

VOLUME XV, NUMBER 1, WINTER 2014/15

# CLAREMONT

REVIEW OF BOOKS

*A Journal of Political Thought and Statesmanship*



**Tributes by Michael Anton, Larry P. Arnn, Edward J. Erler,  
Michael M. Uhlmann, and Thomas G. West**

*Plus Reviews and Essays on:*

Abraham Lincoln, the Anglosphere, Aristotle, Big Government,  
Charlie Hebdo, the Declaration of Independence, Diversity, Israel,  
the Living Constitution, Martin Gilbert, Modern Liberalism, Natural Rights,  
Philosophic Writing, Reform Conservatism, the Republican Party,  
Thomas Aquinas, and William Shakespeare

*by*

Gerard Alexander, Benjamin Balint, Michael Barone, Martha Bayles,  
John Channing Briggs, Timothy W. Burns, Christopher Caldwell, Michael S. Greve,  
Harvey C. Mansfield, Matthew J. Peterson, David Pryce-Jones, Jeremy Rozansky,  
Steven B. Smith, William Voegeli, John G. West, and C.J. Wolfe



A Publication of the Claremont Institute

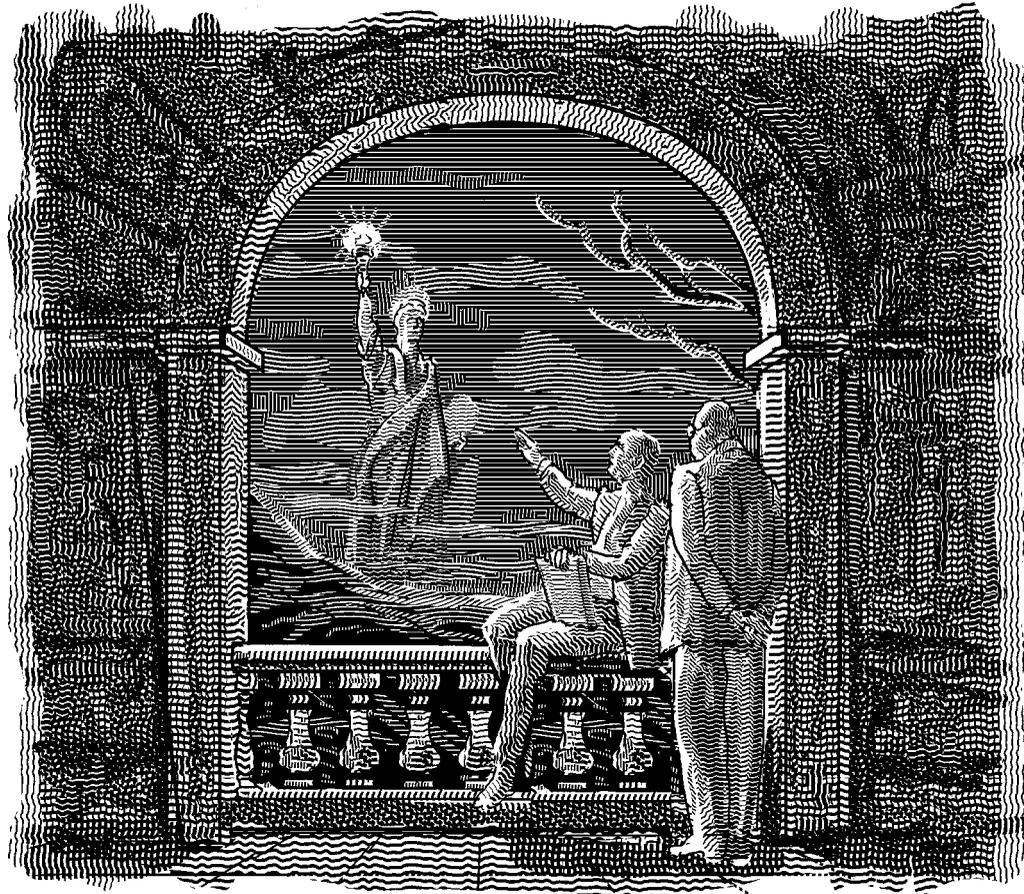
PRICE: \$6.95

IN CANADA: \$7.95

Book Review by Matthew J. Peterson

## NATURE TRAIL

*The Foundations of Natural Morality: On the Compatibility of Natural Rights and the Natural Law*, by S. Adam Seagrave.  
University of Chicago Press, 184 pages, \$35



