

*I. The Morality of Natural Orders:
The Power of Medea*

II. Nature's Customs versus Nature's Laws

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I. THE MORALITY OF NATURAL ORDERS: THE POWER OF MEDEA

INTRODUCTION: NATURAL AND MORAL ORDERS

There are few Enlightenment projects that now seem more obsolete, even archaic, than the attempt to ground moral order upon natural order. Long before our current debates over evolutionary ethics and the morality of genetic technologies, philosophers found the appeals of Jacques Turgot, the Marquis de Condorcet, the Physiocrats, Jean-Jacques Rousseau, and many other lesser eighteenth-century lights to the moral authority of nature almost incomprehensible. Circa 1850 John Stuart Mill, for example, wrote that invocations of nature and the natural were among “the most copious sources of false taste, false philosophy, false morality, and even bad law.”¹ Or as the Russian novelist Ivan Turgenev put it only a few years later: “she [nature] knows nothing of art or liberty, as she does not know the good...”² The milder form of this critique argues that nature does not qualify for moral agency, much less moral authority: nature neither deliberates nor dictates; the natural and the moral belong to different ontological categories. Even environmental ethicists who have argued that nature should be the object of moral solicitude have stopped short of making it the subject of moral authority. The more severe version of the critique points out that many of nature’s actions (e.g., earthquakes) would be judged by almost any moral standard as positively criminal. To quote John Stuart Mill again: “In sober truth, nearly all the things which men are hanged or imprisoned for doing to one another, are nature’s everyday performances.”³ Alexander Pope’s famous couplet from the *Essay on Man* strikes us as not

¹ John Stuart Mill, “Nature” (comp. 1850–58), in *Three Essays of Religion* (1874), in *Essays on Ethics, Religion and Society*, ed. J. M. Robson, with an introduction by F. E. L. Priestley (London: Routledge, 1996), pp. 373–402, on p. 373.

² Ivan Turgenev, *Dovolno* [Enough] (1864), quoted in Isaiah Berlin, “Fathers and Children” (1970), in Ivan Turgenev, *Fathers and Sons* (1861), trans. Rosemary Edmonds (Harmondsworth: Penguin, 1975), p. 57.

³ Mill, “Nature,” p. 385.

just wrong but bizarre: “And, spite of pride, in erring Reason’s spite / Whatever IS, is RIGHT.”⁴

My aim in these two lectures is not to rehabilitate Enlightenment appeals to the moral authority of nature, nor to review current projects, ranging from environmental to evolutionary ethics, that attempt to revive that authority in new guise. Instead, I wish to explore how nature could ever have been endowed with moral authority and why that authority still exerts such a powerful, if covert, pull upon our modern sensibilities, despite innumerable critiques and cautions against conflating “is” and “ought,” against “naturalizing” judgments that are really social and political, and against anthropomorphizing “Nature,” designated with a capital *N* and often with a feminine pronoun. Indeed, the very frequency with which philosophers, political theorists, and cultural critics of all stripes must admonish us about committing the naturalistic fallacy of smuggling moral prescriptions into natural descriptions is cause for raised-eyebrow remark. No amount of trenchant criticism of this or that instance of the naturalistic fallacy seems sufficient to root it out. To discover allegedly “natural” motives for a crime mitigates its severity (and often the severity of punishment); conversely, the reproach of the “unnatural” has not lost its sting, whether it is applied to a cruel mother or to cloning. Nor does the abundant evidence drawn from the annals of natural history concerning behaviors no one would want to emulate—consider the mating habits of the praying mantis or the massacre of drones by worker bees—apparently diminish the charm of other cases trotted out to legitimate some other human practice by analogy with, for example, ducks or ants. Why, one wonders further, do so many cultures cast moral precepts for humans in the form of stories about animals, as in the case not only of Aesop’s fables and medieval bestiaries but also of hundreds of recent children’s books?

This resilience in the face of protracted criticism and a mountain of empirical counterexamples is *prima facie* evidence that we are in the grip of metaphysical demons. Certain categories of thought and sensibility—and the two are intimately and significantly intertwined—shape the way in which experience is parsed, evidence is weighed, and judgments are formed. As a mere historian, I am under no illusions as to my power to exorcise these demons. Unlike psychoanalysis, history does

⁴ Alexander Pope, *An Essay on Man, Being the First Book of Ethic Epistles to Henry St. John, L. Bolingbroke* (London: John Wright for Lawton Gilliver, 1734), I.286, p. 22.

not claim that tracing the genesis of a neurosis or a pattern of thought and sensibility will ipso facto liberate one from either. At best, historical analysis can show the contingency of such subterranean patterns and drag them into the light of conscious scrutiny. It can neither refute nor replace them. The former is largely futile in the case of metaphysics, notoriously resistant to argument and evidence; the latter is properly the work of creative metaphysicians, who are even rarer than great poets or scientists, perhaps because they must combine the talents of both in making up a new world that holds together. What history can do is to excavate deeply held intuitions, in the sense of both revealing their origins and uncovering them to view. This exercise might be described as a kind of history of the self-evident: the sources and multiplicity of our most deeply held assumptions and irrefragable intuitions, their coming into being and passing away.

This is what I would like to do for the moral authority of nature. I shall argue that that authority derives from at least three different conceptions of nature and that most post-Enlightenment critiques have addressed only one of them. This is because the character of moral authority itself underwent a sea-change in the seventeenth and eighteenth centuries, so that older (and still persistent) appeals to a different kind of authority based on a different kind of nature no longer appeared to be even candidates for rebuttal. The first, venerable conception of nature is literally specific: that which makes something the kind (or species) of thing it is, its ontological identity card, if you will. This is the primary meaning not only of the English word “nature” and its cognates in many other modern European languages, but also of its Latin root *natura*, as well as of the ancient Greek word *physis*. This specific sense of nature is closely related to a second kind of natural order conceived as local, pertaining to the flora, fauna, and landscape of a particular place. Both specific and local natural orders are richly variable, cornucopias of types and topographies. They are regular, but not deterministic, orders based on “what happens always or most of the time,” in Aristotle’s phrase, rather than on inexorable physical necessity. The third, more modern conception of nature is by contrast comprehensive, uniform, and universal. It embraces the entire nonhuman universe and is defined by unexceptionable regularities that are everywhere and always the same. If the metaphor for the order of comprehensive nature is “law,” that which was applied to the orders of specific and local natures was “custom,” implying a contrast of moral orders resonant in

associations for early modern Europeans all too familiar with clashes between the customs of localities and the laws of absolutist monarchs. The one natural order was heterogeneous, local, and, within limits, mutable; the other was homogeneous, global, and eternal.

Because only the third order, both moral and natural, has remained intellectually visible and viable, and because only the traits of universality, uniformity, and permanence are still admitted as titles to any kind of moral authority (hence the modern bogey of relativism), I shall concentrate in these lectures on the first two older orders of nature: specific, local, custom-governed nature—or rather natures, since they always come in the plural within these orders. The first lecture attempts to make the intuitions of specific nature vivid; the second, those of local nature. In this first lecture, my entry into this philosophically unfamiliar but (so I shall argue) still subliminally powerful moral order of natural kinds will be the myth of Medea. I choose this myth in part because it is a myth, that is, a story that has been endlessly retold and recast in the retelling, but which invites retelling because of a conundrum that still compels the readers of contemporary authors like Christa Wolff, as it once compelled the spectators of Euripides' play in ancient Athens. My other reason for focusing on the myth of Medea is the particular conundrum at the heart of her story: a conflict of natures. The myth of Medea in its many versions charts the rise and fall of the moral category of the unnatural, from the most horrific of horrors to simple impossibility.

MEDEA'S CRIME

The story of Medea exists in a dizzying variety of versions and genres, ranging from stage dramas to learned compilations to novels to at least three operas. In some of these versions, she is a demigoddess who escapes in a chariot driven by winged dragons (as in the tragedies by Euripides and Seneca); in others, she is a sorceress of sinister skills (as in Ovid's *Metamorphoses*); in still others, she is an unfortunate foreigner in an inhospitable land (as in Franz Grillparzer's 1821 trilogy *Das goldene Vließ*); and in yet others, she figures as a paragon of wifely fidelity, and the murder of her children is not so much as mentioned (as in Geoffrey Chaucer's fourteenth-century *Tale of Good Women*). There are moralized Christian versions in which she becomes an allegory of the true faith in the face of

demonic deception, and even one fifteenth-century Burgundian telling of the tale in which she does kill her children, and most gruesomely, but later repents of the deed and is taken back by Jason, with whom she then shares the crown of his native Thessaly and lives happily ever after.⁵ Hence one cannot isolate a core narrative transmitted in all versions. One might, however, designate a canonical version by dint of its antiquity and influence, and this would surely be Euripides' tragedy of 431 B.C.E. I shall use this dramatization of Medea's story to refresh our memories concerning the main (though not ubiquitous) elements of the myth.

Jason, prince of Iolcus and leader of the Argonauts, has managed to win the Golden Fleece from King Aietes of Colchis with the aid of the magical arts of Aietes' daughter Medea, who is the granddaughter of the sun god Helios and also related to the enchantress Circe. Medea has fallen in love with Jason and agrees to betray her father in return for Jason's oath of fidelity to her. They first escape to Jason's native Iolcus, along the way murdering Medea's brother Apsyrtus, whose dismembered body is cast upon the ocean waves to distract Aietes in his pursuit of them. In Iolcus, Jason's usurping uncle Pelias denies Jason his crown, and Jason is revenged by Medea's magic, once again through an act of parricide: the daughters of Pelias are tricked into killing their father in the hopes of rejuvenating him through Medea's potions. When the play begins, Jason and Medea and their two young sons have sought refuge from the irate Iolcians in Corinth. After nicely calculating his own prospects for social advancement in Corinth, opportunistic Jason has abandoned Medea for Creusa, daughter of King Creon of Corinth. Knowing Medea's reputation for magical mischief all too well and fearing for his own and Creusa's safety, Creon pronounces a sentence of exile

⁵ The story of the Argonauts is mentioned in the *Odyssey* (12.70); Pindar seems to have added the story of the murder of Pelias. It is possible that the infanticide was Euripides' innovation; earlier legends suggested that the children were killed by the Corinthians in revenge for the death of Creon and Creusa: "Introduction," in Euripides, *Cyclops-Alceste-Medea*, ed. and trans. David Kovacs, Loeb edition (Cambridge, Mass.: Harvard University Press, 1994). All subsequent references to Euripides' *Medea* are to this edition. For a comprehensive survey of versions of the Medea legend and the artwork it has inspired, see Ekaterini Kepetzis, *Medea in der bildenden Kunst vom Mittelalter zur Neuzeit* (Frankfurt-am-Main: Peter Lang, 1997); also James J. Clauss and Sarah Iles Johnston, eds., *Medea: Essays on Medea in Myth, Literature, Philosophy, and Art* (Princeton: Princeton University Press, 1997); and Lüdger Lütkehaus, ed., *Mythos Medea* (Leipzig: Reclam, 2001). The operas are Marc-Antoine Charpentier's *Médée* (premiere 1693, using Thomas Corneille's *Médée* as libretto), Luigi Cherubini's *Médée* (premiere 1797), and Rolf Liebermann's *Medea* (premiere 1995). The Christian allegory is set forth in the *Ovid moralisé* composed ca. 1320, and the happily-ever-after romance is narrated in Raoul Le Ferre's *Histoire de Jason*, composed sometime after 1460.

upon Medea, whose pleas succeed only in winning a day's reprieve from him. She encounters King Aegeus of Athens, who promises her asylum in his kingdom in return for her help in curing his childless condition. On the pretense of winning Creusa's favor for her sons, so that they might be spared her fate as an exile, Medea sends them to the palace with gifts for Jason's new bride, a poisoned gown and diadem. Creusa dies in burning agony when she dons them, as does Creon when he attempts to save her. After a fierce internal struggle, Medea resolves to kill her children as a final revenge upon their father Jason. He arrives just in time to see her escape with the children's corpses in her winged chariot, a triumphant *dea ex machina*.

