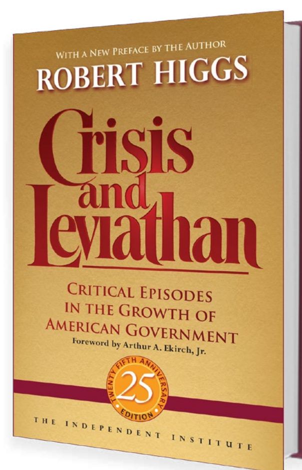
# SUBSCRIBE NOW AND RECEIVE *CRISIS AND LEVIATHAN** FREE!

"***The Independent Review*** does not accept pronouncements of government officials nor the conventional wisdom at face value."
—**JOHN R. MACARTHUR**, Publisher, *Harper's*

"***The Independent Review*** is excellent."
—**GARY BECKER**, Noble Laureate in Economic Sciences

Subscribe to [***The Independent Review***] and receive a free book of your choice* such as the 25th Anniversary Edition of ***Crisis and Leviathan: Critical Episodes in the Growth of American Government***, by Founding Editor Robert Higgs. This quarterly journal, guided by co-editors Christopher J. Coyne, and Michael C. Munger, and Robert M. Whaples offers leading-edge insights on today's most critical issues in economics, healthcare, education, law, history, political science, philosophy, and sociology.



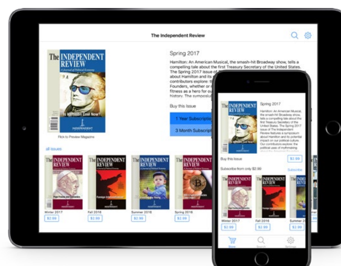

Thought-provoking and educational, ***The Independent Review*** is blazing the way toward informed debate!

Student? Educator? Journalist? Business or civic leader? Engaged citizen? This journal is for YOU!

## *Order today for more *FREE* book options

**SUBSCRIBE**

Perfect for students or anyone on the go! ***The Independent Review*** is available on mobile devices or tablets: iOS devices, Amazon Kindle Fire, or Android through Magzter.



INDEPENDENT INSTITUTE, 100 SWAN WAY, OAKLAND, CA 94621 • 800-927-8733 • REVIEW@INDEPENDENT.ORG PROMO CODE IRA1703

REFLECTIONS

# Nature and Freedom

LOUIS E. WOLCHER

It's strange how the words we use to describe a thing can radically change our attitude toward it. The label "previously owned" makes a used car seem, well, less *used,* and the "life insurance" you buy today will pay, after all, only when you are dead. Our predeterminations of what is worth thinking about and how to think about it make a world that is always peculiarly limited in scope, just as a spotlight illuminates what it is pointed at while leaving everything else in darkness. In short, how we think, what we care about, and how we behave are all powerfully affected by our categories for organizing experience.

The same principle governs our use of the word *nature*. A question such as "What is the relation between nature and freedom?" is ambiguous in an interesting way. Such a question must be thought down to its roots before we can make a promising attempt to answer it. Most of the time we tend to leap over what is simple and original, only to get hung up on the complicated and derivative. And so it is with nature and freedom: we jump without pausing into seemingly intractable political controversies such as environmentalism versus free-market capitalism, or preserving nature versus satisfying the needs of universal human development. These problems are admittedly pressing and difficult, but they cannot be understood properly, let alone solved, if the question that grounds them remains unasked. Prior to any question about the relationship between necessity and contingency, nature and freedom, lies a more fundamental question that is hardly ever asked: What *is* nature?

**Louis E. Wolcher** is a professor of law at the University of Washington School of Law.

*The Independent Review, v. IX, n. 2, Fall 2004, ISSN 1086-1653, Copyright © 2004, pp. 263–270.*

Fortunately, a nearly forgotten tradition gives us a useful means for considering this question. In pre-Socratic Greek thought, long before there was nature there was *physis*. This Greek word is the root of our words *physics* and *physical*. Roman thinkers, following Aristotle, later translated *physis* into *natura,* the antecedent of our words *nature* and *natal*. Aristotle described *physis* as merely one branch of being among many others on a "many-branched tree" of beings, a way of putting it that began to express the conceptual *separation* of man from nature. As Heidegger puts it, Aristotle's version of *physis* is but an "echo" and "late derivative" of *physis* as the Greeks originally understood it (1998, 229).

