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 Reading the Constitution as a
Great Book
William Braithwaite

Our national political conversation is just now being much exercised in a deliberation about the Law and the Divine:¹ on one side, those who hold sacred a certain place in New York City, because of those who died there; on the other, those who plead the cause of religious freedom. Jews, Christians, and Muslims have spoken on both sides. These circumstances can remind us that the horrific brutalities we human beings continue to inflict upon one another often arise somehow from what we believe about the Divine: either that it is, and the disputes over what it is, or that it is not, and the disputes over what, in this event, we should look up to, if anything. These questions are so ancient, universal, and persistent that they appear rooted in some primal dividedness of the soul. Politics and law cannot, it seems, escape the Divine; nor we, our own double nature.

In Book I, Chapter 1 of the *Physics*, Aristotle observes the most natural path of inquiry starts from what is familiar. Especially to those Americans who have grown up with it, the Constitution is familiar. But if this makes us think we already know what it says, we might fail to read it with the care that a great book deserves. We can study the Constitution with this kind of care even while suspending judgment on whether it truly is a great book. We then avoid the error that is committed when, for example, one reads Euclid while assuming he has been made obsolete by Algebra—looking down, from a place of assumed superiority. We cannot know a priori whether

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Euclid's *Elements*, Aristotle's *Physics*, or the Constitution, is outdated, and we disable our judgment if we begin by looking down on what we may come to learn we should look up to. Diminishing its magnitude in relation to ourselves, we distort what it presents to us. We will not see it for what it is.

Other obstacles besides familiarity can get in the way of reading the Constitution well. It is short; so we may suppose, mistaking its brevity for lightness, that it doesn't need much time. It can be taken to belong to a special discipline, the law; lacking expertise, we read it without confidence that we can understand very much. It's political; since it touches issues we may care passionately about, we search it for what we want it to say, and can fail to notice that what it does say might not agree with our partisan inclinations, or even when it does agree, that its grounds may be different from our presuppositions.

This essay has five parts. In the first, I will suggest why I think the Constitution can usefully be read as the preeminent chapter, one of four, in what we might call the Book of the Constitution. The second and third parts deal, from two different points of view, with the distinctively American experience of trying to form a political union based on an idea, rather than on blood ties or religious beliefs. In the fourth part, I will propose a way of thinking about the Constitution's Article VI, which contains the well-known "Supremacy Clause," providing that the Constitution "shall be the supreme law of the Land." In Part V, to conclude, I will suggest brief and tentative answers to two questions: Is the Constitution really a great book? Who can understand it best?

I

The Constitution is arranged into a Preamble, seven Articles, and at the very end, formulaic legal words attesting authenticity. Some Articles are divided into numbered Sections. Parts of Sections, or of Articles with parts not separately numbered,

are called Clauses. These are either paragraphs, sentences, or parts of sentences.

The Preamble: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

The grammatical skeleton is: "We the People . . . ordain and establish this Constitution"—a subject, two transitive verbs, and one direct object. "We" is plural; "the People" can signify one or many. If we wanted to translate this sentence into Ancient Greek, should the verbs be singular or plural? Should the aspect of the verbs be aorist, to signify something completed? Was the American Founding over and done with, once and for all, when the Constitution was ratified, in 1789? A verb of progressive aspect would signify that the ordaining and establishing are continuous; they may still be going on. Would the verbs be active voice, middle voice, or passive voice? It makes a difference—doesn't it?—whether the law-maker says (active voice): I ordain and establish a constitution, a regime of laws, and you choose to accept it? Or (middle voice): I choose to obey, for my own reasons, only the laws I make for myself? Or (passive voice): I make the laws, and you have to accept them, like it or not?

"The People" are "of the United States." A State is more than a geographical place—land and water. The New York mosque controversy reminds us that there are sacred and non-sacred places, garbage dumps and burial grounds. What kind of place is a State of the United States—Maryland, for example? What does it mean to say that places are "united"? We all know that churches, temples, and mosques are sacred places. Do legislatures and courts partake of the sacred also? Those who serve there do take an oath, to uphold the law (Article VI, last Clause). Why do we require this?

The Preamble says that “the People” “ordain and establish” the Constitution. “Ordain” means put in order; “establish” means make firm. But political things seem to be disorderly and always in flux. How is it possible that what is always changing can be arranged so that it is stabilized?

In the *Physics*, Aristotle leads us through a long inquiry into this question. Among his elemental ideas are place, form, and material. What material do “the People” work on when they “ordain and establish” a Constitution? And what is the form of a constitution? Is it found in the words? If the Constitution has a place, where is it? In the national and State capitals, and halls of city government? In ourselves? When people speak of a “living Constitution,” where do they think the Constitution lives?

The Preamble states six aims: union, justice, domestic tranquility, common defense, general welfare, and securing the blessings of liberty. What is the principle of order here? Did the men who wrote the Constitution believe, for example, that without union, justice would be harder to achieve? That without tranquility at home, Americans would be less well prepared for common defense against threats from abroad? That liberty’s blessings are secure in proportion to the general welfare of all Americans?

The Preamble speaks of a “more perfect” union. Some kind of union already existed, and it was deficient, less perfect. It is named, in Article VI, “the Confederation.” This was the union ratified in 1781, though first proposed in the Continental Congress in 1777, ten years before the Philadelphia Convention proposed the Constitution we now have. The predecessor constitution we know as the Articles of Confederation. If the Constitution was a maturation, then it matters to know what it grew out of, just as it matters, if you want to know a tree or fish, to know how and from what it came to be what it is when it is full-grown. To read the Constitution well, we must read also the Articles of Confederation. I will say more about the Articles later.

The Preamble may be the best-known part of the Constitution. We turn now to the least-known part, at the very end, the Attestation Clause. It says: “done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names.” Thirty-nine signatures follow.

Constitution Day is September 17 because this is the day the Delegates signed it, attesting what they had done; it is the Constitution’s “birthday.” But why should its birthday be the day it was written, rather than the day it became legally effective? The 39 men who signed were the ones who proposed it, but under Article VII, only “the People” could make it law, by ratifying it in State Conventions. Is the Constitution’s birthday the date of publication, rather than the date of ratification, because publishing the words was more its coming into being than the actions of ratification which made it law?

The Attestation Clause dates the Constitution from two beginnings: the beginning of the Christian religion and calendar (“Year of Our Lord”), and the beginning of the Americans as a separate people (“of the independence of the United States of America the Twelfth”). As the beginning of the Constitution implicates the Articles of Confederation, its end implicates the Declaration. To read the Constitution well, we must also read the Declaration, out of which it somehow grew.

The words of the Declaration came into effect on October 19, 1781, when the commander of the main British army, General Cornwallis, acknowledged military defeat by his surrender at Yorktown, Virginia. But Americans celebrate their independence on July 4, the anniversary of the signing of the Declaration in 1776. Were the words more the beginning of the United States than the deeds of war necessary to make them effective?

