarded naturally, in relation to more or less familiar organized, contrived, institutionalized political and moral contexts. According to one way of thinking, man in the natural condition may be nothing, politically and morally regarded. The concepts of justice (and injustice), virtue (and vice), kindness (and cruelty), and so on may have or be given no application to that condition — be logically not on speaking terms with concepts which do apply. According to another, they may have or be given a kind of courtesy application. In the natural state we may recognize surrogates for the kinds of features or qualities just mentioned. There may be justice of a kind — an unreliable willingness on people's part co-operatively to see that others are protected, inequity avoided, injury redressed, and so on. Correspondingly, there may be something that passes for injustice; there may be actions which, by more or less general consent, are regarded as meet for punishment and may indeed evoke some more or less organized requital. (Locke, for example, allows for «punishment» in his state of nature, counting as and justifiable as the execution of the law of nature. Although such punishment may involve even the destruction of the offender, it is to be distinguished sharply from any *unjust*

2. Leibniz, *Discourse on Metaphysics* 2.

3. Cf. *ibid.* 4.

*violence and slaughter*⁴). There may be virtue of a kind — perhaps not often rewarded, but practised on the basis that some qualities of character and ways of dealing with people are admirable, some not, and regardless of the fact that there may be no further rationale of virtue to be given in the circumstances. Specific virtues, like kindness, may be typical enough, within the natural state, to be recognized as such. They may be unstable and unreliable, but they will be there as manifestations of that «natural» virtue (φυσικὴ ἀρετὴ) which Aristotle, very interestingly, distinguished from virtue in the strict sense⁵.

But now, whether we take the first, the Hobbesian, or the second, the Lockean way of looking at man in the natural condition it becomes clear that the terms of the comparison between natural and socially-organized man do not help us with our original Aristotelian observation that there is something non-natural about the subject-matter of political and moral science because it is all so unstable. When it comes to a question of the constancy and reliability of political and moral phenomena in comparison with their «natural» counterparts or surrogates, the award must go to what exists artificially by contrivance, or by convention or custom, as distinct from what exists «by nature». In the Hobbesian natural condition there are no surrogates worth recognizing, and all is parlous, chancy, suspect and unreliable. Without political arrangements neither law nor morality makes any part of the fabric of a human community, and the community is, by that very fact, a quicksand. With political arrangements it can be held together. Where, then, in this account do we find the instability, even the relative instability, which, according to Aristotle's suggestion, is so much a feature of the subject-matter of political and moral science? In Locke's terms the situation is essentially no different, from our present point of view. The famous «inconveniences» which it is the purpose of civil society to remedy or avert, are all those of not quite knowing where you stand, so that you need to stiffen the natural helpfulness, amiability, even morality of people, with something more adamant. So, in Locke's state of nature (and the same would hold for Rousseau's) we find no firmer a basis than in Hobbes's for the idea that there is something interestingly non-natural about the subject-matter of political and moral science because of its variation and inconstancy. Relatively speaking, political arrangements and a moral code introduce or represent order, reliability and security where without them

4. See his *Second Treatise of Government* §§ 7-13.

5. *Nic. Eth.* VI 13, 1144 b 1 sqq.

there is little or none. Property, as Rousseau puts it, can take the place of possession ; and much else that is stable can take the place of the unstable.

It may be suggested, of course, that «state of nature» theories are by now more of a historical curiosity than a useful way of approaching problems in political philosophy. Nevertheless, I take it to be significant for our present purposes that these are the theories which lay the most special stress on the *c o n v e n t i o n a l* nature of political arrangements — though admittedly as regards moral they do not speak with one voice. But they do, in effect, take their stand on the question, «How can phenomena so universal as citizenship, so generally recognized as political obedience, so generally acknowledged as political obligation, be *o t h e r* than contractual in nature — however difficult it may be actually to point to a contract in which citizen A or citizen B or citizen C personally is involved ?». How can something relatively so stable *n o t* rest on something so binding ? It is in a particular kind of convention, and not just in an organic growth (nature unintegrated by contractual attitudes) that we must look for an explanation of these widespread, almost universal, kinds or means of cohesion which represent the major data of political study.