Nowhere in Euripides' *Medea*, nor in Seneca's Latin reworking of the play (1st c. C.E.), is the act of infanticide described as "unnatural," although a mother's murder of her own children was later to become the very archetype of an unnatural act. In both plays, abuse is heaped upon Medea for her atrocious deed, but it is condemned as "unholy" [εργον ανοσιωτατον], "horrific" [δεινον], and "savage" [αργιωω] in Euripides, and as "abominable" [*nefas*], impious [*impius*], and a "horror" [*horror*] in Seneca—not as "against nature" [παρα φυσιν, *contra naturam*]. This is all the more striking because other passages in both plays invoke the wrath of nature against other human misdeeds: in Euripides, the chorus of Corinthian women expects rivers to run backward from their sources because men like Jason now break their oaths sworn by the gods;⁶ in Seneca, the Argonauts are punished for "the sea's outraged laws," and part of Medea's black magic consists in changing the order of the seasons and confusing the motion of sun and stars.⁷ Although deviations from the natural order are cause for morally tinged alarm in both cases, the unnatural is a sign of or response to grave moral transgressions, not a synonym for them.

In contrast, later dramas based upon Euripides' and Seneca's plays almost all brand Medea's act as "unnatural": in Pierre Corneille's early sev-

⁶ Euripides, *Medea*, p. 333. Cf. Sophocles, *Oedipus Tyrannus*, in which a blight upon crops, cattle, and women in childbirth and plague in Thebes signal some undetected act of pollution: "A blight is on the buds that close the fruit, a blight is on the flocks of grazing cattle and on the women giving birth, killing their offspring; the fire-bearing god, hateful Pestilence, has swooped upon the city and harried it...." Sophocles, *Ajax—Electra—Oedipus Tyrannus*, trans. Hugh Lloyd-Jones, Loeb edition (Cambridge, Mass.: Harvard University Press, 1994), p. 329.

⁷ Seneca, *Medea*, in *Tragedies*, trans. Frank Justus Miller, Loeb edition (Cambridge, Mass.: Harvard University Press, [1917] 1979), pp. 282, 293.

enteenth-century *Médée*, for example, it is nature to whom Medea must rationalize the murder of her sons (“Nature, I could [do this deed] without violating your law”), and mourning Jason condemns her not just as horrific but as “Horror of nature.”⁸ To summon nature (as opposed to the gods, the Fates, or assembled public opinion) as judge of acts of utmost outrage represents the slow development of centuries under the joint influence of late Roman imperial law and Christian theology. Roman law recognized a category of “natural law,” which governed human relationships insofar as these derived from a state of nature, common to humans and animals alike (particularly with respect to procreation and care of offspring). Unlike civil law, which extended only to a particular political unit, the jurisdiction of natural law was all of humanity, for all time. But this universality by no means granted natural law greater authority than the more restricted civil law; quite the contrary. It was axiomatic among Roman jurists that slavery, for example, contradicted natural law, which dictated that all human beings are free and equal, but it was equally axiomatic that slavery was licit under civil law and that civil law trumped natural law. Conversely, crimes that would later be branded as *contra naturam*, such as parricide and incest, were rather condemned as *nefas*, sacrilegious. In early Roman law, nature did not serve as a basis for moral norms, *a fortiori* not as the most fundamental basis for such norms.⁹

The first appearance of the category of crimes *contra naturam* in Roman law dates to the *Novellae* of Justinian in the sixth century C.E., in relation to homosexuality, and only through a slow process of diffusion and amalgamation with Judeo-Christian elements did the moral category of the unnatural take root, applied above all to perceived threats to the family, whether from parricide, incest, or nonprocreative sexuality.¹⁰ Christian commentators identified the natural order with God’s creation and thus with divine sovereignty; hence to defy nature was to defy God, and by the tenth century C.E. the older Roman category of

⁸ Pierre Corneille, *Médée* [première 1635, publ. 1639], in *Oeuvres complètes*, ed. Georges Couton, 2 vols. (Paris: Editions Gallimard, 1980), pp. 532–94, on pp. 585, 592; V.i, V.vi. Cf. the libretto by Thomas Corneille (brother of Pierre) for Charpentier’s opera, Act V, in which Medea wrestles with herself over the decision to kill her children: “Nature, tu parles en vain, / Leur crime est assez grand d’avoir Jason pour Pere.”

⁹ Yan Thomas, “Imago naturae: Note sur l’institutionnalité de la Nature à Rome,” in *Théologie et droit dans la science politique de l’état moderne* (Rome: Ecole française de Rome, 1991), pp. 201–27, esp. pp. 206–8.

¹⁰ Giuliana Lanata, *Legislazione e natura nelle novelle giustinianee* (Naples: Edizioni Scientifiche Italiane, 1984), pp. 189–204.

nefandum had converged with the newer category of crimes *contra naturam* in the arch-transgression of heresy.¹¹ By this convoluted trajectory, nature (here understood as universal nature, the entirety of creation, but with special emphasis on reproduction) was equated with divine authority, and subversions of natural order with crimes against God.¹² These damaging associations made crimes *contra naturam* the most abominable of all crimes, *nefas* in the root sense of ineffable, unspeakable.

NATURES IN CONFLICT

Neither the sense of nature as the entire nonhuman universe nor the sense of nature as a mirror of the will of God, much less as the foundation of moral norms, is present in the ancient accounts of Medea's crimes,¹³ although many of these—fratricide, deception leading to patricide, infanticide—would become sterling examples of felonies *contra naturam* in the Latin Middle Ages. Yet there is another sense in which Medea's tragedy was and remained a tale of natural and moral orders undermined. But the nature in question was specific nature, that which stamps a being as one kind of thing rather than another, as opposed to universal nature embracing the whole of creation and representing divine fiat. In Medea's case, the specific natures in question vary with the telling: is she goddess or human? human or animal? masculine hero or feminine mother? civilized or savage? mad or sane? But in almost every case, the inner struggle that precedes her decision to kill her children is one of conflicting natures, not just conflicting motives. And once that deadly resolve is realized, it is Medea's nature (not her undeniable guilt) that must be urgently clarified by the other characters in the tragedy. The question they pose in their horror and despair is not so much what

¹¹ Jacques Chiffolleau, "Contra naturam: Pour une approche casuistique et procédurale de la nature médiévale," *Micrologus* 4 (1996): 265–312, esp. 267–78. Hence the regularity with which heretics (and infidels like Jews and Muslims) were accused of sodomy and incest by Christian theologians after the eleventh century.

¹² See, for example, Thomas Aquinas's condemnation of bestiality as unnatural, because in violation of the species boundaries established by "the author of nature" (i.e., God). It is therefore a far more serious sin than mere fornication. *Summa Theologica*, IIa-IIae, 153.12.

¹³ This absence is perhaps particularly noteworthy in Seneca's version, since as a prominent Stoic philosopher he in other writings promulgated the view that nature might serve as a moral guide: see, for example, the condemnation of luxury in the name of nature in his *Questiones naturales*, trans. Thomas H. Corcoran, Loeb edition, 2 vols. (Cambridge, Mass.: Harvard University Press, 1971–72), I.17.2, vol. 1, pp. 89–91 et passim.

kind of person could do such a thing, but, rather, is Medea a person at all, a member of humanity as a natural kind.

In Euripides' version, Medea is given a remarkable monologue in which she is nearly ripped apart by the warring impulses in her own soul that alternately push her to murder or spare her children. Just what these impulses are has been the topic of much learned commentary and controversy, and they are certainly multiple and intricately intertwined. Here I shall restrict myself to only one level of Medea's inner conflict, but one that is foreshadowed and echoed before and after the slaying of her sons. Euripides' Medea hovers between the divine and the bestial, two natural kinds that define that of humanity by opposition. She is the granddaughter of Helios, the god of the sun, and therefore of heroic lineage, like Hercules or Helen. Her divine ancestry is recalled at several critical junctures: when she first vows revenge upon Creon and Creusa, when she bids Aegeus to swear by Helios that he will give her asylum in Athens, when she sends Creusa gifts "more beautiful by far than any now among mortals," when the chorus entreats Helios to save his great-grandsons from their mother's dagger, and, most memorably of all, when she escapes from Corinth in the winged chariot given to her by her grandfather.¹⁴ When she denies Jason his request to bury the bodies of his children, it is because she intends to deliver them to the sanctuary of Hera Akraia and to initiate a cult in their memory in Corinth.¹⁵ As Helene Foley has pointed out,¹⁶ Medea steels herself to the deed of infanticide by invoking the ethos and imagery of heroic combat, her birthright as Helios's descendant, even though she is a woman: "Come, put on your armor my heart! Why do I put off doing the terrible deed that must be done?" Jason reviles her as hateful to gods and the human race alike, but her exit is that of a goddess not subject to human measures.¹⁷

Yet there is another nature that competes with the human in Euripides' Medea, that of the ferocious beast. Early on, the children's nurse warns them to keep out of their mother's way, because of her "fierce

¹⁴ Euripides, *Medea*, ls. 404–6, pp. 332–33; ls. 746–53, pp. 364–65; ls. 947–48, pp. 380–81; ls. 1317 et passim, pp. 416–27.

¹⁵ Euripides, *Medea*, ls. 1378–84, pp. 422–33. On the cult, see Sarah Iles Johnston, "Corinthian Medea and the Cult of Hera Akraia," in Claus and Johnston, *Medea*, pp. 44–68.

¹⁶ Helene Foley, "Medea's Divided Self," *Classical Antiquity* 8 (1989): 61–85; Euripides, *Medea*, l. 1244, pp. 408–9.

