

Is There a Right to Live as We Please?  
(So Long as We Respect the Right of Others to Do the Same)

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The predominant moral posture among Americans today is that we have the right to live as we please so long as we don't interfere with the right of others to do the same. This means in practice that we may live as we please, so long as we are willing to leave people alone who do not try to impose themselves or their way of life upon others. Now it is hard not to take for granted that this is the proper moral stance, since it is supported both by our laws and by our society's praise and blame. But this combination of great freedom to live as we please, or for ourselves alone, with the strict demand that we grant the same freedom to others, gives food for thought. If we are free from any obligation to care actively for others (apart from obligations that might originate from our own choice or our own feelings), and so if to this extent it is up to each of us whether or not to be our brothers' keepers, why are we not free to do them active harm? To this it will be replied, of course, that our freedom is a right, and that rights can be enjoyed only on condition that one is willing to respect the rights of others. But what makes it a *right* that we may live in any manner we please? To be sure, our Declaration of Independence speaks of it as self-evident that we are endowed with an unalienable right to the pursuit of happiness, by which it means, or has at least come to mean, the pursuit of happiness as each individual understands it, or to live as he pleases, so long as he allows others to do the same. But is it truly self-evident that the individual, who owes his life to his parents and his rearing to the care of his family and his society, has a right to put his own de-

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sires ahead of their needs? And even apart from this, is it self-evident that he has the right to ignore any calls that we might wish to make for self-control over his uneducated desire for pleasure? To me, at least, these things are not evident, and so I wonder how they have come to seem to be evident to so many of us.

One might suppose that this way of thinking is just a feature of the spirit of democracy, for even ancient democracies were characterized by an unusual degree of tolerance. But the practice of tolerance does not necessarily imply the belief in a right to tolerance, as we can see, for instance, from the trial of Socrates, who was condemned to death for not believing in the gods of the city of Athens, although he had been tolerated by the Athenians for many years. And even if we disregard the religious laws that prevailed in all ancient societies, it was only the male citizens in a democracy, as opposed to women and of course to slaves, who were acknowledged to have a right to live as they pleased. Nor was it ever imagined, except in comedy, that a citizen's right to live as he pleased included a freedom to refuse, on any grounds, the requirements of public service, including military service. In other words, our moral posture is a peculiarly modern phenomenon, characteristic of our modern democracies, or liberal democracies, whose principles have their roots in the tradition of modern political philosophy.

In order to understand the philosophic roots of our modern political attitudes, we naturally turn to John Locke, for it is Locke's political teaching on which our founding fathers most relied in their understanding of our basic rights. Now Locke never spoke explicitly, of course, of a natural right to live as one pleases, though he did once write (in *On the Reasonableness of Christianity*) that "mankind ... must be

allowed to pursue their happiness.” But more importantly, a central doctrine of his *Second Treatise of Government* is that in the state of nature, prior to civil society, everyone has a right to accumulate as much (nonperishable) property, including land, as his money can buy, without any apparent obligation to share with others. To be sure, he had claimed that everyone, when his own preservation is not threatened, ought as much as he can to preserve the rest of mankind as well. But in the repetitions of this claim, the duty to preserve the rest of mankind is reduced to a mere right to do so. And to see the significance of this change, let us consider his claim that grown children owe honor and respect, and even support and defense, to their aged parents, or at least to parents who had gone to trouble and expense for them. For though he clearly speaks of this as a duty, he denies that this or any such duties give to anyone the right of making laws over those so obliged. In other words, the duties of gratitude, like those of charity in the wider sense, are in no way the basis of political, or humanly enforceable, obligation. The only basis of such obligation is the free consent of individuals, each of whom enters civil society for the sole purpose of better securing his own basic rights to life, liberty, and property. And so I return to the fact that Locke recognizes a right, prior to civil society, to unlimited acquisition, and thus to inequalities of property that governments are designed to protect to the extent possible, whereas the enforcement of any duties of kindness is at best a subordinate concern of the community.

Locke’s most serious justification for this apparently heartless attitude is his claim that it promotes the common interest, including that of the poor, at least over time. Sketching an argument that was later elaborated and made famous by Adam

Smith, he observes that the comforts that even the working class enjoys in modern England are chiefly owing to the productive labor of generations of men seeking to increase their own property. Our natural condition is so impoverished, and the need for development thus so great, that the only way to truly relieve the needy is through the creation of a general prosperity which, human nature being what it is, must depend on acquisitiveness. But despite the genuine force of this argument, it does not clearly establish a right to unlimited accumulation, especially since those in most immediate need are often not among the beneficiaries of today's acquisitiveness. After all, to take an example that is not so different as it might seem, Machiavelli has argued plausibly that the future well-being of Rome required Romulus' having killed his brother Remus; but who would claim that for that reason he had a right to kill him?

