PHILOSOPHERS AND LAW

AUGUSTINE AND MODERN LAW

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Augustine and Modern Law

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ASHGATE

Published by
Ashgate Publishing Limited
Wey Court East
Union Road
Farnham
Surrey GU9 7PT
England

Ashgate Publishing Company
Suite 420
101 Cherry Street
Burlington, VT 05401-4405
USA

www.ashgate.com

British Library Cataloguing in Publication Data
Augustine and modern law. – (Philosophers and law)
1. Augustine, Saint, Bishop of Hippo–Political and social views. 2. Augustine, Saint, Bishop of Hippo–Influence. 3. Political science–Philosophy–History–To 1500. 4. Jurisprudence–History.
I. Series II. Brooks, Richard Oliver. III. Murphy, James Bernard, 1958–
340.1'1–dc22

Library of Congress Control Number: 2010937378

ISBN 978 0 7546 2894 1

Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall.

Augustine and Modern Law

Philosophers and Law
Series Editor: Tom Campbell

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Acknowledgements

The editors and publishers wish to thank the following for permission to use copyright material.

American Journal of Jurisprudence for the essay: Anton-Hermann Chroust (1973), 'The Fundamental Ideas in St Augustine's Philosophy of Law', *American Journal of Jurisprudence*, **18**, pp. 57–79.

Cambridge University Press for the essay: R.A. Markus (1979), 'Coge Intrare: The Church and Political Power', in *Saeculum*, Cambridge: Cambridge University Press. pp. 133–53. Copyright © 1979 Cambridge University Press.

Georgetown Law Journal for the essay: Francesco Lardone (1933), 'Roman Law in the Works of St Augustine', *Georgetown Law Journal*, **21**, pp. 435–56.

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Oxford University Press for the essays: Gaylon L. Caldwell (1960), 'Augustine's Critique of Human Justice', *Journal of Church and State*, **7**, pp. 7–25; R.A. Markus (1965), 'Two Conceptions of Political Authority: Augustine, *De Civitate Dei* xix, 14–15, and Some Thirteenth–Century Interpretations,' *Journal of Theological Studies*, **16**, pp. 68–100.

Philosophy Documentation Center for the essays: D.J. MacQueen (1973), 'The Origin and Dynamics of Society and the State According to St Augustine', *Augustinian Studies*, **4**, pp. 73–101; Eric O. Springsted (1998), 'Will and Order: The Moral Self in Augustine's *De Libero Arbitrio*', *Augustinian Studies*, **29**, pp. 77–96.

Random House, Inc. for the essay: Whitney J. Oates (1948), 'The Life and Religion of Saint Augustine', in Anton Charles Pegis (ed.), *Basic Writings of Saint Augustine Volume I*, New York: Random House, pp. ix–xl.

Rowman & Littlefield Publishers, Inc. for the essay: Ernest L. Fortin (1996), 'Augustine and the Problem of Christian Rhetoric', in J. Brian Benestod (ed.), *The Birth of Philosophic Christianity*, New York nd London: Rowman & Littlefield Publishers, Inc., pp. 79–93. Copyright © 1996 Rowman & Littlefield Publishers, Inc.

Society of Christian Ethics for the essay: John R. Bowlin (1997), 'Augustine on Justifying Coercion', *Annual of the Society of Christian Ethics*, **17**, pp. 49–70.

Society for the Promotion of Roman Studies for the essay: P.R.L. Brown (1964), 'S. Augustine's Attitude to Religious Coercion', *Journal of Roman Studies*, **54**, pp. 107–116.

University of California Press for the essay: Rüdiger Bittner (1999), 'Augustine's Philosophy of History', in Gareth B. Matthews (ed.), *The Augustinian Tradition*, Berkleley, CA: University of California Press, pp. 345–61. Copyright © 1999 The Regents of the University of California.

University of Dayton for the essay: Michael J. White (1994), 'Pluralism and Secularism in the Political Order: St Augustine and Theoretical Liberalism', *University of Dayton Review*, **22**, pp. 137–53.

University of Missouri for the essay: John von Heyking (2001), 'The Coercion of Heretics', in John von Heyking, *Augustine and Politics as Longing in the World*, Columbia, MO: University of Missouri Press, pp. 222–57.