I do not agree, then, that for present purposes the social contract theories in terms of which I have been speaking are of historical rather than of philosophical interest. But a more daring criticism of what they have to offer, in their various ways of distinguishing between the natural state and the moral-political order, must now be considered. This is that they view the difference between the natural and the non-natural the wrong way round. It is the so-called «natural» condition and state of nature —the differences between them not being to the point— that are really non-natural or artificial, and the moral-political order that exists «by nature». It is not that «states of nature» represent any sort of actual convention or contrivance. But they are artificial in that they are sheer abstractions, sheer intellectual constructions (if you like) : in yet other terms, they are polarizations of what in fact exists unpolarized ; they represent a putting-together of certain characteristics, tendencies and dispositions of human beings, their pride, ambition, competitiveness, mutual suspicion, aggressiveness and the rest, so as to present a picture of mankind that may be coherent enough, but is also artificial and distorted. For every single one of these characteristics, tendencies and dispositions is taken out of its context. They are all abstracted from, drawn out from what is natural ; and whatever the purpose of doing this, its effect is to present them in an artificial independence and isolation, as operating unmodified whereas in nature they are modified by all sorts of other factors.

If, then (the argument would run), either term in the relationship, state of nature — civil society, is to be held to represent something that exists «by nature», it can only be civil society. For all that social contract theorists have shown to the contrary, man is by nature as much a moral and political animal as he is one who fears, mistrusts and plays the savage. If in the so-called natural condition we find instability, uncertainty and lack of order it is because we ourselves have put them there, arbitrarily and by fiat. Such stability and order as may be found in political and moral institutions is not due, it would appear, to the overcoming of nature, at any rate nature as specified by those who have been most concerned to speak of a natural state or condition. And the term «overcoming» seems, accordingly, out of place, since what is «overcome» is only one facet, or a few facets, of man's natural being amongst others, and that which does the overcoming is, for all that has been shown to the contrary, as natural as they are. We are bound, therefore, still to be puzzled at the presumption, taken seriously by Aristotle, that because political and moral phenomena are variable and inconstant they must be conventional rather than natural in essence. But the puzzlement now takes a different direction. In the first place, it would seem (and here there need be no dispute between the contract theorists and their critics as I have represented them), political and moral phenomena are not all variable and inconstant: it depends entirely on how generally you look at them. And in the second place, it would seem, the contrast between natural and conventional is misconceived, at least as it has been handed down to us in certain developed versions. Admittedly, these are the versions of Hobbes, Locke and Rousseau, not Aristotle. But it is Aristotle who has presented us with the distinction—I do not mean that he originated it—and if the distinction has, in a manner, gone wrong one would like all the more to know what Aristotle had in mind when he introduced it. Gnostic assurance is not enough.

What this criticism does is to put the whole question back into the melting-pot. I note, in passing, the possible reply to it that the intellectual constructions represented by the «natural condition» and the «state of nature» may still have been illuminating, even if arbitrary. Their point may have been, not to represent the natural as being more real, primitively or genetically, than the moral-political order, but to indicate the sort of state towards which we may lurch if we relax our moral-political guard. And it may be that only after this fashion do the phrases, «natural condition» and «state of nature», require to have a referent. However, I am more concerned with the apparent vacuity of the concept of «nature» into which we are now being led. Certainly

the main weakness of the line of criticism just suggested is that it leaves the concept of «nature» at least as vague as it found it. If that from which the «natural condition» and the «state of nature» are abstractions is all, itself, to be termed «nature», then what remains that is not «natural»? Either we must say that all personal activities, all inter-personal relations, all that makes up civil society, in fact, is equally natural—and hence the term «natural» ceases to illuminate anything against anything else—or we must find a new basis, independently of social-contract theory if we do not wish to persevere with that, on which to distinguish what exists by nature from what exists in another way, «by convention» as Aristotle puts it. And it does sound a feeble suggestion to make, that our conventions, covenants, compacts and contracts are as natural to us as our processes of digestion or our hates or fears. In a wishy-washy sense of the term it may be «natural» to man to make covenants: but there is surely some interesting sense in which it is not natural, and in agreement with which we are justified in saying that covenants, etc., are distinctively achievements, sets of arrangements that come, not naturally, but only after more or less strenuous contrivance.