THE DEBATE OVER WHAT WE MEAN when we speak of rights, especially in the American context, often concerns what John Locke understood them to mean. Locke's ambiguity is a gift that keeps on giving to scholarly presses. In *The Foundations of Natural Morality: On the Compatibility of Natural Rights and the Natural Law*, S. Adam Seagrave, a self-identified Aristotelian-Thomist, mercifully refrains from attempting the definitive commentary on what he rightly calls Locke's "problematically vague and incomplete" account of the basis of rights. Instead, he makes not a wholly Lockean but, as he says, a "Locke-ish" case for how natural rights arise from the very structure of human beings.

The argument is the fruit of thoughtful exploration of the depth and import of Locke's claim that "every man has a property in his own person." Seagrave, as assistant professor at Northern Illinois University, first wants to show how natural rights (broadly speaking, "a basis for moral claims residing within or deriving from the individual") are based in

this self-ownership, properly understood. For Locke, since ownership arises from workmanship, and human beings are God's workmanship, we are God's.

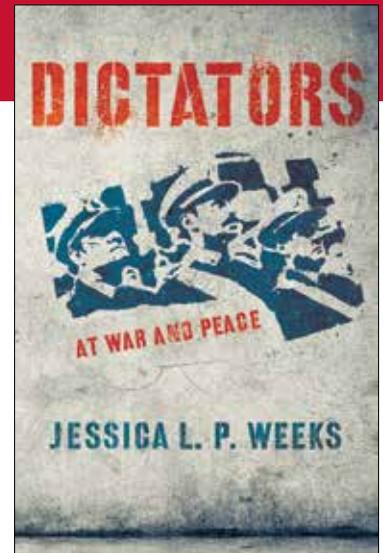
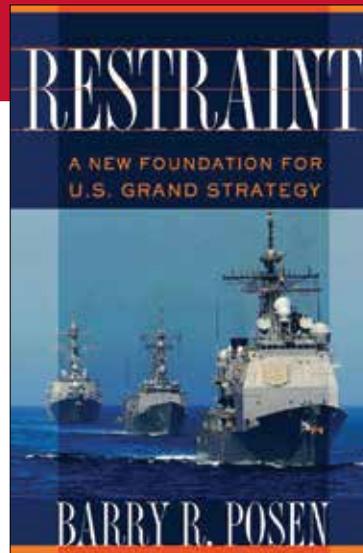
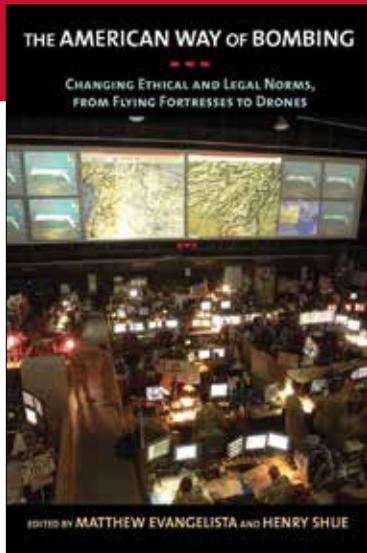
When we examine this workmanship, as the Declaration of Independence proclaims, we find that we are *endowed* by our Creator with certain unalienable rights. But *how*, exactly, do we receive and possess our endowment? What we find we are most proximately endowed with are not rights *per se*, but certain capacities that structurally or functionally define us as human beings. Our humanity is given; God or no God, we do not create whatever it is that makes us a part of the human species. One of the capacities with which we are endowed, which helps mark the human species—and which Christianity claims is part of how we are made in the image and likeness of God—is the manifest ability we have to perceive our own activity and sentience. Seagrave argues that this "reflective capacity of the individual...produces or makes the self." Although there is a wide gradation