And even apart from this question, there is a broader difficulty in understanding Locke's moral teaching, namely, with his characterization of it as being rooted in a law of nature. It is to this law that he ascribes the duty in the state of nature to help preserve others as much as one can, and yet, as I have already noted, he sees this duty as extending only so far as one's own preservation is not threatened by it. Indeed, even the stricter duty, which he also ascribes to the law of nature, not to harm others in their life, health, liberty, and possessions, except as punishment for violations of this law, is later qualified in the same way. For as he puts it, "it is reasonable and just that I should have a right to destroy that which threatens me with destruction" (*Second Treatise*, Chapter III, section 16). It is true that he goes on to limit this right of self-defense to those who are innocent. But he leaves it to each in-

dividual to decide for himself whether he is unjustly being threatened, so that in practice this becomes a right belonging to everyone. And yet what kind of natural law is it that for all practical purposes allows to each man – prior to civil society, at least – the right to put concern for his own preservation so entirely above any thought of what he owes to others? Surely, there is no such permission in the traditional natural law teaching, as it appears, for instance, in Thomas Aquinas' *Treatise on Law*.

Now as far as I know, Locke never adequately explains why in his presentation of natural law, the individual should have such extensive rights, or why individual rights should have such primacy over duties to others. Accordingly, if we wish to understand him, we have little choice but to look among his predecessors to see if there is someone who might have laid a basis that would make such views more fully intelligible. And in fact there is such a predecessor, Thomas Hobbes, who is both the originator and, at least partly for that reason, the most revealing exponent of our modern conception of rights. In Hobbes' treatment there is a straightforward answer to the question of why rights should take precedence over duties, since for him the most basic duties, or natural laws, are not strictly speaking laws at all, but merely rules of rational self-interest. And the reason we must accept these rules, provided that others do so as well, is that by nature we human beings are so dangerous to one another that without them, and without the governments that they help establish, our natural right to defend our own lives would be in vain. The extreme dangerousness of the state of nature also accounts for Hobbes' position as to the extent of our natu-

ral rights. For although the only natural right he recognizes is that of doing whatever in one's own judgment is necessary to preserve one's life, he holds that prior to the social contract there is no action, no matter how extreme, that an individual might not determine to be necessary to that end, and so this natural right becomes in practice that of doing anything one pleases, or a right to all things.

Hobbes knows of course that the right of everyone to do absolutely anything he pleases does not in the least mitigate the horrors of the state of nature, and so it becomes among the first of his laws of nature that a man must be willing to give up as much of his liberty to act at the expense of others as he wants them to give up of theirs to act against him. And the only way this can be safely done is by mutual acceptance of the social contract, which creates a commonwealth in which there is a sovereign who is authorized to lay down civil laws and who is entrusted with the power to enforce them. Hobbes does think that there are rights that can not be surrendered even to the sovereign, since to do so would be to contradict the purpose for which we enter civil society in the first place. However, the only rights that he characterizes in this way are those of resisting more or less immediate threats to the individual's own security. And this is surely a narrower view than our own, according to which liberty and the pursuit of happiness are also seen as unalienable rights, and which therefore includes an extensive catalogue of civil rights and civil liberties. But this difference between Hobbes and ourselves is ultimately not so great as it first appears. For since he holds that the only reason for the existence of the commonwealth is to guarantee the security of the individual, he is confident that a rational sovereign would do nothing to interfere with a person's liberty to make contracts, or

to choose where he lives, what he eats, how he makes a living, how he raises his children, and the like. Moreover, Hobbes' reason for insisting that the individual's natural liberty be so severely curtailed within civil society is his belief that this is required for the preservation of the commonwealth and that, the state of nature being what it is, the commonwealth must be preserved at all costs. But if a more sanguine view of human nature, and hence a somewhat less grim view of our condition in the state of nature, should lead to the conclusion that broader rights can safely be claimed even against the sovereign, there is nothing inconsistent with Hobbes' basic principles in so claiming them. And this is, I think, what we in our modern liberal democracies have done.

