

Four Wells, October 19. 54

Dear Mr. Herberg,

It may be difficult for you to believe that you have given me a special treat with your two reviews of the atrocious work of Leo Strauss. However, I have tried now for sixteen years and longer to attract students and scholars to the real task of understanding the historical importance of Natural Law and when Strauss appeared it seemed as though we were led back to zero.

This construction of Strauss - or of Hobbes for that matter - has never been the motivation of Natural Law, especially not in those nations whose people were vitally dependant on the functioning of Natural Law. Of course, your own point is well taken and not to be debated although you bend over backward to make it more of a Christian than of a Jewish tenet.

However, I shall not argue this minor point on "Sin" and on the completer man, whenever we accept our solidarity with others. (Matthew 25, 31 ff.).

I wish to reemphasize with the sincere hope that you may find ways and means to implement this and thereby to put the future Jewish lawyers of this country - and the Bar in general - on a better path, what the American people have done in the matter of Natural Law which is ignored by Hallowell as well as by Strauss.

John Quincy Adams in his fight against the Gag Rule once said the inimitably glorious words: The foremost natural right is the right of a human being to implore his fellow man's help. No Congress, no slaveholder party may abolish this right.

Mr. Strauss knows in his heart of hearts that the Jews all over the world have survived on this natural right. Why can he not see it? Why must he deny it? Why must he make it dependant on the nonsense of a syllogism? *Id est*, on something extraneous to the immediate right before my system of law is thought out?

In this country, Biblical natural law was a necessity after 1660. As the regicides had taken refuge to this country; Peters lived near Holy Oak, their very existence was bound up - as they were outcasts of British Law - with Natural Law. But it was the Covenant of the Rainbow for Sem, Ham, Japhet, and no stoic - Platonic nonsense - which prevented the people of New England to lynch Peters. It was the meeting of unknown brothers which enabled \* Brister's "Virginian" - to start Wyoming on its road to statehood. The Jews and the Christians and the Pagans meet in this natural Right of Petition, of appeal as Priam could implore Achilles. The first Chief Justice of the United States, Wilson, lectured on Natural Law as the Biblical Order before the Revelation of Sinai. "The Church before the Church", was the great discovery of the twelfth century mystics; Hugo of St. Victor thereby healed the purely Greek argumentation of the rationalists like Thomas. Franz Rosenzweig wrote that we all were reconciled in Adam. And that this was the reason why he had to listen to me despite of one being Jewish, the other Christian. Your own being printed in the Christian Scholar is the result of America's faith in Natural Law.

So is Mr. Strauss' own career in this country.

But nobody wants to look at the facts. Everybody reduces the discussion to far away books. If, however, every law student in America read the Bible for Natural Law, and not the stoics and not the unspeakable Hobbes, why must we go on analyzing Hobbes. To me this is a kind of riddle of the Sphinx. It seems to me that with people like Strauss the fear that science, their science, might ever come to an end, is the paramount fear. So they do choose the riddle of the Sphinx, id est a position which safely can be debated for ever, world without end, and thereby their Chairs also are saved for ever.

Without such a sociological safeguarding of their economic position, I at least cannot explain the fruitlessness of such an either - or, either Jewish or Greek, either natural Law or postivism, etc. To hell with all such cheap things.

Biblical Faith, and you of course know this as well as I, does not allow for one minute to speak of God without Man or of Man without God. For, biblical faith lives by the fact that to speak is an act of faith in God. We have a God who speaketh. and who makes us Speak. Perhaps the only permissible definition of God is that he is the power who makes Man Speak.

Only by the trick of the Greek to separate thought and speech, can Mr. Strauss ascribe law, legislation, Judgement, trial, right and wrong, Verdict s ! !, to the realm of individual thinking when every one of these acts is the result of parliamentary procedures among speakers who converse.

Your struggle with Strauss will always impress the onlooker as though Strauss was smarter, as long as you allow him to skip the simple question how Law can effect society unless people can understand each other's different position in creation, as Judge and Judged, defendant and accuser, through the Spirit. And how the Spirit can work in any other way but through a common speech and language.

I am sure that with the great influence you yield, you may be able to interest a sufficient number of students in this most urgent reinstatement of the best American tradition of 'natural revelation which is neither Greek nor Jewish, but is Biblical as the Bible well knows that God is not unwitnessed since the days of Enoch and Noah.

Many thanks for your gift. And good wishes for your important work.

Sincerely