The translation of *physis* into *natura* has been decisive ever since. The image of natality (Mother Nature giving birth to the world's many beings) supplanted an image of self-generation and self-renewal. Lost in this translation was an entire way of thinking about nature. In the beginning, *physis* was never a realm of natural, as opposed to man-made, objects interacting with one another in determinate processes occupying space and time. Rather, *physis* was originally conceived as the *self*-generation of all that is. The Greeks construed the being of beings as constant presence. For example, this page *is* because it is present before you. But the Greeks knew that this way of putting it is insufficient, for it ignores the phenomenon of time. Some acknowledgment must be given to the page's temporal *persistence* in being present. *Physis* is that acknowledgment: it refers to the "presencing" of what-is-merely-present. After Aristotle, this way of thinking was lost to Western thought until Spinoza rediscovered an echo of *physis* in the form of his stipulation that each thing, insofar as it is at all, always "endeavors to persevere in its being" (1949, 135).

One can witness the philosophical counterpart of this original Greek idea of *physis* emerging in the earliest fragment of Greek philosophy that has come down to us: in around 560 B.C., Anaximander (1996, 72–73) posited a "first principle" from which all beings emerge and to which they all return, of necessity. This principle is *presencing as such,* and it is not the same as the mere beings that *physis* propels forward, in the form of time (Heidegger 1975, 55). A century after Anaximander, the pre-Socratic philosopher Heraclitus similarly described the cosmos as that which presences in a manner that is logically prior to both men and the gods: he characterized it as "an everliving fire, being kindled in measures and being put out in measures" (1987, 25).

As the metaphor of an eternal fire suggests, *physis* was originally conceived as the *self*-generation of all that is: the ongoing and continuing presencing of beings. Although *natura* was destined to become a theological concept in the Middle Ages, in the formula "God created nature," *physis* transcends theology: the early Greeks thought that the gods themselves, just like everything else in the world, were manifestations of *physis,* and not the other way around. Long before *physis* became a philosophical concept for them, the Greeks maintained an organic point of view that "looked at the world with the steady gaze that did not see any part of it as separate and cut off from the rest, but always as an element in a living whole" (Jaeger 1939, 1: xx).

This rather odd notion of self-generation contradicts our accustomed way of thinking about nature, at least in the West, as a realm of created beings that occupy

space and pass through time. When Heraclitus said that "the sun is not only new each day, but forever continuously new" (1987, 13), he meant to draw attention to something uncanny about existence. Foreshadowing Einstein's general theory of relativity by two and a half millennia, Heraclitus knew that the present moment and all of the beings that are present in it (ourselves included) are *not* like a box full of its contents; he saw that the two belong together in a homogeneous mixture of space *and* time. Time, understood in the early Greek sense, corresponds to place: time lets things appear in their proper place and then takes them back again (Heidegger 1992, 141). From the standpoint of *physis,* therefore, the living of life and the world where life lives are never two things standing side by side. Rather, life plus world equals history: not history in the dry sense of something that is past, but history in the active sense of the ongoing making of history in the here and now. Of course, Hegel (1977) constructed an entire philosophical system on the basis of Heraclitus's insight into the dialectical relationship between being and becoming, but *physis* in its own right is actually simple and obvious, and it requires no training in Hegel's notoriously difficult metaphysics in order to be experienced and understood. If you have gotten this far, pause for a moment and reflect on where the "past you" that began reading this essay has gone; then notice the present you that you yourself are. Feel yourself simultaneously slipping into the past and being pushed into the future. Can't you just *feel physis* doing its work?

