VII
The Moral Law

(a) *First steps in ethics*

One of the more delicious prerogatives of the philosopher is that of telling other people where their duties and obligations lie, and what they ought to do. Ethics is a traditional branch of philosophy; and, with the exception of a few modern heretics, all professors of ethics have been primarily concerned to discover the rules of right and wrong, and to disseminate their discoveries. Of course, not every preacher is a philosopher; and if philosophers have a pre-eminent claim to our attention when they choose to moralize that is in large part because they do not, professionally at least, offer piecemeal and dogmatic injunctions, but are prepared to provide some general prescriptions for conduct which are systematic, rational, and analytic. The natural tendency of the human mind to proffer advice and instruction might lead us to expect that ethics was a subject of interest to the earliest Presocratic philosophers. Their historical circumstances, and their known practical bent, support that expectation. A potent drive to ethical reflexion has always been given by observation of the radical differences in moral outlook from country to country and from age to age. Such observation was made by quick-minded Greek travellers of the sixth century; and if Xenophanes was moved by his acquaintance with different religious beliefs to advance a rational theology, surely acquaintance with different moral beliefs would move him and his peers to investigate the grounds of morality?

Again, the Presocratics did not live as anchorites or academics, far from the madding crowd's ignoble strife. On the contrary, they strove. Plutarch, defending philosophy against the charge of irrelevant other-worldliness, lists and applauds the political cares and achievements of its practitioners. Even Parmenides, that most abstract of intellects, took sufficient time off from metaphysics to 'arrange his own country by excellent laws, so that the citizens still make their officials swear each year to abide by the laws of Parmenides' (Plutarch, *adv Col* 1126A=**28 A 12**). The Seven Sages—those early Greek heroes distinguished by their capacity for political wisdom and brisk aphorism—included Thales in their number; and the tales of Thales' practical prowess are not unique: stories of a similar nature and content are told, not incredibly, of most of the Presocratics.

Nonetheless, ethics was not a central interest for the majority of the early philosophers: the Milesians offered no moral philosophy at all. Xenophanes evinces various ethical sentiments: his strictures on Homeric theology imply a conventional morality **(21 B 11–12);** he has some caustic remarks about the degenerate and effeminate dress of his contemporaries **(B 3);** and he makes a pleasingly heterodox assessment of the relative worth of philosophers and Olympic victors **(B 2)**. Yet there is nothing particularly philosophical about those opinions. As a moralist, Xenophanes works in the tradition of the didactic poets of old Greece: Hesiod, Theognis, Solon.

I do not know why the early Presocratics were largely silent about ethics: they will hardly have thought it a subject too serious or too slight for philosophizing. Perhaps they said.nothing for the reason, as rare as it is commendable, that they had nothing to say. However that may be, the silence was broken only by two men, Heraclitus and Empedocles. Their views are not vastly impressive; yet they have a fascination, if only because they represent the first tottering steps ever taken in the still tottering subject of ethics.

(b) *Eating people is wrong*

Whether or not Empedocles was a Pythagorean, the moral views which he vociferously advocates plainly rest upon those elements in his philosophy which are most Pythagorean in their nature. The question arises whether he is not a mouthpiece for an earlier Pythagorean ethics.

We possess a long account of Pythagorean views on ethics, politics and education; the account is, in a loose sense, systematic; and it is also in most respects sensible, wise and humane **(58 D)**. But its author is the fourth-century philosopher Aristoxenus; and there is no reason to treat it as a document bearing on Presocratic Pythagoreanism. The Pythagorean *sumbola,* on the other hand, are in nucleus early; but they do not pretend to systematic organization or philosophical backing. Some of the rules and rituals are indeed tricked out with reasons; but those reasons, like the allegorical interpretations which sometimes accompany them, are evidently embellishments, designed by later devotees whom the primitive taboos of the early Pythagoreans offended and embarrassed. Pythagorean ethics, so far as we know, first became a philosophical morality in the hands of Empedocles. For all that, it is, I think, appropriate to discuss Empedocles' ethical views out of their chronological context; for they depend on the Pythagorean eschatology I have already sketched, and they do not (so far as I can see) make use of any later philosophical contentions.

Aristotle remarks that 'there is, as everyone divines, by nature a common standard of justice and injustice, even if men have made no society and no contract with one another' (*Rhet* 1373b6); by way of illustration he quotes some celebrated lines from Sophocles' *Antigone,* and a couplet from Empedocles. The couplet runs thus:

> But that which is lawful for all stretches endlessly through the broad
> aether and through the vast brightness **(99:31 B 135=22 Z)**.