The Constitution is a plan of government. The Articles of Confederation were a treaty, agreeing to a “league” among thirteen independent, sovereign States. The Declaration of Independence is neither of these. It is an argument. Its aim is to justify the action of Great Britain’s American Colonists in separating themselves from the Mother Country. It has an argument’s five-part formal structure: Introduction, Statement, Proof, Refutation, and Conclusion.

An introduction is what leads us into. Here is the Declaration’s: “When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them to another, and to assume among the Powers of the earth the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes that impel them to the separation.”

The Colonists appeal to Law, from three sources. Two are mentioned here; the third we will get to shortly. “Laws of Nature” points us back toward Aristotle’s *Physics*, the first sustained inquiry into the regularities and patterns we can see in the world around us. He shows that the phenomena of the natural world are not chaotic and jumbled, but on the contrary, have characteristic regularities and patterns, ways of being and working. Nowadays we would say they change, grow, and move according to laws—for example, the laws of force, which, as Newton demonstrates, govern the motions of the planets. If “Nature’s God” refers to the God of the divinely created order of the world described in the Book of Genesis, then this phrase points us back toward the Bible. In the Declaration, law comes ultimately from the Divine, by way of Nature, or from Nature as a manifestation, a showing forth, of the Divine.

The Declaration does not “dissolve” all ties with Great Britain—only the political ones. Ties of blood, language, religion, and law, along with common culture, history, and habits

remain. In the Refutation, the Americans call those in England “our British brethren.” The American War of Independence was in some sense a war within the family, a war of brothers. It thus recalls stories of other, more ancient animosities among kindred: Cain and Abel, Jacob and Esau; Polyneices and Eteocles, the sons of Oedipus; Romulus and Remus. How do we reconcile the apparent inevitability of war with the shedding of kindred blood, which seems to be one of the most unnatural of human actions?

Thucydides claims that his *History of the Peloponnesian War* is the only book we need to read about war. It recounts the war of the Athenians and the Spartans, both of them Greek peoples, who once were united in resisting invasion by the Persians, an earlier war recounted by Herodotus. In the later war, they turn against each other. The paradigm of war, according to Thucydides, is the killing of kindred, the people of one’s own kind.

In their War of Independence, 1776-81, the thirteen American States united against their “British brethren.” Three generations later, the Americans fought another war, also against kindred—our Civil War of 1861-65. Both wars were between people related by blood, or “consanguinity,” as the Declaration puts it. Both were wars about the words of the law: the earlier war was about who may speak words of law (only those who speak with “the consent of the governed”); the later, about what the words of the law meant (are *all* men created equal, and if so, in what politically relevant ways are they equal?).

Both wars were also about Equality and Liberty: the American Colonists wanted to free themselves from a law-making power in which they had no equal voice; the American South, calling itself “the Confederacy,” wanted to be free to tell the negro slave and his descendants that they would never have any voice in making the laws to which they were subjected.

The proposition to be proved in the Declaration's Proof section is that "the present King of Great Britain" (he is nowhere named) is a tyrant. This Section begins: "To prove this, let Facts be submitted to a candid World." Eighteen complaints follow, and more than half deal specifically with the power to make laws. Throughout this 18-count "indictment" of the King, the Americans speak as if claiming no more than their rights under established English law. This is the third source of law they appeal to—not new rights, but traditional ones, belonging to them as Englishmen. The King is a tyrant because he has abused these traditional rights. Exercise of the powers of government without the consent of the governed is tyranny, the Americans argue. This is the starting-point of their argument; it is found in the Declaration's second part, which begins with the famous "self-evident truths." There it is asserted that the only just powers a government has are those "derived from the consent of the governed."

That a government's just powers derive from consent of the governed depends on prior premises. The first of these is asserted in the Declaration's most famous words—"That all men are created equal." This is the philosophical source of the American people's claim that to be ruled rightly, they must be ruled by their own consent, by laws they themselves have made. "All men are created equal" are the words under contention during the Civil War, in which my own ancestors were on opposite sides. Whom did the Declaration's authors intend to exclude, if anyone, from the words "all men"? Did they mean to exclude negro slaves and their descendants? In 1857, the Supreme Court of the United States, in *Dred Scott v. Sanford*, said Yes. Did the Court read the Declaration rightly and well? Do the Declaration and the Constitution exclude negroes from citizenship? I will say more about this question later. Many people seem to believe that the Constitution is about rights, mainly. It isn't. What they are probably thinking of is the first ten Amendments, which we now call, collectively, the Bill of

Rights. These were added later, in 1791, after the original Constitution was ratified. The Articles of Confederation and the Constitution are about powers; the Declaration and the first ten Amendments are about rights. According to the Declaration, the powers are derived from the rights, and the rights are derived from "the Laws of Nature and of Nature's God." Rights are primary, because they are the source; powers are derivative, because they pre-suppose rights. Thus the soul of American law is the Declaration, for it is there that the organic bond between powers and rights, or between government and nature, is made explicit. As the beginning and end of the Constitution implicate the Articles of Confederation and the Declaration of Independence, the powers in the Constitution implicate the rights asserted in the Declaration and the Bill of Rights. To read the Constitution well, we must also read the Bill of Rights.

With the Bill of Rights in mind, we have become accustomed to speaking of "individual" rights. The Constitution never does. Throughout the Constitution proper and the Bill of Rights, the standard language is "person," "persons," or "the people." The Third Amendment does refer to "the Owner"; the Sixth, to "the accused"; but these terms are used nowhere else, I believe. The Sixth also uses three masculine pronouns, but for reasons that I will spell out later, with respect to the Rendition Clause, I believe it doubtful that these refer only to males. What is the difference, if any, between "individual" rights and rights of "persons," or "personal" rights? Does the difference matter?

"Person" comes from Latin *persona*, meaning mask, especially one worn by an actor. Our persona is our public face, the one we put on, for example, when we mask our private feelings from strangers or acquaintances we don't know very well. Good manners require that we sometimes do this. Does politics require it too? What do people mean when they say "All politics is personal," or "The personal is the political"? "Personal"

seems nowadays sometimes to mean “private.” What are the real differences, the ones that matter, between our public or political lives and our private lives? Does the Constitution suggest which things belong to which? Should it?

The use of “person” in the Constitution was not motivated by an effort to find what some call today “non-sexist” language. “Person” is a technical term in law; it means human beings in their public, or political, capacity. This usage came into English law from Roman law, and is directly traceable to the codification of twelve centuries of Roman law that was ordered by the Emperor Justinian in the sixth century. The language of “individual” rights began, I believe, to be more common and customary in American law during the middle of the twentieth century, when the now-extensive body of court opinions on the Bill of Rights was developing. “Individual,” like “persona,” is also Latin in origin, but its meaning and connotations are quite different. It is cognate with “indivisible,” that is, with the unit, the monad, the atom. This carries implications of the uniquely private—that which makes each of us, as each snowflake is said to be, absolutely different from every other of the same kind. Has the elemental language of mathematical physics crept unawares into our understanding of the law? Our vanity, pride, and ego certainly prefer “individual” rights. We cannot help wishing to be special; most of us do seem to have a deep longing to be loved for no other reason than that we are who we are. But what the Constitution secures, in law, is “personal” rights, not “individual” rights. In exchanging the former for the latter, what have we gained, and what have we lost?