On the basis of Hobbes' principles, then, our modern conception of rights becomes more fully intelligible. But there remains one crucial difficulty, namely, the question of why Hobbes thought that the individual has the right in the state of nature to stop at nothing in order to preserve his own life. This claim, which means in effect that in the state of nature might is right, so long as one uses that might with a view to increasing one's own security, is the basis of his whole political teaching, and yet he never offers, as it seems to me, a fully coherent justification for it. His most extensive attempt to do so occurs in the first chapter of *De Cive*, and because of its importance I wish to quote it here in its entirety. After having sketched an outline of the horrors of the state of nature, he continues as follows (I quote Hobbes' own translation from his original Latin):

Among so many dangers therefore, as the natural lusts of men do daily threaten each other withal, to have a care of one's self is not a matter so scornfully to be looked upon, as if so be there had not been a



power and will left in one to have done otherwise. For every man is desirous of what is good for him, and shuns what is evil, but chiefly the chiefest of natural evils, which is death; and this he doth by a certain impulsion of nature, no less than that whereby a stone moves downward. It is therefore neither absurd nor reprehensible, neither against the dictates of true reason, for a man to use all his endeavors to preserve and defend his body and the members thereof from death and sorrows. But that which is not contrary to right reason, that all men account to be done justly, and with right. Neither by the word *right* is anything else signified, than that liberty which every man hath to make use of his natural faculties according to right reason. Therefore the first foundation of natural right is this, that *every man as much as in him lies endeavour to protect his life and members.* (*The Citizen*, I.7)

Now the foundation of Hobbes' argument is his claim that every man desires his own good and shuns evil, which consists chiefly in death, by an impulsion of nature that is no less necessitating than the force of gravity.<sup>1</sup> It is from this premise that he concludes that for a man to use all his endeavors in order to preserve himself is not contrary to right reason, and that therefore it is in accordance with justice and right. But even assuming that Hobbes is correct here in what he says about an impulsion of nature, why should acting for the sake of an end that one is naturally compelled to pursue be a sufficient justification for a claim of right? We do not say, for instance, of a stone that it has a right to fall toward earth, although its natural tendency to do so can not be removed. Hobbes would apparently reply to this that the notion of

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<sup>1</sup> In the parallel passage in his earlier *Elements of Law*, Hobbes is more clearly explicit that the natural necessity in question applies to the pursuit of one's own good as well as to the avoidance of evil. I am assuming that this remains his view in *De Cive*, and that he dwells chiefly on the necessity to shun evil, as he had already done in the *Elements of Law*, on the grounds that the avoidance of death is a necessary precondition for any good. [Here is the passage from the *Elements of Law* (I.6): "And forasmuch as necessity of nature maketh men to will and desire *bonum sibi*, that which is good for themselves, and to avoid that which is hurtful; but most of all, the terrible enemy of nature, death, from whom we expect both the loss of all power, and also the greatest of bodily pains in the losing; it is not against reason, that a man doth all he can to preserve his own body and limbs both from death and pain. And that which is not against reason, men call *right*, or *ius*, or *blameless liberty* of using our own natural power and ability. It is therefore a right of nature, that every man may preserve his own life and limbs, with all the power he hath."]

right applies only to rational beings, who can be deluded into disregarding their fear of death when it seems far away, but who can also be educated into rationally ordering their lives in terms of this most basic compulsion. But even allowing that the word “rationally” is still the appropriate word here, given Hobbes’ claim that in the state of nature it is up to each individual to judge for himself what he should do in order best to avoid death, why should actions be in accordance with right merely because they aim rationally at an end that we are compelled to pursue?

To see the force of this question, let us consider Thucydides’ account of the Peloponnesian War, which Hobbes knew well and had even translated as a younger man. Before the outbreak of the war itself, in response to Athenian provocations, the Lacedaemonians called an assembly of their alliance at which the allies accused Athens of committing injustice against Greece, by having enslaved some of the Greek cities and by plotting to enslave still others. Some Athenians, who happened to be in Lacedaemon at the time and who had heard reports of these accusations, asked for and received permission to address the assembly in response. What they say in defense of their city’s acquisition and increase of empire is that they have been compelled to do what they have done, chiefly by fear, but then also by honor, and later also by advantage. They add that their imperial rule has engendered such hatreds that it has become unsafe for them to relinquish it now, and they contend that no one can be begrudged for suitably arranging what is expedient for themselves when confronted with the greatest dangers. Finally, they claim that it has always been an established rule for the weaker to be subjugated by the stronger, and that no one has ever yet allowed the argument from justice to hinder him from acquiring