¹⁷ P. E. Easterling, "The Infanticide in Euripides' *Medea*," *Yale Classical Studies* 25 (1977): 177–91, esp. p. 190.

nature” [φύσιν φρενοσ]; after he discovers how the children died, Jason curses Medea as a “she-lion, not a woman, with a nature [φύσιν] more savage than Scylla the Tuscan monster.”¹⁸ (Euripides in his *Bacchae* employs similar bestial imagery for another case in which a mother murders her son, the crazed Agave, who is deceived by Dionysus into tearing her son Pentheus limb for limb: she is described as a “lioness,” and she mistakes Pentheus for “the whelp of a desert lion.”)¹⁹ Throughout the play, the human and the humane is defined by the love of one’s children: Creon’s love for his daughter Creusa, Aegeus’s pilgrimage to Delphi to cure his childlessness, Jason’s love for his sons, Medea’s love for *her* sons. The chorus of Corinthian women speaks movingly about the joys and trials of parenthood, which never cease, and the bitterest of all afflictions, when a child predeceases its parents. The chorus tries frantically to dissuade Medea from murdering her children, arguing that the only other woman ever known to have done such a dreadful thing (Ino) was mad. Euripides’ Medea is not mad—on the contrary, she is clever and calculating from beginning to end—and the implication is that she is not merely evil but inhuman, another kind of nature altogether. The young classical philologist Friedrich Nietzsche caught this ambiguity in his notes on Medea: on the one hand, Medea is “debased into an animal”; on the other, she “surmounts [*übersteigt*] the boundaries of humanity...”²⁰

If Euripides’ *Medea* can be viewed as a conflict of natures, it is, however, not a conflict *with* Nature, in the singular and written majuscule, as it would become in later versions of the drama, like that of Corneille. The distinction between specific natures, in the plural, and universal Nature operates at several levels. First, whether to identify Medea as outraged goddess, mortal mother, or savage beast is an issue of discerning this nature rather than that, not of distinguishing the natural versus the unnatural *tout court*. What befits the nature of the granddaughter of the sun god may be at deadly odds with the dictates of human nature (as the Corinthian women plead), but both are equally natural, true to the specific but different natures competing for mastery in Medea. Her tragedy is that to choose one nature is to betray the other, a predicament that cannot arise for one all-encompassing universal Nature.

¹⁸ Euripides, *Medea*, ls. 103–4, pp. 304–5; ls. 1339–43, pp. 418–19.

¹⁹ Euripides, *Bacchae*, trans. Arthur S. Way, Loeb edition (Cambridge, Mass.: Harvard University Press, 1988), ls. 898–99, 1174.

²⁰ Friedrich Nietzsche, fragment (ca. 1850), quoted in Lütkehaus, *Mythos Medea*, p. 188.

Second, nature enters the action not in the actual act of infanticide, as it does in later versions that castigate that act as “unnatural,” but in the deliberations that precede the murder of her sons and that pit one specific nature against another. In a famous passage of Enlightenment art criticism, Gotthold Ephraim Lessing imagined the lost portrait of Medea by the ancient artist Timomachus, which according to tradition showed her not in the act of killing her children, but a few seconds before, when “maternal love still battled with jealousy.” For Lessing, the legendary emotional power this portrait exerted on spectators flowed from their knowledge of how the grim tale would end, knowledge that stimulated the imagination to race ahead to the horrible denouement not depicted.²¹ But for a drama of conflict between natures, rather than one of the unnatural, the key moment would indeed be the deliberation, not the deed.

Finally, the bare fact of deliberation, with its implication of genuine choice, was increasingly irreconcilable with an understanding of nature as operating by necessity. In the course of the eighteenth century, the notion of natural regularities modeled on customs gave way to that of regularities modeled on laws. This was a momentous metaphorical shift and drew much of its force from the coeval attempts of early modern absolutist monarchies to centralize and consolidate royal authority by replacing disparate local customs with uniform laws of the realm. I shall say more about the import of these developments for the moral authority of nature in my second lecture. Here, in the context of the transformation of the myth of Medea, I wish to draw attention to how universal Nature joined to natural necessity (logically and historically distinct notions) created a paradox that has bedeviled narratives about Medea (or about any mother who kills her children) from the mid-seventeenth century onward. Strictly speaking, an unnatural act is no longer simply horrible but also impossible. A mother who commits infanticide is *ipso facto* lacking in maternal nature, for nature’s edicts are now inexorable, not just what happens most of the time. Because a specific nature has come to be conflated with universal Nature, there can be neither conflict nor escape. Hence, only two paths remained open to the artist or dramatist who took up the myth of Medea: either she is mad, and murders her children not knowing what she does; or she is sane, and murders them because of, not in spite of, inexorable maternal nature.

²¹ Gotthold Ephraim Lessing, *Laokoon oder über die Grenze der Malerei und Poesie* [1766], in *Werke*, 3 vols. (Zürich: Artemis and Winkler, 1995), vol. 2: *Kritische Schriften*, § III, pp. 23–24.

One can find exemplars of both possibilities in works of art inspired by the myth of Medea from the seventeenth century on. Both coincide with a shift in dramatic focus from deliberation to act, from conflict of natures to the unnatural. The drawings of Medea by Peter Paul Rubens (ca. 1600–1608) show her possessed by an inhuman frenzy, disheveled, hair unbound. Conversely, Carle van Loo's 1759 portrait of the actress Mademoiselle Clairon as Medea in the more Senecan pose of defiant (and well-coiffed) triumph was sharply criticized by Denis Diderot as psychologically false: "point de désordre; point de terreur..."²² Théodore Géricault's drawings of Medea murdering her children, which were not meant for public viewing, emphasize the bestial ferocity of the act, as she hovers over the corpses of the children (significantly made into putti-esque infants) like a bird of prey.²³

Those taking up the second possibility, infanticide committed out of excessive maternal sentiment, included the Viennese playwright Franz Grillparzer and the Berlin artist Anselm Feuerbach. Grillparzer has Medea turn upon her children because they prefer Jason's new bride, Creusa, to herself: "They don't want [to come]? The children don't want the mother?... Who will give me a dagger? A dagger for me and for them!"²⁴ Medea is no longer jealous of Creusa as Jason's new wife but as the children's new mother. She throws herself to the ground in despair and longs for her own death: "I am vanquished, destroyed, trampled / They [the children] flee from me, flee!"²⁵ When she contemplates infanticide, it is to save her children from slavery, as semibarbarians subject to Jason's and Creusa's Greek progeny, and she propels herself to act with the thought that the Corinthians will slaughter the children along with their mother in revenge for the death of Creusa. Medea appears to Jason for the last time not as defiant goddess but as mournful mortal, on her way to bring the Golden Fleece to the oracle at Delphi; she defends the slaying of the children as preferable to the life of misery that would have been their lot in Corinth without their mother.²⁶ Although she is

²² Denis Diderot, *Salon de 1759*, quoted in Kepetzi, *Medea*, p. 157.

²³ On the tabu against painting Medea's infanticide as a violation of public decorum, see Kepetzi, *Medea*, p. 144 et passim.

²⁴ Franz Grillparzer, *Medea* [1821], III, in *Werke*, ed. Helmut Bachmaier, 6 vols. (Frankfurt-am-Main: Deutscher Klassiker Verlag, 1986), vol. 2, p. 365.

²⁵ *Ibid.*, p. 366.

²⁶ *Ibid.*, V, vol. 2, p. 388: Medea to Jason: "Dir scheint der Tod das schlimmste; / Ich kenn' ein noch viel Ärgres: elend sein. / . . . Den Kindern ist's erspart!"

portrayed throughout the play as a rough barbarian in contrast to gentle and cultivated Greek Creusa, Grillparzer's Medea is fully human, neither divine nor bestial, and her motives are made consistently and inexorably maternal. This portrait of Medea as too-loving mother is echoed visually in Feuerbach's painting *Abschied der Medea* (1869–70), in which her embrace of her sons as the boat is readied for her departure into exile ominously foreshadows a deadly maternal possessiveness. Her tragedy has become one of maternal nature and of Mother Nature, from which there is no escape.

The remarkable conflation of universal Nature, conceived by medieval Christian theologians as God's emissary and proxy, with a figure allegorized as a mother to all creation, responsible for the orderly reproduction and nurture of all species, positions the myth of Medea precisely at the crossroads of specific and universal nature in the Enlightenment and thereafter.²⁷ Although allegories have gone out of style, the early modern conundrum of how to reconcile specific and universal natures remains the modern one, and nowhere more acutely irresolvable than in the case of the mother who kills her own children. The unnatural mother evokes not only horror but incredulity: horror, because she has betrayed her nature; incredulity, because it has become impossible to betray a nature that is at once universal and necessary. Atrocity has become compounded with impossibility. Since necessity precludes deliberation, and therefore moral responsibility, infanticide committed by the mother eludes ethical analysis. Instead, ingenuity is channeled into imagining circumstances so horrendous that a mother might kill her children in the service rather than in violation of maternal nature—as in the case of the ex-slave Sethe in Toni Morrison's novel *Beloved* (1987), who slits her baby daughter's throat rather than allow her to be taken back into slavery. The modern Medea is at once unnatural and all too natural. In her, the orders of specific natures and universal Nature collide, turning her into a moral paradox.

²⁷ The history of this conflation is convoluted: see George Economou, *The Goddess Natura in Medieval Literature* (Cambridge, Mass.: Harvard University Press, 1972); Wolfgang Kemp, *Natura: Ikonographische Studien zur Geschichte and Verbreitung einer Allegorie* (diss., Universität Tübingen, 1973); Mechthild Modersohn, *Natura als Göttin im Mittelalter* (Berlin: Akademie Verlag, 1997); Katharine Park, "Nature in Person: Medieval and Renaissance Allegories and Emblems," in *The Moral Authority of Nature*, ed. Lorraine Daston and Fernando Vidal (Chicago: University of Chicago Press, in press).

THE MORAL ORDER OF SPECIFIC NATURES

To evoke an order of nature based on specific natures rather than on universal Nature does not at first glance seem to bolster the moral authority of either. On the contrary, the few claims that nature might plausibly make as a source of moral authority appear to dissolve when nature is construed as specific rather than universal, variable rather than uniform, more or less regular rather than unexceptionably lawlike. Specific natures resemble local, mutable cultures all too closely and therefore offer no refuge from relativism, from the specter of morality dependent on the accidents of time and place. One might indeed argue that the sole legitimate influence exerted by nature on moral philosophy since the Enlightenment has been analogical: universal nature stands as the most perfect example of a realm without contingency or caprice, in which laws apply everywhere, always, and with no exceptions made for persons or circumstances. Immanuel Kant seems to have been in the thrall of this analogy when he coupled “the starry heavens above and the moral law within” as the two phenomena that filled him with awe,²⁸ and George Eliot also drew moral comfort from the “great conception of the universal regular sequence, without partiality and without caprice.”²⁹ Although the very determinism of such a universal, regular sequence precluded genuine moral agency in the voluntarist ethical systems to which both Kant and Eliot subscribed, its relentless uniformity could serve at least as a figure for a universal moral order purged of the arbitrary.

Even this metaphorical force of nature as moral exemplar is lost if nature is conceived as specific to this or that natural kind, rather than as co-extensive with the entire universe. Because potentially unlimited jurisdiction is inherent in the modern idea of moral authority, it seems self-contradictory to imagine a form of authority restricted to one or another specific nature or natural kind. The thrust of moral philosophy since the Enlightenment has been to generalize the category of moral subjects and thereby to devalue the role of ontology as a title to moral consideration. The kind of being one is matters less and less to the kind

²⁸ Immanuel Kant, *Kritik der praktischen Vernunft* [1788], ed. Karl Vorländer (Hamburg: Felix Meiner, 1993), [289], p. 186.