Evidently, as Aristotle implies, Empedocles wanted to contrast a law of morality, universal and absolute, with those temporal and changing laws which vary from state to state: the couplet implies a staunch rejection of moral relativism.

And, taken in isolation, the couplet might appear to indicate a fairly comprehensive system of morality. But if we hope to find in Empedocles a wide-ranging and absolute code of conduct, that hope is soon dashed: Aristotle says that **99** is concerned with 'not killing living creatures'; and the surviving fragments of Empedocles' ethics bear him out. We are enjoined to abstain from 'harsh-sounding bloodshed' **(B 136 =29Z),** and in particular to avoid sacrifice **(B 137 =31 Z);** moreover, we must not eat meat **(B 138=33**

Z); nor, for that matter, beans or bay leaves **(B 140=36 Z)**. And that, so far as the fragments go, is that: Empedocles' universal law amounts to a prohibition on bloodshed, and a modified vegetarianism.[1] The high intimations of **99** are not borne out: no one will maintain that Empedocles' ethics supplies answers to more than a minuscule proportion of our moral questions.

For all that, Empedocles' injunctions were both revolutionary and rational. Acragas was 'a rich town and a devout town'. Animal sacrifice was a normal part of Greek religious practice, and the streets of Acragas 'must have resounded with the shrieks of dying animals, its air reeking with the stench of blood and burning carcases'.[2] To advocate bloodless liturgy in such circumstances will have seemed both impious and absurd.

Why, then, did Empedocles dare to be so shocking? The answer starts from his theory of metempsychosis, and his conception of the long series of incarnations to which people were necessarily bound. The descent from a divine to a terrestrial life begins, indeed, by bloodshed:

> When any one defiles his dear limbs with bloodshed—one of the spirits who have been allotted a long-lasting life—he is to wander thrice ten thousand seasons away from the blessed ones…(**100: B 115.** 3−=**3Z**).[3]

Bloodshed, the cause of our woeful sojourn on earth, is evidently an unwise operation; yet if murderous spirits were imprudent, it does not follow that murderous men are immoral. Why, we may still ask, should we now abstain from the delights of the butcher's knife?

A further fragment from the *Katharmoi* reads as follows:

> The father lifts up his own son in a different shape
> and, praying, slaughters him, in his great madness, as he cries piteously
> beseeching his sacrificer; but he, deaf to his pleas,
> slaughters, and prepares in his halls an evil feast.
> Just so does son take father, and children mother:
> they tear out their life and devour their dear flesh **(101: B137=**
> **31 Z)**.[4]

The sheep you slaughter and eat was once a man. Once, perhaps, your son or your father: patricide and filicide are evidently wrong; to avoid them you must avoid all bloodshed. And to avoid dining off your late relatives you must avoid eating meat or any of those select members of the vegetable kingdom which may receive once-human souls. The doctrine of transmigration, in short, shows that killing animals is killing people, and that eating animals is eating people; and eating people is wrong.

The ancient doxographers all agree that metempsychosis thus grounded Empedoclean ethics. Theophrastus and Xenocrates applauded the moral inference; and modern scholars concur: 'the self-evident corollary of the doctrine of metempsychosis would have to be complete vegetarianism'.[5] The inference from metempsychosis to vegetarianism is far from self-evident to me; but that, I fear, is because I can see nothing very reprehensible in eating people: *chacun à son gout*. The inference from

metempsychosis to the prohibition on killing animals is a different matter; and there Empedocles seems, at first blush, to be on firmer ground. Killing animals is killing people, and killing people gratuitously (as in sacrifice), or for our own enjoyment (as in butchery), is surely a morally objectionable practice.

101, it must be admitted, does not itself prove that Empedocles found it objectionable to kill a person as such: the fragment suggests that the wickedness in killing animals derives from the danger of killing a close relative; and it is consistent with this to suppose that if you could be sure that a sheep was no kinsman of yours, you might with propriety wield the knife. **B 136,** however, appears to state a more general thesis:

> Will you not cease from harsh-sounding bloodshed? Do you not see that you are slaughtering one another in the thoughtlessness of your mind? **(102: B 136=29 Z)**.

The commentators tacitly suppose that **101** merely gives a peculiarly dramatic instance of **102,** in order to underscore the horror of animal sacrifice. And they are surely right.