more when he had the strength to do so. Now it is especially clear from this last remark that the Athenian ambassadors are not even attempting here to *justify* their city's behavior. Cities are blameless, in their view, for acting in accordance with the compulsion to dominate others, not because they have a right to do so, but because justice and right are empty words in the face of compulsion. It is because they hold this view that they do not limit themselves to asserting that Athens has been compelled to build up its empire because of fear, but go on to add that it has also been compelled by honor and advantage, that is, by the desire to be honored and the desire to gain advantage. And though it may appear surprising at first that the seemingly legitimate motive of fear, or self-defense, should be placed on the same level as ambition and the desire for gain, this does make sense; for how can the concern for survival really compel men to disregard any moral restraints against imperial conquest and rule unless there is a more general compulsion to place one's own good ahead of every other consideration? The preponderant view of the Athenian ruling class was that there is indeed such a compulsion, and they used their best judgment in pursuit of what they regarded as this compulsory end. But they did not understand it as conferring on them any right to act as they did, but rather as a force beyond all considerations of right and wrong.

By the time that he wrote his later work the *Leviathan*, Hobbes may have become aware of the difficulty in his claim that compulsion confers a right. Or perhaps he became aware of the more particular difficulty in his claim that the compulsion to shun death confers a right (and in the state of nature indeed a right to all things) by

virtue of its being a compulsion, whereas the equally natural, if in his view less enlightened, compulsion to seek honor or glory does not. But whatever the reason, in the *Leviathan* Hobbes does not attempt, at least not explicitly, to find a basis in any compulsion for what he still regards as the natural right to do everything in one's power to avoid death. Instead, he outlines again the dangers that men pose to one another in the state of nature and then continues as follows:

And from this diffidence of one another, there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him. (*Leviathan*, Part I, Chapter 13)

It is on the basis of this last claim that Hobbes will go on to assert that each man has a natural right to do whatever in his own judgment is most conducive to his self-preservation. For to say that something "ought to be allowed" is what it means to assert that there is a right to it. But what argument does Hobbes give here for claiming that the unlimited pursuit of power, so long as its aim is self-preservation, ought to be allowed? The closest he comes to preparing this claim is his having said that the attempt "by force or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him ... is no more than his own conservation requireth, and is generally allowed." But is this true? Although self-defense is indeed generally accepted as a legitimate reason for the use of violence, is it thought

to justify an attempt to master the persons of others until all possible threats are removed? It doesn't seem so to me. In fact, even among sovereign states, who must provide for their own security without the protection of an established law, the attempt to dominate others so as to remove all threats is not generally allowed, but is condemned. Moreover, even if it were generally allowed, whether among individuals or states, it would not necessarily follow that it ought to be allowed. What, then, is the basis for Hobbes' assertion that it ought to be?

Hobbes might have replied to this question by stressing an aspect of his teaching that I have already mentioned in passing, namely, that there is a right to all things in the state of nature only if one is seeking to preserve one's life, and that there is no such right if one's aim is honor or glory. He might then have argued that the ground of this distinction is that a civil society can be constructed, on the basis of the social contract, to satisfy the demands of those who seek protection against other men, but that no such escape from the state of nature would ever be possible for those who claimed a right to be thought superior. Hobbes could therefore conclude, along with Locke and Adam Smith, that what he calls a right deserves to be called a right, i.e., it ought to be allowed, because this claim and it alone is compatible with, and can even serve as the basis for, the greatest possible social good. But especially since Hobbes, like Locke, never even pretended that the greatest possible social good is strictly speaking the good of all – if for no other reason than that he saw it as the good only of particular civil societies – I still do not see how this argument can be sufficient for a claim of right. And so I return to the question of why Hobbes asserted that in the state of nature men have the right to seek unlimited power over others.

Before I attempt to answer this question directly, but as a preparation for doing so, let me now take a detour and consider a much earlier, and more extreme, expression of the doctrine that might is right. Callicles in Plato's *Gorgias* claims that justice, or what is right by nature, is for the stronger to rule over and to have more than the weaker. Unlike Hobbes, who justifies such use of might only in the state of nature and only if its aim is self-preservation, Callicles claims that the right of the stronger is unlimited in all respects. And by his insistence that the rule of the stronger really is just, or right by nature, he also differs from the Platonic Thrasymachus who, like the most extreme among the Athenian spokesmen that we hear in Thucydides' history, treats justice as a mere name, which he says is used by the ruling class for the laws it makes to serve its own advantage. But what is the basis for Callicles' claim that such oppressive self-aggrandizement is sanctioned by justice? Though a man might of course be tempted to seek his own advantage at the expense of others, and though he might even succeed, in a worldly sense, that doesn't make it right, does it? How can justice be more than an empty name if it doesn't forbid such behavior?