²⁹ George Eliot, *Essays of George Eliot*, ed. Thomas Pinney (New York: Columbia University Press, 1963), p. 413, quoted in George Levine, *Dying to Know: Scientific Epistemology and Narrative in Victorian England* (Chicago: University of Chicago Press, 2002), p. 109.

of moral treatment one deserves. A continuous arc can be traced from Kant's scrupulous use of "all rational beings" (a larger category than the human) to current philosophical attempts to substitute the more capacious designation "moral persons" (which may include animals, trees, or Martians) for "human beings." Not only the successive steps of generalization, but also the act of generalization itself is seen as having moral weight: one need only recall the historical sequence by which suffrage has been extended first to all adult white males, then to adult males of all races, then to women, to appreciate the moral momentum of generalization since the Enlightenment. Against this background, to invoke specifics can only appear retrograde, especially since many varieties of racism and sexism are notoriously grounded in an ontology of natural difference.

Hence to capture the intuitions underlying a moral order of specific natures is doubly difficult: not only do modern moral doctrines deny nature moral authority (at least officially); they are also opposed to any authority grounded in specifics, natural or otherwise. The intuitions at issue presuppose a vision of both the moral order and of authority that is radically different from our own. Before attempting to reconstruct that vision, it may be useful to recall the essential elements common to every natural and social order. Because it is an intellectual reflex for us to distinguish and indeed to oppose the natural and the social, and to guard vigilantly against conflation of the two realms, their shared properties, though obvious, are obscured.

The most salient of these commonalities is predictability, the guarantee that the sun will continue to rise and set and that promises will be kept. Any order worthy of the name, whether social or natural, demands a temporal dimension that extends into the future. The seasons run their course; the sun circles the ecliptic; oaths and compacts are honored.³⁰ There need be no causal relationship posited between natural and social predictability (which would presuppose that the two realms have been clearly distinguished); both simply exemplify what it means to *be* an order. When the chorus in Euripides' *Medea* expects rivers to run backward now that men break their oaths, or Heraclitus says the Fates will harry the sun should it deviate from its course just as they punish perjurers, one and the same sort of order is being described, although

³⁰ On the connection between seasonability and justice in Hesiod, see Laura Slatkin, "Measuring Authority, Authoritative Measures: Hesiod's *Works and Days*," in *The Moral Authority of Nature*, ed. Daston and Vidal, pp. 25–49

modern metaphysics compels us to read these utterances as metaphorical. It is the order that links the past and the present to the future, the continuity that is the precondition for rationality and morality alike.

Complementary to the shared order of temporality is that of organic integration. Once again, we must temporarily suspend the modern assumption that this sort of order derives from nature and is transferred to society (e.g., as in the sociological theories of Herbert Spencer or Emile Durkheim). Instead, recall that the word “organ” derives from the Greek *organon* or “tool,” the most artificial of artefacts, and that Aristotle used the term indifferently to refer to human-made instruments and to the functional parts of living beings. Nature and art exemplify the same kind of order. The same standards of workmanship, of fitting tool to task, apply equally to human and natural productions; as Aristotle contends in the *Physics*, if nature made boats, it would be by the same methods used by the shipwright.³¹ Moreover, the highest standards require that each tool be fitted to only one purpose, and in this respect Aristotle at least judges nature’s handiwork superior: “for nature makes nothing as the cutlers make the Delphic knife, in a niggardly way, but one thing for one purpose; so that each tool will be turned out in the finest perfection, if it serves not many uses but one.”³²

This ideal of an organic order based on extreme specialization echoes Plato’s utopian polis, founded on the principle that each citizen plies only the trade or function for which he is fitted by nature [κατὰ φύσιν].³³ Injustice is defined as the violation of specialization, either when citizens “interchange their tools and their honors or when the same man undertakes all these functions at once.”³⁴ Although this organic order may follow nature, as in the case of Plato’s *Republic*, it is hardly immutable. On the contrary, it is quite fragile, vulnerable to social subversions of all kinds. So pliable is nature on this view that the Guardians must be forbidden from indulging in acting, lest playing a part out of character warp the qualities that suit them for their job: “Or have you not observed that imitations, if continued from youth far into

³¹ Aristotle, *Physics*, II.8, 199b26–30; trans. Philip H. Wicksteed and Francis M. Cornford, Loeb edition, 2 vols. (London: William Heinemann, 1929), vol. 1, pp. 178–79.

³² Aristotle, *Politics*, I.i.4, 1251a–52b9; trans. H. Rackham, Loeb edition (Cambridge, Mass.: Harvard University Press, [1932] 1990), pp. 4–7.

³³ Plato, *The Republic, Books I–V*, trans. Paul Shorey, Loeb edition (Cambridge, Mass.: Harvard University Press, [1930] 1994), 370c, p. 153.

³⁴ *Ibid.*, 434a–b, p. 371.

life, settle down into habits and (second) nature in the body, the speech, and the thought?"³⁵ Just as the edge of a knife may be dulled by using it as a screwdriver, the Guardians may be denatured by imitating the habitus of a different class.

I take Plato's *Republic* to illustrate an organic order because it is among the most detailed and influential examples, not because it is unique. The history of political theory abounds with other cases, many of them intertwined with analogies drawn from natural history (e.g., the division of labor in the beehive) or human anatomy and physiology (e.g., the mapping of the three estates onto the parts of the body). All are based on an ontology of specific natures, combined with the principle of optimal specialization and division of labor. These natures do not carry necessity; on the contrary, they can be all too easily corrupted by usage. And although these orders are usually hierarchical, they do not aim at any single vision of the noble or the good. Because they are essentially interdependent, each part must be good of its kind in order for the whole to flourish. The medieval body politic would disintegrate if it had two hearts and no arms and legs (representing the aristocracy and the commoners, respectively); the artisans in Plato's *Republic* may be less noble than the Guardians, but they are no less necessary. Each component is ideally what it is and only what it is; because the fit of tool to task and part to whole is optimal, change can only mean decay. Such orders do not derive their legitimacy so much as their plausibility from natural analogies: do such natures as are needed to fill the functions exist? can they be joined neatly together with other, equally vital natures to form a viable whole? will that whole be stable? When, for example, Plato argues that the seemingly contradictory traits of gentleness and ferocity can be united in the Guardians, he cites the well-trained watchdog as proof that such combinations are possible, are not "contrary to nature [*παρα φύσιν*]." ³⁶ Similarly, when fifteenth-century French theorists of the state tried to stave off civil war, they argued that just as a body with more than one head would be an unviable monster, a state with multiple contending monarchs would be disastrous for all.³⁷ The force of these analogies was more illustrative than justificatory.

But it is surely not accidental that the illustrations are so often

³⁵ *Ibid.*, 395d, p. 235.

³⁶ *Ibid.*, 375e, p. 171.

³⁷ J. Krynén, "Naturel: Essai sur l'argument de la nature dans la pensée politique française à la fin du moyen âge," *Journal des Savants* (April–June 1982): 169–90, on p. 179.

drawn from the realm of organic nature, at least before the mid-seventeenth century. Aristotle provides a clue as to why nature's handiwork might be preferred to that of human artisans as the most arresting illustration of functional parts integrated into a whole. Even though nature and art work by the same methods, natural products are distinguished from artificial ones in two crucial respects, according to Aristotle. First, natural objects contain the principle of motion within themselves, where motion means not simply locomotion but also any kind of change—especially change conceived as development toward a well-defined final state, the *telos* of the thing in question. Another way of putting this is that the ontological identity of natural products is indelible; artificial products may be classified, but only nature can create genuine natural kinds. Second, the proof that these ontological identities are indeed inherent rather than imposed is that in nature like reproduces like. Beds, ships, houses, boxes, and any number of other artefacts may be made from the wood of trees, but trees remain trees. And whereas beds will never bring forth a baby bed, the trees from which the beds are made generate other trees.³⁸ Only nature is capable of impressing genuine specific natures onto formless matter, and only genuine specific natures will perpetuate their own kind more or less faithfully.

This is why analogies to organic nature proved so magnetic for political and social theorists concerned with establishing human orders of comparable coherence and stability. The ontology of natural kinds, which Aristotle articulated but surely did not invent from whole cloth, is also the point of intersection between the temporal and organic orders common to the natural and social realms. Because only natural kinds can be expected to breed true, they are the models and guarantors of the future. Hence the otherwise puzzling medieval allegorical depictions of Dame Nature as obsessively concerned with any hindrance to the orderly perpetuation of her species:³⁹ she is the manufacturer and preserver of natural kinds, not some overarching order of natural laws. Organic orders are in themselves static; Plato lays out the organization of his Republic for the most part without any reference to historical processes.

³⁸ Aristotle, *Physics*, II.i, 193b8–13; vol. 1, pp. 114–15. In one of the very few passages in which Aristotle applies the term *παρὰ φύσιν*, “contrary to nature,” as a moral epithet, to condemn usury, it is because this practice makes something artificial grow and reproduce like a natural kind: Aristotle, *Politics*, I.iii.23, 1258b6–8, p. 51.

³⁹ See, for example, Guillaume de Lorris and Jean de Meun, *Roman de la rose*, trans. Andre Landry, 2 vols. (Paris: H. Champion, 1971–82); also Modersohn, *Natura*, for associated imagery.

Since the division of labor within the *polis* is posited as optimal, any change must be for the worse. Yet all things mortal must die; the rhythm of generations is ineluctable. It is significant that one of the few passages in the *Republic* that deals with change does so in terms of the reproduction of natural kinds. In the founding myth or “noble lie” that explains how the Republic has come to divide its members into three classes, fashioned of gold, silver, and bronze, respectively, Plato relies on the principle that like reproduces like to insure the perpetuation of organic order across generations: golden parents (the Guardians) will usually produce golden offspring; silver parents (the Auxiliaries), silver children; and bronze parents (workers), bronze progeny.⁴⁰

It need hardly be pointed out that moral orders based upon specific natural kinds are inherently conservative, hostile to social mobility in any direction and to liberal principles of equality and individual autonomy. Yet they are not conservative in quite the same fashion that post-Enlightenment political and social theories allegedly grounded in nature have been. The moral order of specific natural kinds enjoyed neither the universality nor the inevitability of an order derived from a metaphysics of natural law. There is no escape from the dictates of nature in the doctrines of Social Darwinism or, for that matter, in a novel by Turgenev or Emile Zola. But there is considerable slippage in the order of natural kinds: Plato admits that sometimes silver parents will bear a golden or brazen child; Aristotle concedes that some slaves have the souls of free men and that some women are superior by nature to the husbands to whom they are subordinated. These cases are “contrary to nature [παρὰ φύσιν],” but whether they are unnatural in the sense of monsters or marvels is left open, and nearly two millennia of literature framed within these categories supply abundant examples for both negative and positive interpretations of individuals who deviate from their natural kind.

