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The Rise and Fall of Ziggy Stardust and Natural Law

Abstract In *Natural Law and Natural Rights*, John Finnis delves into the past, attempting to revitalise the Thomist natural law tradition cut short by opposing philosophers such as David Hume. In this article, Finnis's efforts at revival are assessed by way of comparison with – and, indeed, contrast to – the life and art of musician David Bowie. In spite of their extravagant differences, there exist significant points of connection that allow Bowie to be used in interpreting Finnis's natural law. Bowie's work – for all its appeals to a Nietzschean ground zero for normative values – shares Finnis's concern with ordering affairs in a way that will realise humanity's great potential. In presenting enchanted worlds and evolved characters as an antidote to all that is drab and pointless, Bowie has something to tell his audience about how human beings can thrive. Likewise, natural law holds that a legal system should include certain content that guides people towards a life of 'flourishing'. Bowie and Finnis look to the past, plundering it for inspiration and using it as fuel to boost humankind forward. The analogy of *Natural Law and Natural Rights* and Bowie's magpie-like relationship to various popular music traditions ultimately reveals that natural law theory is not merely an objective and unchanging edict to be followed without question, but a legacy that is to be recreated by those who carry it into the future. Law's instruments of critique must not forget these transformative qualities.

Keywords Law and Music · Natural Law · John Finnis · David Bowie

1 Introduction

This article scrutinises John Finnis's central work *Natural Law and Natural Rights* (henceforth '*NLNR*') [43] via the fractured mirror of David Bowie's outré music and myriad personae. Such a 'duet' constitutes the most outrageous of pairings, as audacious as one of Bowie's space-age ensembles. Finnis, the leading exponent of natural law theory in modern times,[1] is a moral conservative and staunch defender of the Scholastic tradition [8, 81: 133-142]. Bowie, on the other hand, seems to be too flexible, aiming to shock rather than bolster the conventional; transgressing social conventions and defying the very notion of categorisation evident in Finnis's scholastic heritage. Where Finnis champions undying truths supposedly inherent to life itself, Bowie is an archly-aware creator of new values, busy putting the 'artifice' into art. Finnis's theory, which holds that law should help secure the intangible qualities that make human activity worthwhile, shows a concern with fundamentals. Bowie, the shape-shifting musical appropriator, seems to trade in surfaces. All in all, Bowie's knowing

[1] Nathaneal Blake writes of 'the new natural law theory, of which John Finnis is the foremost champion [8: 101].

pastiches of various musical styles are worlds apart from Finnis's earnest engagement with tradition.

Nonetheless, the two are united in their commitment to pushing back against prevailing understandings of human nature. With his menagerie of larger-than-(everyday) life characters, Bowie radiates an icy disdain for the undersized interpretations of humanity that corral people into dull existences. Similarly, Finnis begins his argument with the contention that the many[2] who dismiss natural law have been misled into doing so by an attenuated vision of humanity. In response, Finnis resolves to make known a more expansive description of human nature and reveal law's irreplaceable ability to steer humanity towards worthwhile endeavours. Finnis and Bowie both exalt human potential and herald worthier existences. So while Bowie's camp, ironic performativity seemingly contradicts Finnis's steadfast adherence to immutable, itemised goods, the sense of humanity's slumbering potential expressed in Bowie's oeuvre can expose the implications of Finnis's reinvention of natural law.

In particular, a recurring narrative of dissatisfaction with society in Bowie's life and work can be applied to *NLNR* and so critique Finnis's attempt to explain law as a structure for guiding humanity. In this narrative, society is unsound, populated by those who cannot perceive how to make use of their lives. Amidst this confusion, a superior being – portrayed by Bowie, and referred to by a variety of names including the 'homo superior' [14] and the 'starman' [19] – arrives to teach the masses how to identify and pursue meaningful projects. However, these saviours are almost always unsuccessful, defeated by their own flaws. This narrative is most prominent on the 1972 album *The Rise and Fall of Ziggy Stardust and the Spiders from Mars* [15], in which Bowie tells the story of the titular Ziggy, a Martian who comes to redeem the Earthlings but is corrupted by hubris and suffers a tragic demise. This arc is played out in Bowie's own life, as well. Bowie was temporarily taken over by a subsequent character, the 'Thin White Duke'; a stern, would-be fascist ruler who personified the rock star saviour mentality that Bowie had tried to warn against. Bowie's slide from futurist evangelism into steely authoritarianism resembles Finnis's argument in *NLNR*. Finnis advocates the restoration of nature to a place of jurisprudential importance, arguing that it can infuse life with richness through a process of introspection. Paradoxically, though, the consequence of looking within is in fact the *evaporation* of nature. Formerly a source of independent meaning, nature is emptied of its content, replaced by the internal world of its beholder. It becomes a platform for the forceful imposition of the individual's subjectivity. Proposing a natural law theory devoid of nature, Finnis is not unlike the flagrantly *un*natural Bowie. Further, what Bowie's saviours – all exotic, detached, and artificial – provide for understanding Finnis's theory is knowledge that humankind is alienated from nature, and that traditions of creativity, rather than objective insight, have a major role in shaping meaningful human life.

The three sections of this article – labelled 'sessions', after the term for musical performance – plot the 'rise and fall' of Finnis's natural law revival. In the first session, the cultural legal studies method employed in the analysis of Finnis and Bowie is described, after which the parallels and similarities between Finnis and Bowie are set out. Through this setting out of the basic elements of Finnis's natural law theory – goods, practical reasonableness, role of positive law – are established. In the second session the objectivity of the goods is questioned, with Bowie highlighting that Finnis's claims to the timeless and universal good of the goods is not supported by his reasoning. The third session contains an examination of the repercussions of this unsubstantiated authority for that results from Finnis's interpretation of natural law, ending with the realising through Bowie of creativity shapes meaningful human lives.

[2] Finnis calls this erroneous impression 'the most popular image of natural law' [43: 33].

2 Session One: Reading Law and Music, Finnis and Bowie

In recent years, cultural legal studies has widened its bandwidth, increasing the range of popular media it deems to be of jurisprudential significance. A variety of forms with mass audiences – including cinema [101, 72, 63], television [77, 95, 96], comic books [4, 51, 52, 53] and video games [6, 70, 82, 89] – have been recognised for their potential to critically appraise law and legal theory. Scholars such as William MacNeil have developed methods of analysis that identifies discourses of law immanent within popular culture and brings these into dialogue and critique with formal academic accounts of law [65].

While legal scholars have gradually begun incorporating music into their work, it is classical [66, 67], folk [99], country [37], and jazz [74, 76], rather than more popular and contemporary forms, that have received the most attention. Furthermore, most law and music analyses have ruminated on the procedural demands of life as a working lawyer (with issues of interpretation and improvisation being the most common preoccupations) [5, 75], instead of a concern with the broader issues of jurisprudence. Moving away from such lines of enquiry, this article adopts analysis drawing upon rock music in order to comment upon jurisprudence. As Sykes and Tranter have previously written:

> The form of analysis to be undertaken here looks to the life, as well as artistic enterprises of the rock star, and to the immaterial worlds created in the rock star's music, to throw into relief both the intellectual project of the legal theorist and the social activity of law. Beyond merely illustrating legal theoretical concepts, the rock star may provide a new angle from which law can be known [91: 385].