Now it seems to me that Socrates succeeds in showing that Callicles' view of justice is incoherent, and thus the question of its basis becomes one of trying to understand his pathology. And I think that the root of his confusion becomes clear if we consider what is perhaps the most revealing of his many passionate outbursts in the dialogue. Socrates has been trying to persuade him that doing injustice is worse for the one who does it than it is for the victim to suffer injustice. By "injustice" here he of course means injustice in the ordinary sense, and though Callicles had just been

arguing that this is in fact natural justice, at least if one gets away with it on a large enough scale, he does not object to Socrates' usage. But he does object that the unjust man, assuming that he lives in a city with an unjust ruler, will be free to kill anyone who chooses a life of justice. And when Socrates is content to reply that it would be a worthless man killing one who is noble and good, Callicles asks indignantly, "And isn't this the very thing that is infuriating?" (*Gorgias* 511b6) This expression of indignation at the fate of a just man in an unjust society might seem surprising from an immoralist like Callicles. But in fact I think that it reveals the deepest source of his immoralism, while also providing the clue toward resolving our difficulty of why he claims that despotic rule on the part of the stronger is not merely advantageous for the ruler, but in accordance with right. For when Callicles first entered the conversation, in reaction to Socrates' earlier argument against Polus that doing injustice is a greater evil than suffering it, he warned Socrates, as if a reminder were necessary, that his way of life left him vulnerable to being hauled into court and condemned to death despite his innocence of the charges against him. And this state of affairs does not seem fair to him. After all, we are taught from childhood that justice is good, and indeed an essential aspect, or even the core, of any truly good life. But how can it be good to live in such a way that one is exposed to the greatest evils, including death, at the hands of those who live in the opposite way? The most widespread response to this objection, at least among those who acknowledge the weight of the evidence for Callicles' view of the world, is that justice will be rewarded, and injustice punished, in another life. But Callicles, for whatever reason, is unable to believe in a next life or in divine providence. And yet he seems also to have been un-

able to live with the thought that justice is ultimately defenseless. For he never acknowledged that this bothered him until he was provoked into doing so by Socrates; and his doctrine that might is right now comes to light as an attempt to interpret a world in which right seems to be defenseless as if it were, or could come to be, in accordance with what is truly or by nature right. In keeping with this attempt, Callicles had also claimed that those like Socrates who continue to philosophize, instead of entering the political arena, once they are no longer young need or even deserve a beating for their unmanliness. Not only does he argue, then, that those who are stronger have a natural right, as being the better men, to gain advantage at the expense of others, but he almost suggests that at least the best men among their potential victims deserve the suffering that may be inflicted upon them. And in these ways Callicles tries to escape from his impotent indignation at the thought that those who are just and good have no recourse against suffering an undeserved fate at the hands of the wicked.

In the case of Callicles, then, the persistence of an attachment to justice in its ordinary sense, an attachment that he initially tries to deny, is at the root of his conviction that the rule of might is not merely natural, but in accordance with right. And to return now to Hobbes, if I may be excused the comparison between a man of genuinely great stature and someone like Callicles, it seems to me that we must assume in him a somewhat similar lack of self-knowledge, in order to account for his belief that whatever a man might do to preserve his life in the state of nature ought to be allowed. For even though Hobbes explicitly teaches that all moral and political duties are derivative from this natural right, as rules of rational self-protection, it seems to



me that his very assertion of a natural right as a right presupposes an unacknowledged recognition on his part of an original and more comprehensive moral law. It is ultimately, I think, on the basis of his recognition of such a law that he distinguishes between the permissible use of any means at all in order to survive and the impermissible use of such means in the pursuit of honor. And to the question of how any recognition of an original duty in relation to others could be compatible with Hobbes' assertion of a natural right to all things, I would say that even the ordinary moral perspective recognizes self-defense as a right, and as justifying some exceptions to what would otherwise be the law. Hobbes' innovation is to extend this ordinary sense of what is legitimate in self-defense – to such a degree that it becomes unrecognizable, even to Hobbes himself, as being grounded in law – on the basis of his depressing view that neither God nor nature offers any security for just men against oppression.