Such a moral order of specific natures need be neither theological (nature as God’s minister and proxy) nor anthropomorphic (nature personified), although the Christianized orders imagined by the theologians of late antiquity and the Middle Ages have made these versions most familiar to us. Aristotle’s nature does not deliberate; the Platonic ideal of justice as optimal specialization is not propped up by the gods. Insofar as specific natures wield moral authority, they do so as exemplars

⁴⁰ Plato, *Republic*, 415a–b, p. 305.

of order *per se*, before it became mandatory to distinguish whether the order in question was natural or human. This order lays no claim to universality, much less to uniformity; on the contrary, diversity of types and functions is the cornerstone of its distinctive form of regularity. Good consists in each thing striving to be the best of its kind, not the best of all; evil in aspiring to the prerogatives of another kind.⁴¹

The most problematic anomaly in an order of specific natures is not the sport that does not resemble its parents, but the hybrid nature that cannot be unambiguously classified. The golden child born to silver parents can be reassigned to the proper station in life, but what about Medea, who is neither fish nor fowl nor bird of sea? In post-Enlightenment versions of her story, her failure to fit in is ascribed to purely social causes: she is a barbarian among Greeks. This element is also present in the ancient accounts, but it simply reinforces the root difficulty of Medea's pied nature, part-god, part-mortal, part-beast; heroic male and maternal female. Within the moral order of specific natures, this is the essence of her tragedy and why her deliberations, which stage the conflict among her several natures, are of greater moral import than her deed. If we imagine Medea with her dagger raised over the bloody bodies of her children, rather than rent asunder by the warring factions in her own soul, it is not because we have freed ourselves from the moral category of the unnatural, but because we have embraced a different nature and a different moral authority.

II. NATURE'S CUSTOMS VERSUS NATURE'S LAWS

INTRODUCTION: CUSTOM IS KING

The ancient Greek historian and traveler Herodotus relates an anthropological experiment performed by the Persian king Darius:

When Darius was king, he summoned the Greeks who were with him and asked them what price would persuade them to eat their fa-

⁴¹ In her study of evil in Hindu mythology, Wendy Doniger gives a striking example of this ethos in relation to the Sanskrit *dharmā*, the semantic field of which overlaps with that of "nature" in its original sense: even those with evil *dharmā* (e.g., thieves or demons) are enjoined to follow them, lest the order of things, absolute *dharmā*, be overturned: Wendy Doniger O'Flaherty, *The Origins of Evil in Hindu Mythology* (Berkeley: University of California Press, [1976] 1980), pp. 46, 94–95.

thers' dead bodies. They answered that there was no price for which they would do it. Then he summoned those Indians who are called Callataiae, who eat their parents, and asked them (the Greeks being present and understanding by interpretation what was said) what would make them willing to burn their fathers at death. The Indians cried aloud, that he should not speak of so horrid an act. So firmly rooted are these beliefs; and it is, I think, rightly said in Pindar's poem that custom is king of all.¹

"Custom is king": this has become the motto of those who wish to assert the multiplicity and relativity of social norms and moral standards against those who seek absolutes in both domains.

Yet there is scant evidence that either Pindar, who coined the phrase, or Herodotus, who invoked it, meant to endorse relativism and indict custom as morally flimsy; quite the contrary. Herodotus recounts the story in the context of the exploits of Cambyses, the son of Darius, during the Persians' Egyptian campaigns. According to Herodotus, Cambyses misses no opportunity to flaunt and mock the customs of both the Persians and foreigners: he marries his own sister against Persian custom; he fatally stabs the calf the Egyptians believe to be the incarnation of the god Apis; he has the embalmed body of Amasis burned, contrary to the funeral usage of both Persians and Egyptians—all the while mocking these customs as he defies them. Although Herodotus himself subscribes to none of these customs, all equally exotic to Greeks (who in fact do burn their dead), he does not treat Cambyses as an enlightened despot who debunks arbitrary convention—a sort of ancient Frederick the Great. Instead, he takes these episodes as proof that Cambyses is stark raving mad. The story of Darius's experiment with the Greeks and Indians is intended to make the point that "if it were proposed to all nations to choose which served best of all customs, each, after examination made, would place its own first; so well is each persuaded that its own are by far the best. It is not therefore to be supposed that any, save a madman, would turn such things to ridicule."²

Because our moral discourse is framed in terms of the relative and the absolute, and because we further demand of the absolute that it be

¹ The Pindar poem from which this fragment (169) comes has been lost. Translation (slightly modified) from Herodotus, *The Histories*, trans. A. D. Godley, 2 vols., Loeb edition (Cambridge, Mass.: Harvard University Press, [1921] 1995), III.38, vol. 2, p. 51.

² Herodotus, *Histories*, III.38, vol. 2, p. 51. Cambyses comes to a bad end: he accidentally stabs himself in the thigh (just where he attacked the calf-god Apis, as Herodotus is careful to point out) and dies of the gangrenous wound (III.66, vol. 2, p. 87).

necessary and universal, valid for all persons everywhere and always, Herodotus's argument seems puzzling. He is perfectly aware that customs differ from place to place, to the point that one people's sacred duty is another's abomination. Moreover, he has a sharp ethnographic eye for the contrasting belief systems that underlie even apparently similar customs: he explains that the Persians don't burn the bodies of their dead because they revere fire as a god, to whom a human corpse would be an unacceptable offering; the Egyptians don't do so because they regard fire as a ravening beast and protect corpses from the depredations of animals by embalming them.³ Herodotus does not condemn Cambyses as a nasty character or deem the mockery of local custom to be imprudent (Cambyses wields absolute power and can ridicule and indeed murder with impunity); rather, he judges Cambyses to be mad because he defies custom, in the same way we moderns would judge anyone who claimed to be able to defy the laws of nature to be mad.

This equation of the force of social custom with that of natural law, of culture with nature, jars modern intuitions. For us, nature enjoys the absolute status to which moral realism aspires. We reflexively, even obsessively, distinguish the natural from the cultural; ambitious research programs in the sciences and heated controversies in politics revolve around the distinction. The boundary between nature and culture marks the dividing line between scientist and humanist and often defines the battle-line between liberal and conservative. A whole metaphysics underpins the distinction: culture varies according to time and place, is mutable, constrained by rules and norms, and charged with meaning; nature happens spontaneously, is uniform in time and space, inexorable, and devoid of human significance. In the lapidary summary of anthropologist Claude Lévi-Strauss: "Wherever rules manifest themselves, we know with certainty that we are at the stage of culture. Symmetrically, it is easy to recognize in the universal the criterion of nature."⁴ As I noted in my first lecture, modern appeals to the moral authority of nature often rest on the analogy between the qualities imputed to nature and the qualities desired in moral absolutes. The opposition between nature and culture hence parallels and reinforces that between moral realism and relativism. What view of custom, those cultural rules *par excellence*, could then endow it with the authority of the

³ Ibid., III. 16, vol. 2, p. 16.

⁴ Claude Lévi-Strauss, *Les Structures élémentaires de la parenté* [1947] (Paris: Mouton, 1967), p. 10 (my translation).

absolute? This is the question that Herodotus's tale of Cambyses' peculiar form of madness poses.

In this second lecture, I would like to try to reconstruct a view of custom that spans the cultural and the natural. Rather than adopt the metaphysics that opposes *nomos* to *physis*, culture to nature, moral relativism to moral realism, I shall explore alternative oppositions rooted in different intuitions: custom versus law, local versus global, nature versus second nature. I do not claim that these intuitions are or indeed ever were unopposed in moral and scientific discourse: even among the ancient Greeks and Romans, strong countervailing currents can be found in the teachings of the Sophists and the Stoics. However, I do argue that, as in the case of the metaphysics and morality of specific natures treated in my first lecture, these intuitions have proved resilient and remain at least covertly influential. Like intuitions grounded in specific natures, they underpin a different kind of appeal to the moral authority of nature than that which is customarily the subject of modern philosophical analysis, but which is still active in shaping perceptions of nature and judgments of morality. Because both the nature and authority in question do not conform to post-Enlightenment views of either, the concomitant perceptions and judgments have largely slipped through the mesh of analysis.

Again, my enterprise is first and foremost one of excavation rather than of advocacy or critique. Moral authority founded on nature's customs may be just as much of a *fata morgana* as that founded on nature's laws. But the former must first be articulated before it can be contested. And even if this version of the moral authority of nature should turn out to be as untenable as the more familiar one, to confront entrenched intuitions with alternatives enlarges the domain of the thinkable. More particularly, it provides a much-needed example of a way of understanding both natural and moral orders under a shared conceptual roof, that of custom, in contrast to the stark oppositions of nature and culture so fundamental to modern thought.

Because both specific natures and nature's customs contrast with the modern understanding of nature as universal, uniform, and lawlike, there may be some tendency to conflate local and specific natures. Although they are often intertwined, the two are distinct (and sometimes in conflict with one another). There exists a plethora of specific natures, which may or may not be globally distributed. But strictly speaking, specific natures operate independently of locale: as Aristotle observes,

fire burns in Persia as well as in Greece. Whether or not a given specific nature is actually found in this or that locale is another question. Local nature, like local custom, consists of a distinctive *configuration* of specific natures characteristic of that place: palm trees and crocodiles for the tropics; glaciers and hawks for mountaintops. These local combinations of natures are no more randomly thrown-together aggregates than local customs are; rather, they constitute a coherent topographic physiognomy. From the standpoint of nature conceived as uniform and governed by inexorable laws, specific natures and local natures resemble one another both in their variability and in their malleability. Both are myriad; both can be to some extent modified by human efforts. Whether they should be or not is the question at the heart of whatever moral authority they exert.

THE SOVEREIGNTY OF CUSTOM

Let us return to Herodotus and the reign of custom: how can Darius's experiment be understood as an affirmation of the authority of custom, rather than as just the opposite? Since at least the sixteenth century, this sort of ethnographic story has fueled the arguments of sceptics and relativists. The very diversity of customs in general has been taken to undermine the legitimacy of any given custom in particular. When Michel de Montaigne uses almost the same words as Herodotus apropos of the Brazilian cannibals, his tone is unmistakably ironic: "...there is nothing savage or barbarous about these peoples, but every man calls barbarous anything he is not accustomed to; it is indeed the case that we have no other criterion of truth or right-reason than the example and form of the opinions and customs of our own country. There we always find the perfect religion, the perfect polity, the most developed and perfect way of doing anything!"⁵ On this account, Cambyses would be a cosmopolitan (if ill-mannered) sceptic, not a madman. Note that the assumption underlying Montaigne's (and all other sceptical uses of ethnographic diversity) is that moral legitimacy accrues only to the uniquely true and rational society, "the most developed and perfect way of doing anything!" Once uniqueness is posited, on the model of the solution to a

⁵ Michel de Montaigne, "On the Cannibals," in *The Complete Essays*, trans. M. A. Sreech (Harmondsworth: Penguin, 1991), I.31, p. 231.

problem in mathematics, the bare existence of alternatives disqualifies all of them. But this was clearly not Herodotus's model for custom.