We now have a book of four parts: the Declaration of Independence of 1776, the Articles of Confederation of 1781, the Constitution of 1787, and the Bill of Rights of 1791. This is the Book of the Law for a self-governing people. To read well its pre-eminent “chapter,” the Constitution, we must read the whole of which it is a part. The theoretical first principles

of this people are Equality and Liberty; these are mediated by Justice. The practical first principles are Prudence and Tolerance; these are mediated by Law.

Among this self-governing people, all persons are politically equal. Each has equal right to speak freely in public places about all that relates to the common good. Each has, also, equal right to worship freely in his own church, temple, or mosque. It is the work of the law (among other things) constantly to mediate, heedful of prudence and tolerance, claims to these fundamental rights and to other rights derivative from them. Which, if either, is primary—the right of freedom of religion, or the right of freedom of speech? Both are mentioned in the First Amendment, ratified in 1791, and both are in the foreground of our national political conversation today. How are these two rights related?

II

To be one and whole is a human yearning. When our heart says yes, and our head says no, we say we are conflicted. We are at war with ourselves. We are not one and whole. In friendships, the things of each are common to both, says Phaedrus in Plato’s dialogue of that name (279c). In marriage, the Hebrew Bible’s teaching (Genesis 2:24), inherited by the Greek Bible (Mark 10:7-8), is that a man and woman become “one flesh.” Modern biology and genetics confirm this. So does Aristophanes, in Plato’s *Symposium* (189c-193e). What would a community that is one and whole look like? Might much of its law not need to be written? This would be the law of custom. In English legal history, unwritten or customary law was called the common law. The American Colonists inherited this law, and, consonant with its animating spirit, they reshaped it to their own circumstances. We learn the common law by living in it. We abide by the law, and it abides in us. It becomes a second nature, and eventually we may feel as if it were natural simply. At home in our community, we feel one and whole,

both in ourselves and in relations with others. We have a place. We know who we are. To be one nation and whole, a true political union, has been what Americans have aimed at since the beginning. It has therefore been our greatest political problem as well. Is it also the greatest political good and the greatest political problem simply?

After their War of Independence, from 1775 to 1781, the Americans, recently united against a common foe, tried to establish a political union among themselves. Their first attempt, the Articles of Confederation, failed. Their second attempt, the Constitution, has stood the tests of 225 years. What made the American Union under the Articles “less perfect”? Both the Articles and the Constitution aimed at union. The plan of government each designed toward this end was different, however. This difference is apparent on the face of the two documents. The Articles are wordy and legalistic. Their substance is marred by excessive precision through avoidable repetition, the spelling-out in detail of cumbersome procedures for resolving differences among the States, and the political asymmetry of imposing obligations on the States without giving the national government powers to enforce them. Article IX (of thirteen Articles) spells out the powers of the Confederation Congress. It is over 1,400 words, in nine lengthy, unnumbered paragraphs. It would take over ten minutes to read it aloud, at a brisk pace.

About two-thirds of Article IX deals with two subjects, boundary disputes and raising “land forces,” that is, an army. The complicated procedure for settling boundary disputes between States is set out in a single sentence of about 400 words. This sentence piles one dependent clause on top of another: three clauses begin with “if,” or “but if”; two others, with “provided that.” It is a labor to read and understand it. The provision for raising land forces gives the Confederation Congress power to request a proportionate quota of soldiers from each State. These requisitions “shall be binding,” but the Arti-

cles give Congress no legal power to enforce them. This is true also of Congress’s power to collect contributions from the States to “a common treasury” and to pay expenses for “the common defence or general welfare.” Consequently, there was no national army and no national treasury, except insofar as the States chose voluntarily to comply with Congress’s quotas and requisitions.

The different aims of the Articles and the Constitution are revealing. The Constitution’s Preamble, we recall, states six: union, justice, domestic tranquility, defense, general welfare, and securing the blessings of liberty. The Articles, in Article III, state three: defense, security, and general welfare. Notably absent are justice and domestic tranquility. That the Articles’ primary object was defense against foreign enemies is indicated by that part of Article III in which the States agree “to assist each other, against all force offered to, or attacks made upon them, or any of them.” The vulnerability felt by the American States in 1781 is understandable. They were militarily weak, having just fought an exhausting five-year war. They had won only with the help of the French and good luck. England, Spain, and others still coveted further possessions in the New World. The Americans had won their independence; now they had to keep it.

The Confederation’s “union” was “less perfect” in being more for defense against attack from outside than for political union within, and in being more detailed on paper than feasible in practice. The States agreed to a mutual defense treaty, but did not empower Congress to raise a national army through legally enforceable quotas of soldiers from each State. The fear of foreign enemies was counterbalanced by an equally powerful fear of yielding local powers to that genuinely national government which some thought necessary for true political union. Fear breeds, and is bred by, distrust. A sign of the States’ fear and mutual distrust was their uncertainty about what to call their relationship. In the Articles of Confederation,

the introductory "Whereas" Clause and the Attestation Clause at the end call it "a perpetual union." Article I calls it a "confederacy," Article II a "confederation," Article III, "a firm league of friendship." Perhaps they could not find the right name because they were not yet sure what they wanted to name. "League" may have been closest to the truth, in its sense of coming together for a common purpose. History has decided, however, to call our first, "less perfect" Union "the Confederation." This fits, because "to federate" means to come together in a league. In another way, it does not fit. The Latin root of "federate" and "federal" is related to *fides*, meaning faith or trust. What is missing from the spirit of the Articles of Confederation trust is mutual trust. A coming together for a common purpose is not yet a union.

III

What drives us apart, makes us decide to separate? What are the differences that get in the way of forming a real and lasting union? Are there natural kinds, natural differences that inevitably have political consequences? Male and female seem to be different kinds by nature. Aristotle argues in Book I of the *Politics* that some men are naturally slaves, or slavish. Linguistic and cultural differences can feel almost natural. Whatever the source of whatever differences there are, political arrangements, if they are to be decent and sensible, will have to take account of them. Which differences matter most, politically? How do they matter, and to what extent? We now consider some differences of kind that are implicated in the Constitution.

In 1972, it was proposed to amend the Constitution to provide that "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex." The intent of the Equal Rights Amendment was to prohibit, with the force of written law, discrimination against women. The main argument for it was the claim that the Constitution "excluded" women, because the only sex-specific pro-

nouns in it are masculine. It is true that the Constitution's text does not anywhere use feminine pronouns. Does this signify intent to exclude women from the rights of citizenship and the holding of public offices?