For indeed in the ordinary understanding of the legitimacy of self-defense, according to which one is entitled to act with violence, but only in certain circumstances and only to a limited degree, there is an assumption that the established authorities can be counted on to protect the innocent against more distant threats. And where there are no established authorities, as in the foreign relations among states, there seems to me to be an unspoken assumption that something in the order of things will allow the decent to take care of their own security without their having to stoop to the level of their most unscrupulous enemies. And finally, if all else fails, there can remain the hope in a god who would not allow just men to suffer the worst of evils at the hands of the wicked even in death. Hobbes, however, denies that these

hopes in the superhuman are well-founded. To try to show or at least to communicate a sense of the baselessness of all such hopes is in fact one of the main purposes of his doctrine of the state of nature. And it is primarily, I think, in consequence of what he sees as this cosmic indifference to justice that he claims that the right of self-defense in the state of nature must be interpreted so as to take precedence over any laws that could possibly limit a man's freedom of action. On this basis he also transforms what had been the traditional understanding of the legitimacy of self-defense within civil society. For instance, he claims that a fearful soldier, if he has not volunteered for military service, commits no injustice by disobeying a command to fight, and he even argues that a convicted criminal commits no further injustice by resisting those who attempt to seize him in order to carry out capital punishment. Now these and similar innovations regarding justice within civil society are of course in keeping with Hobbes' assertion that what are called natural or moral laws are all derivative from the primary right of self-defense. But it seems to me, to repeat, that his fundamental assertion that this is a right, or something that ought to be allowed, remains unintelligible except as the residue of a buried belief, which he claims to reject, in an original and more comprehensive moral law. Moreover, it is hardly surprising that he does claim to reject such a belief, or that he hides from himself the moral basis of his own position; for what kind of a moral law would allow to each person, apart from civil society, an unlimited right to do whatever he wishes for his own security?

In the case of Hobbes, then, as well as Callicles, the conviction that the world is at odds with justice weakens the attachment to justice, at least as justice first presents itself to our ordinary understanding, i.e., as a restriction on our freedom of

action in relation to other human beings, and as a restriction that does not depend on our own consent. Hobbes and Callicles even come to assert that they have rejected, and with good reason, the belief that justice in this primary sense has any real existence. But in fact, this belief continues to live on in them. And these two men are not the only ones for whom the denial that there is any higher support for the cause of justice in its primary sense leads to what presents itself as a sound decision to abandon it as an illusion, whereas in fact it continues to live an underground life. There is an especially revealing discussion of this widespread human phenomenon in the writings of the deepest moralist in the modern philosophic tradition, Immanuel Kant. Kant was always clear and emphatic that our obligation to obey the moral law is an obligation to act in accordance with it for the sake of duty alone, and not because of the consequences that might follow from our own good actions or those of others. We are obliged to act so as to be *worthy* of happiness, whether or not happiness actually comes to us or to anyone else. On the other hand, Kant was equally clear that moral action, as a species of action, aims at an end beyond itself, namely, a state in which actual happiness necessarily does come to those who deserve it. Now it would make no sense to be obliged to act so as to help bring into being an end that can never really exist. And since there is no basis either in experience or in the moral law itself for believing that the worthiness to be happy will ever necessarily be joined with happiness, Kant argues that there must be another life in which this moral ideal can be realized, and also a God who oversees its realization. But what if someone, perhaps because he shared Callicles' and Hobbes' keen sense of the worldly power of injustice, should find himself unable to believe in a providential God or a future life?

In the *Critique of Pure Reason*, Kant suggests that such a man would be compelled to reject the moral law itself, as did Callicles and Hobbes. Without the assumption of God and a future life, he says, reason “would have to regard the moral laws as empty figments of the brain, since without this postulate the necessary consequence which it itself connects with these laws could not follow” (*Critique of Pure Reason*, trans. Norman Kemp Smith, p. 639 [B839]). However, when Kant later restates this claim, applying it explicitly to the human subject, he adds a significant warning. What he says is that “I inevitably believe in the existence of God and in a future life, and I am certain that nothing can shake this belief, since [if it were shaken] my moral principles would thereby be themselves overthrown, and I cannot disclaim them without becoming abhorrent in my own eyes” (p. 650 [B856]). In other words, even though nonbelief in God and in a future life would indeed compel one to reject the moral law, one would nevertheless suffer the penalty of self-abhorrence for having done so.