University of Pennsylvania Press for the essays: Rex Martin (1972), 'The Two Cities in Augustine's Political Philosophy', *Journal of the History of Ideas*, **33**, pp. 195–216; Peter Burnell (1993), 'The Problem of Service to Unjust Regimes in Augustine's *City of God*', *Journal of the History of Ideas*, **54**, pp. 177–88. Copyright © 1993 Journal of the History of Ideas; Theodor E. Mormmsen (1951), 'St Augustine and the Christian Idea of Progress: The Background of the *City of God*', *Journal of the History of Ideas*, **12**, pp. 346–74; Richard Shelley Hartigan (1966), 'Saint Augustine on War and Killing: The Problem of the Innocent', *Journal of the History of Ideas*, **27**, pp. 195–204.

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Wm. B. Eerdmans Publishing Co. for the essay: Robert Markus (1999), 'Life, Culture and Controversies of Augustine', in Allan D. Fitzgerald (ed.), *Augustine Through the Ages: An Encyclopedia*, Grand Rapids/Cambridge: William B. Eerdmans Publishing Co., pp. 498–504. Copyright © 1999 Wm. B. Eerdmans Publishing Co.

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Series Preface

The series *Philosophers and Law* selects and makes accessible the most important essays in English that deal with the application to law of the work of major philosophers for whom law was not a main concern. The series encompasses not only what these philosophers had to say about law but also brings together essays which consider those aspects of the work of major philosophers which bear on our interpretation and assessment of current law and legal theory. The essays are based on scholarly study of particular philosophers and deal with both the nature and role of law and the application of philosophy to specific areas of law.

Some philosophers, such as Hans Kelsen, Roscoe Pound and Herbert Hart are known principally as philosophers of law. Others, whose names are not primarily or immediately associated with law, such as Aristotle, Kant and Hegel, have, nevertheless, had a profound influence on legal thought. It is with the significance for law of this second group of philosophers that this series is concerned.

Each volume in the series deals with a major philosopher whose work has been taken up and applied to the study and critique of law and legal systems. The essays, which have all been previously published in law, philosophy and politics journals and books, are selected and introduced by an editor with a special interest in the philosopher in question and an engagement in contemporary legal studies. The essays chosen represent the most important and influential contributions to the interpretation of the philosophers concerned and the continuing relevance of their work to current legal issues.

TOM CAMPBELL
Series Editor
Centre for Applied Philosophy and Public Ethics
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Introduction

No thinker seems as remote from the concerns of modern jurisprudence as does Augustine. After all, he wrote no treatise or even dialogue on the topic of law.[1] Moreover, at a time when jurisprudence and legal philosophy are dominated by an instrumental pragmatism, Augustine's heavily theological and metaphysical approach to law seems hopelessly outmoded in our allegedly post-Christian, post-metaphysical age. And yet, for precisely these reasons, Augustine has never been more urgently relevant. Augustine was deeply aware of the tacit presuppositions that underlie all theorizing: he famously said 'I believe in order that I might understand' (Sermo 43, 7, 9: PL 38, 257–8). Augustine is crystal clear that his presuppositions are rooted in his Christian faith.[2] Many leading contemporary philosophers, such as Richard Posner, John Rawls, and Jurgen Habermas, claim to theorize about law and politics without metaphysical presuppositions. But Augustine would have no trouble showing that modern legal pragmatism, political liberalism, and discourse theory all rest on deep tacit assumptions about human nature, the hierarchy of goods, and the reality of divine purpose. Augustine frankly grounds his account of human law in the eternal law of God and in the law of nature. The main difference between Augustine and these contemporary theorists is that Augustine forthrightly owns up to his own presuppositions. He invites us to do so as well.

Augustine turns out to be deeply illuminating of our contemporary predicament. Not only because of the stark contrast between his metaphysical depth and modern pragmatism, but also because his theological and metaphysical premises led him to some seemingly 'modern' conclusions. In his reluctant but resolute advocacy of the legal suppression of heresy,[3] Augustine helped to lay the foundations for some of the worst abuses of medieval theocracy. Yet, with the rising spectre of Islamic theocracy, the theocratic elements of Augustine's thought are now more relevant than ever. What is less well understood is how Augustine's Christian idealism led him to views of politics that are even more grimly realistic than those

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[1] Perhaps his discussion of 'On Order' and sections of his 'On Free Will' are his most specific jurisprudential works. In Part III of this book, the essays by Anton-Hermann Chroust, Robert Markus and Francesco Lardone (Chapters 7, 8 and 9, respectively) describe the jurisprudential aspects of Augustine's theory. See also Fortin (1978). Section IV of our bibliography lists a number of other sources which pertain to Augustine's view of law.