Article II vests the Executive Power of the National Government in a President and specifies requirements of age, citizenship, and residency. It says, "No Person" shall be eligible to the office without these requirements. "Person" is neuter in grammatical gender, and does not exclude women. This Section further provides, with respect to the President, "Before *he* enter on the Execution of his office, *he* shall take the following oath or affirmation" (emphasis added). Do these masculine pronouns exclude women? The conventions of English grammar, both in 1787 and in 1972, allowed masculine pronouns to refer to the female sex. Whether a particular masculine pronoun was presumed to include females, or intended to exclude them, was to be determined by context. Supposing that the Constitution as a whole is the proper context, let us look at other uses of masculine pronouns to see if they exclude women.

An example is in Article IV. Its Section 2 includes what is called the Rendition Clause. It says that a criminal fugitive who flees from the State where he committed a crime "shall on Demand of the Executive Authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the Crime." If we read the "he" in the phrase "the State from which *he* fled," to refer only to men, here is the result: A man who robs a grocery store in Maryland and is later discovered by Maryland authorities to be in police custody in Virginia, is constitutionally required, by the Rendition Clause, to be "delivered up" to Maryland police. But his female accomplice is not, because she is not a "he." It seems to me unlikely that the authors of the Constitution intended this result.

The Equal Rights Amendment came close to being ratified before the time to do so ran out in 1982. How should we under-

stand the American people's declining to ratify it, after more than ten years of public deliberation about it? No serious argument seems to have been raised, during the Democratic primary-election campaigns of 2008, that then-Senator Hillary Clinton was constitutionally ineligible for the Presidency because the ERA had not been ratified. The question remains, nevertheless, whether there are differences between men and women of such a kind that the law can properly make distinctions between them for some purposes, such as combat duty in military service.

We turn now to another common misreading of the Constitution. Among some Americans, both black and white, an opinion persists that it favors, or supports, slavery. Three specific provisions deal with this subject directly, two others indirectly. None uses the words "slave" or "slavery." Used instead is "Person" or "Persons." It should seem odd that a law said to approve of slavery fails to name its subject plainly and correctly. What could account for such reticence? Article II vests the National legislative power in a Congress consisting of a Senate and House of Representatives. Section 2 provides that each State shall have not more than one Representative in the House for every 30,000 of its population. With exceptions not relevant here, population includes "the whole Number of free Persons, . . . [and] three fifths of all Other Persons." No one disputes that by "Other Persons," the Constitution's authors meant slaves.

Does the phrase "three fifths of all Other Persons" mean, then, as some people continue to believe, and to say publicly, that according to the Constitution, the negro is three fifths of a Person? Such an opinion would be consistent with the opinion that the phrase "All men are created equal" in the Declaration of Independence was intended to mean "All *white* men," and therefore to exclude negro slaves and their descendants (this is the reading of the Declaration by the Supreme Court in the *Dred Scott* case). Often not noticed by those who say these things is that the Three-fifths Clause deals not only with repre-

sentation in the House, but also with taxation. The relevant language says, "Representatives and direct Taxes shall be apportioned among the several States" according to population, counted according to the formula just noticed.

From each State's point of view, representation in the House and direct taxation have opposed incentives. To get more seats in the House, the Slave States wished to count all their slaves; to pay less taxes to the National Government, they wished to count none of them. The Free States, on the contrary—those in which slavery was forbidden—wished to have the Constitution count no slaves for representation in the House. This would give the Free States greater power there, increasing the prospect that Congress could eventually abolish slavery. But for taxation, the Free States would have been glad to agree to count all slaves. This would increase the tax contributions required from Slave States to the National Treasury. In this controversy over representation in the House, what the Free States wanted was that the Constitution not prohibit or impede the eventual abolition of slavery; what the Slave States wanted was its constitutional preservation. These opposed interests were compromised by joining the opposed incentives of gaining political power and reducing taxation. More House seats meant more taxes; paying less tax meant fewer House seats, and less political power.

In Mathematics, three one-fifth parts of 100 is the same as 100 three-fifths of each unit. But the dispute in the Constitutional Convention addressed by the Three-fifths Clause was not about counting parts of slaves. It was about whether to count *all* slaves as whole Persons, or some of them, or none. Has the Three-fifths Clause been read in the mode of mathematics, rather than with a proper understanding of the language of the law? Reading the Constitution in the mode of mathematics is consistent with thinking of individuals, of ones or monads; but as we noticed earlier, the Constitution speaks of "persons," not of "individuals." Ones can be fractionally divided; "persons" cannot. What the Constitution says is that

three-fifths of the total slave population were to be counted as “Persons” and two-fifths were not to be counted at all. Did the authors of the Constitution mean to say, by these words, that out of every 100 slaves, sixty were Persons, and forty were property? Which ones were which?

If the text obliges us to acknowledge that the Constitution acquiesces in counting two-fifths of the slave population as property, then we must concede that it also counts three-fifths of that population as Persons. More slaves are constitutionally recognized as human beings than are not so recognized. Is this pro-slavery or anti-slavery? It seems more just to the text to say that the Constitution looks up to the ultimate good aimed at—placing slavery “in the course of ultimate extinction,” as Lincoln was to put it—more than it looks down at the political constraints that made this good temporarily unachievable in 1787. Would negro slaves have been better off in 1787—would *we* be better off today—if the opponents of slavery in the Convention, acting on high-minded principle, had simply refused to consider any compromise whatever with the slave interests? (This was the stance, later on, of the Radical Abolitionists.)

We have taken note of two differences that American Constitutional Law has had to deal with: man and woman, master and slave. The first difference is natural. Slavery, according to Aristotle’s *Politics*, has two forms, one natural, the other conventional. In American law, slavery is against natural law, or natural right. “All men are created equal.” Slavery existed here, legally, only by convention, by positive, written law. It could therefore be abolished, without injustice, if the lawmaker changed the law. The Slave States saw, and feared, that Congress would do exactly that. They were willing, in consequence, to fight a Civil War to keep what they claimed as their freedom, or “natural” right, to hold the Negro in bondage. In the decades leading to that war, the Southern legal arguments turned more and more to the assertion that “the Laws of Nature and of Nature’s God” made Negro slavery

lawful because it was both natural and consistent with the Bible. The slave interests felt these claims to be vindicated when the Supreme Court decided the *Dred Scott* case in 1857. So the war came.

It can be tempting to view the Union victory in the Civil War as a victory for the jurisprudence of natural rights, on which the Constitution is founded. With different political leadership, and if President Lincoln had not been assassinated, perhaps the victory might have had some chance to become that. But it didn’t. What the South lost on the battlefield, it won in politics and the law. One visible sign of the South’s triumph was racial segregation—that vestigial remnant of slavery which the most unregenerable elements in the South clung to, in defeated rage, dragging down with them their decent and moderate, but timid, compatriots. This was the South in which I grew up, in Virginia, during the 1940s and 1950s.