Now it is hard to see why a person’s rejection of the moral law would lead to self-abhorrence unless he somehow felt that he were still obliged by it. And in his later *Critique of Judgment*, Kant makes clear what, at least by this time, he regards as the basis for such a feeling by stating emphatically that the commands of the moral law are binding in fact even for a nonbeliever in God or a future life. But unless this nonbelief is itself already a violation of the moral law – and Kant does not think it is (cf. *Critique of Practical Reason*, Part I, Book II, Chapter II, V. [“The Existence of God as a Postulate of Pure Practical Reason”], paragraph 3, beginning) – it does not seem fair, or consistent with what he regards as the rational character of that law, that the

nonbeliever should be compelled to incur the guilt of rejecting it. Accordingly, Kant now implicitly retracts his claim that there is such a compulsion. Or more precisely, he argues there is no such compulsion on the grounds that the nonbeliever is always free to assume that God exists. As for the nonbeliever who persists in his nonbelief, Kant now seems hesitant to say whether or not he has the power to continue to accept the moral law. Kant begins this train of thought by saying that it is possible to suppose the case of a righteous man, for instance, Spinoza, who does not believe in God or a future life. But he then spells out in painful detail the distress that this man must feel, since his irreligion would lead him to be convinced of the ultimate futility of all his efforts to help assure the happiness of those who deserve it. If this distress does not compel such a man to reject the moral law, it certainly puts a tremendous strain on his attachment to it. And thus Kant concludes that he must either give up as impossible the final purpose at which he had always aimed, or else if “he wants to continue to adhere to the call of his inner moral vocation, and ... does not want his respect for the moral law, by which this law directly inspires him to obey it, to be weakened, as would result from the nullity of the one ideal final purpose that is adequate to its [i.e., this respect’s] high demand” (*Critique of Judgment*, trans. Werner Pluhar [slightly modified], Hackett, p. 342), he must become willing to assume the existence of God and of a future life. Kant claims that this nonbeliever has it within his power to assume the existence of God, since he thinks he has shown in the *Critique of Pure Reason* that this assumption does not contradict anything that theoretical reason could ever know, and since he thinks of it as an assumption that is

meant only as a support for our moral behavior, and not as a factual claim about the character of things in themselves. Indeed, he urges this assumption even though he himself is not fully certain that God exists, and even though he acknowledges that if there is no God, the moral law is also an illusion. As he puts it later in the *Critique of Judgment*,

And yet that law of duty does enjoin us to aim at furthering the final purpose of all rational beings (happiness insofar as it is possible in harmony with duty). But speculative reason has no insight whatever into the possibility of achieving that aim (neither as far as our own physical ability nor as far as the cooperation of nature is concerned). Rather, as far as we can rationally judge, speculative reason must consider it a baseless and idle – even if well-meant – expectation to assume that such merely natural causes (within and outside us), without God and immortality [of the soul], will make our good conduct have such a result. Indeed, if speculative reason could have complete certainty of this judgment, it would have to regard the moral law itself as a mere deception of our reason in a practical respect. (pp. 364-65, translation slightly modified)]

Kant goes on to say, however, that speculative reason knows full well that there will never be any such certainty that our moral striving is in vain. In other words, even though he accepts that the moral law is senseless, and hence illusory, if there is no God, and though he also recognizes that this alternative can never simply be ruled out, he claims that we humans, in our inescapable ignorance regarding the ultimate sources of things, can never reject this law without self-aborrence, since there always remains in us the possibly well-grounded residual feeling that we are still bound by it.

And yet Kant's hesitation, even in this later work, to assert that the nonbeliever who persists in his nonbelief is still free to adhere to the moral law, when taken to-

gether with what seems to me to be his unsuccessful attempt to treat a mere quasi-assumption of God's existence as if it were genuine belief in God, suggests that his solution to the problem of the apparent lack of support for justice is inadequate. And is there in fact an adequate solution to it? Are there any alternatives, at least for those of us to whom an unshakable faith has not been given, other than to reject justice itself, in the sense of its being an original moral law, but on the basis of the inconclusive evidence against providence that seems to have persuaded Callicles and Hobbes, or else to support the cause of justice, as Kant does, but with inadequate arguments? It seems to me that indeed there would be no other alternatives, if the question of justice could not be satisfactorily addressed without a prior solution to the problem of whether or not there is divine support for it. And it may be largely for this reason that almost at the beginning of his *Republic*, Plato has Glaucon and Adeimantus make the demand upon Socrates to show that justice is choiceworthy for the just individual himself because of the power it has in his own soul, no matter what consequences might follow from it, either in this life or in a next one. Now it is not possible for me to give an account here of Socrates' response to this demand. But the impasse that we have seen to arise on the basis of the more ordinary point of view, which thinks that the consequences of justice must also be shown to be good if it is to be defensible, may help strengthen our own sense that this purer demand is the only one that speaks adequately to what justice means to us, and that it is thus the only one that could lead to the kind of answer we really want.