If a distinction along such lines is to be made out, it is probably easier to approach it from the side of what is natural rather than the reverse way. This is in spite of the fact that the non-natural is, in a sense, the more likely to stand out, and to be the narrower class. But the natural is what is being departed from, and lexicographically, certainly, it is the easier to begin with. Anyhow, let me suggest that a typical facet of the meaning of «natural», when that term is applied to human activity and human relationships, is that the natural comes effortlessly⁶. A golfer may be said to have a «natural» swing: that is, he has not worked at or taken instruction about his swing, but accomplishes it effortlessly and accurately. Mathematical thinking may come «naturally» to one student, but be a desperate effort for another. Various primary physical functions may be described as «natural» in that, in normal circumstances, they take place automatically and without special effort. In personal relationships, too, effort may be more or less conspicuous, and the relationships may be thought of correspondingly as formal or informal, ceremonious or natural in some degree. Manifestations of friendship, for example, might be thought of as relatively natural—relationships into which one falls, as it were—in contrast with the sort of relationships involved in trying to drive a bargain. It does not normally take an effort to exchange

6. The *Oxford English Dictionary* gives due support to this suggestion. «Natural», has, as one of its main definitions, «coming easily or spontaneously to one».

news with a friend; but it requires continuous alertness, and an ability to read the mind of the person being bargained with, if the process is to be brought to a satisfactory end.

Consider next certain more general forms of human interrelationship. In a hot country it is natural for people to come out on to the streets after the sun sets, to parade up and down, talking, enjoying the gentle movement, taking stock of one another, exchanging «good-evenings», and so on. It is all very affable, easy-going and effortless. It is orderly, indeed quite a ritual, but without organization. There are things one would do and things one would not do on such occasions⁷, but knowing and observing the difference is a product of sheer custom and convention, as one might say. There are no laws specially applicable to these occasions, that is, no laws specifically drawn up to regulate them. (I except what might be called «facilitating» laws or regulations, such as a bye-law closing certain streets to motor traffic between certain times.) The people's ritual follows no score, obeys no codified rules and involves no kind of constitution. Now, contrast with this the sort of assemblage of people that you get, say, at an airport. Here there will be, at any one moment, an extraordinary variety of relationships amongst the individuals present, those of passengers to passengers, of passengers to airport officials, of these to airline crews, and so on and so on. There is not one of these relationships but may be, and typically is, subject to some kind of regulation, pertaining specially to the conduct of persons at airports, and whatever the regulation it will appear in print somewhere, on the passenger's ticket, in a notice on top of a desk, on a display board or elsewhere. Passengers, at any rate most of them, make it their concern to satisfy these regulations, and officials of all sorts are concerned to have them satisfied. The regulations themselves, while mandatory as they stand, are always liable to change and amendment to suit changing conditions; and this involves discussion, argument, the application of expert knowledge, concern for efficiency and so on. The point is that all is effortful. What holds this assemblage together may include, in this or that respect, what I have called «sheer» custom or convention: I suppose that the politeness of passengers to one another, or some of the ways in which they kill time, depend on nothing else. But these matters are relatively unimportant. It is the application of a whole network of complicated, sophisticated, express «conventions» (in a parti-

7. For example, one could talk politics with friends, but it might well not be the done thing to political slogans.

cular sense of this term) which really does the job: involving, at every point, the energetic regulation of what the people are doing in this particular kind of place.

The charter and statutes of a university are like airport regulations in the respects just mentioned. They may remain unchanged for long enough, but they actively preoccupy the minds and control the doings of a specific group of people, and also they are not like the tables of stone brought down by Moses from the mountain — renewable only without amendment. Part of one's preoccupation with them has to do with the question of their continuing suitability. They represent, from this point of view, something dynamic rather than static. They are a source of order and stability, but a condition of their being so is that they should not be allowed to become ill-adapted to the needs of the changing community which they govern. The same might be said about the laws of the land, and about constitutions of various degrees of generality.