If *natura*'s metaphor is birth, then the best metaphor for *physis* is bud and flower. The "fecundity of nature" *(natura)* thus stands opposed to a nature that is like a rose bud unfolding itself into a blossom *(physis)*. Although the law of cause and effect governs *natura,* in *physis* there is something about nature that precedes all talk of causation: for the ancients, *physis* was without why. It is what is always already here. If *natura* gives us the idea of the real (real beings, real events), then *physis* gives us the idea of reality *as a whole*. And reality as a whole manages to keep on persisting without having been "caused" by any *particular* real being or event. Descartes correctly observed that the "distinction between preservation and creation is only a conceptual one" (1984, 2: 33). However, he went on to posit God as the ultimate "cause" of the preservation of beings, thereby shying away from any fundamental encounter with *physis*. When philosophy terminates its inquiry into origins at a god conceived as a "Supreme Being," it draws back from the early Greek insight that even the most supreme of beings owes its persistence in being to *physis*. (It also trivializes and diminishes God to the status of a being, albeit a superbeing, but I will leave that argument for another day.)

As for science, what we call the laws of nature are simply the idea of a principle of change that is posited as being "present" within the manifold of present beings. Although finding out these laws removes the mystery of how beings change, this progress has a cost: completely forgotten in the scientific view of nature is the mystery of *presencing as such* (the mysterious persistence in being of those beings that change). In sum: nature as *physis* must first persist in being before nature as *natura* can exhibit its dazzling array of causal relations to the inquisitive human mind.

Modern science and technology are completely, if not obsessively, grounded in the idea of nature as *natura*. In *natura,* human needs and wants, including the scientific desire to know, are set against a nature that is an adversary to be conquered and tamed. To name nature's children, to unlock her secrets, to marshal her wealth and resources, to master her processes and make them do the bidding of humans—this describes the essence of our attitude toward nature conceived as *natura*. We moderns have forgotten *physis* so completely that we experience great difficulty in understanding or even encountering it anymore. As Heidegger puts it, "just as there are people blind to colors, so there are people blind to *physis*" (1998, 202). *Physis* cannot be "proved"; rather, *it just keeps on showing up* as the most common and obvious condition of all proving, and hence as the least appreciated and understood phenomenon of all.

Regrettably, under the spell of a concept of nature that has forgotten its origin in *physis,* today's world threatens to become what Heidegger (1977, 17) calls a standing reserve *(Bestand)*. By this he means that we increasingly allow nature to reveal itself only in the form of what can be computed and counted on for present or future use by human beings: "Everything is ordered to stand by, to be immediately at hand, indeed to stand there just so that it may be on call for further ordering" (17). The soil becomes a standing reserve of crops to be administered by agribusiness. The air becomes a standing reserve of breathable gas to be monitored for "air quality." The sea becomes a standing reserve of harvestable "marine resources." Life becomes a realm of "biodiversity" to be divided up, counted, and assessed for its possible contributions to human welfare. Language and thought become standing reserves of information to be "spun" and exploited by politicians, the media, and mass advertising. Primordial nature becomes a standing reserve of potential "experiences" to be packaged and sold as McNature by the leisure and tourist industries. Last, and most ominously, even men and women are transformed into a standing reserve of "human resources" to be commodified, managed, and consumed on the basis of a system that is always inclined to count them first and foremost as means and thereafter as ends only if a particular social actor thinks it convenient to do so.

Although all of this may sound grim, at least to the more sensitive reader, the process of loosening *natura*'s grip on our minds and beginning to think of nature as *physis* does not have to transform us into Luddites or revolutionaries. No reasonable person doubts that human beings need natural resources in order to live and prosper. Nature in this sense is the source of all our food, clothing, shelter, medicine, and art. Moreover, scientific discovery and technological planning are obviously essential means for maintaining and enhancing desirable conditions of life on this planet. The question here, however, is not one of either/or. The most pressing question for humanity is whether we *also* need or are able to recognize nature in the sense of *physis.* Treating nature as *natura* enables life to live, but treating it (including ourselves) as *physis* can make life *worth* living.

Let's be blunt: the life of a puppet (even a healthy and well-outfitted puppet) is a degraded way of living. In *physis,* however, lives a spontaneity that puppets cannot

know. *Physis* alone implies freedom: not the incomprehensible idea of freedom as a sort of uncaused cause, but rather freedom conceived as the origin of the future. Freedom and responsibility are impossible to imagine if we think of nature as a box containing entities that obey immutable laws. In nature conceived as *natura,* there is no choice, but only motives that can cause actions after the motives themselves have been caused by something else (Schopenhauer 1999). In *physis,* we can glimpse a freedom that comes before causation: an origin that is always prior to (but not the cause of) what it originates. This kind of freedom is related to its conditions as a rose is to fertilizer: if fertilizer *causes* a rose to bloom, the blooming rose all along shows itself to us from an *origin* that is none other than itself. To think otherwise is to make the monumental error of mistaking the flower for the fertilizer (Bachelard 1969, xxvi). Indeed, it would be well to remember that freedom (as *physis*) is not itself "caused" by anything. On the contrary, it is the very origin of the problem of causation. Freedom is the poet's rose that is "without why," a rose that "blooms because it blooms" (Heidegger 1991, 35).