In order to reconstruct what that model was, it is useful to recall that local custom superseded both codified civil and natural law in most European jurisdictions from ancient times through the late Middle Ages. Roman jurists construed natural law as those rules common to both humans and animals, a sort of lowest common denominator largely restricted to reproduction and care of the young, and grounded norms instead on civic mores.⁶ Until the early modern period, European jurists largely championed local custom not only over natural law, but also over the codified law promulgated by central authorities, either royal or papal.⁷ Only in the sixteenth and seventeenth centuries did European proponents of law, fortified by absolutist monarchies and the Counter-Reformation papacy, begin to gain both ideological and effective ground against the local rule of custom; and even then, the victory of law over custom was far from complete.⁸ It is no accident that this was precisely the period during which the prevailing metaphor used to describe natural regularities shifted from "custom" (*consuetudo*) or "rule" (*regula*) to "law" (*lex*), a point to which I shall return.⁹ Prior to the early modern period, both natural and moral orders were conceived primarily in terms of local custom, rather than in terms of universal law. Claims to legitimacy based on universality were certainly lodged during the Middle Ages—indeed, they were urged repeatedly, at the royal, imperial, or papal level, or as part of a natural philosophy aiming at global generalizations. But the success of these claims was at best partial, because universality *in se* was not yet a self-evident title to authority.

In the case of moral authority, this preference for local custom is

⁶ Yan Thomas, "Imago Naturae: Note sur l'institutionnalité de la Nature à Rome," in *Théologie et droit dans la science politique de l'état moderne* (Rome: Ecole Française de Rome, 1991), pp. 201–27, on p. 206.

⁷ Donald R. Kelley, "'Second Nature': The Idea of Custom in European Law, Society, and Culture," in *The Transmission of Culture in Early Modern Europe*, ed. Anthony Grafton and Ann Blair (Philadelphia: University of Pennsylvania Press, 1990), pp. 131–72, on pp. 136–38.

⁸ Michael Stolleis, *Staat und Staatsraison in der frühen Neuzeit: Studien zur Geschichte des öffentlichen Rechts* (Frankfurt-am-Main: Suhrkamp, 1990).

⁹ John Milton, "The Origin and Development of the Concept of 'Laws of Nature,'" *Archives of European Sociology* 22 (1981): 173–95; Jane E. Ruby, "The Origins of Scientific 'Law,'" *Journal of the History of Ideas* 47 (1986): 341–59; Friedrich Steinle, "The Amalgamation of a Concept—Laws of Nature in the New Sciences," in *Laws of Nature: Essays on the Philosophical, Scientific and Historical Dimensions*, ed. Friedel Weinert (Berlin: Walter de Gruyter, 1995), pp. 316–68.

particularly difficult to make sense of for us moderns. We can still understand the claims of local political autonomy, especially within federalist systems in which the rights of member states are routinely upheld against those of the union's central government—whether in Brussels, Washington, D.C., or United Nations headquarters in New York. But local claims to moral sovereignty are a different matter: local political authority is usually defended as the best means of achieving globally endorsed moral ends. Local polities that insist upon upholding their own idiosyncratic, time-honored customs—for example, school segregation—in the teeth of law and moral consensus must reckon with sanctions. We must look to a different form of ethics altogether, a non-Kantian ethics based on habit rather than will, in order to appreciate the moral authority of custom over law.

In the traditions—Greek, Arabic, and Latin—stemming from Mediterranean antiquity, the most well-developed and influential example of such an ethics would have been Aristotle's *Nicomachean Ethics*. Instead of emphasizing autonomy (literally, the law given to one's self) and universal validity (the moral imperative to act as if one's conduct would be ordained as law for all rational agents), Aristotelian ethics underscores the role of training and habit in creating and sustaining virtue. One does not will virtue; one practices it, just like a craft skill: "The virtues on the other hand we acquire by first having actually practised them, just as we do the arts. We learn an art or craft by doing the things that we shall have to do when we have learnt it: for instance, men become builders by building houses, harpers by playing the harp. Similarly we become just by doing just acts, brave by doing brave acts."¹⁰ Aristotelian virtue must accordingly be instilled early and locally. Early, because virtue is a form of expertise that is best mastered at a young age; hence the importance of training children in the proper moral habits. Locally, because virtue is like craftsmanship, a form of local knowledge best taught in a face-to-face relationship between master and apprentice, rather than by solitary inward appeal to the faculties of reason and will. Far from enshrining literal and metaphorical adulthood as the precondition for genuinely moral conduct, as Kant would, Aristotle favors schooling under close supervision.¹¹ Moral formation by habit and train-

¹⁰ Aristotle, *Nicomachean Ethics*, trans. H. Rackham, Loeb edition (Cambridge, Mass.: Harvard University Press, [1926] 1994), II.i.4.

¹¹ *Ibid.*, II.i.8.

ing is the very opposite of Kantian enlightenment, famously defined as throwing off the yoke of "self-imposed tutelage."¹²

Of course local moral education does not necessarily imply the moral authority of local custom. Moral precepts sanctified and enforced by global laws at each and every local level are perfectly conceivable, as in the case of the legendary minister of education in Paris who could claim that at 10:00 A.M. on November 7 every lycée in France was studying the same page of Descartes. But when the mode of moral instruction is by exemplification, imitation, and practice, rather than by the willed application of general precepts, some element of local knowledge, and local peculiarity, must inevitably creep in, just as it does in apprenticeship to a particular master of a craft, be it in a cobbler's shop or a genetics laboratory.¹³ In contrast to a general precept, the imitation is as detailed and embodied as the exemplar, and therefore stamped with local idiosyncrasies. Moreover, in a moral economy of habit, collective observance models and reinforces individual habit in ways that constitute local consensus on "how things are (and ought to be) done here." As Francis Bacon wrote, "if the force of custom simple and separate be great, the force of custom copulate and conjoined and collegiate is far greater. For there example teacheth, company comforteth, emulation quickeneth, glory raiseth: so as in such places the force of custom is in his exaltation."¹⁴ This bundling of frequency of occurrence with moral authority is still preserved in the modern concept of the "normal" (and its antonym, "deviant"), which refers at once to what is usually the case and to what should be the case.¹⁵

It may well be objected that these are sociological explanations rather than moral justifications for the authority of local custom, and that the word "bundling" is merely a euphemism for the all-too-familiar confusion between "is" and "ought." Why should the rare or exotic be ipso facto branded deviant or pathological? Isn't this the morality of the stay-at-home provincial (though the well-traveled and urbane

¹² Immanuel Kant, "Was ist Aufklärung?" [1784] in *Kants Werke*, Akademie-Ausgabe (Berlin: Walter de Gruyter, 1968), vol. 8, pp. 33–42, on p. 35.

¹³ Michael Polanyi, *Personal Knowledge: Towards a Post-Critical Philosophy* (London: Routledge and Kegan Paul, 1958).

¹⁴ Francis Bacon, "Of Custom and Education," in *Essays Civil and Moral*, in *The Works of Francis Bacon*, ed. Basil Montagu, 16 vols. (London: William Pickering, 1825–34), vol. 1, p. 135.

¹⁵ Georges Canguilhem, *Essais sur quelques problèmes concernant le normale et le pathologique* (Clermont-Ferrand: La Montagne, 1943).

Herodotus was anything but), as Montaigne implies? To counter these objections requires the temporary suspension of two dearly held modern assumptions concerning individual autonomy and progress. It has been a commonplace since the seventeenth century that it is not only morally permissible but laudable for individuals to review and pass judgment upon transmitted beliefs, be they religious doctrines, political tenets, or scientific theories. The fact that the responsibility to vet each and every belief personally is generally honored in the breach enhances rather than diminishes its moral aura. Closely linked is the further view that progress, both moral and intellectual, depends on the rectitude of those individuals who conscientiously scrutinize and, if so moved, dissent from received opinion. The modern cult of the heroic dissenter is too familiar to belabor: think only of the mythology of Galileo, from John Milton to Bertolt Brecht, and on to the latest opera by Philip Glass. Against this background of assumptions, conformity to local custom enforced by habit and familiarity amounts to moral lassitude.

What the morality of local custom opposes to these assumptions is an ecological vision of diversity and fitness. Different locales display different landscapes, both cultural and natural, and the various parts of these landscapes fit neatly together. Here the atomistic assumption that beliefs and customs can be examined and discarded piecemeal, as required, stands contradicted: pull one thread, and the whole tapestry unravels. This is a predicament all too familiar from contemporary controversies over the consequences of modifying natural environments and the genes of natural organisms: even a minute change, it is feared, may upset the delicate and complex balance of a whole ecosystem. The application of the same holistic logic to cultural systems has resulted in anthropological inventories of local customs with similar preservationist aims.¹⁶ Despite the conservative slant of these modern examples, the traditional understanding of custom was seldom static. In contrast to the optimal and therefore immutable fit of specific natures imagined in Plato's *Republic*, local customs not only changed, but were also acknowledged to do so. Medieval jurists spoke proverbially of *consuetudo desuetudo*, the gradual obsolescence of customs.¹⁷ But just as diversity from locale to locale did not disqualify customs from wielding authority, neither did change over time. On the contrary, sensitivity to local condi-

¹⁶ Adam Kuper, *Culture: The Anthropologist's Account* (Cambridge, Mass.: Harvard University Press, 1999).

¹⁷ Kelley, "Second Nature," p. 137.

tions, both geographical and historical, which shaped the temper of the resident peoples, strengthened the claims of custom. The fit of custom to locale was the slow but never fully accomplished outcome of mutual accommodation of peoples to customs, and of customs to one another. The moral authority of local custom derived from the recognition of diversity and the valorization of fitness. This is why Herodotus pronounced Cambyses mad, and crowned custom king, without a tremor of irony.

NATURE'S CUSTOMS

There is no intrinsic connection between the moral authority of local custom and appeals to nature to buttress that authority. Certainly Aristotle's version of habit-based ethics makes no such appeal. As regards the specific nature of human beings, Aristotle insists that virtue is neither natural nor unnatural: habit cannot alter nature any more than a stone can be trained to fall upward. As regards individual natures, Aristotle contends that these are so varied that there exists no desideratum that is "by nature" to be wished for. Even forms of depravity (which Aristotle labels "bestial," rather than "unnatural"), such as a taste for human flesh, may be ascribed to anomalous individual natures. As regards universal nature, Aristotle is silent in the *Nicomachean Ethics*, with the significant exception of a passage defending a philosophical inquiry into virtue, rather than leaving so important a topic to chance: "...inasmuch as in the world of nature things have a tendency to be ordered in the best possible way, and the same is true of the products of art, ... [so] that the greatest and noblest of all things should be left to fortune would be too contrary to the fitness of things."¹⁸ It is this analogy to the "fitness of things," most perfectly but not exclusively exemplified in the order of nature, which provides the moral authority of custom with a natural parallel, albeit not necessarily with a natural foundation.