Of course, Augustine is not the only ancient author who has not penned a treatise on jurisprudence. Aristotle also gives us no such treatise (unless one counts his Athenian Constitution and his last treatise on justice. Perhaps Augustine did not write specifically on the law because, in the time he lived, a complex system of law had emerged in Rome. For one of many accounts, see Matthews (2000).

[2] The primacy of the Christian faith is best articulated in *On Christian Doctrine*, where the act of interpretation and the supportive liberal arts are premised upon adherence to faith. See also Burton (2005).

[3] See the essays in Part V by John Bowlin, Peter Brown and John van Heyking on the coercion of heretics (Chapters 20, 21 and 22, respectively).

of Machiavelli[4] or how Augustine's theology led him to affirm the essential secularity of politics and law in the post-biblical epoch.[5] According to Augustine, we cannot understand the sinful reality of human law and politics apart from the ideals of divine creation; similarly, the secularity of the realms of politics is intelligible only against the claims of the Christian Church. Augustine never confused the heavenly city with the earthly city; but he also asserted that we cannot understand our fallen, sinful and secular world except by contrast to our ultimate heavenly destiny.

According to Augustine, our human nature is complex: we have a good created nature but also a fallen corrupted nature that is prone to sin.[6] The trait most characteristic of such a mixed creature is hypocrisy, the tribute that vice pays to virtue. If we were simply good or simply bad, we would have no resort to hypocrisy. To use the language of the later scholastics, law has a directive function in leading us to the good and a coercive function in restraining us from evil. The directive function of law appeals to our good, created nature while the coercive function of law is necessary only because of our fall into sinfulness. Most legal theorists emphasize either the directive or the coercive functions of law. Aristotle, Cicero, Aquinas, Suarez, Grotius, Locke, Raz, Dworkin and Habermas emphasize how law guides the practical reasoning of human agents who seek the good. By contrast, Callicles, St. Paul, Hobbes, Madison, Austin and Schmidt emphasize how law violently constrains the wicked. With his complex view of human nature, Augustine alone is able to do justice to both the directive force of human law, as rooted in the divine and natural law,[7] and to the coercive force of human law, regretfully necessary after Adam's expulsion from Paradise. Because of our complex nature, human law must both offer us rational guidance and threaten us. More generally, political theorists also tend to regard government in general as either a force for good (Plato, Aristotle, Aquinas, Marsilius, Machiavelli, Hegel, Rawls) or as a necessary evil (Gorgias, St Paul, Hobbes, Madison, Hayek). Augustine's attitude is again complex: some aspects of government are necessary even in Paradise, while other aspects are necessary only because of our Fall from grace.[8]

Why Augustine and Why Now?

We live in an age of disillusioned idealism and Augustine is the great theorist of disillusionment. As Americans we are especially prone to the dangers of political disappointment because we tend to harbour such high hopes. The Puritans dreamed of a New Israel, a purified Christian City on a Hill, only to awaken to the trauma of heresy, schism and witch burning. The new

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[4] For a discussion of Augustine's realism, see Part IV A and the essays by Eric Springstead (Chapter 12) and Reinhold Niebuhr (Chapter 13). For a list of other sources, see Section VA of the Selected Bibliography.

[5] Augustine's secularity is outlined in Markus (1988).

[6] Augustine's account of sin and the fallen nature of mankind is illustrated in his history of Rome in Book I in his *City of God*. It is also reflected in his view of history. (See the essays in this volume by Theodor Mommsen (Chapter 14) and Rüdiger Bittner (Chapter 15).

[7] Although Augustine identifies in passing 'natural law', it remained for Aquinas to articulate a full theory of natural law. See the essay by Robert Markus in Part III of this volume (Chapter 10); see also, Chroust (1946).

[8] The role of government is carefully outlined in *City of God*.