In thinking of nature and ourselves (both together) as *physis,* we can encounter for the first time the genuine phenomenon of *choice* and with it responsibility. We can find the *choosing of choice itself* as a possibility of living. This way of living is radically different from continuing to fall into the everyday world of production and consumption, where everyone does much as everyone else expects them to do, and nature becomes a mere assembly of objects for us to use and abuse, conserve and consume, honor and dishonor, all according to preferences that we feel helpless to avoid. The genuine choosing of choice is not the decision to make a selection among possibilities; rather, it is a kind of dwelling *within* possibilities, on the hither side of the actual. For mere choice, construed as the act of decision, eclipses all other possibilities; it is actually the antithesis of freedom. Think of it this way: if freedom is the power to choose, then this power can never be present in the form of an *actual* choice without betraying its own nature as that which lies open to *all* possibilities. Just as wet cement can take many forms until it hardens into only one, true freedom is never the same as what it hardens into once a choice is made. Or, if I may be permitted to change metaphors, freedom is a kind of ghost that is fated to haunt the bodies of all our actual choices.

It follows that the freedom enabled by *physis* should never be confused with license or liberty. License is the chance to follow one's instincts, as a dog follows its master, and liberty is the unimpeded power to act on one's motives. Freedom, however, has nothing to do with libertinism or with choosing from a set of goods extracted (usually by someone else) from *natura*. The ideas of freedom from politics (negative freedom) and freedom for politics (positive freedom) are both based on a conception of nature as *natura*. If true freedom consists merely in removing impediments to choice or in granting entitlements, however, then it becomes inexplicable how beings with such freedoms could ever have "choices" that are their own. Kant saw this point clearly. His *Third Antinomy* (1998, 484–89) demonstrates that pure reason is capable of proving a fundamental and irreconcilable contradiction: namely,

the existence of both freedom *and* its absence. But Kant himself conceived of freedom as a problem of causation (he saw freedom as another kind of causality), and hence he missed the profound insight that the real relation between causality and freedom is the other way around. He never realized that *causality is a problem of freedom* (Heidegger 2002, 202–6), for it is today's freedom itself that sets up obstacles to our future freedom. Freedom itself makes the very world that so confounds and perplexes freedom.

In *physis,* freedom becomes openness to destiny, but destiny is not fate, not "a dome pressed tightly down on the world of men" (Buber 2000, 133). Rather, *destiny is freedom's inescapable complement.* This is a fancy way of saying that *physis* is the perpetual blossoming of a world that no single person ever selects or controls, but for which, paradoxically, everyone is responsible. Being open to destiny thus means thinking that destiny needs you more than it controls you. It also means making *and regretting* one's decisions at the same time, for regret is the condition of the possibility of freely taking responsibility for the consequences of one's actions. Think of regret as the faint echo of a past freedom that lingers in the actual choices that we make, an echo that reminds our present freedom that it remains responsible for what it has done and for what it still might undo. Those who think they always "do the right thing" cannot freely take responsibility for their acts, for the apparent rightness of their actions is a narcotic that makes what happen afterward seem unavoidable. Yet as Emmanuel Levinas so poignantly says, tyrannies exist that "are terrible because they proceed from the necessity of a reasonable Order" (1996, 23)—tyrannies that are "reasonable" and that the self-satisfied person can never see. Only those for whom every apparent right is simultaneously an apparent wrong can call themselves truly free, for only they know that the world they make with their actions might always have been otherwise, no matter what they chose to do or how satisfied or righteous they felt in choosing to do it. Freedom is therefore never merely a condition to be desired so that man can "become the man he wants to become" (Buchanan 1979, 112). Rather, freedom is a kind of burden: it challenges human beings to take ultimate responsibility for their world.

