NATURAL LAW

KULLMANN (W.) *Naturgesetz in der Vorstellung der Antike, besonders der Stoa. Eine Begriffsuntersuchung.* (Philosophie der Antike 30.) Pp. 189. Stuttgart: Franz Steiner, 2010. Cased, €39. ISBN: 978-3-515-09633-1.

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This book, the expanded and revised version of an earlier publication ('Antike Vorstufen des modernen Begriffs des Naturgesetzes', in O. Behrends and W. Sellert [edd.], *Nomos und Gesetz. Ursprünge und Wirkungen des griechischen Gesetzdenkens* [1995]), is not a systematic treatment of either natural law or laws of nature, at least not in the sense nowadays given to these expressions. The German *Naturgesetz* can refer to laws of nature as we know them from classical physics, or to a natural moral law governing the behaviour of humans. K.'s monograph broaches both aspects, but not in such a way as to provide a systematic account of either. Aiming to present the history of a concept, K. discusses, in chronological order, various authors who use expressions such as 'natural law', 'by nature a law' (*φύσει νόμος*, *νόμος φύσεως*, *θεσμός*, *lex naturae*, *foedus* and several others). K. is good at carefully evaluating contexts and assessing the semantic value of expressions. Yet sometimes his approach appears to be somewhat impressionistic, especially when he does not explain his reasons for interpreting the text in a particular way. To give just one example: K. aborts his brief discussion of the metaphors in Heraclitus' fragment B120 by stating that he 'does not believe' that Zeus is here a solar deity or a celestial region (p. 17). The reader would presumably like to know the reasons for K.'s belief and disbelief. A more serious shortcoming is the lack of a rigorous definition of what is meant by *Naturgesetz*. Or rather, K. does give criteria in his introduction, but they are neither formulated in an unambiguous way nor applied consistently throughout the book. Instead he looks at various metaphors that belong to a not clearly delineated semantic field, and uses often highly metaphorical language in his own account of these texts. K. explains what he means by *Naturgesetz* on p. 11 (here in my translation): '(1) It is assumed that a law is a social rule that is generally valid and determines social life. (2) It is assumed that likewise in the domain of application of the metaphor, i.e. in nature, there exist certain states of affairs that are universally valid, and that the course of nature is determined by these "laws". (3) It is assumed that the order of nature owes its origin to an act of will, namely the laying down of these rules by a divine power, comparable to a legislator. Either this power can be regarded as transcendent, i.e. located above nature, or nature itself may be personified or equated with god and understood as normative. In both cases an intentional, truly teleological interpretation of the origin and development of nature is implied. Often moral imperatives are regarded as natural laws'.

It will be clear that this explanation is not sufficiently precise and has some loose ends. The first assumption specifies the original domain of application of the term 'law'. The second assumption or stipulation applies the concept metaphorically to the realm of nature and suggests something like modern 'laws of nature'. The third point introduces the idea that laws of nature result from a divine act of will. This is also possible, says K., when the divinity is identified with nature itself. The minimal requirement for an act of will would seem to be that the divinity,

nature, is capable of thought. What then does it mean to say that the divinity is normative? Apparently that god lays down rules of behaviour for the universe (which amounts to self-regulation in the case of Nature). It is indeed characteristic of the ancient notion that laws of nature are regarded as analogous to political laws and decrees: nature ought to behave in a certain way because god wants it that way. Laws of nature, on this view, are indeed normative, not descriptive (at least not primarily so). This would seem to imply, although K. does not spell out these connections, the possibility of deviation from the law. Indeed, in most cases the laws of nature are not conceived as exceptionless or as allowing infallible or even reliable predictions. In a Stoic universe, infallible predictions are in principle possible, though usually not available to us, in a universe where there is room for contingency, at least some 'laws of nature' hold only for the most part. Is any irregularity, however, considered to constitute a breach of the law and hence to be condemned? That does not appear to be the case, certainly not always. At the end of the quoted passage K. returns to moral imperatives and says, somewhat enigmatically, that they are considered as natural laws. Does he mean that the notion of natural law, understood as the result of a divine command, is reapplied to moral rules for humans? That would mean that first natural laws are understood on the model of human laws, and then moral laws are understood on the model of natural laws thus understood. Or does K. mean that rules for behaviour are somehow understood as natural? The latter is suggested by the fact that in the course of the work K. discusses individual natures as setting normative rules of behaviour. At any rate, his account ranges over laws in the domain of physics and laws for human behaviour that follow from individual nature, without drawing sharp distinctions between those cases.