But what kind of natural order could be analogized to custom? The local, variable, more-or-less character of custom seems to accord ill with universal, uniform, and determinate nature. This apparent mismatch, however, is the result of an anachronism: of imposing a post-seventeenth-century description of the natural order as governed by law

¹⁸ Aristotle, *Nicomachean Ethics*, II.i.2-3, III.iv.3, VII.v.1-4, I.ix.5-6; pp. 72-73, 141, 401-3, 45.

upon an earlier (and still extant, albeit covert) vision of nature's regularities as rules or customs. Before the metaphor of nature's laws replaced that of nature's customs, the analogy between natural and moral orders would have been patent, and active at several levels. Not only were nature's customs structurally similar to human ones in being bound to local conditions and admitting of the occasional exception; natural and human customs could also interact and modify one another, thereby dovetailing the features of a given locale into a more coherent and distinctive physiognomy. It is, for example, the specific nature of water everywhere to seek its own level, but its form (babbling brook or surging ocean?), its taste (sweet or brackish?), its color (limpid or muddy?), its medicinal properties (good for ulcers or for rheumatism?), and numerous other features depend on local conditions. And whether water takes on the aspect of swamp or torrent, abundant or scarce resource, molds the collective habitus of the people in that locale. W. H. Auden echoes this ancient notion of the mirroring of landscape and local character in his poem "In Praise of Limestone":

"Come!" cried the granite wastes,
 "How evasive is your humour, how accidental
 Your kindest kiss, how permanent is death." (Saints-to-be
 Slipped away sighing.) "Come!" purred the clays and gravels,
 "On our plains there is room for armies to drill; rivers
 Wait to be tamed and slaves to construct you a tomb
 In the grand manner; soft as the earth is mankind and both
 Need to be altered." (Intendant Caesars rose and
 Left, slamming the door.)¹⁹

Although the interplay of local nature and custom lives on not only in poetry but in whole schools of geography and *Annales*-style history, the metaphysics of custom that united both within a common framework from antiquity through the Enlightenment has been submerged, though never entirely lost. The salient aspects of this doctrine were: first, the specificity of local nature and customs; second, the concord between them; third, the plasticity of both, often modified in concert; and fourth, a model of interaction that was integrative rather than mutually exclusive. Its locus classicus was the Hippocratic text on *Airs Waters Places* (5th c. B.C.E.), in which itinerant physicians were advised on how

¹⁹ W. H. Auden, "In Praise of Limestone [1948]," in *W. H. Auden: Poems Selected by John Fuller* (London: Faber and Faber, 2000), pp. 51–53.

to treat the inhabitants of various topographies and climates; its best-known political expression was Charles-Louis de Secondat de Montesquieu's *De l'Esprit des lois* (1748), on the harmony between peoples and their laws; and it became the nucleus for a vast nineteenth-century scientific research program inspired by Alexander von Humboldt's *Ansichten der Natur* (1807), which classified landscapes into "physiognomies." A few examples may serve to render this submerged metaphysics of nature's customs vivid.

In *Airs Waters Places*, traveling doctors are enjoined to study the effects of winds, seasons, stellar aspects, water, soil, and mode of life on inhabitants of different places in order to diagnose and treat typical local diseases. Medical knowledge gleaned from one locale cannot be readily generalized to another, unless they resemble one another along these crucial dimensions. Although specific natures are uniform in time and space, their complex combination and mutual modification produce distinctive local *gestalts*. Asia differs from Europe, for example, "in the nature of all its inhabitants and of all its vegetation. For everything in Asia grows to far greater beauty and size; the one region is less wild than the other, the character of the inhabitants is milder and more gentle."²⁰ Herodotus also draws attention to the natural specificity of different locales and to providential compensations among and within them. Gold may be more plentiful in India than in Greece, but Greece is blessed with a more temperate climate; Arabia abounds with poisonous snakes, but since the female of these species bites off the head of the male during mating and is in turn killed by her offspring to revenge their father (a kind of serpentine *Oresteia*), their numbers are kept in bounds.²¹ Although the Hippocratic author invokes neither the gods nor providence, a similar compensatory and complementary logic can be detected in some descriptions: whereas Asian peoples and cattle are typically more well-grown and handsome than their European counterparts, courage and diligence cannot flourish under Asian conditions.

Natural milieu and custom work hand-in-hand. The Asians lack spirit, endurance, and industry both because their climate is mild and equable *and* because they are ruled by despots, who offer no incentive to

²⁰ *Airs Waters Places*, in *Hippocrates*, trans. W. H. S. Jones, Loeb edition, 2 vols. (Cambridge, Mass.: Harvard University Press, [1923] 1995), vol. 1, pp. 70–137, on pp. 105–7.

²¹ Herodotus, *Histories*, III.106–9, vol. 2, pp. 133–37.

take military risks or work hard.²² A similar logic governs the Hippocratic account of the tribe of Longheads, who stretch the heads of their young children with bandages and all manner of other devices. This custom was eventually supplemented by nature, *physis* and *nomos* cooperating with one another: “Custom originally so acted that through force such a nature came into being; but as time went on the process became natural, so that custom no longer exercised compulsion.”²³ Although the Sophists later hardened the distinction between *nomos* and *physis* into a stark opposition (and one steeply slanted toward the side of *physis*), the cooperative model endured well into the early modern period, with significant medieval and Renaissance elaborations.²⁴ Nature referred to spontaneous qualities or conduct;²⁵ custom, to the cultivation or modification of nature through training and habit. “A man’s nature runs either to herbs or weeds; therefore let him seasonably water the one, and destroy the other,” Francis Bacon recommended.²⁶ The garden evoked by Bacon’s imagery of herbs and weeds might serve as the emblem of integrated nature and custom: pruned shrubs, grafted fruit trees, and cultivated flowers were all examples of nature bent but not extinguished by custom.

But even undomesticated nature might be said to conform to custom in an extended sense. Nature’s own regularities resembled customs in being what happened ordinarily, but not always. The exceptions to

²² *Airs Waters Places*, p. 115.

²³ *Ibid.*, p. 111.

²⁴ Felix Heinemann, *Nomos and Physis: Herkunft und Bedeutung einer Antithese im griechischen Denken des 5. Jahrhunderts* (Darmstadt: Wissenschaftliche Buchgesellschaft, [1945] 1965), pp. 15–28, 83–125. Medieval treatments of the “power of place” emphasized celestial as well as geographical and climatic influences: see, for example, Albertus Magnus, *De natura locorum*, in Jean Paul Tilmann, *An Appraisal of the Geographical Works of Albertus Magnus and His Contribution to Geographical Thought* (Ann Arbor: Dept. of Geography, University of Michigan, 1971); also Winfried Fauser, ed., *Die Werke des Albertus Magnus in ihrer handschriftlichen Überlieferung* (Münster: Aschendorff, 1982); Katharine Park, “The Meanings of Natural Diversity: Marco Polo on the ‘Division’ of the World,” in *Texts and Contexts in Ancient and Medieval Science: Studies on the Occasion of John E. Murdoch’s Seventieth Birthday*, ed. Edith Sylla and Michael McVaugh (Leiden: Brill, 1997), pp. 134–47.

²⁵ R. G. Collingwood, *The Idea of Nature* (Oxford: Oxford University Press, [1945] 1960), pp. 43–44; cf. Kate Soper, *What Is Nature?* (Oxford: Blackwell, 1995), p. 16. Conversely, nature under constraint (e.g., a heavy object thrown upward) might be described as “against nature [παρὰ φύσιν]”: Egidio Festa and Sophie Roux, “Le ‘παρὰ φύσιν’ et l’imitation de la nature dans quelques commentaires du prologue des *Questions mécaniques*,” in *Longo campo di filosofare: Eurosymposium Galileo 2001*, ed. José Montesinos and Carlo Solís (Canary Islands: Fundación Canaria Orotavia de Historia de la Ciencia, 2001), pp. 237–53.

²⁶ Francis Bacon, “Of Nature in Men,” in *Essays Civil and Moral*, in *Lord Bacon’s Works*, ed. Basil Montagu, 16 vols. (London: William Pickering, 1825–34), vol. 1, p. 133.

nature's customs constituted the realm of the preternatural, that which lies outside the ordinary course of nature, but which is neither unnatural nor supernatural, neither atrocious nor divine. Preternatural phenomena might variously be interpreted as monsters or marvels, as nature's mistakes or as her sports (*Iusus naturae*), but in all cases they still belonged to the domain of the natural—as opposed to miracles wrought by God “above” the natural order (*supra naturam*) or the crimes committed by humans “against” that order (*contra naturam*).²⁷ Such violations of nature's customs were by definition rare, ascribed to a chance concatenation of causes, but not impossible. In contrast to a vision of nature as governed by laws, ubiquitous and inexorable, the order of nature's customs or rules dictated regularity but not watertight determinism. Under the common rubric of “custom,” the natural and moral orders resembled one another: regular but not determinate, and locally variable rather than globally uniform.

The language of nature's customs continued to coexist alongside that of the more novel coinage of nature's laws well into the seventeenth century, sometimes even within the works of one and the same author. Bacon, for example, contrasted the natural history of nature's customs (*consuetudines naturae*; i.e., “nature in course”) to that of “nature erring or varying,” the latter including “singularities of place and region, or the strange events of time and chance, or the effects of yet unknown properties, or the instances of exception to general kinds.”²⁸ Yet elsewhere in his natural philosophical writings he sought the “laws of nature,” which he sometimes equated with the “latent configurations” of matter responsible for all observable phenomena.²⁹ This tendency to deploy the language of “laws” for nature's most fundamental and universal regularities (in René Descartes and Isaac Newton, for the “laws” of motion) and to reserve the language of “custom” or “rules” for more local and phenomenal regularities (e.g., for prevailing wind patterns) persisted throughout the seventeenth century.³⁰ It was universality and uniformity that in the mind of seventeenth-century English natural philosopher Robert Boyle distinguished the “catholick laws of nature”

²⁷ Lorraine Daston and Katharine Park, *Wonders and the Order of Nature, 1150–1750* (New York: Zone Books, 1998), pp. 121–22 et passim.

²⁸ Francis Bacon, *The Advancement of Learning* [1605], in *Works*, vol. 2, p. 102.

²⁹ Francis Bacon, *Novum organum* [1620], II.i–ii, in *Works*, vol. 9, pp. 287–88.

³⁰ See the essays by Sophie Roux and Friedrich Steinle in *Natural Law in Early Modern Europe*, ed. Lorraine Daston and Michael Stolleis (forthcoming).

pertaining to “the fundamental and general constitutions of bodily things” from mere “municipal laws (if I may so call them) that belong to this or that particular sort of bodies.”³¹

This was a particularly telling locution, since the shift from metaphors of custom and law to describe the natural order coincided exactly with seventeenth-century attempts by absolutist regimes to restructure the political order by subordinating local customs to uniform laws promulgated by the monarch for the entire country or empire. Indeed, the debates within natural philosophy (and theology) over the suitability of the metaphor of “law” to describe natural regularities, and the relationship of such natural laws to God’s sovereignty over his creation, drew heavily upon the vocabulary and arguments of coeval political theory.³² Gottfried Wilhelm von Leibniz, for example, worried about how inanimate matter, lacking both intelligence and even the rudiments of a moral community, could possibly obey “laws.”³³ In this context it is significant that Bacon, qua natural philosopher, flirted with the language of natural laws, at the same time he, qua Lord Chancellor of England, was campaigning for a codification and systematization of the laws of the land.³⁴

Although late-seventeenth-century natural philosophers still fretted about the adequacy of universal natural laws to account for observed variability of nature, by the middle decades of the eighteenth century the metaphysics of universal natural law had become an orthodoxy and was taken to imply, against all appearances, natural uniformity as well. Universal and uniform natural laws were held up for emulation by moral philosophy and even theology: in his highly influential *Analogy of Religion, Natural and Revealed* (1736), Anglican bishop Joseph Butler recommended that rational Christians concentrate on “the Conduct of Nature with respect to intelligent Creatures; which may be resolved

³¹ Robert Boyle, *A Free Inquiry into the Vulgarly Received Notion of Nature* [1685/86], in *The Works of the Honourable Robert Boyle*, ed. Thomas Birch [1772], 6 vols. (Hildesheim: Georg Olms, 1966), vol. 5, p. 219.