Nonetheless, it is not clear why Empedocles should have found killing people objectionable. There was, I am told, an early sect of Christians who took the promise of Heaven seriously and threw themselves off cliff-tops to expedite their journey to Paradise. If death marks not the cessation of life but rather the transformation to a different vital form, death will often be a boon for the victim; and a metempsychotic killer might well reason that the slaughter of a sheep was a deed of moral worth, in that it removed a person from the tedium of ovine existence and accelerated his return to the divine status from which his psychic peregrinations began. I cannot see why Empedocles should have disapproved of that humane practice.

However that may be, such Empedoclean concerns may seem entirely remote from us. It is true that in Oxford, as in Acragas, we daily consume monstrous quantities of flesh; and in our academies, as in the Acragantine temples, the blood runs freely on the sacrificial altars: the modern scientist, like the Sicilian seer, kills in the hope of gaining knowledge. Yet we do not believe in metempsychosis; and Empedocles' fulminations may therefore leave us unmoved.

That is a hasty conclusion. Late authorities ascribe to the Pythagoreans a doctrine of the kinship of all living creatures; Sextus, in his introduction to **102,** speaks of a relationship *(koinônia)* which we have 'not only to one another and to the gods, but also to brute creatures' (*adv Math* VII. 127); and it is on that relationship that he grounds Empedocles' prohibition on killing. If animal souls are identical with human souls, then, trivially, animals and humans are psychically akin. And since it is not the physical form or constitution of a man, but rather some feature of his psychic make-up, which makes killing people wrong, what is wrong for men is by the same token wrong for animals.

Modern defenders of the rights of animals are, I think, essentially Empedoclean in their stance. In their view, the orthodox morality which condones vivisection and animal experimentation and fails even to discern a moral issue in the eating of meat, is a form of 'speciesism'; and speciesism, if less imprudent than racism, is no less obnoxious: any argument against racism is, *mutatis mutandis,* an argument against

speciesism; and the pragmatic question '"Is a vegetarian diet nutritionally adequate?" resembles the slave-owner's claim that he and the whole economy of the South would be ruined without slave labour'.[6]

Psychologically, we are all Aristotelians: we do not believe, with Empedocles, in the formal identity of all souls. But the opponents of speciesism will happily accept this; for Aristotelianism assigns to men and animals alike the faculty of sentience, and it is the possession of sentience (more particularly, of the capacity to suffer) which gives men a title to moral consideration. We cannot adopt one moral rule for human killing and another for animal slaughter; for the feature which makes human killing morally wrong is common to all animal life. Jeremy Bentham put it best: 'The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they *reason*? nor, Can they *talk*?, but, Can they *suffer*? (*Introduction to the Principles of Morals and Legislation,* ch. XVII, n.)

Metaphysically, Bentham and Empedocles are poles apart; morally, Bentham (unlike some of his modern disciples) never indulged in the wholesale and passionate condemnations which flowed from Empedocles' Sicilian pen. Yet for all that, the comparison I have just marked is not far-fetched: both Empedocles and Bentham find a psychic element common to man and beast; both Empedocles and Bentham rest a moral doctrine on that common element. The appeal which the two men make to us is, at bottom, the same; and it is, I think, an appeal to which many of us assent in our hearts. But we lie in our teeth.

(c) *Heraclitus and the laws of God*

We generally treat Heraclitus as a metaphysician, not as a moralist. Diodotus, a Stoic teacher of Cicero, held the opposite view: Heraclitus' book, he argued, 'is not about nature, but about government, and the remarks about nature have an illustrative function' (Diogenes Laertius, IX. 15=**22 A 1**).[7] Diodotus is hardly right; yet he errs in the right direction: there is evidence enough that Heraclitus was a moralist as well as a metaphysician, and that he attempted to found an idiosyncratic ethical code upon his idiosyncratic metaphysical system.

The surviving fragments contain several utterances which are, or probably imply, specific moral judgments; and many of these can be loosely attached to features of Heraclitus' non-moral views. Thus his austere and apparently monotheistic theology accounts for **B 5b=86 M:**

> They pray to these statues, as though a man were to chat with his house **(103)**.[8]

The metaphysical thesis that strife is essential to existence comports with **B 53=29 M:**

> War is father of all, king of all; and it has shown some as gods, some as men; it has made some slaves, some free **(104)**.