All of these examples portray deviations from the natural, regarded as what comes without effort, or spontaneously: and this sense of «the natural» I take to be closely connected with the idea of a certain kind of «facticity», of relationships into which we enter and activities in which we engage because. . . they are there (they have not had to be organized or brought into existence). The deviations represent, not departures from or abandonments of this, that or the next «natural» relationship or activity, but departures on a different level, the abandonment for certain purposes of a life-style of acceptance, and the adoption, instead, of policies, projects, schemes, plans, contrivances; always with regard to groups of people and sets of circumstances that come about by arrangement, organizedly. Effort is characteristic of these schemes, in the attempts of certain people to satisfy them, in those of others to impose them or make them work, and in the general attempt to keep an equilibrium between the stability they make possible and their own inherent need for review, and, it may be, reconstruction or replacement.

This is why they are poles apart from «sheer custom or convention». Yet there is no etymological absurdity, and no manifest offence to usage, in applying the adjective, «conventional», to them too. One must just be ready to allow that not all conventions are deposits or accumulations, like the silt at the bottom of a pond, but that some are more of a holding in suspension, or an interaction, than a lying or moving together in passivity. What exists by convention (νόμῳ), therefore, may be of very different types. So far, what I have been tending to argue is that certain things which conspicuously exist by convention, the schemes, constitutions and so on, of which

I have been speaking, have two sides to them: the stabilizing (reflecting their own relative stability) and the energizing (reflecting their power to make possible certain distinctive activities which, however, also require that the governing schemes remain right, or in other words that they shall never be pushed beyond the pale of criticism). All this has been argued by reference to political schemes rather than ethical, that is, to various sorts of arrangement, distinctive of states or civil societies, in which the idea is fundamentally that of the enablement or facilitation of activities considered desirable, and of the prevention or discouragement of activities not so regarded. These are activities pursued more or less in common and where the mode of pursuit is to be decided «in common», that is, is not such as can suitably be left to anyone's individual decision. It may now be useful, however, to consider how ethical as distinct from political schemes stand in the light of the «natural» versus «non-natural» distinction which I have been trying to work out.

I intend no difference in sense between «ethical scheme» and «moral code». In fact it is useful to have the two words, «scheme» and «code», available here to support the idea that we are looking towards something which, while personal, is still relatively systematic. An ethical scheme is one that covers situations to moral problems. There would be nothing worth calling a moral problem if it did. I mean merely that it must be extensive and adaptable enough to have something to say, or a variety of things to say, from a moral point of view, in any situation in which one has to make personal decisions of a certain kind. These are decisions as to what it is good or bad, right or wrong to do, but in which one may not see the way clearly. And one may be in this position because the goodness and badness one is concerned about are more than just an immediate advantage to oneself or some other, or a corresponding injury: such might be covered by a rule of thumb or practical maxim, but moral goodness or badness never. Rightness or wrongness, similarly, are more than just correctness or incorrectness. The latter one would hope and tend to assess by reference to some rule of reckoning, or a relatively cut-and-dried decision procedure; but moral rightness and wrongness not so. A personal ethical scheme is a difficult scheme to hold, precisely because it consists, not of such rules of reckoning, but rather of principles which, while extensive and adaptable, do not always fit situations neatly and without challenge. At the same time they do make a virtue, so to speak, of comprehensiveness. It would be a curious ethical scheme that consisted only of principles about honesty, say, and generosity, just as it would be curious to call a man virtuous whose excellences lay only in courage,