The triumph of Southern jurisprudence involves, and is involved with, the story of what we today call “judicial review,” and this story belongs to a third difference for our examination—the different aspects of sovereignty. The specific question is this: what distinguishes the making of law, legislative power, from the interpretation and application of it in particular cases, judicial power?

The Constitution, in Article I, vests the law-making power in Congress. The power to decide “Cases and Controversies” is by Article III vested in “a Supreme Court and such inferior courts as the Congress may from time to time ordain and establish.” What we seek is to discern how these two powers, aspects of sovereignty, differ. We cannot, on this occasion, make an adequate inquiry into this question. I offer, instead, some observations we might draw upon, in order to begin thinking about how a judge differs from a legislator.

“Judicial review” refers to the Supreme Court’s power to act as a kind of super-legislature by declaring Acts of Congress “unconstitutional,” which is taken to mean, “not lawful,” or not law. Is judicial review consonant with the spirit of the

Constitution? What is the source of the Supreme Court's power to overrule the deliberate will of "the People," expressed in laws passed by Congress? What is at stake here, in the words of the Declaration, is the "consent of the governed." The Declaration accused the British King of the arbitrary exercise of power. What are the differences, with respect to "consent of the governed," between an arbitrary king, an arbitrary Congress, and an arbitrary Supreme Court? If "arbitrary" means unreasonable and willful, then all three are forms of unjust rule, even if different in formal appearance and practical consequences. Are an arbitrary Congress and an arbitrary Supreme Court dangerous in equal degree? This may depend upon the remedies available to the People, and on the kind of harm either branch might do by its willfulness. Senators' terms are six years; House Members' terms, two; the constitutional power to remove them belong to the People, and can be exercised at the ballot box. Supreme Court judges serve, constitutionally, "during good behavior"; they seldom resign voluntarily. With good health, most serve as long as physically and mentally able. The most recent retiree was ninety years old. The Chief Justice and the newest Associate Justice are both about 50; they are likely to serve for several decades.

Bad or questionable laws enacted by Congress may be more accessible to correction, both constitutionally and in practice, than abuses of power by the Supreme Court. The Court decided *Brown v. Board of Education* in 1954, holding that racial segregation of negroes and whites in public schools was unconstitutional. To reach this result, the Court had to overrule its own prior decision in *Plessy v. Ferguson*. *Plessy* was decided in 1895. Both *Brown* and *Plessy* involved state legislation, not an Act of Congress, so these two decisions were not, technically, exercises of the power of judicial review. But the jurisprudential progenitor of *Plessy*, insofar as it addressed racial segregation, the remnant of slavery, from the perspective of positive law rather than of natural law, or natural right, as affirmed in the Declaration, was the Court's decision

in *Dred Scott v. Sanford*, which did involve an Act of Congress.

Dred Scott was decided in 1857. There Mr. Chief Justice Taney held that Congress had no power to exclude slavery from United States Territories not yet admitted to the Union as States. On the way to this conclusion, Taney opined that the words, "All men are created equal" were intended by the Declaration's signers to mean only white men. "The Negro has no rights a white man is bound to respect," he said. I believe this to be a misreading of the Declaration; if it is, Taney's opinion "de-natures" the Constitution by poisoning its seminal source in the Declaration's doctrine of natural right, transforming its vital principle from the sovereignty of reason into the will of the sovereign. Beginning with the *Dred Scott* decision, and its repudiation of the political principle that "All men are created equal," the Supreme Court's prestige and authority stood behind the legally sanctioned and publicly tolerated policy of racial segregation for a hundred years, until the *Brown* decision in 1954.

By contrast, efforts to change legislation enacted by Congress can begin, if the People choose, after the next election. The Civil Rights Movement of the 1960s can be seen as a "bottom-up" citizens' effort (assisted by a better-instructed Supreme Court) to make this ballot-box power effective against those Members of Congress who held influential committee chairmanships that made it possible for them to impede, stall, or stop civil rights legislation in the National legislature. A bad law is sooner corrected than a corrupted understanding of the law itself. In the most important moral controversy ever to divide this country, the Supreme Court was on the wrong side for a century. *Dred Scott* was the first time the Court effectually exercised the power of judicial review. In doing so, the Court abandoned, in order to assert the political power of a "super-legislature," what might have been its proper role as law teacher to the nation.² It also prepared the groundwork for suffocating the natural-right source of American law in the Declaration of Independence. Without

natural law, or natural right, the highest thing in American law is the power of the sovereign. By asserting the power of judicial review, the power of exercising a veto over Congress, the Supreme Court declared itself first sovereign. We are under a Constitution, a Chief Justice of the Court said in 1907 (and repeated in 1908), but the Constitution means what the Court says it means.³ This understanding of law seems to take as its essence the political (and sometimes military) force that is certainly necessary to make law effective in practice, rather than that ultimate good which law looks up to, aims at, and constantly strives toward. This good, according to the Preamble, is to “establish Justice.”

IV

What is law for us? This is Socrates' opening question in Plato's short dialogue *Minos*. The Constitution, I suggest, answers Socrates' question for Americans in the way I shall now crudely sketch out; for a fuller answer, we would need of course to read Plato's *Laws*, to which the *Minos* is propaedeutic, and some other books as well.

Article VI in the Constitution has three unnumbered Clauses. The first requires that the National Government honor “Debts and Engagements” made under the Articles of Confederation. The obligation to perform contracts continues, notwithstanding a change in the external form of government. This first Clause gives constitutional recognition and stature to the principle of keeping your promises. This is a moral principle, because a promise invites reliance, and to ask reliance is to accept moral responsibility. Promise-keeping nurtures trust. When our words invite others to rely firmly on what we say, we vitalize our personal, social, and commercial relations. Our expectation that most people, most of the time, will generally do what they promise, governs such commitments as “I'll meet you at the Dining Hall at 11:45” and my marriage vows, as well as our commitments to friends and all the buying and selling we do everyday, including the commer-

cial contracts we enter into by e-mail and telephone with people we have not met, don't know, and will never see. The law of promise-keeping is very ancient, its origins obscure. Abraham relies on it when he buys a burial place for Sarah; Jacob relies on it when Esau sells him his birthright. This law was for a long time unwritten, residing in the habits and customs of people's ways of dealing with one another. In England, it was one element in the nurturant soil of what came to be called the common law.

The second Clause of Article VI is the famous Supremacy Clause. It provides that the Constitution, laws enacted pursuant to it, and treaties made by the United States, “shall be the supreme Law of the Land.” This Clause makes the Constitution the highest written, or positive, law for the American people. Unlike the law of promise-keeping, the Constitution and its Supremacy Clause are recent in time, and its authors are known by name. All peoples have laws of promise-keeping. But only the Americans have “this Constitution,” ordained and established by themselves.