(The fragment is usually and plausibly read as an approval of things martial.) Again, Heraclitus' psychological and eschatological views, obscure though they are,[9] evidently lie behind such judgments as **B 25=97 M:**

> Greater deaths receive greater shares **(105),**

or **B96=76 M:**

> Corpses are more to be thrown out than dung **(106)**.[10]

Some of Heraclitus' *dicta* are trite, some are shocking; some are plain, others dark; but none, I think, has any great intrinsic interest.

Behind those detailed judgments, and doubtless in some sense supporting them, there lie a few remarks of a more general and systematic nature; and it is these which I shall consider. It is best to approach them obliquely.

The doxographers made Heraclitus a determinist in the Stoic mould: he says that 'everything happens according to fate *(heimarmenê),* and that this is the same as necessity *(anankê)*' (Aëtius, **A 8**). The report presumably derives from 37 **(B 80=28 M),** which asserts that 'everything comes about in accordance with strife and what must be'.[11] Since, according to **33 (B 1=1 M)** 'everything comes about in accordance with [Heraclitus'] account', his account or *logos* expresses a law under which all events are subsumed: bound by law, the world and everything in it is governed by necessity.

Necessity is orderly. Heraclitus more than once points to the regularity of things: the world itself is a *kosmos* or ordered arrangement **(38: B 30=51 M);** fire, the basic constituent of everything, is exchanged for things as gold is exchanged for goods **(39: B 90=54 M),** and the exchange rate was fixed in certain 'measures' or *metra* **(38, 40: B 31=53 M);** celestially, the sun has its 'measures' which it will not overstep **(B 94=52 M);** and the coming and going of human generations is marked by a numerically specifiable periodicity.[12] Order and regularity permeate the harmonious Heraclitean universe.

Universal regularity suggests a universal regulator:

> The thunderbolt steers everything **(107: B 64=79 M)**.
>
> The one wise thing has the knowledge by which everything is steered in all ways **(108: B 41=85 M)**.

There is a single divine law *(nomos)* which 'controls as much as it wishes' **(B 114=23 M)**. The world is governed by God; and if

> Time is a child, playing, moving its pawns—the kingdom is a child's
> **(109: B 52=93 M),**

then perhaps that government is a divine whimsy, and we are little chessmen, pushed about on the board of the universe at the pleasure of a god.[13] As flies to wanton boys are we to the gods: they kill us for their sport.

Heraclitus' theology, and his view on the relation between god and the world, are matters of profound scholarly controversy; and the account which I have just sketched is far from universally accepted. But its central feature, that the events in the world are all governed by law, is, I think, beyond serious dispute; and it is that feature on which the rest of my argument turns.

There is a vulgar and perennial confusion induced by the equivocity of the English word 'law'. In the language of science, a law is a general description of natural phenomena; scientific laws state how things are, or perhaps how, by a kind of 'natural necessity', things must be. Such laws cannot be broken or violated: if Kepler's 'laws' of planetary motion ascribe a certain orbit to Neptune, and Neptune is observed to stray from that orbit, it is not Neptune but Kepler who is at fault. Kepler's laws are not broken but falsified, they are shown to be inadequate descriptions of the celestial phenomena; they are not laws of nature after all. In the language of legislation, which moralists and politicians professionally pillage, a law is a general prescription for human behaviour; legislative laws state how things are to be or how they ought to be. Such laws cannot be falsified: if Dracon's laws lay down that Athenians are not to abstract one another's purses, and Cleonymus steals my purse, then it is not Dracon but Cleonymus who is at fault; Dracon's laws are not falsified but violated. They are shown, perhaps, to be inadequately policed; they are not shown to be invalid, or to be no laws at all.

The distinction between the descriptive laws of the scientist and the prescriptive laws of the legislator is obvious enough; yet it is blurred or ignored with tedious frequency. Moral laws are construed as accounts of what must be; scientific laws are read as injunctions to natural phenomena.