American nation saw itself as a symbol and instrument of freedom and democracy but nearly foundered on slavery and wars of conquest. In the twentieth century, many Americans invested dearly in the dream of a Christian nation, while many other Americans confidently expected the triumph of atheist humanism and the death of religion: both groups are struggling to reconcile themselves to the disappointment that American society is neither Christian nor atheist but permanently divided. When the Soviet Union collapsed, we talked about a Pax Americana and the End of History, only to immediately greet genocide in the Balkans and world-wide Islamic jihad.

Over the course of his long life, Augustine embraced many kinds of idealism and then succumbed to many kinds of disillusionment.[9] As a young man, full of intellectual arrogance, he searched for modes of spiritual redemption based on the acquisition of special kinds of knowledge: salvation for the intellectual elite. To his crushing disappointment, none of these elite sects offered him the nourishment that he found in the simple faith of the mostly illiterate followers of Jesus. Then, converting to Christianity, he was instantly disappointed in his own and other Christians' conduct: instead of becoming humble and chastened, the new Christians often became proud and smug; celibacy, he noticed, often made people stingy. Augustine believed that Catholic Christian faith was so intrinsically noble and beautiful that it would attract adherents by force of argument with no need for any external compulsion; but his hopes foundered on the reality of the Donatist heretics. Augustine patiently spent decades attempting to persuade the Donatists of what he saw as their errors; but eventually, and with deep regret, he finally enlisted the secular powers to apply legal 'pressure' on the Donatists. As a new Christian in the fourth century, when Christianity was the official religion of the Roman Empire, Augustine initially embraced the common hope that God had chosen Rome to create a universal Christian Empire, with peace, justice and the one true faith extending over the whole world. The Pax Romana was to become the Pax Christiana. But during the fifth century, as Rome succumbed to internal collapse and external invasion, Augustine grew disillusioned with the whole idea of a Christian empire. He began to accept the idea that Christians would always have to share the political community with non-Christians, so that the challenge was to work out the terms of cooperation in conditions of permanent political pluralism.[10] What could be more relevant for American law and politics today?

The danger of disillusioned idealism is, of course, cynicism. And Augustine does occasionally slip into cynicism. But in general Augustine realizes that the key to avoiding disappointment is to scale back one's expectations of human life. Political disillusionment comes from expecting too much from politics: if we hope to see our highest ideals embodied in our political institutions and in our law, we are headed for a bitter disappointment. The twentieth century witnessed the apex of extravagant political hope in the history of the world, from 'the war to end all wars' and 'making the world safe for democracy' to the Thousand-Year Reich and World Communism.[11] The human race barely survived this orgy of idealism. We must now massively scale back our expectations for politics and there is no better guide to this chastened idealism than Augustine. Ever since Reinhold Niebuhr, Augustine has been

[9] For accounts of Augustine's life and world, see the essays in Part I of this volume by Whitney Oates (Chapter 1) and Robert Markus (Chapter 2). The definitive biography of Augustine is Peter Brown's *Augustine of Hippo* (1967, rev. 2000). See also Section II of the Selected Bibliography.

[10] See Part II.C, especially Michael White's essay (Chapter 8). See also Cochrane (1944).

[11] For a modern history, see Glover (1989).

called the classic theorist of political realism.[12] But much of what we call 'realism' today is merely cynicism or the amoral celebration of force. Augustine is better understood as a chastened idealist, who puts his treasure in Heaven and works for modest amelioration of our suffering here on Earth.

Augustine as a Source of Modernity.

Augustine is one of those rare thinkers who transformed the sensibilities of an entire civilization. His unlikely modern counterpart is Jean-Jacques Rousseau. Charles Taylor, for example, begins his influential study of modern culture, *Sources of the Self*, with a chapter on Augustine (Taylor, 1989, pp. 127–43). Rene Descartes is often said to have launched modern philosophy with his answer to his own radical skepticism 'Cogito ergo sum'; but 1,200 years earlier Augustine had already said 'Si fallor, sum'. Augustine is the great champion of interiority, of the exploration of the self: he pioneered a religious form of modern existentialism by saying 'I am a question to myself.'[13] Nothing is more mysterious than the depths of the human soul. Augustine wrote the world's first autobiography, his *Confessions*, and what could be more characteristically modern than writing an autobiography? Augustine was also one of the first people in the Western world to read silently: he tells us that when he once observed Ambrose in his study, to his utter amazement he saw Ambrose reading without moving his lips. We now believe that the ancients always read aloud as recitation and that Ambrose and Augustine championed the new culture of silent, meditative reading. Finally, Augustine was essential in creating our modern view of linear history: we no longer believe that history is cyclical, like the seasons.[14]