The rock star, embodying and contesting various social and cultural issues, can be a valuable tool for more acutely exemplifying and interpreting jurisprudence [90: 3-4]. To this end, Bowie's rich musical legacy is engaged with to both explain and critically review Finnis's work.

The remainder of this session commences this analysis. It does so through a detailed sound-check, a preparatory set up for the main gig, that sounds out Finnis's philosophical preoccupations through identifying parallels with Bowie. In making these connections, we are being distinctly outrageous. Recently Finnis, in a brief comment on Peter Simpson's *Political Illiberalism* [84] agreed with Simpson that modern music (understood as Western music since Bach) has been corrosive to the good; that it 'undoubtedly create risks of over-stimulation and de-sensitization.' [46: 121]. To even suggest some commonality between Bowie, with all his over-stimulation and de-sensitization, and Finnis, is at one level absurd. Nevertheless we undertake this outrageous, absurd task for two reasons. First, we want to outline the core elements of Finnis and Bowie. In this we are being hopeful. We are presenting both in a warm harmonious tone. The second is that by identifying modicums of similarly between the pair we are introducing the material that in the second and third session will develop into a more complex, disturbing mix.

There are four stages to this sound-check. First, Finnis's identification of Hume's narrow conception of human nature juxtaposed with Bowie's criticism of the mundane. Second, Finnis's introduction of the pre-modern to rectify what he perceives as the ignorance of the present is seen as resonating with Bowie's tactic of engaging with the unfamiliar. Third, the theory of practical reasoning is described. Fourth, Finnis's use of practical reasoning as

proof of the meaningful essence of human activity through the goods is paralleled through Bowie's message as to life's worthiness.

Criticising Narrow Conceptions of Human Nature

The narrow conception of human nature that Finnis intends to correct is the claim that natural law is incapable of establishing objective reasons for the worthiness of particular endeavours and so cannot intelligibly guide human behaviour. This claim is exemplified by David Hume [69: 399] to whose writing is attributed the 'is-ought' distinction, a term often understood as calling attention to the illogicality of leaping from the description of nature to making of normative propositions [64: 451-452, 56: 246]. Hume was dismissive of the idea, supposedly present in the work of thinkers like Aquinas [60: 152], that it is possible to discover normative abstractions from observing nature [57: 257]. Hume stressed that there is no connection between moral beliefs and that which is apparent in the physical world [60: 152]. Observations about physical reality cannot be used to found directives as to how people should act.

From a natural law perspective, this Humean understanding of human nature lessens the possibilities of life, taking into consideration only the base facts of biology when assembling a portrait of the human. There is a sense that humanity is squandering its potential. Calling the biological view 'restrictive' implies the existence of an ampler notion of human nature. To replenish human nature, Finnis has recourse to materials that lie outside of the modern understanding of humanity. Such circumvention of mainstream understandings of humanity also seems an apt description of Bowie. Bowie's exotic appearance and the otherworldly subject matter of his music are of particular appeal to those who wish to stand outside the circumstances of their lives [35: 173: 140, 88: 112, 97: 190]:

> Bowie's meta-message was escape – from class, from sex, from personality, from obvious commitment – into a fantasy past (Isherwood's Berlin peopled by a ghostly cast of doomed bohemians) or a science fiction future. When the contemporary 'crisis' [of society in 1970s England] was addressed, it was done so obliquely, represented in transmogrified form as a dead world of humanoids, ambiguously relished and reviled… his entire aesthetic was predicated upon a deliberate avoidance of the 'real' world and the prosaic language in which that world was habitually described, experienced and reproduced [54: 61].

Similarly, Alex Sharpe exalts Bowie as an extraordinary figure '…who came to deliver us from the emptiness, the dreariness, the heteronormative fetters of English suburban life.' [79: 228]. Bowie can be seen as blasting away from the humdrum realities of concrete existence. In tune with Finnis there is a desire for the limitations from a narrowing of human nature to be exceeded.

The Introduction of the Unfamiliar

In desiring to exceed the mainstream's narrow understanding of human nature both Finnis and Bowie engage in a form of salesmanship. For both, going beyond necessitated an introduction and a 'selling' of the unfamiliar. This engagement with the unfamiliar, the pushing the boundaries of what is acceptable, is well-recognised in Bowie, both in his characters, performance, and musicality. This introduction of the unfamiliar is also present in Finnis. Although there are significant differences in the specific 'unfamiliars' introduced by Bowie and Finnis. Finnis brings material unfamiliar to his modernist audience to reinvigorate natural law theory. His work has been described as 'an ambitious and attractive reformulation and

restatement' of natural law [46: 605-606]. Finnis attempts to reconstitute human nature by transporting a pre-modern theory of law into the future. Bowie creates music through the process of introducing ingredients acquired from further afield. Looking back on his career, Bowie explained:

> I went on a crusade, I suppose, to change the kind of information that rock music contained…what I found that I was good at doing, and what I really enjoyed the most, was the game of 'what if?' What if you combined Brecht-Weill musical drama with rhythm and blues? [31]

In his musical laboratory, Bowie adulterated rock, adding to it – *inter alia* – mime, cabaret, and avant-garde sounds. Finnis could also be seen as adulterating modern jurisprudence and its narrow conception of human nature by (re)introducing practical reasoning. Modern jurisprudence and its narrow conception of human nature were based on the Humean distinction of is and ought. While Finnis concedes the impossibility of moving from describing the natural world (is) to forcing certain types of behaviour (ought), his contention is that natural law, correctly formulated, is capable of inspiring action [43: 46-47, 100: 248]. Finnis takes umbrage with Hume, and his modern descendants, in that they fail to appreciate the inhabited, subjective registry – the site not of description, but inspiration – of natural law. While Bowie introduced to mainstream audiences hybrid musical forms, Finnis ultimately attempts to introduce to modern jurisprudence older knowledge of human nature and reasoning. The central aspect of this older knowledge is the Finnis's version of 'practical reasonableness.'

Practical Reasoning

Finnis argues that Hume does not attend to the reasons that a person may have to act in keeping with a normative proposition: what Finnis describes as 'the logical difference between obligation and influence' [43: 42]. For Finnis, the version of natural law Hume criticises has unjustifiably discarded natural law's second component, another type of reasoning [43: 42]. Aristotle and Aquinas stipulated two forms of reason: speculative and practical. Speculative reason (focused on by Hume) produces all-encompassing theories about the enduring mechanics of the natural world [100: 248, 93: 97]. Practical reason, however, is well-suited to interpreting the significances of actions, and addresses how goods are to be achieved [100: 248, 88: 97]. Aquinas's expression of natural law is therefore exempt from Hume's criticism [43: 46-47]. The 'is-ought' distinction is not breached [3: 108]. Indeed, Finnis denies that traditional natural law theorists intended to, or did actually 'derive ethical norms from facts' [43: 33]. In actuality, the quarantining of 'is' from 'ought' is precisely echoed in the structure of Aristotle and Aquinas's two types of reason [43: 36]. While reason does not impose itself as an obligation, it does inspire to action the person who comprehends the benefits that follow from it [43: 47]. Hume was looking for reason that would force people to act, but ignored the reasons that make people *want* to act. Hume's model of human nature fails to include value, instead conceptualising human nature in terms of biological impulses, and accordingly imposing physical limitations. Practical reasoning, however, is not achieved by looking to one's surroundings, but by turning inwards [43: 36].[3] People are situated as internal observers of human nature with full experience of the meaning that saturates human existence. Natural law can be understood from an internal perspective. As Beverly Hinton describes Finnis' argument: '…Finnis insists that all is needed in order for a human being to understand the natural law is an experience of natural law's operation from the inside.' [55: 69] Resonant with Bowie's

[3] Beverly Hinton writes that 'Finnis insists that all that is needed in order for a human being to understand the natural law is an experience of the natural law's operation from the *inside* [our emphasis]' [55: 69].

critical portrayal of the regressive, feral 'Diamond Dogs' [24], humans do more than respond to stimuli; they are not thoughtless creatures. For Finnis, Hume was wrong to search for some external pressure that will ensure conformity to reason when people are impelled from the inside by their understanding of what actions tease out life's satisfactions. Like Finnis, attempting to free provoke a greater awareness of hitherto unexamined values.