The third Clause of Article VI requires all members of Congress and the State legislatures, and “all executive and judicial officers” of the United States and of the several States, to bind themselves “by Oath or Affirmation” to support the Constitution. This requirement resonates with the tones of the closing lines of the Declaration of Independence: “And for the support of this Declaration, with a firm reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.” These closing lines recall, in turn, the Declaration's beginning, with its reference to “the Laws of Nature and of Nature's God.”

The three Clauses of Article VI ascend hierarchically. They move from the law of promise-keeping that has grown up spontaneously and been preserved among all peoples by custom, to the highest law of a particular people, to the laws that are highest simply, the Laws of Nature and the Laws of the Divine, however understood. The written Constitution referred

to in the Supremacy Clause is in the middle of Article VI, placed between the unwritten laws of custom and the unwritten laws of the Natural and Divine orders.

Is the being of the Law to be found more in its stability, which may be most manifest in its written and unchanging words, or more in what the Law is grounded upon and in what it looks up to? The structure of Article VI suggests that what we hold, or ought to hold, most solidly to be Law is the ways and usages, of unremembered origin, that give identifying character to us as a particular people. This, according to the Declaration of Independence, is the English common law (with its reliance on natural right), as we have adapted it to American circumstances. The structure of Article VI suggests, as well, that what American Law looks up to is the relation between Nature and the Divine. The Divine is referred to in the Declaration four times: as "Nature's God" and the "Creator," the source of "unalienable rights," and hence of the just powers of government, and of law; as "divine Providence"; and as "Supreme Judge of the World." As presented in the Declaration, the Divine could appear to be the transcendent original form of which the National Government's three branches—legislative, executive, and judicial—are the earthly image and shadow.⁴ Such a view seems consistent with the Biblical testimony that Man is created in God's image (Genesis 1:27).

What does this way of reading Article VI suggest about reading the Constitution as a great book?

Reading the Constitution as a great book entails trying to see what is *in* it, not only expressly, but also implicitly. I have suggested that both women and blacks are "in" the Constitution, as potential citizens—human beings who were not citizens in 1787, but whom the Constitution did not legally bar from becoming citizens. Women are "in" because they are "Persons," and the men who chose the Constitution's masculine pronouns knew these pronouns could be understood as including women. Women are in the Constitution because they are not out—they are nowhere excluded, expressly or by impli-

cation. Blacks are "in" because even if the Constitution grudgingly acquiesces in treating 40% of negro slaves as not countable in the population, it affirmatively treats 60% of them as countable "Persons," that is, as potential citizens, as "men" politically within the meaning of "All men are created equal." It is best to interpret the words and intentions of the Constitution and the law in the same way we want our own actions interpreted, that is, in the way we should try to interpret the actions of others—by the good that is aimed at, rather than by the necessities, circumstances, and human weaknesses that impede or hobble the practical realization of our better hopes and dreams.

Reading the Constitution as a great book entails trying to see, also, what lies *under* it—a Western tradition of over two thousand years, accessible to us in a few hundred surviving books. But much of what underlies the Constitution and the law is not in books. It was, and is, unwritten. No express words in the Constitution command us to be just, prudent, and tolerant. We learn such things, to the extent we do learn them, by living with, and among, others.

Reading the Constitution as a great book also entails trying to see what is *above* it, what it appeals and aspires to—Nature infused with the Divine, the Divine as the First and the Final Cause of Nature. To read the Constitution most deeply, we have to read the Bible and Plato's *Laws*, Aristotle's *Physics* and *Metaphysics*, Aquinas's *Summa*, and much more.

Reading the Constitution as a great book entails, finally, trying to see what is *behind* it, the background out of which its thought emerges. This background begins to reveal itself when we ask the questions, Does it make a difference that the Constitution was written in English? Could its meaning be expressed in German, or French, or Chinese? Perhaps what is particular in it could not be. But what about the things in it that are universal? Which things are these? If it makes a difference that the Constitution was written in English, then, for the same reason that reading Homer illuminates the background neces-

sary for reading Plato, reading Shakespeare illuminates the background for reading the Constitution.

To begin to know what the Constitution and the law are—this is the work of a lifetime.

V

A great book, for me, is one that speaks with the authority of depth and weight about serious questions that really matter to me. Friendship is such a question. Who are my best friends? Surely those who want for me the highest good I am capable of. How do I know who these are? Aristotle's *Ethics* might help me to know. Whom can I love? Whom can I trust with the innermost thoughts and secrets of my heart? Who, or what, should I love and trust the most? Plato and the Bible, Jane Austen and George Eliot, Tolstoy and Dostoevsky have a lot to say about these questions.

A great book, for others as well as for me, is one that speaks with coherence and insight about questions that will matter a lot to most of us throughout our lifetimes. Work is such a question: What should I do with my life? What work am I most fit for?

Aristotle's *Politics* and Tocqueville's *Democracy in America* can help us think about how to find a place in the American polis where we, all and each of us, may thrive with the talents we have by nature and the good habits we can acquire by care and self-discipline.

A great book simply, for all human beings, speaks with clarity, harmony, and proportion about questions that stay with mankind always. What is Law? Does God exist? If God is not, where are *we*? What is the soul? Is it immortal?

The Constitution was not a great book for me when I was in law school, or during the 25 years of law practice and law teaching that followed. Nor was it a great book for me when I came to St. John's College in 1995. But, for me, it is now. Whether or not it is *in itself* a great book, I have found that it

has always been a doorway and a path for me to the questions in the greatest books. What I had not known before was how to read it. Can the Constitution be a great book for you? Yes, if you choose to let it. But no book can matter very much for any reader who is not ready, or able, to accept as a genuine possibility that he may always have to be stretching upward in order to approach its meaning.

Who can read the Constitution? Anybody willing to make the effort. But as with all other difficult and worthy activities, some people are likely to be able to do this better than others. A book published fifty years ago has something to say on this point. Its title is *The People Shall Judge*. The Preface begins this way:

This book expresses the faith of one American college in the usefulness of liberal education to American democracy. If the United States is to be a democracy, its citizens must be free. If citizens are to be free, they must be their own judges. If they are to judge well, they must be wise. Citizens may be born free; they are not born wise. Therefore, the business of liberal education in a democracy is to make free men wise. Democracy declares that "the people shall judge." Liberal education must help the people judge well.⁵

If a liberal education helps us read the Constitution better, then those with such an education have an advantage over those who lack it. It is unhappily the fact that most lawyers and judges today lack a liberal education, since one is to be had in only a very few colleges.

Perhaps the most discerning readers of all will be those with much leisure who are able to use it well in reading the greatest books. Probably it would help to have had some direct experience of politics or war. The opportunities for such a life are infrequent, however, and the men and women few who can make the most of such opportunities when they are available.