Although Augustine lived his whole life in the later days of the ancient Roman empire, he is often described as a medieval thinker. If the project of medieval philosophy is to reconcile the claims of Athens and Jerusalem, to harmonize philosophy and biblical faith, then Augustine is a medieval philosopher. As a Christian Platonist, Augustine is the very emblem of one medieval synthesis of Athens and Jerusalem; as a Christian Aristotelian, Aquinas is the other leading emblem. If Matthew Arnold is right that Western civilization is a dynamic compound of Hebraism and Hellenism, then Augustine is one of the founders of our civilization. Augustine sought to revise philosophy in the light of revelation and to articulate biblical faith in the light of reason. He said both 'I believe in order that I might understand' and that 'faith seeks understanding'. He defended the truths of the Christian faith, as developed by philosophical analysis and argument. Christian belief provided Augustine with the principles of his whole approach to morality, politics, and law.

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[12] See Part IV.A, in particular Chapter 13 by Reinhold Niebuhr. Section V.A. of the Selected Bibliography lists other treatments of Augustine's realism.

[13] For a discussion of Augustine's 'interiority' see Cochrane (1944), pp. 441–503.

[14] One 'modern cyclical historian' is Nietzsche; see Lowith (1997). The notion of return may also be found in Vico's notion of 'ricorso' (1744), and echoed in those historians such as Toynbee (1947) who see the cycle of rise and decline in many civilizations.

Augustine's Realism as a Critique of Plato's Idealism.

Perhaps the best way to understand Augustine's political realism (or chastened idealism) is to consider his relation to Plato, the greatest idealist of our civilization. Because Augustine was a Platonist, they have enough in common to make their disagreements profound and important. Plato, for example, also contrasts the heavenly city with the earthly city at the end of book nine of the *Republic*. Augustine is both a Platonist and perhaps Plato's most profound critic. Through Augustine, Plato is Christianized and Christianity is Platonized. Indeed, Nietzsche defines Christianity as 'Platonism for the masses.'

In the *City of God*, Augustine describes why he is a Platonist:

> If Plato says that the wise man is the man who imitates, knows, and loves God, and that participation in this God brings man happiness, what need is there to examine the other philosophers? There are none who come nearer to us than the Platonists. (Book XIX, chap. V)[15]

Augustine claims that Plato could have easily adopted the Christian faith. After all, Clement of Alexandria said in this vein: 'What, after all, is Plato but Moses in Attic Greek?' Both Plato and Augustine understand philosophy as what Kant would later call 'ontotheology': this means that ultimate reality (*ontos*), ultimate rationality (*logos*) and God (*theos*) all converge. Augustine was clearly an astute student of Plato: 'It is well known that Socrates was in the habit of concealing his knowledge, or his beliefs; and Plato approved of that habit. The result is that it is not easy to discover his own opinion, even on important matters.' Augustine's own views are also often very difficult to pin down, for several reasons: some of his works take the form of dialogues, in which Augustine does not speak *proprie voce*; he is not always analytically precise in his formulations[16] (much of scholastic philosophy was devoted to reconciling the seeming inconsistencies in his thought); and his views changed over the course of his long life. A measure of Augustine's ambiguous legacy is the astonishing fact that he is the theological father both of Roman and Protestant Christianity.

Although Protagoras famously said that 'man is the measure of all things,'[17] Plato explicitly rejects this view in the *Laws* and says that 'not man, but God is the measure of all things'. Plato goes on to say: 'So he who would be loved by God must just himself become like God as much as possible' (*Laws*, 716C). This is why Augustine approves of Plato's proposal to censor the depictions of the gods in poetry: both thinkers believe that true knowledge of ethics, law and politics is impossible without true knowledge of God. But Augustine's appropriation of Plato is always qualified by Augustine's commitment to the fundamental truths of the Bible. Thus he judiciously concludes that 'sometimes Plato's views support the true religion, which

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[15] The reference to 'Planonists' is likely a reference to Plotmus. Augustine was reputed to have read primary Plotinus. See O'Meara (1958).