The English word 'law' is closely paralleled in this unfortunate respect by the Greek word *nomos*.[14] '*Nomos'* has a long history, and it is applied in many contexts; only two of those applications are of moment here. First, a *nomos* may be a custom or a regularity: if all *A*'s are *B*, or if *A*'s are, as a general rule, *B*, then it may be said to be a *nomos* that *A*'s are *B*. Second, a *nomos* may be a law or a rule: if A's are enjoined or urged to be *B*, by implicit rule or explicit ordinance, then it may be said to be a *nomos* for *A*'s to be *B*. These two distinct applications are neatly confused in a passage from Hesiod's *Works and Days:*

> The son of Cronos ordained this *nomos* for men:
> that while fish and beasts and winged birds
> eat one another (for there is no justice among them),
> to men he gave justice, which is by far the best—
> for if anyone is prepared to say just things from knowledge, to him
> far-seeing Zeus gives riches;
> but whoever in bearing witness willingly swears an oath

> and lies, and violating justice does an evil deed,
> he leaves behind him a feeble offspring—
> and the offspring left behind by the faithful man is better
> (**110:**276–85).

Zeus' *nomos* for brutes is that they eat one another; his *nomos* for men is that they should deal justly with one another. The animal *nomos* is a law of nature; the human *nomos* is a law of morality. The word *nomos* occurs but once; its changing application is shown not only by the sense of what Hesiod says, but also by his fluttering syntax.

In English, 'justice' does not have the same ambivalence as 'law'. We do not speak of the 'justice' of nature in the way we speak of the laws of nature; 'justice' remains a purely prescriptive term. The Greek word *'dikê'* is often correctly translated as 'justice'; but *'dikê'* is also used outside prescriptive contexts: *'dikê'* may mark the way things are as well as the way things ought to be. In that respect, *'dikê'* and *'nomos'* run parallel courses.

I do not know whether or not we should say that *'nomos'* and *'dikê'* are ambiguous terms, each having at least two distinct senses; so far as I know, no ancient text distinguishes descriptive from prescriptive senses of the words, and it may be that in the notions of *nomos* and *dikê* description and prescription are merely confused. What is clear is that both prescriptions and descriptions are expressed by the words *nomos* and *dikê*.[15] I shall shortly exhibit a Heraclitean example; and I am inclined to believe that this feature of the Greek language played a part in forming one of the most obvious and familiar features of early Greek science: 'The early Greek notion of justice'—and of law—'lends itself with seductive ease to application far beyond the bounds of politics and morals'.[16] The first thinker to be seduced was Anaximander: 'The things from which is the coming into being for the things that exist are also those into which their destruction come about, in accordance with what must be;[17] for they give justice and reparation to one another for their offence, in accordance with the ordinance of time' **(13)**. The primary principle of nature is formulated, appropriately enough, in terms of natural necessity: things come about 'in accordance with what must be'; they happen as they are bound to happen. But Anaximander then explains that grand fact in terms of crime and punishment, of offence and reparation, of transgression and justice. The language of prescription improperly replaces the language of description, and the lawyer invades the province of the scientist.

Heraclitus echoes Anaximander: 'one should know that war is common, and justice strife; and that everything comes about in accordance with strife and what must be' **(37: B 80=28 M)**. Characteristically, Heraclitus corrects Anaximander: where Anaximander sees in the 'strife' of things an offence which must be corrected, Heraclitus sees justice in this very strife; but the fundamental insight of the two men is the same: natural phenomena are bound by law and are subject to a cosmic justice. A striking fragment illustrates Heraclitus' general thesis:

> The sun will not overstep its measures; otherwise the Furies, ministers of justice, will find it out **(111: B 94=52 M)**.

The natural laws of celestial motion are backed by sanctions: why else would the sun consent to its tedious diurnal round? Keplerian descriptions are confused with Draconian prescriptions; what is and what ought to be are confounded.[18]

To ascribe such a gross confusion to Heraclitus may seem at best uncharitable: '**37,** after all, glosses "justice" by "what must be"; and **111,** with its Homeric echo (*Iliad* XIX. 418), may be no more than a colourful metaphor. Cosmic justice is a figure of speech, not a theory; a piece of harmless rhetoric, not a logical confusion.' Charity is always tempting; but it rarely comports with the harsh facts of history: let us consider the two main theses in Heraclitus' moral theory.

Christianity has hardened us to the absurd; and there are, I believe, those who can contemplate with serenity the assertion that we live in a *nonpareil* world.

> All Nature is but Art, unknown to thee;
> All Chance, Direction, which thou canst not see;
> All Discord, Harmony, not understood;
> All partial Evil, Universal good;
> And, spite of Pride, in erring Reason's spite,
> One truth is clear, 'Whatever IS, is RIGHT'.