Bowie is brought face-to-face with Finnis by registering the way that both strike discordant notes with the human as structured by modern society. In Finnis's work, the necessary redefinition of humanity is to be achieved by grasping the authentic forms of human endeavour as informed by the Aristotelian legacy of his natural law theory. Bowie, too, clashes with the foundational assumptions of the contemporary. However, Bowie's method of distancing himself from these pervasive assumptions is shaped by Bertolt Brecht's theories on alienation in performance, and is, as Brecht himself writes, is decidedly 'non-aristotelian' [34: 91]. This Brechtian approach achieves new perspective on pervasive values by alienating performer and, thus, audience from those values. The product of Brecht's influence on Bowie is clear: Bowie's attempts at alienation are often pursued through quite literal means, as he embodies a series of *alien* personae and other characters amounting to jumbled collages of social mores. The spectator's critical faculties are kept intact by warding off the mesmeric effect of performance that presents itself as authentic. As the performer is distanced from the character they portray, the spectator's own sense of self is preserved. So, as Bowie acts out the story of Ziggy Stardust, the audience is able to ponder where they stand in relation to the underlying values of the honest, hard-working rock 'n' roll star. The spectator's critical faculties are kept intact by warding off the mesmeric effect of performance that presents itself as authentic. As the performer is distanced from the character they portray, the spectator's own sense of self is preserved. So, as Bowie acts out the story of Ziggy Stardust, the audience is able to ponder where they stand in relation to the underlying values of the honest, hard-working rock 'n' roll star. Nonetheless, in the Brechtian approach, the tacit alignment between performer and spectator is not obliterated, merely reconfigured: now that the performer is self-aware, so is the spectator [34: 93]. Empathy persists, but emotions are communicated through a repertoire of cool, calculated gestures [34: 93]. Brecht writes of the performer 'quoting the character played' [34: 94], and Bowie quotes from all his inspirations. Ziggy is not (only) a rock star, but the quote that *represents* a rock star. In Brecht's estimation this requires of the performer "a considerable knowledge of humanity and worldly wisdom" [34: 95]. Brecht's appraisal here outlines the stance of the starman and the flourishing individual, who surveys the populace with poise and sophistication while connecting with innate humanity. It is to this innate humanity that we now turn.

The Worthiness of Human Life

This internal focus on reflection and achieving of life's satisfactions means that Finnis, in contrast to his assessment of Hume and his intellectual descendants, postulates a worthiness to human life. In keeping with this understanding of life to which all have access, Finnis proposes a legal system that encourages 'human flourishing' [43: 23]. 'Flourishing' seems also to be an apt term for the colourful, exotic style Dick Hebdige describes Bowie asserting against the 'prosaic' [54: 61]. In 'Five Years', the opening track of the *Ziggy Stardust* album Earth is approaching destruction. Over a spare drum patter Bowie numbly intones 'news had just come over: we had five years left to cry in. News guy wept and told us earth was really dying' [16]. The scenario Bowie goes on to describe suggests a dysfunctional society. The hopelessness, uncertainty and aggression of the scenes depicted in this song, coupled with its increasing vocal intensity expresses an anxious, misdirected, impoverished state of life; a doomed society that was not flourishing.

Amidst this destitute humanity, Ziggy Stardust appears, broadcasting a message of hope, telling the populace 'not to blow it 'cause he knows it's all worthwhile' with an much more upbeat pop-anthem riff [19]. As Alex Sharpe observes, there is a 'hopeful' quality in Bowie's monstrous persona [79: 228]. A clear optimism shines through Bowie's cool theatrics. According to Sharpe, the monstrousness of figures such as Bowie provides direction, serving to 'guarantee us a future' and 'point to the place of the sacred in a world without God.' [79: 233]. It is this assertion of the worthwhileness of human existence that resonates with Finnis's central proposition [100: 235] that there are a set of goods [43: 86]. These goods confirm and encompass life's purpose and significance. Law's role is to direct people towards the goods [43: 3, 23]. Activities that foster the good allow one to access the richness of life.

Finnis is not shy in declaring the goods that lead to a flourishing, rich life. He postulates a two-stage theoretical system. The first is identification of the 'basic goods' that orientate humans towards flourishing: life, knowledge, play, aesthetic experience, sociability of friendship, practical reasonableness and religion [43: 23, 81, 41: 240-241]. The second stage involves nine 'requirements of practical reasonableness' that state how the goods should be employed in decision-making [43: 10 23, 100: 237-238]. In doing so, Finnis presents a theory of reasoning that contrasts with modern thinking, especially liberalism. Liberalism focus is on how to achieve life's objectives, not on the selection of those objectives [43: 37, 61: 100, 83: 114]. It is agnostic as to ends. Finnis, with his basic goods and practical reasonableness is not agnostic to ends. [43: 47, 83: 114]. Desire by itself is not reasonable [100: 251]. For Finnis, if desire is to be reasonable it must focus on something objectively worthwhile [43: 69-70, 100: 241]. Therefore: 'an account of practical reason must start, not from desires, but from goods; and, being good independently of desire, such goods will be objective goods' [83:116]. The goods answer the '…questions about the point of human existence' [43: 371].

It is the 'point of human existence' that the despairing people in Bowie's narrative cannot make out. In 'Oh! You Pretty Things', Bowie contemplates '…a world to come where the books were found by the golden ones. Written in pain, written in awe by a puzzled man who questioned what we were here for' [14]. Implied in the contrast with bewildered humanity is the flourishing of the 'golden ones', who do not suffer from such lack of direction as does the 'puzzled man'. Finnis's basic goods promise direction, but in order to secure their guidance, they must be perceived. The 'golden ones', the starman's life of fulfilment is available to humanity. The possibility of improving the human condition is glimpsed at in 'Oh! You Pretty Things': 'Look out at your children. See their faces in golden rays. Don't kid yourself they belong to you. They're the start of the coming race' [14].

Finnis, and Bowie during the 'starman' period, are preaching that that humans have the potential to improve their circumstances. For Finnis, humans are able to discover the principles by which they should live. Unlike nature, which obliges measurement and speculation, humans already inhabit the outlook required to discern what is good for the human, and through this common humanity it is possible to discern what is objectively good. The goods are not culturally or temporally specific [83: 12]; in Finnis what is good for humans is universal and timeless.