What then is the real relation between nature and human freedom? Although our bodies and minds require nature's resources, we do not need nature *as such* nearly as much as we need freedom. And as long as we humans think of nature exclusively in terms of *natura,* neither we nor nature will ever be free. Just as the institution of slavery demeans master and slave alike, so too treating nature merely as *natura* demeans both nature's creatures and the humans who exploit or protect them. From the standpoint of *natura,* environmentalism will never be more than an emotionally driven "preference" to protect and preserve some of Mother Nature's beings, while ignoring or decimating others. From the standpoint of *physis,* however, the environmentalist, no less than the antienvironmentalist, freely takes a stand within existence and *steers* it somewhere, for good or for ill. Those who honor nature are like those who despoil it: both make a world *before* they violate or comply with any moral or legal duty. If

*natura* gives humans the power to dominate nature, *physis* gives nature and humanity the warrant, and the responsibility, to be what they are becoming *together.*

Attunement to the concept of nature as *physis* does not make us responsible *to* any particular being or segment of nature. Instead, it makes us responsible *for* the nature that we ourselves manifest in our actions and inactions. We are like architects whose buildings are lived in by everyone and everything. Thinking of nature as *physis* thus gives us the chance to see our choices and ourselves as mattering to history. Although this chance does not necessarily lead to tree hugging or a sense of stewardship over nature, neither does it imply their opposites; which is exactly why we need nature as *physis:* not to further any particular program, but to reawaken the earth-shattering insight that we have, indeed that we are, our possibilities. This insight is no happy solution to the problem of how we should be; it is in fact utterly useless in the hurly-burly world of affairs that we have constructed for ourselves. But sometimes the least useful insight can be the most illuminating.

## References

Anaximander. 1996. Fragments from "On Nature." In *The Classical Greek Reader,* edited by Kenneth Atchity, 72–73. New York: Henry Holt.

Bachelard, Gaston. 1969. *The Poetics of Space*. Translated by Maria Jolas. Boston: Beacon.

Buber, Martin. 2000. *I and Thou*. Translated by Ronald Smith. New York: Scribner.

Buchanan, James. 1979. *What Should Economists Do?* Indianapolis: Liberty Press.

Descartes, René. 1984. *The Philosophical Writings of Descartes,* 3 vols. Translated by John Cottingham, Robert Stoothoff, and Dugald Murdoch. Cambridge: Cambridge University Press.

Hegel, G. W. F. 1977. *Phenomenology of Spirit*. Translated by A. V. Miller. Oxford: Oxford University Press.

Heidegger, Martin. 1975. *Early Greek Thinking*. Translated by David Krell and Frank Capuzzi. New York: Harper and Row.

———. 1977. *The Question Concerning Technology and Other Essays*. Translated by William Lovitt. New York: Harper and Row.

———. 1991. *The Principle of Reason*. Translated by Reginald Lilly. Bloomington: Indiana University Press.

———. 1992. *Parmenides*. Translated by André Schuwer and Richard Rojcewicz. Bloomington: Indiana University Press.

———. 1998. *Pathmarks*. Translated by William McNeill. Cambridge: Cambridge University Press.

———. 2002. *The Essence of Human Freedom*. Translated by Ted Sadler. London: Continuum.

Heraclitus. 1987. *Fragments*. Translated by T. M. Robinson. Toronto: University of Toronto Press.

Jaeger, Werner. 1939. *Paideia: The Ideals of Greek Culture,* 3 vols. Translated by Gilbert Highet. New York: Oxford University Press.

Kant, Immanuel. 1998. *Critique of Pure Reason*. Translated by Paul Guyer and Allen Wood. Cambridge: Cambridge University Press.

Levinas, Emmanuel. 1996. *Basic Philosophical Writings*. Edited by Adriaan Peperzak, Simon Critchley, and Robert Bernasconi. Bloomington: Indiana University Press.

Schopenhauer, Arthur. 1999. *Prize Essay on the Freedom of the Will*. Translated by Eric Payne. Cambridge: Cambridge University Press.

Spinoza, Baruch. 1949. *Ethics*. Edited by James Gutmann. New York: Hafner.