Since God is both all-good and all-potent, the natural theologians, those metaphysical estate agents, must market the world as a desirable residence. Their contemptible claims have won the approbation of numerous great men; and their professions were not wholly unknown in the ancient world. In a later chapter I shall consider some late-fifth-century assaults on theodicy: here I limit attention to Heraclitus.

For Heraclitus was a Presocratic Pangloss. He says clearly enough that whatever is is right:

> To god everything is fine and good and just; but men have taken some things to be unjust and others to be just **(112: B 102=91 M)**.

This fragment does not illustrate Heraclitus' thesis of the Unity of Opposites; it does not, as some scholars think, urge that 'just and unjust are one and the same'. On the contrary, it avers that nothing is unjust: despite ordinary human judgments, everything that happens is, in God's eyes and hence in reality, a just and good happening. After all, if 'everything happens in accordance with strife' and 'justice is strife', it is an easy inference that all events are just, and that our world is a perfect world.

Why did Heraclitus espouse that belief? Consider the following pair of syllogisms: 'Everything happens in accordance with *nomos (logos);* what happens in accordance with *nomos* happens justly: *ergo,* everything happens justly.' 'Everything occurs *kata dikên;* what occurs *kata dikên* occurs justly: *ergo,* everything occurs justly.' Both arguments are valid; in each the first premiss is Heraclitean, and the second premiss seems tautological. Yet the arguments are evidently unsound: they trade on the confusion between prescriptive *nomos* and descriptive *nomos,* between prescriptive *dikê* and descriptive *dikê.* The first premiss in each argument uses its keyword descriptively,

asserting the regularity of cosmic phenomena. The second premiss in each argument is true and tautological only if its keyword is taken prescriptively. Both arguments are examples of the 'fallacy of equivocation'. I do not suggest that Heraclitus consciously advanced those arguments; I do incline to believe that the confusions which they brazenly exhibit helped to ease Heraclitus into his absurd position.

I turn finally to the second main thesis of Heraclitean ethics. Fragments **B 114** and **B 2** are plausibly conjoined to read as follows:

> Those who speak with sense *(xun noi)* must put their strength in what is common *(xunôi)* to all, as a city in law—and much more strongly. For all human laws are nourished by one, the divine [law]; for it controls as much as it wishes, and it is sufficient for all, and is left over.
>
> For that reason one should follow what is common *(xunôi);* yet though the account is common, most men live as though they had a private understanding **(113: B 114+B 2=23 M)**. [19]

The importance of law was clear in Heraclitus' mind:

> The people should fight for their law as for their city-wall **(114: B 44=103 M)**.

Those terrestrial laws are nourished by the one divine law, which is the content of Heraclitus' 'account'; consequently, men should pay heed to that great law, follow it, and obey its ordinances.

Heraclitus' argument in **113** is obscure; for it relies on an uncertain metaphor. He is, I take it, arguing to the conclusion that we should act in accordance with the common *logos;* and his premiss is the content of **114,** that we should obey our political laws. His argument is *a fortiori:* our human laws are 'nourished' by the divine law; if we should follow them, plainly we should follow it.

The metaphor of nourishment is difficult; and it is not explained by the statement that the divine law 'controls, is sufficient and is left over'. I offer the following tentative exegesis: 'Human *nomoi* owe what validity they have to the divine *nomos:* since that *nomos* governs everything, the human *nomoi* are valid only in so far as they coincide with, or translate into particular terms, the divine injunction; hence if human *nomoi* are to command obedience, that can only be in so far as they mirror the divine law; and since, by **114,** human *nomoi* are valuable, the divine *nomos* is to be followed.'

However that may be, the main burden of **113** is plain enough. Like Empedocles, Heraclitus contrasts human laws with an overarching injunction; like Empedocles, he enjoins assent to that universal ordinance. But whereas Empedocles' great law relates only to one aspect of life, Heraclitus' law is all-embracing. We must regulate our lives in accordance with the general account which describes the total workings of nature and the world; and those particular regulations which Heraclitus saw fit to emphasize are simply some of the possible specifications of the ultimate moral injunction to 'follow what is common'. If anyone doubts the wisdom of 'following what is common', let him remember the Furies who await an aberrant sun; for

> How might anyone escape the notice of that which never sets? **(115: B 16=81 M)**.
>
> Justice will catch up with the fabricators and purveyors of lies **(116: B 28a=19 M);**
>
> There awaits men when they die what they do not expect or imagine **(117: B 27=74 M)**.[20]

Thus:

> It is wisdom to speak the truth and to act knowingly in accordance with nature **(118: B 112=23** (f) **M)**.