say, and temperance. Without going into the difficult question how moral principles support one another, or how the virtues can be not independent of one another, I only note that from Mill (to name no more recent writer) back to Plato a guiding idea has been that they do, and that it is a generally recognized mark of an ethical scheme as such that, however difficult it may be to formulate its fundamental principle or to describe that virtue which is central to it, it does have foundations and does hang together. Its very consistency, its having a structure, may indeed, on occasion, create problems. An ethic whose central virtue is, say, justice may lack spontaneity and sometimes find itself ineffective for a certain want in kindness and generosity. By contrast, one which makes kindness absolutely central may sometimes find itself evasive and reluctant in the application of justice. But, by and large, its having a structure is what enables its practitioner to meet and deal with certain classes of situation fairly and squarely, without neuroses. All of this means that, over that area of life which is its field of operation, an ethical scheme imparts stability, but without rigidification if it is in any degree reflective or critical. Should it be reflective or critical, its own stability will lie on a border with restlessness, and the most effective ethical schemes, like the most effective political or administrative arrangements, will represent a continuously held balance between the too much and the too little, whether of regularity and uniformity, or of change and adaptation, in the principles which constitute them.

It is in this respect that ethical schemes, too, may be poles apart from sheer custom or convention. Here, too, we have to contrast stability of one kind with stability of another. Sheer custom or convention represents stability of the «deposited» kind. And this means that its efficacy in regulating inter-personal life depends very much on that life's continuing to be like what it has been. Either sheer custom and convention are limited to those sorts of situation of which experience has been had in the past, and hence are not open-ended, can provide us with no way of dealing with unprecedented predicaments: or they are open-ended, in that they represent all that we have available to apply to any predicament that crops up, regardless; and then they may offer only the most incongruous of ways of dealing with that predicament. It is clear, then, that sheer custom and convention are most at home when the society in which they are operative changes as little as possible, in particular where there is no social engineering or personal experimentation in styles of inter-personal relationship. Once envisage human interference with the social scene, and a new kind of stability is required—at the inter-personal level and independently of political, legal and administrative arrangement—in the form of a *modus operandi* that is not past

-reflective, is not in that way limited in its means of dealing with problems, that trades in terms of principles not precedents, and that, while offering no cut-and-dried solutions, provides us nevertheless with the security of new terms of reference, a vocabulary and syntax (if you like) which at least bear on the problems that confront us. In ethical schemes, as in political, legal and administrative, we may well be dealing with what exists «by convention», but the convention has to be understood as having a built-in δύναμις, a critical apparatus which provides for the continuous review of the principles that otherwise constitute its strength and stability. Again it seems that what exists by convention may be of very different types. This consideration modifies accordingly the nature of the contrast or contrasts which we may expect to establish between what exists «by convention» and what exists «by nature».

To return to Aristotle's problem. He offered it as a presumption to be taken seriously that because the subject-matter of political and moral science is so variable and inconstant, we must be dealing in these sciences with what exists «by convention» and not «by nature». I have been critical both of the premiss in this hypothetical argument and of the connection between premiss and conclusion. Is the subject-matter of political and moral science variable and inconstant? It depends entirely on what it is being contrasted with. Because it consists of man's interferences with his own self in society, it will *ipso facto* be variable and inconstant along all the lines of these interferences. But granted that man is inherently an interferer, the question arises how he can interfere most acceptably. And here what political and moral science are concerned with is his own preoccupation not to let his interferences be anarchic. That is, they are concerned with the significance of political organization and obedience as such, the point and general nature of a rule of law, and the possibility and point of ethical schemes. Hence on one level at any rate (strictly, that of meta-politics, general jurisprudence and meta-ethics) their subject-matter is not variable and inconstant, but massively constant and of a piece. Certainly, when it comes to the philosophical discussion of political or ethical as distinct from meta-political or meta-ethical problems, philosophy cannot but take note of the variety that may be characteristic, not only of the details of political and ethical schemes, but of their very starting-points. Nevertheless, there remains as a major feature of philosophy (letting that term cover both political and moral science) a certain dialectic in its approaches and theorizing, forced on it by the polarity of what it has to deal with — the constancy and unity of purpose which it acknowledges on its meta-political and meta-ethical side, and the variable detail acknowl-

edged on its other. In old-fashioned terms, its great problem is how political and ethical multiplicity may be of what is fundamentally constant and invariable. Hence it is not a clear-cut truth that the subject-matter of politics and morals is variable and inconstant. The universal element (what is καθόλου) may appear in them in a different fashion from that in which it appears either in mathematics or in natural science: there the context is axiological and not, as in these other studies, unaffectedly deductive, hypothetico-deductive or inductive as the case may be. But appear it does, in the positing and assessment of man's ultimate purposes and designs as a human being, as affected by his proximity to other human beings.