[16] Augustine was a dialectic not a logistic thinker. As a consequence, the preliminary settled definition of terms was not important. Terms became defined through his dialogue, autobiography or his historical narrative. See McKeon (1952), pp. 43–57.

[17] Aristotle set forth a more nuanced view of the relation of the body and soul; proper bodily functions and the pleasures which derive from them are an important part of the good life. Augustine does not appear to have read Aristotle and we do not discuss the relations of Aristotle's thought to Augustine.

our faith has received and now defends; sometimes they seem to show him in opposition to it' (*City of God*, Book VIII).

Augustine broke with Plato's philosophical anthropology. According to Augustine, Plato grasped neither the true dignity nor the true evil of man. Man's great dignity derives from his creation in the image of God; man's evil stems from his misuse of his freedom. Man's radical and creative freedom gives him a different dignity than Plato allowed; but man's misuse of freedom by denying his dependence on God makes all men (even philosophers) more prone to evil than Plato allowed. Augustine has a complex view of human nature: we have a good created nature, but our fallen nature inclines us to evil. On Plato's view, most human beings are too irrational and prone to evil to make democracy viable; the masses are governed by appetite rather than by right. A few philosophers, however, are rational enough to transcend evil and their superior knowledge of justice gives them the right to rule. Augustine was not himself a proponent of democracy, or of any particular regime; but the great twentieth-century Augustinian Reinhold Niebuhr said that the capacity of human beings for justice makes democracy possible while the inclination of human beings for injustice makes democracy necessary. Plato, in short, underestimated the common human capacity for justice and, at the same time, overestimated the philosophers' ability to avoid injustice. Of course, Augustine's critique of Plato is not entirely fair: in the *Statesman*, Plato acknowledges the fragility of justice, even under philosopher-kings, and he recommends the rule of law as a second-best regime; Plato's *Laws* develops that second-best regime at length.

To see how Plato underestimated human goodness, let us compare Plato's and Augustine's views of God and creation. Both Plato and Augustine see man as made in the image of God, but they have very different views of God and, hence, of man. Plato's god of *Timeaus* and the *Republic* is a divine craftsman (*demiourgos*). Plato's demiurge, when constructing the universe, looks to the eternally given forms and incorporates then into the eternally pre-given matter. As M.B. Foster says: 'His activity is that of realizing the forms by embodying them in matter, but neither the forms nor the matter in which they are embodied, are the product of his activity' (1935, p. 181; see also Watson (1985)). Plato's god does not create, he merely informs. By contrast, Augustine's God creates the universe from nothing. His radical creative freedom is such that, instead of shaping pre-given material to conform to the eternal forms, God creates both the matter and the forms of everything. The creative activity of God is free from both of the limitations to which Plato's demiurge is subject: God is neither limited by a given matter, nor determined by a given form. God creates, not according to a rational blueprint like Plato's divine craftsman, but out of love, like a parent. God's creation, like human procreation, does not merely shape a given matter into a given form, but rather gives birth to both matter and form. God creates; the demiurge merely informs.

Plato's and Augustine's views of human creativity, whether in the arts, politics, or law, flow from their understanding of divine creative activity. For Plato, every craftsman is like the divine craftsman: the shoemaker invents neither the form of a shoe nor the matter from which it is crafted; he merely informs the matter (*Republic*, 596B). Plato calls the guardians of his ideal republic 'the best possible craftsmen' who attempt to shape the members of a community according to the form of justice. The guardians obviously create neither the matter of the community (its members) nor the form of justice. For Augustine, following St Paul, the Christian does not achieve goodness mainly by conforming to some pre-given form or law. Jesus laid down two very general commandments, to love God and neighbour; there is an

infinite variety of ways to obey these commandments. Each Christian obeys the general law of love in a unique vocation. Ethics and politics are more like the fine arts, which aim at a unique creation, than like a craft that imitates an existing ideal. Although Paul and Augustine do not deny the reality of a moral law, there is an invitation to moral creativity in Christianity unlike anything in Plato. As St Paul said: 'we are rid of the law, free to serve in a new spiritual way' (Romans 7:6). Or as Augustine says: 'Love and do what you will' (1 John 4).