The sentence is a paraphrase, not a quotation; but it summarizes Heraclitus' doctrine well enough. The Stoics adopted and developed the view: like Heraclitus, they were determinists; and like Heraclitus, they stated the ultimate moral injunction as *oikeiôsis:* Zeno of Citium 'said that the end is to live in agreement with nature *(homologoumenôs têi phusei),* which is to live virtuously' (Diogenes Laertius, VII. 87=*SVF* I. 179). Similar views have been enunciated more recently. John Stuart Mill opined that 'the fundamental problem of the social sciences is to find the law according to which any state of society produces the state which succeeds it and takes its place'; and by the aid of such a science 'we may hereafter succeed not only in looking far forward into the future history of the human race, but in determining whatever artificial means may be used, and to what extent, to accelerate the natural progress in so far as it is beneficial, to compensate for whatever may be its inherent inconveniences or disadvantages, and to guard against the dangers or accidents to which our species is exposed from the necessary incidents of its progression' (*System of Logic* VI. 10). Here the *bourgeois* Mill borrows from the aristocratic Heraclitus, and lends to Karl Marx.

Holders of such a Heraclitean position have three theses to maintain: first, that every event, and consequently every human action, occurs in accordance with some universal law or set of laws; second, that men ought, therefore, to give destiny a helping hand and accommodate their actions to the demands of the universal legislature; and third, that those law-breakers and malingerers, who are inevitably to be found, will suffer discomforts, either terrestrial or eschatological, for their temerarious disobedience. As you will act, so you should act—and if you don't God help you.

The position is patently muddled; and it is frequently denounced as ridiculously and irretrievably confused. It contains a grand inanity and a simple inconsistency.

The inanity is the conjunction of the first and second theses: 'if all men *will* act in accordance with the universal law, then it is fatuous to urge them that they *ought* to act in accordance with it. If they will act so, then they will act so whether urged or not; and moral injunction is a futile form of language.'

The ramifications of that line of argument are multitudinous and familiar; and I cannot here be more than dogmatic: the fact that all men will act in accordance with the universal law does not make Heraclitus' injunction pointless. His utterance of the injunction in **113** will, of course, itself be determined by the universal law; yet it may for all that form a link in the causal chain—or one of the causal chains—which shackle future actions to the past. Heraclitus' injunction may have causal efficacy in a

deterministic world: had he *(per impossibile)* not so enjoined, men would not so have acted. His injunction is neither fatuous nor futile. Indeed, he may comfort himself with the thought that he is after all playing a bit part in the universal comedy; and the comfort will only dissolve when he reflects that the comforting thought is itself determined by the universal law, a line written into the script of a play whose actors are forbidden to *ad lib*.

The inconsistency of the Heraclitean position resides in its first and third theses. Here the matter is simple: the first thesis says that everyone *does* act by the law; the third implies that some men do *not*. And that is the simplest form of contradiction one can hope to find, even in a Presocratic text.

The contradiction emerges from a strict reading of certain fragments; in particular, it requires us to take the word 'everything' in **33** and again in **37** in the strongest possible sense. Perhaps that is unjust: 'everything', after all, is regularly used hyperbolically or loosely; and in any case, the larger context of its Heraclitean use is lost to us. Thus Heraclitus might be extricated from inconsistency, and in more than one way. 'Everything' might be restricted to inanimate phenomena: the world of heartless, witless nature runs according to the universal law, by necessity; we do not—but since we cannot fly to Venus or to Mercury we are well advised to accommodate our acts to that law. Or again, 'everything' might be interpreted weakly, implying a general but not a strictly universal law: there is a *nomos*, a general rule or regularity; but it allows exceptions—if we are prudent, we shall conform to it rather than taste the delusory joys of unconventionality.

We do not possess enough remnants of Heraclitus' book to know if either of those suggestions fits his thought; other suggestions are possible. Yet if we take the surviving fragments at their face value—a reasonable procedure, in all conscience—we shall return, reluctantly, to the conclusion that Heraclitus admitted human renegades to a cosmically determined world. And we are also obliged to credit Heraclitus with the crude command 'There is a universal law—obey it', wherein descriptive and prescriptive laws are confused. Thus Heraclitus initiated two perennial confusions in philosophical ethics: if it takes a great philosopher to originate a great error, Heraclitus has a double grandeur.