Bowie's escapism tends towards universality and timelessness. The universality lies in Bowie's freedom from the specifics of identity. The androgyny of Ziggy Stardust demonstrates Bowie's playfulness with gender and sexual orientation.[4] David Buckley describes Bowie's claim to bisexuality in the mid-1970s as a contravention of the era's social norms and a transformation into 'the personification of something other' [35: 108]. Bowie's otherness is a

[4] See also the character described in 'Rebel Rebel': 'Got your mother in a whirl. She's not sure if you're a boy or a girl' [25].

release from the specifics that prevent access to the universal. Nor is Bowie within a single time. He achieves timelessness by flitting between 'fantasy' pasts and 'science fiction' futures.

In Finnis, identification of the universal and timeless goods depends on understanding that the goods cannot be traced back to any earlier propositions; they require no foundation [43: 69, 100: 242]. Nor are they made worthy by their usefulness towards any end [43: 65, 49: 17]. They are self-sufficient [43: 69]. Finnis's assertion of the independence of the basic goods is reminiscent of the motivation that drives Bowie's creativity. Apolitical and averse to the ordinary [54: 61], Bowie work is not justified on social or material impact. His avowedly *artistic* endeavours, aimed at 'producing something extremely beautiful, very powerful and imbued with strangeness,' [31] speak to Finnis's goods as the description of an experience that cannot be understood in terms of its usefulness to any exterior purpose. The goods frame human experience rather than being a product of it; they are self-evident [43: 64-65, 100: 241]. Self-evident means that the goods, despite their consistency with nature, cannot be detected in nature [100: 256]. Instead, they are recognised in one's self. However, the self-evidence of the goods does not make them immediately perceptible and not all are aware of, or agree upon, the goods [43: 65]. Rather, the self-evident quality of a good 'cannot be demonstrated, but equally it needs no demonstration' [43: 65]. Finnis describes the goods as 'pre-moral' [43: 34]. While there can be no external evidence for the goods, whether or not they exist is not a matter of personal preference.[5] Self-evidence is only apparent to the perceptive [43: 68-69, 100: 242]. It is by heeding the 'urge to question' [43: 65] that the goods can be appreciated. Bowie's puzzled man was at least taking the right approach in questioning his life. Answering the question requires a process of reason, which is primarily an intellectual exercise [59: 229]. Ziggy is 'a cerebral outsider debarred from strong feeling' [35: 142]. Reflection shows the way to the better life; it displays the goods that constitute meaningful living.

Through the seven goods, Finnis presents a conception of a worthwhile human life that has multiple components.[6] Ziggy's existence can be conceptualised in a similar manner. Buckley calls Ziggy a 'composite rocker' [35: 110] his identity assembled from elements of various real world musicians. The modular construction of identity is a theme of Bowie's work. On the album *The Man Who Sold the World* [10] Bowie expresses the concern that the parts making up his mental framework might separate from each other and lead to a psychological breakdown [35: 85]. In constructing Ziggy, Bowie was able to select the constituents that defined his fictional rock star. In Finnis's theory individuals are similarly free to build their lives on their choice of goods [100: 237-238].

Through this outrageous 'sound check', Bowie and Finnis were portrayed as performing a sort of duet; both arguing that human life is poorly served by clinging to the mainstream. Bowie dreams up extravagant beings as a challenge to everything safe. Finnis's theory appears to try and deliver people from the meaninglessness of modernity. Joining the mindless masses of modernity leads to a less-than-flourishing life. *NLNR* is a 494 page exhortation for courage to break from the herd. The outrageous Bowie has courage in abundance, flaunting dress codes and gender roles and hybridising pop with alien influences. Finnis, too, evidences a kind of gall in contesting the well-established dominance of modern jurisprudence commitment to the 'is-ought' distinction. Both disrupt complacency. Bowie broadcasts into the suburbs as a flamboyant starman and Finnis expounds flourishing, objective self-evident goods and practical reasonableness. Value is reintroduced to the colourless world. Finnis's shows that the goods and practical reason lead to an existence that has purpose.

[5] 'They are objective; their validation is not a matter of convention, nor is it relative to anybody's individual purposes [our emphasis]' [43: 69].
[6] 'Theorists of natural law understand human fulfilment-the human good-as variegated' [50: 172].

However, having presented some similarities and parallels between Finnis and Bowie, and in so doing, introduced both, in the next sessions a more complex and discordant composition is mixed.

3 Session Two: The Good of the Goods

This session commences the headline act. Having shown points of harmony between Bowie and Finnis during the sound check of session one, there is the beginning of a disharmonious cacophony is now experienced. However, this confusion of noise does not emanate from the expected sources. It is not from the immediate juxtaposition of the socially conservative Finnis with the flamboyant Bowie; notwithstanding the outrageous attempt in the previous session to identify similarities and parallels. Rather it is that Bowie, in his productions and performances, knows Finnis all too well. Bowie brings to the forefront tensions and disharmonies within *NLNR*; precisely around the good of the goods. In this, Bowie puts into question the authority and grounding of the goods.

Finnis offers an enticing world where people exist cooperatively, guided by reason to lead worthwhile lives. Community provides fertile circumstances for abundant and varied evocations of the good [43: 147, 61: 104-105]. In Finnis's theory, positive law provides the elements that comprise this setting.[7] Through its imposition of order, law ensures the consistency in the populace's behaviour that must be relied upon to make feasible any human project, such as, in the case of Finnis, attempts at realising the good [61: 104]. As per Aquinas, the 'fallen' character of humanity [58: 348] means an always-looming possibility that people will choose wrong courses of action. Law is needed as a guide [3: 846]. Finnis carries this disposition towards humanity into his theory, where law points people towards a particular notion of how life should be lived [43: 262]. Bowie and the saviours he performs also appear to be driven to intervene in (and potentially impose on) humankind to share the 'answer' to the purpose of existence. Even though Finnis's theory requires law to support communities of flourishing humans, it does not yield precise instructions for a correct legal system. Instead, Finnis offers a way of thinking about how to act that can be called 'natural law-as-style' [100: 237]. Practical reasoning countenances multiple possibilities for the organisation of community, necessitating legal institutions that impose definitive arrangements, thus bringing about the environment needed to pursue the good [83: 135].

This inclusion of positive law into his natural law scheme introduces a note of discord within *NLNR*. Finnis is suggesting that fallen humans and abstract goods require the sort of external guidance that comes from command backed by threat to be manifest in the world. This seems to cut across the tenor and tone of the basic goods and practical reasonableness. All the previous composition regarding the goods as objective because of their self-evidence, self-discoverable, and self-realisable nature, sounds off-key if positive law is necessary to ensure the goods' manifestation in the world [41: 239]. The connection to positive law has a further disharmony. Notwithstanding Finnis's disavowal of the relevancy of the is-ought distinction, to a causal modern listener the invocation of the necessity of positive law emerging from objective truths of human nature sounds suspiciously like deriving an 'is' from an 'ought' [100: 256].