Such is my criticism of the premiss, in Aristotle's hypothetical argument, to the effect that the subject-matter of political and moral science is variable and inconstant. What then of the use made of the premiss? So far as that subject-matter is variable and inconstant, does its having this feature suggest that it exists by what can appropriately be called «convention» as distinct from «nature»? The whole trend of my discussion has been to show that «convention» can be associated at least as firmly with stability and orderliness as with variability and inconstancy. This holds whichever way you take «convention»; whether as indicating what I called «sheer custom or convention», or as indicating quite dynamic political or ethical arrangements. In the first instance the stability is that of the «deposited» kind, in the second a contrived, delicate and precarious affair. (It may be all the more precious for being precarious). The first kind, sheer custom or convention, is, in fact, near to nature in that it involves little or no questioning or probing of the historically-given circumstances in which man finds himself, and little or no attempt to manipulate or transform these. Here the contrast between what exists by nature and what exists by convention is vague and ill-defined. The second kind is not at all «near to nature». Here we have to do with interference, on every possible scale, by man with his social circumstances. But the further from «nature» man gets with such interference, the more he needs to substitute one kind of stability for another. What exists by sophisticated convention, whether political or ethical, legal or administrative, may be indefinitely varied, but its *raison d'être* transcends the variation. Therefore, to pick on variability and inconstancy in political and ethical phenomena as suggesting that these exist by convention is to pick on one side of them, one feature of their being, only. And it is not that feature which, to me, most suggests that they exist «by convention».



ΠΟΛΙΤΙΚΗ, ΗΘΙΚΗ, «ΦΥΣΙΣ» ΚΑΙ «ΝΟΜΟΣ»

Περίληψις.

Σκοπός μου στο μελέτημα τούτο είναι να εξετάσω την θέση του Ἀριστοτέλους (*Ἠθικὰ Νικομάχεια* 1094 b), ὅτι τὸ ἀντικείμενον τῆς πολιτικῆς —ὅπως καὶ τῆς ἠθικῆς— ἐπιστήμης παρουσιάζει τόσην ποικιλίαν καὶ ἀστάθειαν, ὥστε θὰ μπορούσε νὰ φανῇ ὅτι εἶναι προϊόν συμβάσεως (*νόμου*) καὶ ὅχι ὅτι ὑπάρχει μὲ τρόπον φυσικὸν (*φύσει*).

1. Βεβαίως λείπει ἀπὸ τὰ πολιτικὰ καὶ ἠθικὰ φαινόμενα τὸ εἶδος τῆς σταθερότητος, πὺν θὰ ἔδειχνε ἡ φύσις χωρὶς τὴν ἐπέμβασιν τοῦ ἀνθρώπου, διότι ἡ Πολιτικὴ καὶ ἡ Ἠθικὴ εἶναι ἀκριβῶς ὅψεις μιᾶς ἐπεμβάσεως. Ἀλλὰ τούτο εἶναι φανερόν.

2. Ἄς ὑποθέσωμεν ὅτι τὸ «φυσικόν» εἶναι εἰς τὸ ἐπίπεδον ἐκείνων πὺν πράττουν οἱ ἄνθρωποι, ὅχι ἀπλῶς ἐκείνων πὺν τὰ βρίσκουν τυχὸν ἀπέναντί τους. Εἶναι ἄραγε δυνατόν νὰ ἐξακριβώσωμεν ἐδῶ ἓνα εἶδος σταθερότητος, πὺν δὲν ἀνήκει εἰς τὰ πολιτικὰ ἢ ἠθικὰ φαινόμενα ;

Τούτο δὲν φαίνεται πιθανόν νὰ τὸ ἐπιτύχωμεν, ἐὰν λάβωμεν ὑπὸ σοβαρὰν ἔποψιν τὶς κλασικὲς θεωρίες τοῦ «κοινωνικοῦ συμβολαίου» (π.χ. τοῦ Hobbes, τοῦ Locke καὶ τοῦ Rousseau), κατὰ τὶς ὁποῖες ἡ σταθερότης ἀνήκει εἰς ὅ,τι ὑπάρχει κατὰ σύμβασιν (*νόμῳ*), ὡς κάτι διακρινόμενον ἀπὸ ὅ,τι ὑπάρχει εἰς φυσικὴν κατάστασιν.