in the intensity of our self-reflection as we go about our lives, consciousness is the underlying, continuous, maintaining cause of our unique self. We say we are not our *selves* when our self-consciousness is impaired by strong emotions, alcohol or drugs, or sleep—even as the rest of us remains. The consciousness that both creates and sustains our active selves is part of the capacity or potential of our nature. Our active, unique self is the product of the workmanship of our humanity or potential self. As we say, we *make, work on, help, and improve* our individual selves.

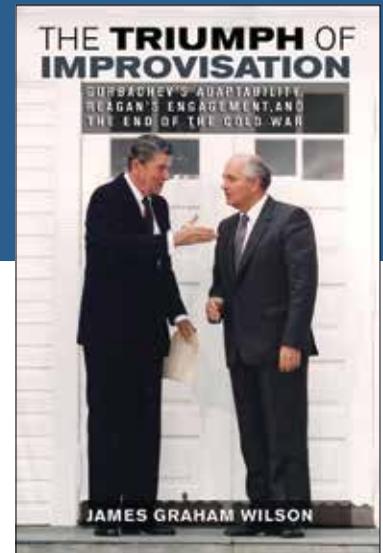
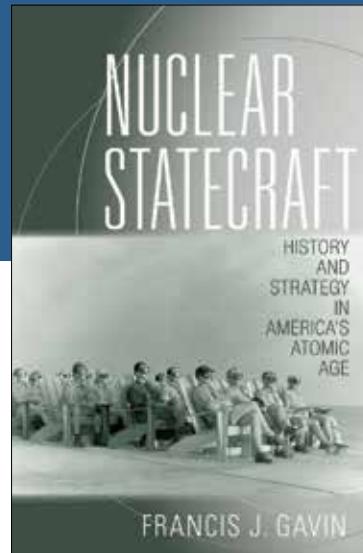
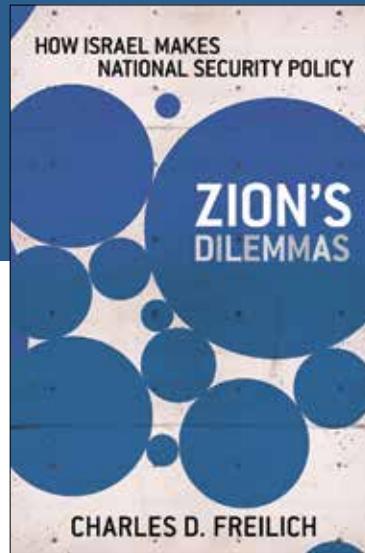
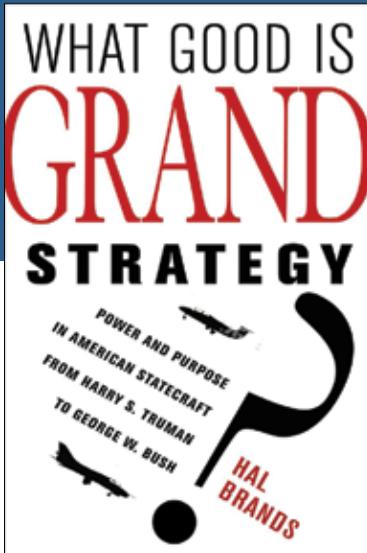
THUS, FOLLOWING LOCKE, INsofar as the active self exists and is formed by our reflective humanity, we are self-possessed—self-owners—which is why we are right to universally refer to *our* selves possessively. In this way, Seagrave argues, "self-ownership constitutes the foundational natural right," and "normative...implications...result from the possibility of contravening action" that would get in the way of this relationship