Where Plato articulates a particular set of customs and laws as the eternal form of the good, Augustine argues that the law of love[18] can be articulated in an infinite number of different social customs and laws: 'She [the City of God] takes no issue with that diversity of customs, laws, and traditions whereby human peace is sought and maintained' (*City of God*, Book 19, chap. 17). In short, Augustine welcomes human creativity in law and politics where Plato asks us to imitate, so far as conditions allow, the specific ideals discovered through dialogue in the *Republic* and legislated within the *Laws*.

Plato and Augustine offer revealingly contrasting answers to the question: What is the best way of life? Plato believes that the life that most closely conforms to the eternal idea of the good is the philosophical life: the life of the mind, by communing with the heavenly forms, most nearly escapes the evils of the body. Obviously, such a life is open only to a few people. Augustine also asks which is the best way of life and he considers three options: the philosophic, the political, and the ideal of 'Romanitas' – that is, the political life tempered by philosophy. But, instead of picking one ideal, Augustine reframes the whole question by arguing that 'a man can like the life of faith in any of these and get to heaven' (*City of God*, Book 19, chap. 18). The issue for him is not whether one is a politician or a philosopher (as the pagans endlessly debated), but whether one obeys the law of love. Augustine's implicit maxim is 'God loveth adverbs': it doesn't matter what substantive noun we choose (tinker, tailor, soldier, sailor) but what adverbial conditions we honour in living out any legitimate human calling (lovingly, prayerfully, conscientiously, humbly, compassionately). Since Plato's god is supremely rational, only a few philosophers can become supremely excellent; Augustine's God is love, so that every human being is capable of supreme excellence, which is why saints have come from every occupation.

What are the political consequences of Plato's view that the highest good for an individual is to conform as perfectly as possible to the general form of the good? First, since only philosophers attain knowledge of the good, all other human beings are merely instruments used to enable the few guardians to live in the light of the good. The guardians are the craftsmen and the other classes are the material to be shaped. For Augustine, this use of most human beings as mere instruments for the perfection of the few reveals an appalling contempt for individual human dignity. Second, even the individual philosophers are merely parts of the whole republic and, as parts, are inferior to the whole. When Adeimantus asks Socrates how the guardians could be happy without families or property, Socrates answers, ominously that 'in founding the city we are not looking to the exceptional happiness of any one group among us but, as far as possible, that of the city as a whole' (Plato, *Republic*, 420 B). This radical subordination of the individual to the community is, history shows, fraught with danger. Augustine, with his doctrine than man is created in the image of God, refuses to completely

[18] The editors have not included essays on love and its relation to law in Augustine; see, Arendt (1996).

subordinate an individual person to any human regime. The political community must respect the dignity of each person because the person, and not any state, is an image of God.

If Plato underestimated the spark of divine creativity in every human being, then he also overestimated man's capacity to transcend evil and realize true human good. The reason why Plato overestimated man's capacity to transcend evil is that he identified the body as the source of evil. This is why Plato insists that 'the philosopher's occupation consists precisely in the freeing and separation of soul from body' (*Phaedo*, 67 D); or, in the language of the *Republic*, the freeing of the rational part of the soul from the irrational bodily parts of the soul. Reason, in Plato's view, is fundamentally oriented toward the good, the true and the beautiful. But the rational soul is imprisoned in the body and must be freed from bodily corruption. In the *Republic*, Plato says that bodily appetite is an evil that maims the soul. The many are ruled by their bodies while only the few live by reason. Plato designs his ideal republic to enable an elite group of philosophers to renounce the pleasures of the body and ascend to the rational contemplation of the good. Indeed, the *Republic* opens with Cephalus's story illustrating the wisdom of Sophocles: When asked whether, in old age, he could still enjoy intercourse with a woman, Sophocles answered: 'Most joyfully did I escape it, as though I had run away from a sort of frenzied and savage master' (*Republic*, 329 C). This observation anticipates Plato's view that sexual desire is both the tyrant of the soul and the soul of the tyrant (*Republic*, 572–5).