Both of these objections have been well-rehearsed and performed by Finnis's critics. Seow Hon Tan notes that the connection Finnis makes between reflection upon practical

[7] [61: 104-105. 43: 268] on some of the contributions of a legal system: '…law brings definition, specificity, clarity, and thus predictability into human interactions.' See also [7, 1].

reasoning and the goods that such contemplation should reveal is 'too arbitrary, too glib.'[8] Finnis does not detail the intellectual process that leads to discovery of the requirements of practical reasonableness [92: 637]. Even if there are objective basic goods, an objective outlook would be required to be able to perceive them, and Finnis does not show that his reflective process is suitable for this task [80: 127]. Finnis compounds this theoretical inadequacy by ascribing the quality of self-evidence to the goods to maintain that they are the inevitable outcome of the reflective process. Imbuing the goods with self-evidence demands acceptance of the goods from those who have not been given all of the information required to discover and verify the goods' existence [92: 637]. Finnis's goods seem too abstract to be self-evident [41: 248]. Ian Duncanson argues that knowledge arises out of communal perspectives rather than being objective and timeless, as Finnis claims [41: 245]. Those propounding an idea need to acknowledge their partiality and provide reasons why others should agree with them, tasks that Finnis's style is not equipped to perform [41: 245].

At one point these criticisms can be deflected by Finnis. They are moderns unable to see beyond the is-ought distinction; insecure hereto-rockabilly hecklers at a Ziggy Stardust show. But from the perspective of the history of ideas there is a temporal truth to the criticism, because a truly universal and timeless foundation to Finnis's theory is absent. While the initial impression may be that Finnis is only reiterating natural law by way of explanations that can be understood by unflourishing moderns, the theory undergoes substantive metamorphosis in its journey to the present. Finnis reinvents natural law without using the divine as a starting point [43: 49, 100: 237]. Consequently, Finnis must be sceptical of truths about humanity that can be read from one's surroundings, as his theory cannot assume that the natural world is encoded by divine law [100: 251]. As was heard in session one, the notion of how to live dwells solely in the human. The world of nature is surplus to the discovery of this insight, a straggler that follows after the attainment of knowledge [100: 248]. According to Finnis, this scepticism of the world is compatible with Aquinas, who supposedly teaches that values precede nature [43: 52].

However, this claim inverts the sequence of Aquinas's reasoning.[9] Finnis's version of practical reasoning launches from a pre-existing and definite understanding of what is good, while Aquinas takes as raw material the impulses of nature and, through practical reasoning, converts them into goods [100: 252]. In 'Changes', Bowie sings of his restlessness; 'Every time I thought I'd got it made it seemed the taste was not so sweet,' [12] conveying his need to repeatedly move on from the ideas he inhabits. Bowie's repeated transformations, affected by the situations in which he finds himself, highlights natural law's own need to always advance, as well as its responsiveness to the times, as evident in Finnis's attempt to parse Aquinas for a new generation. Finnis presents his theory as objective; universal, timeless. It is, in fact, one in a long line of 'ch-ch-ch-ch-changes' [12] made to natural law.

In addition to the disconnections between reflection, self-evidence and the universality of Finnis's theorising, the basic goods and the substance of law are estranged from each other. The goods exist before morality, and alone cannot be used to identify what course of action should be taken [100: 237]. It is particularly difficult to utilise the goods in determining a course of action, as nothing precedes the goods, so there is no standard by which they can be prioritised [100: 244]. Furthermore, Finnis does not specify how practical reasonableness finds implementation in a legal framework [92: 638]. The generality of the goods creates considerable difficulties directing people towards particular forms of activity. For example, Finnis has stated that the law should deter same-sex sexual activity because it does nothing to

[8] [92: 637. Also Jeremy Shearmur notes that 'insofar as his [Finnis'] points are intended to be inter-subjectively acceptable, his method often falls short of what is required. In particular, he does not seem to consider whether our moral experience may be subject to different and competing interpretations' [80: 126].

[9] Finnis reasserts this interpretation of Aquinas in [45: 129-130].

realise the common good [44: 1049 1066-1067, 46: 607, 628]. Ronald Garet argues that, starting from Finnis's goods, the opposite conclusion can be reached [46: 628-629]. Finnis's contention that same-sex relationships do not foster the common good is incorrect because it is based on a predetermination as to what goods the activity must realise [46: 641-642]. Same-sex relationships may not cultivate the good of 'life' (defined narrowly as procreation), but sexual behaviour could be described as play or sociability, or could even be a good in itself.[10] Furthermore, some of Finnis's goods might be described in terms of each other. Margaret Davies queries 'How do we know that knowledge is not a form of sociability? Or derivative of religion?' [39: 92]. Valerie Kerruish argues that even if Finnis's goods are accepted as an accurate categorisation of human flourishing, they provide nothing that specifies how practical reasoning is to be conducted [59: 227]. The generalities of the basic goods must be translated into specifics, but the act of doing so will return them to the partial and subjective as each person outlines their individual understanding of what the goods contain [59: 227]. Finnis might claim that his goods are objective; but they are neither truly universal nor timeless, rather they are a fabrication.

Bowie's characters are camp [54: 60].[11] Fabricated and flamboyant [86], these fictional figures vividly highlight the artificiality and ambiguity of Finnis's basic goods, which can be applied or withheld in any way, reminiscent of the performance element of Bowie's work, the 'faker' that 'others may see' him as [12]. Bowie learned through early musical efforts that 'authenticity and the natural form of expression wasn't going to be my forte' [31]. Bowie disavowed any personal investment in rock 'n' roll soon after he stopped working primarily in that style: 'I mean it when I say I didn't like all those albums – *Aladdin Sane, Pin Ups, Diamond Dogs, David Live*. It wasn't a matter of liking them, it was 'Did they work or not?' Yes, they worked. They kept the trip going' [35: 230]. Finnis's goods are an attempt to 'keep the trip going', to extend natural law's relevance, to maintain its popularity.

Bowie can be seen as adopting particular ideas and musical forms in order to 'make a point.' He functioned more as an actor than musician, framing the audience's understanding of his performance and making known that he is enacting a critique of that which he embodies. Creating a transparently artificial and composite character in Ziggy, for example, enables Bowie to confront rock stardom's claims to authenticity:

> Rock ideology had a hegemonic position: almost everyone agreed unconsciously with its central tenets while never quite recognising that it was an ideology in the first place. So singers and performers, sometimes unwittingly, followed standards of excellence and decorum, which, until Bowie, had never been fundamentally challenged before [35: 104].

Ziggy can be seen as a tool for the edification of the audience. In Bowie's words: 'The music is the mask the message wears – music is the Pierrot and I, the performer am the message' [35: 99]. There is an expressiveness to such masks. Alexander Carpenter states: 'For …Bowie, Pierrot proved a necessary mask: a gesture of artifice that provided the means for a sincere negotiation of identity and artistic needs.' [36: 21] Every one of Bowie's characters is a Pierrot in the sense that each is a mask [36: 16]. And the mask provides the opportunity to act out the constituents of an identity.

In saying that 'music is the mask the message wears', Bowie could mean that his songs were the form he chose to present his ideas. Conversely, declaring the performer to be 'the message' might be taken as a proclamation that Bowie is acting as a vessel for his appetites.

[10] [39: 92]. Furthermore, Finnis's claim that same-sex relationships cannot fulfil the good of 'marriage' (adduced after *NLNR*: see [44]) is deeply problematic: [71, 38: 13].
[11] See also [85].