³² Steven Shapin, “Of Gods and Kings: Natural Philosophy and Politics in the Leibniz-Clarke Disputes,” *Isis* 72 (1981): 187–215; Francis Oakley, *Omnipotence, Covenant and Order: An Excursion in the History of Ideas from Abelard to Leibniz* (Ithaca: Cornell University Press, 1984); Margaret Osler, *Divine Will and the Mechanical Philosophy: Gassendi and Descartes on Contingency and Necessity in the Created World* (Cambridge: Cambridge University Press, 1994).

³³ Catherine Wilson, “*De Ipsa Natura*: Sources of Leibniz’s Doctrine of Force, Activity, and Natural Law,” *Studia Leibnitiana* 19 (1987): 148–72.

³⁴ Francis Bacon, “The Argument of Sir Francis Bacon, Knight, His Majesty’s Solicitor-General, in the Case of the Post-Nati in Scotland,” in *Works*, vol. 5, pp. 106–65, on pp. 109–10.

into General Laws or Rules of Administration, in the same way as many of the Laws of Nature respecting inanimate Matter may be collected from Experiments," in the hopes of discovering a uniform doctrine amidst the Babel of sects.³⁵ It was in this spirit that Montesquieu bemoaned the disparity between the laws of the natural and moral realms: "But the intelligent world cannot be so well-governed as the physical world. For even though the former also has its laws, it does not follow them as constantly as the physical world follows its [laws]... Man, as a physical being, is, just like other bodies governed by invariable laws; as an intelligent being, he violates incessantly the laws established by God, and changes those that he has established himself."³⁶

Here is the by-now-familiar dichotomy between the universal laws of nature and the variable customs of culture, clearly set out. Montesquieu's treatise was the last full-dress defense in political theory of the sovereignty of local custom against the standardizing ambitions of absolute monarchies, and significantly rooted local custom in local nature, on grounds of fitness: "If it is true that the character of the mind and passions of the heart are extremely different in different climates, laws must be relative both to the difference of these passions and to the differences of these characters."³⁷ When Condorcet and other Enlightenment *philosophes* criticized Montesquieu, it was not because they rejected his neo-Hippocratic theory of the interrelations of climates and characters, but because any moral standard not as universal and uniform as natural law risked anything-goes relativism.³⁸ From this perspective, Herodotus's motto "custom is king" could be read only as a confession of defeat in moral philosophy.

CONCLUSION: THE ANALOGY OF ORDERS

What does the natural order have to do with the moral order? Does it make any difference to this question to rephrase it in the plural: natural orders? In these two lectures, I have tried to sketch three contrasting

³⁵ Joseph Butler, *Analogy of Religion, Natural and Revealed* (London: James, John and Paul Knapton, 1736), p. viii.

³⁶ Charles de Secondat de Montesquieu, *Esprit des lois* {1748}, *avec les notes de l'auteur et un choix des observations* (Paris: Firmin-Didot Frères, 1845), I.i, p. 5 (my translation).

³⁷ *Ibid.*, XIV.i, p. 187 (my translation).

³⁸ M. J. A. N. Condorcet, "Commentaire sur le vingt-neuvième livre de *l'Esprit des lois*," in Antoine-Louis Destutt de Tracy, *Commentaire sur l'Esprit des lois de Montesquieu* (Paris: Dalibon, 1828), pp. 380–81 (my translation).

natural orders: universal natural laws, specific natures, and local natures. Although these conceptions often clash, as in the case of Montesquieu versus Condorcet, they do not necessarily disprove one another. Rather, each seizes upon a genuine aspect of nature that has guided research in fruitful ways: the idealized schemes of matter in motion that inspired early modern notions of universal natural laws, the tangle of interdependent organisms and local conditions that is the subject-matter of ecology, the natural kinds that underpinned all taxonomic efforts in the life sciences. This is not simply a contrast between physical and organic nature: meteorology, for example, belongs squarely to the physical sciences and deploys models based on the universal laws of matter and motion; yet the weather it studies is notoriously local. The plurality of natural orders is a matter of scientific as well as prosaic experience, and this is probably the reason why no metaphysical orthodoxy has ever managed to eradicate the alternatives completely. Subliminally at least, the orders of specific and local natures continue to coexist alongside the official doctrine of universal laws.

Each of these natural orders parallels a principle of moral order: of universal validity and uniform treatment before the law; of authenticity and spontaneity; and of coherence and fitness. Simply to enunciate these principles is to reveal potential conflicts: the universal is immiscible with the local; doing-what-comes-naturally spontaneity is irreconcilable with the constraints of custom. Yet once again, all of these principles seem to inform our moral intuitions, however inchoately and implicitly. We experience interior struggles not only over which of several competing moral precepts to serve, but also over which *kind* of moral order ought to frame particular precepts. Since so much of moral philosophy has ultimate recourse to intuitions, it seems imperative to clarify them—what they are, where they come from, and how compatible they are with one another.

But a concerted program of clarification, however historically detailed, will not by itself address the central issue of the moral authority of nature. I have used the figurative verb “to parallel” to formulate the relationship between natural and moral orders advisedly: a parallel suggests a relationship of resemblance, not of priority or justification. To assert the moral authority of nature, however, is to assert that such a relationship of justification exists—that natural orders somehow justify their corresponding moral orders. This is the claim hotly contested by all who insist that the naturalistic fallacy richly deserves to be called

such. They are unlikely to be moved by historical evidence suggesting that there is more than one way to commit this fallacy, depending on which natural order has the upper hand. On the contrary, they will probably redouble their vigilance in detecting and combating any and all trespasses between the “is” and the “ought.”

I do not believe much headway is to be made in this debate over the moral authority of nature by re-examining once again just how the moral and the natural differ. Rather than embarking upon yet another analysis of these categories, I would instead like to focus attention on “authority”: understanding the sources of the authority at issue may help answer the question concerning its legitimacy. As I have tried to show, neither universality nor naturalness *in se* commands moral authority: no Roman of the republican era, for example, would have bent local custom to the dictates of natural law, however universal. The moral authority acquired by nature in Christian Rome was frankly parasitic upon that of God: because nature was equated with divine creation, it became normative by proxy. Augustine made this equation explicit in his condemnation of sodomy and other “unnatural” acts. Although he agreed, true to Roman tradition, that ordinarily local custom ought to be respected by native and foreigner alike, when custom violated divine edict, as incorporated in nature, nature trumped: “For even that society which is betwixt God and us, is then violated, when the same nature of which he is the author, is polluted. . . . when God commands anything to be done, either against the customs or constitutions of any people whatsoever, though the like were never done heretofore, yet it is to be done now. . . . For as amongst those powers appointed in human society, the greater authority is set over the lesser, to command obedience; so is God set over all.”³⁹

It is tempting to conclude that whatever moral authority nature has enjoyed has been parasitic, and theological (indeed Christian) to boot. On this account, the sweeping normative authority ascribed to nature in Enlightenment ethics, politics, theology, and aesthetics is a straightforward example of transitional secularization: nature, once God’s minister, simply took over divine prerogatives. The next step, accomplished only in the nineteenth century, was to de-divinize nature altogether, and thus to make possible the diagnosis of naturalistic fallacy qua fallacy.

³⁹ Augustine, *Confessions*, trans. William Watts, Loeb edition, 2 vols. (Cambridge, Mass.: Harvard University Press, [1912] 1995), III.8, vol. 2, pp. 127–29.

Any subsequent appeals to the moral authority of nature may therefore be dismissed as vestigial and atavistic—or so concludes this story.

Aside from the fact that this account cannot explain the persistent power of the alleged vestiges in secular societies, there is the knottier problem of the form of authority in question. Even among critics of the moral authority of nature, the model for all authority remains parasitic, or rather stratigraphic: authority always derives from a bedrock foundation, regardless of its composition (God, nature, reason, consensus, etc.). Almost all talk of “legitimation” takes the stratigraphic model of authority for granted, arguing only about the order of the strata and the composition of the bedrock. Such stratigraphic models face the obvious objection of potential infinite regress, and thus tend strongly, perhaps necessarily, to insist upon the universality of the chosen foundation as the criterion for having hit bedrock. Hence the enduring attraction of universal nature for foundational ethics, all warnings concerning the naturalistic fallacy notwithstanding. Although Augustine’s political metaphor of a chain of powers may seem archaic, the idea of hierarchy it was meant to illustrate still shapes the stratigraphic model of authority.

Do alternative models of authority exist? Hannah Arendt once remarked that authority stands opposed to both force *and* persuasion. Arguments betoken equality, not authority.⁴⁰ Yet the stratigraphic model of authority is intrinsically discursive: even if the foundation is taken for granted, the connection between foundation and action must be demonstrated, as the conclusion of a mathematical proof must be deduced from axioms and postulates. (This may be why Arendt believed that the modern era was devoid of genuine authority.) The alternative to demonstrative certainty is self-evidence: authority worn on the sleeve, as it were. Philosophy since Descartes has made the clear-and-distinct ideas of mathematics and logic the prototype of the self-evident. Yet phenomenology, the endlessly repeated experience of appearances, may make an equal claim to irresistible conviction. The natural and linked moral orders of specific and local natures operate almost entirely at the level of appearances, of evidence in its root sense of the patently, brightly manifest. Unlike the laws of motion and other exemplars of universal natural law, which must be abstracted and idealized from experience, natural kinds and locales are in plain and constant view.

⁴⁰ Hannah Arendt, “What Is Authority?” in *Between Past and Future: Eight Exercises in Political Thought* (Harmondsworth: Penguin, [1977] 1993), pp. 91–141, on p. 93.

Whereas stratigraphic authority underpins, underlies, undergirds—in short, supports, as foundations support a building—patent authority radiates, illuminating surfaces rather than plumbing depths. The former invites strategies of legitimation; the latter, of analogy.

But neither the patent nor the profound carries authority in and of itself. The long-lived habit of linking the moral and natural orders derives from their kinship as *orders*, whether hidden or manifest, and from the inherent authority of all order in the face of chaos. This similarity was more salient (and more morally salient) than all of the obvious dissimilarities: the moral and the natural are both intrinsically ordered; they cannot be conceived otherwise. There is no morality without promises; no nature without predictability. Natural exemplars of moral orders, and moral exemplars of natural orders, continue to compel because together they exhaust the field of possible exemplars of any order. Natural orders need not coerce or persevere in order to exert this magnetism; they may be as malleable as specific natures and as fragile as local ecologies. They remain examples, perhaps the best and most accessible examples, of self-generating orders. It is perhaps not an accident that precisely at the time, during the eighteenth century, when the natural and the moral were firmly divided into distinct ontological categories, and when, in the wake of the American and French Revolutions, the moral seemed more mutable than ever before, nature became at once a forbidden and irresistible resource for moral orders. The naturalistic fallacy assumes the two-category ontology of the natural and the moral, as well as the stratigraphic model of authority. But whatever moral authority nature still exerts may depend more on the analogy of order and the authority of the self-evident.