Augustine agrees that, if the body were the source of human evil, then Plato's *Republic* is a profound and rigorous diagnosis and remedy for the human condition. But Augustine denies that the body is the source of human evil; human evil is much deeper and pervasive than Plato allows. Therefore, the *Republic*, because of its naive diagnosis of human evil, prescribes a remedy that is profoundly dangerous. For Augustine, the ultimate source of evil is the human soul, not the body, therefore attempts to transcend evil through reason will fail because reason itself is prone to evil, especially the evil of rationalization. Augustine became convinced that bodily appetite is not the source of evil when he reflected on the source of his own sins. He relates in the *Confessions*, for example, that as a teenager he and his friends would steal pears from a neighbour's orchard. If appetite were the source of evil, then why, Augustine later asks, did we not even eat those pears? What led Augustine to this theft was nothing bodily, but a spiritual perversity – a kind of pride that made him feel superior to others and to basic moral norms. Augustine noted the parallel between his own sin and the biblical account of the origin of sin. Adam and Eve did not taste the forbidden fruit because they were hungry: they were tempted by pride, by the promise of the serpent that they could become like God.

Although Augustine (and Christians in general) are often accused of a hatred of the body, Augustine emphasizes that evil stems from the depths of the soul. 'It is an evil will that makes the holy body evil' (*City of God*, Book 14, chap. 4). Augustine argues that it is clear that the body could not be the source of evil, because Satan, being a fallen angel, has no body. Moreover, to blame the body for evil is to blame God: 'We ought not, therefore, to blame our sins and defects on the nature of the flesh, for this is to disparage the Creator' (*City of God*, Book 14, chap. 5). True, a disordered soul can then corrupt the body by enlisting its cooperation, as we see in gluttony and other addictive behaviours. But, according to Augustine, these bodily evils have their origin in the soul. Mircea Eliade comments on this contrast between Plato and Augustine:

> What a paradox: The Greeks, who loved life, existence in the flesh, the perfect form, had, as an ideal of survival, the survival of the pure intellect. Christians, who are apparently ascetics and scorn the body, insist on the necessity of the resurrection of the body, and cannot conceive of paradisiac blessedness without the union of the soul and the body.

If the soul is the origin of evil, then the powerful rational discipline of Plato's guardians is no real protection from the spiritual evil of pride: these guardians are all too likely to use their reason to rationalize their selfish domination of society. As that great nineteenth-century Augustinian Lord Acton said: 'Power tends to corrupt, and absolute power corrupts absolutely'. No governing class could possibly have more power than Plato's guardians, who control education, sexuality, the family, the economy and religion, and who are constrained neither by law nor by custom. Augustine thinks it naive to think that any rational discipline could prevent the abuse of this power. Indeed, the ability of philosophers to rationalize evil makes them in some ways even more dangerous than non-philosophers. As we noted above, Plato himself acknowledged some of these dangers, which is why, in the *Statesman* and in the *Laws* he defends a 'second-best' regime based, not on the rule of reason, but on the rule of law. Augustinian realism led James Madison to insist on dividing sovereign power in the American constitution between the branches of the national government as well as between national and state governments. Madison was grimly realistic about human motivation and his checks and balances depended upon the clash of egos, so that 'ambition would counteract ambition'.[19]

Augustine on Personality and History[20]

In his classic study, *Christianity and Classical Culture*, Charles Norris Cochrane says of Augustine: 'The discovery of personality was, at the same time, the discovery of history' (1944, p. 503).[21] Let us see how Augustine's theory of human personhood relates to his understanding of human history. Augustine was certainly not the first historian but he is the first philosopher to see history as an important source of truth. Aristotle, for example, placed history even below poetry, on the grounds that even poetry is more universal than history, which is just the record of 'one damn thing after another.' But since the Bible is the history of God's relationship to his people and because the Bible insists upon the historicity of its claims, Augustine had to make history central to the human quest for truth.

The ancient appraisal of the superiority of the universal over the particular is precisely what Augustine seeks to transcend with his new notion of personality. For the defining marks of human personality – namely, uniqueness and freedom – will turn out to be for Augustine the defining marks of human history. Yet, for the Greeks, the Bible embodied the scandal of particularity: how could unique events have universal significance? To see what Augustine means by personality, let us consider what Plato and Aristotle say about individuality, since they have no term or concept for personality. For them, human nature is defined by the formal property of rationality, which is common, while we are individuated by our matter (including

[19] For other discussions of the relationship of Plato and Augustine, see de Vogel (1985) and Jaspers (1962).

[20] For articles dealing with history, see the essays in this volume by Mommsen (Chapter 14) and Bittner (Chapter 15). For a more extended list, see Section V.B of the Selected Bibliography.

[21] To be sure, some later histories were to ignore the role of individuals in history.