Arguably, the Thin White Duke, a character who made expressions of sympathy towards fascism, that Bowie presented himself as during a period of significant drug use, enabled such indulgences. Early on, Bowie recognised that these appetites might take him over. An outtake from 1971 titled *Shadow Man* [32] includes the line 'the shadowman is really you' and communicates Bowie's anxiety that another, less accountable, self may replace him [35: 119]. Bowie retired Ziggy Stardust, later commenting: 'Now [playing Ziggy] we started hitting real problems, because I enjoyed the character so much, and it was so much easier for me to live within the character.' Just as Ziggy ended up 'making love with his ego' [19], 'I [Bowie] wasn't getting rid of him [Bowie's fictional creation] at all; in fact, I was joining forces with him' [35: 140].

Bowie's slippages between performer and mask, message and music, highlights similar tensions within *NLNR*. Finnis's conception of human nature may define Finnis, and may also define all people for all time, and in this timeless universalism be something that humanity will benefit from knowing more about. Or it may be an invention of Finnis's alone, a way of portraying things as he wants them to be. These interpretations are intertwined. For example:

> Just where the Thin White Duke ended and Bowie began is a moot point. If one agrees with Bowie's own analysis in interviews, then these invented personae governed the real-life David Jones and made him act in accordance with their character. But how much of this is a smokescreen to cover up, or excuse, huge lapses in taste, half-baked intellectualising and coke-driven madness? [35: 226].

An understanding of the duality of Bowie's acting emphasises a dilemma in Finnis's theory. On one side, exemplified by Ziggy Stardust, Bowie uses his characters to educate, on the other, as seen in the Thin White Duke, Bowie is occupied and animated by the very thing he critiques, having effectively become that thing. So it is with Finnis, who begins by trying to save people from 'overdetermination' [2: 101] only to prescribe a system that imposes an arbitrary, rather than universal, vision of human nature. The goods are both inside and outside: 'inside' in that they dwell in humanity's subjective experience, and 'outside' in that they are objective, existing independently of any other justification. Similarly, Bowie stands both inside the characters he portrays, as well as apart from them. However, problems arise when the character starts to bleed through the 'cracks' in the actor [21]. The sense that the performance is artificial and apart from its creator breaks down as the performer's own fixations become suffuse with the apparently detached examination and dramatisation of humanity's purpose. In Bowie's performance of the slippages of message and messager he highlights in glam-rock spangles and seven inch heels, something that always resides just beyond the text of *NLNR*. That the talk of objective, self-evident goods, practical reasonableness and flourishing is all a one-man show, a very public journey of one man's self-discovery.

This realisation of Finnis qua Bowie of the fabricated and idiosyncratic nature of the goods leads to the crescendo in session three. What is a stake is nature itself. Finnis, like the profoundly *un*natural Bowie, does what seems unthinkable for a natural law theorist. He dispenses with nature.

4 Session Three: Authority and the Disappearance of Nature

Finnis's theory is supposedly founded in objective truths about human nature. However, it will be argued in this session that Finnis actually abandons nature as a foundation, instead using authority to justify the imposition of his views on the good life. As has previously been heard, Finnis invokes self-evidences rather than explaining the thinking required to

discern the basic goods or support their claim to objectivity. Finnis ascribes wisdom to those who accept the basic goods, while denigrating the 'sceptic' who remains unconvinced of the goods, portraying the latter as 'slightly dim and villainous' [40: 69]. Indeed Costas Douzinas and Adam Gearey find this rhetorical strategy for securing acquiescence towards the basic goods to be comparable to the threatening command of positivism. [40: 69]. This, along with other features of Finnis's theory, shows his version of human nature to be one that, without justifying itself, demands obedience.

Natural law has never been simply a product of innocent, abstract speculation – a pure pop song in the world of ideas – rather it has been deployed towards an assortment of ends [100: 9]. For example, Finnis's theoretical influence, Aquinas 'used it to assert the authority of the Catholic Church.' [100: 9]. Natural law has been imposed by the powerful in times past, and this forcefulness is repeated in Finnis. Finnis shares Aquinas's view of fallen humanity's potential for good and ill [100: 251]. The existence of the goods is not dependent on recognition, as imperfect human subjectivity is not entirely trustworthy. Some humans will err. As performed in session two humanity's fallen nature fuels a legal system that uses authority to make sure that legal subjects adhere to structures necessary for life to be lived in keeping with the goods.

Bowie's Thin White Duke illustrates the extreme end of this desire for authority to lead the fallen. Bowie conceived the rock star as related to the fascist regime in that both have a theatrical, mediated relationship with others.[12] During his time as the Thin White Duke, a mentally troubled and heavily inebriated Bowie extensively researched Nazism and expressed approval for the fascist use of performance and multimedia to control entire nations, [35: 250-251]. Accordingly, Bowie, as the Thin White Duke made statement to rule over England as dictator, believing that this was the only way to reform what he called the 'disgusting' condition of contemporary morality [47: 133, 35: 250]. While earlier, Bowie critiqued fascism in the dystopic *Diamond Dogs* [22], an album influenced by George Orwell's *1984* [92], by the mid-1970s he embraces it. The starman's mission shifts from using art to enlighten to using art as control, a slip that Susan Sontag identifies in 'Fascinating Fascism' [86]. Associating Finnis with Bowie is not to implicate Finnis with fascism, but Bowie's misadventure as the Thin White Duke is an outermost example of how ever-increasing severity is a consequence of attempts to externalise a personally compelling design for life.

A demand for authority is present in Finnis's theory. Because of the objective quality of the basic goods, Finnis's theory can be used to justify the legal order without any acceptance of the goods' validity by the people subject to the law. Those who cannot perceive and accept the goods have simply failed to make sense out of life; just as those entrenched in the kind of dreary life that Bowie offers an escape from, do not see the possibilities for how they might flourish. Finnis implies that the sceptic's inability to acknowledge or be satisfied by self-evidence is a consequence of ignorance. In keeping with Finnis's disparaging portrayal of the sceptic, in 'Life on Mars?', Bowie describes the people as 'the mice in their million hordes' [13]: possibly a scurrying, oblivious mass in need of reform. Beginning early in his musical output, in songs such as 'Cygnet Committee' [9] and 'The Supermen' [11],· a lot of Bowie's songs have depicted the public arrival or surreptitious existence of saviour beings able to control the human masses [62: 142]. These beings are a combination of Bowie's reading of Nietzsche and his exposure to Gnostic ideas such as 'the masters', entities dwelling in secret mountains headquarters who preside over humanity [62: 143]. The masters are mentioned in 'Station to Station',· where Bowie urges the listener to 'Drink to the men who protect you and I' [27]. In 'Oh! You Pretty Things' Bowie proclaims that 'we're finished' and 'gotta make way

[12] In this Bowie's connection between rock stardom and fascism is also made by another English 1970s stadium rockers in Pink Floyd's *The Wall* [73]. See [68]

for the homo superior' [14]. Using self-evidence instead of legitimate moral justification, Finnis's theory proposes a legal system that compels obedience through authority [43: 276]. As such he comes to the postulate that it is a moral good to ensure the stability of the legal system [39: 94]. Therefore, the classically natural law proposition that 'an unjust law is no law' is a 'subordinate theorem' to Finnis [43: 351]. In essence Finnis replaces justification for the law with the dictates of authority.