# Statecraft & Strategy

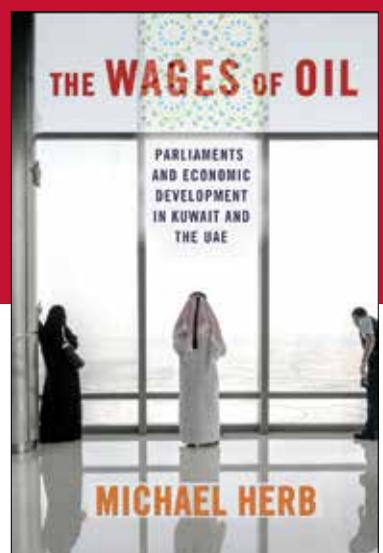
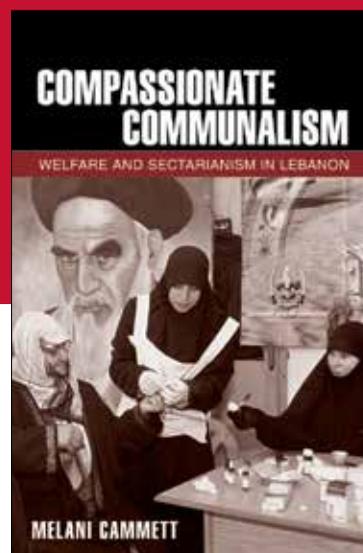
New Books in Politics from America's First University Press



New in Paperback



Named as Two of 2014's Best Books on the Middle East by Marc Lynch of the *Washington Post's* "Monkey Cage" Blog



All of these titles are also available as ebooks from Amazon Kindle, Apple iBooks, B&N Nook, Google Play & Kobo

## Cornell University Press

[www.cornellpress.cornell.edu](http://www.cornellpress.cornell.edu) | 1-800-666-2211



between our human nature and our unique self. His account thus specifically determines and severely limits the scope of natural rights, as they come in focus only negatively, or when our self-ownership arising from our internal order is threatened.

The right to life, for instance, in his account, is qualified: since life is simply given to us, it cannot be entirely our own. Yet our active, unique self *is* ours, and without life we cannot sustain or shape it, and thus we have a right to life insofar as it is related to our self. The right to life is therefore most accurately called the right to *self*-preservation. Anyone who would get in between us and our preservation of ourselves would potentially violate the structural hierarchy of what makes us human—transgressing the ordering fact of our self-ownership. Since Seagrave thus holds that natural rights are negative by definition, in his account there would be no such thing as the indefinite positive rights, say, to universal healthcare, that crowd contemporary political rhetoric.

When he says that our individual self arises from our humanity, our “humanity” does not exist as some Platonic form floating in the ether, but within each one of us (and there only). Within each person, the unique, active self is inferior to the source from whence it springs, even if we can and do contravene that source by ignorance or force of will. In other words, our human nature is superior to our unique self; the self arises out of it and is caused by it.

**T**HE CONTENT OF OUR HUMANITY, HOWEVER, includes more than the power of consciousness; there are many other capacities that come along with being a human being. Perhaps the most prominent is our capacity to reason, which includes ordering and commanding our desires, inclinations, or instincts. Here Seagrave relies on Aristotle’s and Cicero’s arguments that although reason is superior to our sensual appetites, human beings can and often do choose to indulge the sensual appetites, contravening the reason which ought to rule.

Thomas Aquinas argues that reason’s participation in this pre-existing natural order constitutes the natural law. Seagrave’s stimulating interpretation is that this means we can come to understand natural law without revelation: “While God is indeed the ultimate source of St. Thomas’s natural law, human nature or humanity as it is apprehended through induction is its immediate source.” What we can apprehend of the superior aspects of our nature provides a “blueprint” that can potentially provide guidance to our active and unique selves.