Ἀκόμη καὶ ἂν ὑποθέσωμεν ὅτι οἱ θεωρίες αὐτὲς εἶναι πεπαλαιωμένες, μπορεῖ ἀκόμη νὰ ἔχη σημασίαν τὸ γεγονὸς ὅτι ὀρίζουν τὸν λόγον τῶν πολιτικῶν δικαιωμάτων, τῆς πολιτικῆς ὑπακοῆς, τῶν πολιτικῶν καθηκόντων καὶ ἄλλων μέσων ἀνθρωπίνης συνοχῆς μὲ τὴν ἔννοιαν τῆς συμβάσεως καὶ ὅχι τῆς ὀργανικῆς ἀναπτύξεως (δηλ. τῆς φύσεως, πὺν δὲν ἔχει συμπληρωθῇ μὲ τρόπους συμπεριφορᾶς, ρυθμιζομένους διὰ συμβολαίου).

Ἀλλὰ ἡ παρατήρησις αὐτὴ θὰ μπορούσε νὰ ἀντικρουσθῇ μὲ τὸν λόγον ὅτι εἰς αὐτὲς τὶς θεωρίες ἡ ἐναντίωσις *νόμος-φύσις* εἶναι ὁ ἀνάστροφος, ὁ κακὸς δρόμος. Ἡ «φυσικὴ κατάσταση» εἶναι ἓνα τεχνητὸν θεωρητικὸν κατασκευάσμα καὶ ὅχι «φυσικὴ» μὲ κάποιο πραγματικὸ νόημα. Μένει τὸ ἐπιχείρημα ὅτι ὁ ἄνθρωπος *φύσει* εἶναι τόσον ἠθικὸν καὶ πολιτικὸν ζῶον ὅσον καὶ ἓνα ζῶον πὺν φοβᾶται, δυσπιστεῖ καὶ «κάνει τὸ ἄγριο».

Τὸ κύριον ἐλάττωμα αὐτῆς τῆς κριτικῆς εἶναι ὅτι ἀφήνει τὴν ἔννοιαν τῆς «φύσεως» τουλάχιστον τόσον ἀσαφῆ ὅσον τὴν εὗρηκε. Κατὰ ἓνα ἀσαφὲς νόημα τοῦ ὅρου «φυσικόν» μπορεῖ νὰ εἶναι γιὰ τὸν ἄνθρωπον νὰ κανονίζῃ τὴν ζωὴν του μὲ πολιτικοὺς θεσμούς, ἀλλὰ ἀσφαλῶς ὑπάρχει καὶ ἓνα ἄλλο, πλέον ἐνδιαφέρον νόημα τοῦ ὅρου τούτου, πὺν μᾶλλον ὑπο-

γραμμίζει με πόσην σύντονον τεχνικήν γίνονται οί θεσμοί αὐτοί. Ἄς προσπαθήσωμεν νὰ τὸ διασαφήσωμεν.

3. Μιὰ τυπικὴ πλευρὰ τῆς σημασίας τοῦ «φυσικοῦ», ὅταν ὁ ὅρος χρησιμοποιοῖται γιὰ νὰ χαρακτηρίσῃ ἀνθρώπινη δραστηριότητα καὶ ἀνθρώπινες σχέσεις, εἶναι ὅτι τὸ «φυσικὸν» γίνεται χωρὶς προσπάθειαν, αὐθόρμητα.