The point of highlighting this tendency to authoritarianism reveals nature's fate in *NLNR*. The lack of any properly objective and universal standard for Finnis's theory indicates that nature has in fact been done away with. And this is Bowie's crucial contribution to analysing Finnis's work. When observing Bowie, it is immediately apparent that he flouts nature. As evident in his unorthodox cross-breeds (such as dog-man hybrid Bowie of the *Diamond Dogs* cover) [22], Bowie is unconcerned with following any existing template for life. His projects defy such structures or strictures. Bowie is the one in control; the artist directing and (re)arranging existence. Acting in this way, Bowie extinguishes nature. Bringing Bowie to bear on Finnis shows that, while Finnis means to re-establish natural law, *NLNR* effectually brings about nature's demise.

As evident in the androgyny he often adopted, Bowie is not in thrall to traditional definitions of what is natural. He escapes these limits by changing his form. Comparably, Finnis escapes the fixed, narrow role that is the biological description of the human. Evident in these transformations are acts of will. Bowie sculpts his identity to match a design. Finnis, too, imposes a definition onto life. Human flourishing is shaped as Finnis wishes it to be rather than being dictated by life. These acts of will are driven by personal visions. Bowie is an alchemist of mixtures that are concocted to create each new self. He is able to effect transformations by thinking of his being as made up of (malleable) culture, rather than (inflexible) nature. Natural law grasps towards the unchanging and eternal. However, comparison with Bowie demonstrates that in Finnis's work, nature is made of nothing but the changeable stuff of culture. Finnis substitutes the biological construction of being for one that begins in mental space. With Bowie, humanity has the potential to become whatever can be imagined. In *NLNR*, Finnis's interior life founds the shaping of existence. The discerning of how humans are to thrive takes place in the self. With the definition of flourishing under human control, the idea of 'nature' meets its end.

Nature is cast out of Finnis's theory. According to Henry Veatch, '[Finnis] perceives no reason why he should not simply disclaim all attempts to establish a basis for moral laws in nature' [98: 253]. Looking within to discover how to thrive, nature is ignored. It vaporises, wraithlike, sliding out of focus and into irrelevance. Nature is portrayed as unhelpful, extraneous [100: 251]. Finnis writes that:

> They ['the first principles of natural law'] are not inferred from speculative principles. They are not inferred from facts. They are not inferred from metaphysical propositions about human nature, or about the nature of good and evil, or about 'the function of a human being'; nor are they inferred from a teleological conception of nature or *any other conception of nature* [our emphasis] [43: 33-34].

Because nature cannot be used to mount an argument about human life, Finnis is candid about its banishment. He appears to find nature regrettable, calling 'natural law' an 'unhappy term' for the theory [43: 374]. Finnis tenders his 'de-natured' theory as beneficial [98: 256]. Nonetheless, it has considerable flaws. This nominally 'natural law' theory misses the opportunity to put nature to use, first of all in its derivation of the goods. Making practical reasoning the centre of natural law means a claim that the goods precede reason [100: 251-

252]. Surprisingly, in rearranging natural law's priorities, practical reasoning shrivels [100: 253]. With the goods already established, the important function practical reasoning performed in previous versions of natural law is now merely surplus. In the natural law tradition before Finnis, natural desires had to be assessed and deemed objectively good (or not, as the case may be). Exiling nature leaves practical reasoning without anything of such overriding significance to interpret [100: 253]. Nor is nature enlisted to weigh the goods so that a course of action can be decided upon [100: 247]. Paradoxically, given that Finnis's theory is supposedly practical, the eviction of nature makes it more difficult to accomplish this task. The absence of a theorised nature results in an all-around less practical jurisprudence. 'Nature', to the extent that it remains in *NLNR*, arrives late [100: 249]. It appears after the event to validate what Finnis has written, but does not comprise any part of the argument. The theory is 'decorated' in 'nature' [100: 249], like one of Bowie's costumes, but its attempt at a perspicuous retelling of human life does not 'grow' out of the natural world.

Finnis's dismissal of nature has earned intense reproach [100: 249]. For example, Veatch asks, in relation to Finnis, '…how can the enterprise of a natural-law ethics be anything other than a search for some basis for morals and ethics in nature itself, and thus in the facts of nature?' [98: 251]. This censure indicates another unexpected similarity between Finnis and Bowie: both are controversial. Turning natural law inside out, Finnis flies in the face of the natural law tradition, his drastic inversion as startling as Bowie's flamboyant mutations. Both attract opposition in their attempts to rehabilitate frameworks of human endeavour. Even though he critiques the rock star, Bowie *is* a rock star, and could not avoid all the pitfalls of that occupation. Finnis starts anew with natural law, seeking to remake the tradition to the exclusion of its imperfections, but he is unsuccessful in this attempt, reinforcing problems that have persisted throughout successive iterations of the theory [100: 6].

Bowie's descent from Ziggy to the Thin White Duke throws into relief that Finnis's theory ends up becoming the thing it critiques. Bowie (not wanting to be confined to a single musical genre nor any archetypal identity) and Finnis (rejecting a portrait of the human drawn from the outside) shed the skin of the rigidly prearranged life. However, both then discontinue their emancipatory efforts: Bowie with his dictatorial stylings, and Finnis with his imposition of a particular vision of the good. The problematic revealed here is that the overbearingness in the essence of natural law. Natural law is a search for guidance. Finnis discards speculative reason because it is not a trustworthy guide. His introspective turn the sources that should guide flourishing in utter subjectivity. As with 'Fame' where 'What you like is in the limo' [26], the good is now defined by idiosyncratic desires. Flourishing no longer takes on a diversity of forms, but is used to dress up autocracy. There is only a single, officially mandated way to flourish. Finnis looks inwards, mistakes his unique vision for universal truth, and then tries to impose it, wanting other people to flourish similarly to him. Ultimately, Finnis's theory does not deliver a more expansive conception of humanity, but a narrowing of nature, tapering from a shared humanity down to the subjectivity of a single person. Finnis universalises his view, using it to regulate the environment and channel human life through a particular conception of flourishing. This is an inviting world, Ziggy's saved Earth, promising a people not in conflict, but united, achieving at a higher level. However, the promised flourishing can only be achieved with order. Finnis states that in 'co-ordinating action…There must be either unanimity, or authority. There are no other possibilities' [4: 232] and then proceeds to rule out unanimity [43: 233]. With that, natural law becomes legal positivism: according to Finnis, law can be defined as:

> rules made, in accordance with regulative legal rules, by a determinate and effective authority (itself identified and, standardly, constituted as an institution by legal rules) for a 'complete' community, and buttressed by sanctions. [43: 276].

The validity of Finnis's system seemingly comes from the same exercise of 'sanctions' that 'buttresses' positive law. Nature's ejection from natural law makes room for subjectivity, that subjectivity is imposed through the will makes Finnis's theory noticeably similar to modernity with its jurisprudence of commanding and threatening sovereigns.