But how can this apprehension of our nature be properly called a law without anyone present to enforce it? Seagrave argues, following Cicero, that what reason can potentially discover about our nature takes “the form of a command” and entails reward and punishment “primarily in the alienation of oneself from one’s nature, or the failure to be in actuality what one is fundamentally and potentially.”

This might seem like a weak penalty at first glance, but if the most fundamental desire of a human being is to preserve his nature, presumably not living up to one’s nature would be the greatest of punishments, whereas the “fulfillment and completion of nature” would be the greatest of rewards. Thus, “The source of obligation to the natural law is clear: one’s humanity is necessarily superior to one’s unique self, and its commands contain the specifically human good.”

**I**F SEAGRAVE IS CORRECT, NATURAL RIGHTS and the natural law are compatible, since natural rights and natural law are both born out of the superiority of human nature to the self. Our sustaining and making of our self in some sense amounts to a relation of ownership that gives rise to our natural rights, while our understanding of the blueprint of

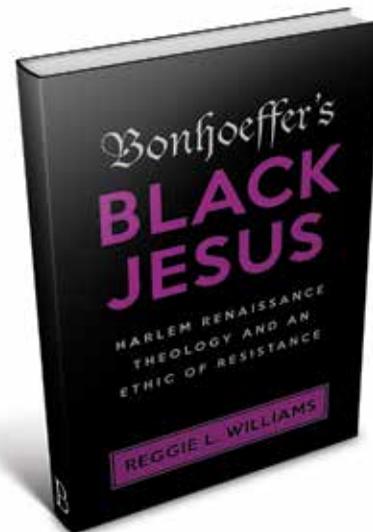
our functionally and structurally higher human nature gives rise to the natural law.

As he weaves the thread of his argument through extremely difficult and contentious territory, the thread does not break, although it is much thinner in some places than in others. His ambitious claims raise a host of objections at every turn, precisely because he hurtles on rather than let his argument suffer death by a thousand footnotes.

But whatever one thinks of his conclusions, we should be grateful for his boldness. He has eschewed the imposing vagaries of modern scholarship in favor of actually engaging in the act of philosophy rather than mere commentary or critique. True philosophic exploration of difficult questions is much like the art of negotiating a fair deal: if one side walks away in smug satisfaction, you’re probably not doing it right. Everyone will disagree with some chunk of S. Adam Seagrave’s provocative work, but his effort is a brave breath of fresh air in the stagnant, painfully insecure, and often comically compartmentalized world of academic books.

*Matthew J. Peterson teaches political science at Loyola Marymount University and is a research consultant at the Rose Institute of State and Local Government at Claremont McKenna College.*

from BAYLOR UNIVERSITY PRESS



“The Black Christ that Williams finds in Bonhoeffer challenges all of us to live more authentically and fully into the call to do justice. *Bonhoeffer’s Black Jesus* is a must read.”

—EMILIE M. TOWNES, *Vanderbilt Divinity School*

Books for Good | [baylorpress.com](http://baylorpress.com)

The CLAREMONT REVIEW OF BOOKS is a publication of the CLAREMONT INSTITUTE  
FOR THE STUDY OF STATESMANSHIP AND POLITICAL PHILOSOPHY.

Subscribe to  
the *Claremont Review of Books*

*“The Claremont Review of Books  
is serious, lively, always sound  
yet delightfully unpredictable,  
a model of intellectual journalism  
as a source of education  
and of pleasure.”*

—Joseph Epstein

Subscribe to the *CRB* today and save 25%  
off the newsstand price. A one-year  
subscription is only \$19.95.

To begin receiving America's premier  
conservative book review, visit  
[www.claremont.org/crb](http://www.claremont.org/crb)  
or call (909) 621-6825.

CLAREMONT  
REVIEW OF BOOKS  
937 W. FOOTHILL BLVD.  
SUITE E  
CLAREMONT, CA  
91711

NON PROFIT ORG.  
U.S. POSTAGE PAID  
PERMIT No. 504  
CLAREMONT, CA