The rest of us must do the best we can with whatever gifts we have, trusting in the indemonstrable premise that one evanescent glimpse of something high, even from a great distance, may be worth more than the solid worldly goods always tempting our grasp from nearby.⁶

EPILOGUE



The artist of the work depicted in these four images is Albin Polasek. He was born in 1879, in Moravia, now the Czech Republic, and apprenticed as a wood-carver in Vienna before emigrating to the United States at age 22, later becoming an American citizen. He was head of the Sculpture Department of the Art Institute of Chicago for nearly 30 years.

At age 28, while still a student in sculpture at the Pennsylvania Academy of Fine Arts in Philadelphia, he made the work shown here. It is one of his most famous. Its title is *Man Carving Out His Destiny*. (Later he made the following

female companion piece called *Unfettered*, an exquisite nude in bronze, with blue-green finish:



Unlike Milton's Eve in *Paradise Lost*, Polasek's Woman directs her gaze exuberantly upward.)

The first two views of *Man Carving Out His Destiny* show the work in progress, initially as a small-scale plaster model, then in full size, in stone, in a version that very likely was preliminary—compare the positions of the right arm in the studio and outdoor versions. The last two views show two perspectives of the finished work.

As you see, the work of the Man whom the sculpture depicts is not finished. If we take this statute to represent a self-governing people shaping themselves by means of the law, then the verbs in our Greek translation of the Preamble should be progressive in aspect, not aorist: self-government is never over and done with, because our own lives are always a work in progress. So far as “the living Constitution” dwells within, to “ordain and establish” it is up to us.

NOTES

1. At the time of this lecture, public debate was raging over whether a community center proposed by a Muslim organization should be built near the site of the attack on the World Trade Center in New York City.
2. See George Anastaplo, *The Constitution of 1787: A Commentary* (Baltimore: The Johns Hopkins University Press, 1989), 135.
3. “We are under a Constitution, but the Constitution is what the judges say it is, and the judiciary is the safeguard of our liberty and of our property under the Constitution.” Charles Evans Hughes, “Speech before the Elmira Chamber of Commerce, May 3, 1907,” in *Addresses of Charles Evans Hughes, 1906-1916*, 2nd ed. (New York: G. P. Putnam's Sons, 1916), 185. “Congress may pass laws, but the Supreme Court interprets and construes them, and determines their validity. The Constitution, with its guarantees of liberty and its grants of Federal power, is finally what the Supreme Court determines it to mean.” Charles Evans Hughes, “Address Delivered at Youngstown, Ohio, September 5, 1908,” *ibid.*, 307.
4. Cf. Anastaplo, *The Constitution of 1787*, 26.
5. *The People Shall Judge: Readings in the Formation of American Policy*, Vol. I, (Chicago: University of Chicago Press, 1949), vii.
6. Cf. Plato, *Phaedrus* 279c.

Platonic and Jewish Antecedents to Johannes de Silentio's Knight of Faith¹

Jacob Howland

As very young children, we tend to engage the world with the joyful expectancy and unimpeded capacity for delight that spring from a trust as yet unbroken. But repeated experiences of loss and disappointment almost inevitably cool our enthusiasm for life, and teach us the usefulness of detaching ourselves from what Kierkegaard in *Either/Or* calls “the fair wind of hope.”² According to Johannes de Silentio, the pseudonymous author of *Fear and Trembling*, Abraham was an exception to this rule: through “the wonder of faith,” Abraham remains “young enough to wish” and “preserve an eternal youth.”³ *Fear and Trembling* begins with the story of a man whose ever-increasing admiration for Abraham was proportionate to the degree to which “life had separated what had been united in the child’s pious simplicity.”⁴ Silentio thus announces the central question of his book: how can a mature understanding of the ways of the world coexist with a childlike love of life?

Silentio is neither the first nor the last to pose this question. The associate between wisdom and resignation is something of a commonplace. In the Greek tradition, it appears as early as Aristophanes’ *Clouds*, in which Socrates, who is portrayed as the ascetic head of a school into which men have withdrawn from the city in order to devote themselves to philosophical studies, is called “miserably unhappy” by Pheidippides.⁵ In the Hebrew Bible, the same sentiment occurs in the Book of Ecclesiastes: “I set my mind to study and probe with wisdom

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all that happens under the sun.—An unhappy business, that, which God gave to men to be concerned with! I observed all the happenings beneath the sun, and I found that all is futile and pursuit of wind.”⁶ In modern literature, this theme is expressed by Goethe’s Faust:

True, I am more clever than all the vain creatures,
The Doctors and Masters, Writers and Preachers;
No doubts plague me, nor scruples as well.
I’m not afraid of devil or hell.
To offset that, all joy is rent from me.

* * * * *

Hemmed in by all this heap of books,
Their gnawing worms, amid their dust,
While to the arches, in all the nooks
Are smoke-stained papers midst them thrust,
Boxes and glasses round me crammed,
And instruments in cases hurled,
Ancestral stuff around me jammed—
That is your world! That’s called a world!
And still you question why your heart
Is cramped and anxious in your breast?
Why each impulse to live has been repressed
In you by some vague, unexplained smart?⁷

Three decades after the publication of *Fear and Trembling*, Friedrich Nietzsche would argue that loving life is inconsistent with understanding it; wisdom produces nausea, while the appetite for life can take root and grow only within an atmosphere of illusion.⁸ For his part, Silentio insists that there *is* a solution to the problem of the unity of youthful enthusiasm and adult knowledge, the name of which is “faith.” But while Silentio does not doubt the actuality of faith—particularly as exemplified in Abraham’s readiness to sacrifice Isaac—he cannot satisfactorily explain its possibility, much less reproduce its movements in his own life.

The subtitle “A Dialectical Lyric” announces that *Fear and Trembling* is simultaneously a philosophical and a poetic

work—one that employs intellect *and* imagination to illuminate its subject. Yet Silentio is unwilling to accept without qualification the title of “poet” or “philosopher.” More precisely, in denying that he is a philosopher, he affirms that he is a poet, and in denying that he is a poet, he affirms that he is a philosopher.⁹ If, as this contradiction seems to imply, he both is and is not a poet and a philosopher, we might be entitled to assume that he both does and does not know what he is talking about. We are thus invited to identify and ponder the potentially fruitful inconsistencies in Silentio’s discussion of faith.¹⁰

Here is one such inconsistency. Silentio states: “I can very well describe the movements of faith, but I cannot make them.”¹¹ But if the movements of faith are wholly internal, and so invisible to others, how could Silentio know them without having experienced them? *Caveat lector*: Silentio’s explanation of the internal structure of faith—in particular, his assertion that faith involves a movement of finitude that follows a movement of infinite resignation¹²—deserves critical scrutiny.