Other stipulations made by K. only become clear in discussions of particular authors. When dealing with Aristotle, for instance, he argues that Aristotle cannot have a concept of a law of nature, because his universe has no temporal beginning (p. 24). Hence, he says, there cannot be a divine act of will at the (temporal) origin of the universe. It eludes me why that would constitute a problem: would it not be sufficient for there to be a law of nature if god legislates in the course of the world's existence? This is what the god of the Stoics does, and K. has no qualms about making them the champions of ancient natural law theory. It is true that the metaphor of a legislator suggests an original act of legislation by which the laws are inaugurated, i.e. begin to exist. Yet that does not appear to have been an essential condition for the ancients to talk about laws that are natural (K. mentions the *origin* of the order of nature in the definition quoted above, but offers no justification of this restriction).

Praise is in order for the range of texts and authors discussed in this book: from poets to philosophers and theologians, from Homer to Augustine. Especially useful is the inclusion of Christian authors. Yet one wonders why K. decided not to include post-Plotinian Platonism or the commentators on Aristotle. The Stoics were the most important proponents of the concept of a natural divine law, in their cosmology and ethics. Yet it was Lucretius, he thinks, who with the expression *foedera naturae* came closest to the modern notion of the laws of nature, for instance in his account of magnetism. One of the most interesting phenomena examined by K. is the Christian idea, clearly expressed by Paul, of a natural law that has legal force for all human beings, so that pagans cannot claim ignorance as an excuse for deeds offending against it. This is the beginning of the natural

law tradition in ethics. In the epilogue (Chapter 14) K. adumbrates this tradition as it would develop in the Middle Ages and beyond.

Stoic moral law theory and its legacy have met with a great deal of interest from historians of philosophy. In recent decades there has been a substantial debate on some of the philosophical issues involved, for example on the relation between the natural law and moral deliberation, and on the question of exceptions to the natural law. K. cites almost none of the scholars involved (for a *status quaestionis* see J. Miller, 'Stoics, Grotius, and Spinoza on moral deliberation', in J. Miller and B. Inwood [edd.], *Hellenistic and Early Modern Philosophy* [2003], pp. 116–20), and does not discuss either the philosophical issues and the interpretative questions they raise. Overall K. cites few publications in English from the last twenty years. He appears to be unaware, for instance, of recent work on Aristotelian teleology. This monograph is heuristically useful, as it discusses many authors and texts that are often ignored; but it is not an in-depth, systematic study of philosophical issues.

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THEOPHRASTUS

GUTAS (D.) (ed., trans.) *Theophrastus On First Principles (known as his Metaphysics). Greek Text and Medieval Arabic Translation, Edited and Translated with Introduction, Commentaries and Glossaries, as well as the Medieval Latin Translation, and with an Excursus on Graeco-Arabic Editorial Technique.* (Philosophia Antiqua 119.) Pp. xxiv + 506. Leiden and Boston: Brill, 2010. Cased, €114, US\$169. ISBN: 978-90-04-17903-5.

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This short text, listing about 25 aporias, has received significant attention over the past 80 years; G. has contributed importantly to the discussion. For English-speakers, the standard edition and translation has been, since 1929, that of Ross & Fobes. For the French-speaking world, the comparable text was produced by J. Tricot in 1948. In 1964, Giovanni Reale published a translation and commentary (*Teofrasto e la sua aporetica metafisica*); an English version is included in Reale's *The Concept of First Philosophy* (1980). In 1993, Laks & Most produced a Budé and Van Raalte a translation with extensive commentary. In 1994, Romani put out another Italian translation; in 2000, Henrich produced a German translation, with commentary. In the same period there has been a fair number of scholarly articles dealing with specific issues in this text. The question would be, what does G.'s work add? Quite a lot. Perhaps the most salient contribution is the edition and translation of the medieval Arabic translation of this text, since it bears witness to a somewhat independent manuscript tradition, and we know that the translator, Ishaq ibn-Hunayn, was an astute scholar of classical Greek philosophy. It is good also to have the medieval Latin translation conveniently at hand. We may add in this connection that G.'s survey of the manuscript tradition, in Greek, Arabic and Latin, is exceptionally clear and informative.