Let me at long last return to the question from which we originally began, namely, that of the roots of the contemporary belief that we have the right to live as

we please. I have argued that this belief is an outgrowth of Hobbes' doctrine of natural right, according to which each individual has a right to do whatever he wants to for his own security in the state of nature. And to the reasons that I have already given for seeing our own views in this Hobbesian light, I would add the following. Not only does Hobbes lay the foundation for our belief in the right to live as we please, but his project even has the tendency to promote it. For Hobbes, as a philosopher, was keenly aware, as Callicles was not, that his evidence against the belief in divine providence was inconclusive. He knew that he could not prove that there is no other life after this one, and he therefore knew that he could not prove the truth of the claim – which must be generally believed if his political project is to get off the ground – that death, and especially violent death, is the greatest evil (compare *Leviathan* Part I, Chapter 14, third paragraph from the end, with Part II, Chapter 29, eighth paragraph from the end). In the face of this dilemma, Hobbes conceived the revolutionary project of trying to make hedonism the popularly accepted view of the human good. For people who think of the good as merely pleasure, which means their own pleasure in the last analysis, are unlikely to be able to believe in a providential God or a hereafter. And Hobbes tried further to cement the weakening of religious hopes and fears by promoting what he called “the Desire of such things as are necessary to commodious living” (*Leviathan*, Part I, Chapter 13, end). For commodious living, the great achievement of modern economics and modern technology, has the tendency to make us so satisfied with the comforts of this world, especially when it is combined with the promise of ever more such comforts in the future, that



we become oblivious of any concern for a hereafter. That this has happened in the contemporary world is in full accordance with Hobbes' intention, and not just his political intention but his theoretical one as well. For he foresaw this weakening of religious concern as providing key evidence that he had been right all along that the belief in a providential God is a delusion, a false hope that could be dried up at its roots by means of the establishment of a rational human society. Now to return to our theme, it is true that Hobbes never explicitly speaks of pleasure or of commodious living as rights. But he does say that the security for the sake of which we enter civil society, and the pursuit of which he regards as our most basic right, includes security not only in life, but also "in the means of so preserving life, as not to be weary of it" (*Leviathan*, Part I, Chapter 14, eighth paragraph), and this is hardly more than another expression for commodious living. And more generally, his advocacy of hedonism and his promotion of the desire for ever increasing worldly comfort at least point toward the subsequent claims, within the tradition that sees all duties as being derivative from our original rights, that there is a right to pursue happiness in any way we please.

I have already argued that Hobbes' doctrine of natural right cannot be understood as a doctrine of right without presupposing the traditional belief, which he nevertheless denied and indeed had to deny, in an original and more comprehensive moral law. And it seems to me that our own dubious claim that we have the right to live as we please suffers from the same confusion. But rather than trying to argue this point further, let me conclude by mentioning what seems to me to be the most damaging consequence of this contemporary moral posture. For even apart from its



political dangers, which I would summarize by saying that it undermines our capacity to demand sacrifice on the part of the citizenry as a whole should it become necessary, it is already a fact that as a result of this belief of ours in the right to live as we please, the simplest and most important questions of life tend to remain hidden from us. In antiquity, and even in Kant, as we saw, there was always controversy between the claim that we are naturally free to live as we please, on the one hand, and the view that our pleasure must be subordinated to justice or, more generally, to some higher good, on the other. It was clearly understood that these positions cannot both be true, and that a thoughtful human being has to choose between them. However, in today's intellectual life this question has almost disappeared from view. And the main reason for this, as it seems to me, is that for some time we have been taught to believe that we can have our cake and eat it too, that we can live in just about any manner we want to without doing anything wrong. Our society has become so lax in what it regards as acceptable behavior that it can often seem as if only illness could lead a person to want to transgress its rules. This is not to say that the simple conflict between pleasure and duty has been overcome, but it has gone underground; the permissiveness of our public discourse makes it all too easy for us to turn our thoughts away from it. And though this is not what the New Left of the Sixties meant when it coined the term "repressive tolerance," it is repressive tolerance. By being so tolerant of our desire to live in any manner we please, contemporary society tends to repress our freedom to address the questions that we would have to ask in order even to begin to understand ourselves as we really are.