Ὁ ὅρος μπορεῖ νὰ συσχετισθῇ με τὴν ιδιότητα μερικῶν κοινωνικῶν ἐνεργειῶν καὶ σχέσεων νὰ εἶναι ἀπλῶς «ἐκεῖ» (ὡς «δεδομένα», «ἀπλᾶ γεγονότα»), ὅχι ὀργανωμένες, ὅχι γεννημένες ἐπίτηδες ἐνέργειες —ἀντίθετα πρὸς πολιτικὰς— πράξεις, σχέδια, συστήματα κ.τ.λ., πὺ προϋποθέτουν ὁμάδες ἀνθρώπων καὶ σύνολα περιστάσεων, πὺ γίνονται κατόπιν σκοπίμου ρυθμίσεως, με ὀργάνωσιν. Αὐτὰ τὰ χαρακτηρίζει ἡ προσπάθεια, ἀλλὰ σκοπὸς τοὺς εἶναι ἡ πολιτικὴ καὶ ἡ κοινωνικὴ σταθερότης ἐνὸς ζωντανοῦ, ὅχι ἀποστεωμένου εἶδους. Ὑπάρχουν κατὰ σύμβασιν, ἀλλ' ὅχι κατὰ μίαν «ἀπλῆν» σύμβασιν.

Ἡ ἴδια διάκρισις μπορεῖ νὰ γίνῃ μεταξὺ ἠθικῶν συστημάτων καὶ ἀπλῶν ἠθῶν καὶ ἐθίμων. Μποροῦν νὰ ὑπάρχουν κατὰ σύμβασιν (νόμῳ), ἀλλὰ ἡ σύμβασις μπορεῖ νὰ ἐννοηθῇ ὡς ἄσκησις ἐσωτερικῆς δυνάμεως, ὡς κριτικὴ συσκευὴ πὺ λειτουργεῖ γιὰ τὴν συνεχῆ ἀναθεώρησιν τῶν ἀρχῶν, οἱ ὁποῖες ἐξ ἄλλου ἀποτελοῦν τὴν στερεότητα καὶ τὴν σταθερότητα τοῦ συστήματος. Γίνεται πάλι φανερόν ὅτι ἐκεῖνο πὺ ὑπάρχει κατὰ σύμβασιν μπορεῖ νὰ ἐμφανίζεται ὑπὸ πολλοὺς καὶ διαφορετικοὺς τύπους.

Εἶναι λοιπὸν τὸ ἀντικείμενον τῆς πολιτικῆς καὶ τῆς ἠθικῆς ἐπιστήμης ποικίλον καὶ ἀσταθὲς ἢ ὅχι; Τοῦτο ἐξαρτᾶται ἀπὸ τὸ ἐπίπεδον τῆς θεωρήσεως. Οἱ ἐπιστῆμες αὐτὲς ἴσως χρειάζονται νὰ ὑπολογίζουσιν σὲ μιὰ σταθερότητα καὶ σὲ μίαν ἐνότητα προαιρέσεως, πὺ διαλεκτικὰ σχετίζεται με τὶς ποικίλες λεπτομέρειες τῆς πολιτικῆς καὶ τῆς ἠθικῆς ζωῆς.

Ἐξ ἄλλου κατὰ τὸ μέτρον πὺ ἐκεῖνο τὸ ἀντικείμενον εἶναι ποικίλον καὶ ἀσταθὲς, τὸ γεγονὸς ὅτι ἔχει αὐτὰ τὰ χαρακτηριστικὰ δὲν στηρίζει κατ' ἀνάγκην τὴν πρότασιν τοῦ Ἀριστοτέλους, ὅτι ὑπάρχει κατὰ σύμβασιν (νόμῳ) καὶ ὅχι με φυσικὸν τρόπον (φύσει).

Ἡ ἐρευνά μου ἔτεινε νὰ δείξῃ, ὅτι ἡ «σύμβασις» μπορεῖ νὰ συσχετισθῇ με τὴν σταθερότητα καὶ τὴν τάξιν τουλάχιστον τόσο στενὰ ὅσο καὶ με τὴν ποικιλίαν καὶ τὴν ἀστάθεια —ἀκόμη καὶ ὅταν ἡ «σύμβασις» διέπῃ πολὺ δυναμικὰς πολιτικὰς καὶ ἠθικὰς ρυθμίσεις.

Dundee/Scotland

G. P. Henderson

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