Finnis presents a theory which rather than challenges modernity's legal conceptions, reinforces them. According to Duncanson: 'the ideas out of which it [Finnis's theory] is constructed are merely variants of those in which the politics of the status quo are expressed' [41: 239-240]. This means the seemingly eternal recurrence of sovereign power. The reason for this repetition is the continuing reliance on the saviour. Even as Bowie proclaims the danger of the rock 'n' roll messiah, he is trying to save the people from saviours. As in Steely Dan's 'Do It Again' where the wheel keeps 'turnin' 'round and 'round' [87], mistakes are repeated, problems from the past brought forward. In this case, the problem is an addiction to saviours that cannot be shaken off. The track 'Star' from the *Ziggy Stardust* album demonstrates the association between rock stardom, the flourishing life, and authority: 'I could make it all worthwhile as a rock 'n' roll star. Bevan tried to change the nation. Sonny wants to turn the world, well, he can tell you that he tried. I could make a transformation as a rock 'n' roll star' [18]. It may be that the worthwhile life of the rock star is here being represented as a life of personal fulfilment alone, being contrasted with the ability to 'change the nation'. However, knowing what counts as the worthwhile life and leadership are linked, and both are possibilities of the enterprise of rock stardom as depicted by Bowie generally. Ziggy came to Earth to show its people that life is 'all worthwhile'. This mission turned into an authoritarian one, with Ziggy becoming a dictator-saviour. In the words of titular track 'Ziggy Stardust', Ziggy '...made it too far, became the special man' [20]. He became a 'leper messiah' [20]; overbearing, unwanted, cast out or possibly destroyed in a *Tommy*-like [94] 'rock 'n' roll suicide' [17] Bowie repeats this fall to some degree in becoming the Thin White Duke. Wanting to free the people from a constrained existence and empower them to flourish, he eventually advocates the consolidation of power in a dominating entity. Bowie's repeat of the rise and fall of a powerful, controlling individual reinforces the possibility of a transition from notions of how human life can be lived to the self-justification of pure legal power.

Whereas classics theories of sovereignty postulate order for order's sake [42], natural law is initially motivated by having something particular to assert about how life should be. However, in making claims to authority based on unsubstantiated declarations of life's proper mode, Finnis's natural law theory results in a legal system where the law constrains, rather than enables its subjects. Furthermore, Pauline Westerman observes that: 'Finnis's theory of natural law exhorts us to be more uncritically law-abiding than any legal positivist has ever dared to suggest.'[13] It is not only that the re-establishment of limits results from Bowie and Finnis's attempts to encourage flourishing, but that these limits are more constraining than those which they saw as oppressive to humanity. Bowie morphs from alien-hippie-liberator Ziggy Stardust to desiring the Ring of Power as the Thin White Duke, and Finnis is more imposing than the legal positivists. Bowie and Finnis do not erase the targets of their critique; they eclipse them. Ground control loses contact with Major Tom.

Bowie repeatedly sloughs off his identity, changing it for a new one. The motivation for these recreations is visible in Bowie's core message; that humanity can grow into something better. Bowie escapes from the stasis that keeps him from being a superman. Breaking out of limitations has its consequences. Bowie sings in '1984' that 'The changing isn't free.' [23]. Bowie's recreations became more severe (as evident in the Thin White Duke); each time,

[13] [100: 283]. For example Finnis writes that '…the principles of natural law explain the obligatory force (in the fullest sense of 'obligation') of positive laws, even when those laws cannot be deduced from those principles' [43: 24].

greater reassurance is required that, with a leap into the strange, freedom has been achieved. Finnis's reinvention is from one type of reasoning to another. Desirous of a 'sure-fire' way to flourish, Finnis discards the speculative, believing that it does not provide sufficient guidance. He replaces it with a practical experience that is, for him, personally compelling, but has harsh implications for the external world. Finnis tries to free people from a burdensome conception of human nature, and, Thin White Duke-like, gives rise to a sterner force.

A similar narrative is present in *NLNR*, where confidence in humanity's capabilities often stimulates a desire to intervene in human life in order to realise this promise. The difficulty in convincing people to reach beyond their current state without using force in an attempt to break through people's ignorance. Guiding the people through force would replicate the state of subservience from which they must be freed. It is this dilemma that Bowie exposes in Finnis. *NLNR* begins with confidence in people's ability to flourish but sees this expression of esteem as a debt to be repaid. Faith in humanity mutates into a dark inversion of itself. Humans are expected to live up to a particular idea of their potential, and, in a twist, they cannot be trusted to realise (meaning both recognise and fulfil) their own worthiness. It transpires that the goods are authoritatively imposed by will. In his dictatorial phase, Bowie's conviction that people are meant for greater things was temporarily warped into a belief that only obedience could coax out human achievement. Bowie cast off this approach, however, demonstrating the need for law and humanity to move beyond saviour ideals, whether that's the saving sovereign from the state of nature, or the saving, Oxford-ensconced philosopher king. Buckley states that:

> Bowie was living proof that our personalities are constantly in flux, constantly being made and remade, not fixed in stone by age, class or gender … There's no final version of Bowie. For every teenager who considered him or herself unfinished, who was not quite happy with his or her lot, who didn't like the way society worked but couldn't articulate that sense of disquiet, Bowie was the perfect foil [35: 285].

At the time of its emergence, natural law, too, was artificial, ambiguous, always changing, and critical of society: '…its [natural law's] "discovery" is not so much a revelation or unveiling as an invention, a creation' [40: 81]. Bowie's ever-changing personality shows that law's instruments of critique must not forget these transformative qualities.

5 Conclusion: Life after Mars

Ultimately, Bowie was able to rise again where Ziggy nor the Thin White Duke could not. He avoided getting stuck in the saviour groove, abandoning his Thin White Duke character and disavowing fascism, saying 'It is not my position for the kind of artist I am, who tries to capture the rate of change, to adopt any given policy or stance politically because my job is an observer of what is happening' [35: 253]. Bowie stepped away from the role he had played along with all its unfeeling authoritarianism. Giving up on 'coke-driven' [35: 226] pontificating, Bowie moved on to happier and more humanly-connected work, collaborating fruitfully with Brian Eno on the 'Berlin Trilogy' of albums [29, 28, 30, 78]. In moving beyond the saviour figure, Bowie suggests the need for Finnis's jurisprudence to do the same. Ultimately in 'Heroes', written and recorded in the shadow of the Berlin Wall, there is a yearning and respect for the mundane everyday that sits out of place with the criticism radiated by a younger Bowie. Bowie took up life as an alien to show his audience what humanity could become. Stepping outside of oneself to gain a new perspective remains a worthwhile task, but the interplay of the human and the alien, of the internal and critical perspectives must be better

understood in constructing natural law arguments. Over the subsequent decades from the turbulent 1970s, an older Bowie repeatedly showed life after Mars. That a creative, empathetic musician like Bowie can keep crafting music that is touching and meaningful for generations – right up to the harrowing reflections on mortality in 'Blackstar' [33] released on his 69th birthday two days before his death in New York in January 2016 – is a lesson for natural law theorising.

Bowie's lesson is that nature itself is a creation, and one that is capable of change. Finnis's *NLNR* becomes entrapped in an authoritarian cycle of groundless values needing imposition; a conflating of savour and sovereign that Bowie enacted during the mid-1970s. In mixing Finnis with Bowie the final note stored on the digital audio workstation is that projects in law or ethics that supposedly give an objective guide to human betterment must be supplemented with an appreciation for humanity's responsibility for creating its own values.

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