I. Silentio’s Flat-Footed Knight

The clearest description of the phenomenon that Silentio is trying to understand in *Fear and Trembling* is contained in his imaginative description of what he calls the “knight of faith.” Silentio’s first encounter with this knight is inauspicious. “Dear me!” he exclaims, “Is this the person, is it actually him? He looks just like a tax collector.”¹³ In Silentio’s imagination, the knight of faith is literally and figuratively “pedestrian.”¹⁴ We watch him as he strolls around the city and makes his way through the week. At work, he labors with the precision of an “Italian bookkeeper”; at church, he is “impossible to distinguish from the rest of the crowd”; at leisure, he resembles a “mercenary soul.” He walks like a “postman,” talks of food like a “restaurateur,” plans construction projects like a “capitalist,” and relaxes with his pipe like “the local tradesman . . . vegetating in the twilight.” In brief, Silentio detects in

the knight of faith not the slightest “crack” through which one might catch sight of the infinite: “He is solid through and through. . . . He belongs entirely to the world; no bourgeois philistine could belong to it more.”¹⁵

But Silentio’s imagination goes beyond appearances, for he also tells us what the knight of faith thinks and feels. From this perspective, it is clear that he is free of the bourgeois philistine’s social ambition, restless anxiety, and slavish adherence to convention. Although he is poor, he “thinks about an appetizing little dish of warm food his wife surely has for him when he comes home.” Indeed, he “firmly believes that his wife has that delectable dish for him,” and to see him eat this meal would be an “enviable” and “inspiring” sight. But if she doesn’t have it, “oddly enough—it is all the same to him”; whatever he may find on his plate, so to speak, leaves him deeply satisfied. He runs into a stranger at a building site; “in no time he erects a building, having at his disposal all the resources required for that purpose.” For “if it came to that,” he thinks, “I could easily get it.” The knight of faith evidently has an active imagination—for how can a man who “does not have four beans” afford delicious delicacies, much less finance a building project? What is more, “he enjoys and takes part in everything”; “everything that happens—a rat scurrying under a gutter plank, children playing—everything engages him with a composure in existence as if he were a girl of sixteen.” In a word, “he lets things take their course with a freedom from care as if he were a reckless good-for-nothing.”¹⁶

Silentio remarks in passing that the knight’s appetite is “heartier than Esau’s.”¹⁷ This statement cuts two ways. Jacob purchases Esau’s birthright for a bowl of stew, and later steals his brother’s paternal blessing. Like Esau, the knight of faith, in his simple contentment and guileless freedom from care, must be an easy mark for more cunning men. But unlike Esau, the knight of faith is always blessed in life, because he receives everything *as* a blessing. And this is the main point. To the man for whom “life had separated what had been united in the

child’s pious simplicity,”¹⁸ Abraham presents a paradox. Just so, the knight of faith presents a paradox to Silentio, for whom “God’s love, both in a direct and inverse sense, is incommensurable with the whole of actuality.”¹⁹ Silentio supposes that the movement of faith comes after that of infinite resignation; faith makes whole what life has fractured. But his imaginative description of the knight of faith tells a different story. While this knight knows the difference between actuality and possibility, reason and imagination, he combines them in his day-to-day existence in such a way that each augments the other: he enjoys the products of his imagination as if they were actual, and the actual conditions of his existence as if they were what one could wish for in imagination. Silentio claims that the knight of faith is “not a poet,”²⁰ yet we see that his love of life is essentially poetic and authorial.²¹ Inasmuch as he “enjoys and takes part in everything,”²² God’s love has furthermore never appeared to *him* to be “incommensurable with the whole of actuality.”²³ The knight of faith is thus no more familiar with Silentio’s conception of resignation than he is with his God-forsaken conception of actuality, because the former is dependent on the latter. The knight of faith, to repeat, is “solid through and through”;²⁴ there are no cracks, because he has never been broken.

Let me put this point another way. Although Silentio does not explain why he thinks that God’s love is incommensurable with the whole of actuality, this is evidently a general conclusion that he has drawn from experience. On the whole, and setting aside particular exceptions, men act as if they did not love God, and events proceed as if God did not love man. Now this conclusion rests on the inherently uncertain presupposition that inductive reasoning gives one access to the nature of actuality *as* a whole. Silentio accordingly envisions faith as the solution to a problem that his intellect has posed.²⁵ This problem, however, is entirely foreign to the knight of faith. Like Alyosha Karamazov, and unlike Alyosha’s brother Ivan, he has always loved life “before everything else,” and in

particular, before its “meaning” and “logic.”²⁶ And because love has always come first for him, he has never felt the weight of the incommensurability that comes to light when one is guided primarily by the mind rather than the heart. Unlike Silentio, the knight of faith never renounced the world, so he does not need faith to get it back.

II. Philosophers and Fools

The differences between Silentio and the knight of faith can be delineated more clearly by looking at two antecedents to the latter—one from Athens, the other from Jerusalem. The first suggests that there may be more than one way to combine a youthful passion for life with a mature understanding of it, while the second suggests that the problem as Silentio understands it—namely, how to make the movement of faith *after* the movement of infinite resignation—may be insoluble.

Plato's Socrates resembles the knight of faith both externally and internally. Like Silentio's knight, Socrates is poor; if anything, he is even more carefree in his poverty inasmuch as he does not work at all.²⁷ Like Silentio's knight, he is just as satisfied in times of scarcity as in times of plenty. Alcibiades explains in the *Symposium* that, during military campaigns, Socrates put up with hunger better than anyone, yet he alone was able to enjoy his meals when food was abundant.²⁸ This last detail suggests Socrates' equanimity in the face of death, something he amply demonstrates during his trial and execution.²⁹ Like Silentio's knight, Socrates is superficially pedestrian, and not just because he lacks the financial resources to attain any higher rank than ordinary foot-soldier. “He speaks of pack-asses and blacksmiths and cobblers and tanners, and seems always to say the same things in the same ways,” Alcibiades observes.³⁰ But as with the knight of faith, the inner is not the outer: anyone who opens up his speeches or is vouchsafed a glimpse of his soul finds a sublime beauty beneath his quotidian exterior.³¹ Like the knight of faith, Socrates' appar-

ent simplicity exposes him to the schemes of more cunning men. Callicles accordingly warns him that he runs the risk of being put to death by his enemies.³² But again, Socrates simply is not afraid of death—a fact that has caused some commentators to infer that Socrates hates life, or, in Silentio's terms, that he embraces death with a kind of infinite resignation.³³ This inference, however, flies in the face of his earnest and energetic engagement with the essential tasks and opportunities of a human life. As Socrates makes clear in the *Apology*, his watchword is wakefulness, not sleep.³⁴ And yet, he takes leave of life without apprehension and without regret.³⁵

Socrates' relationship to the world could be described as one of engaged detachment. He approaches life in a manner analogous to an athlete who “leaves everything on the field,” but who nevertheless immediately forgets the result and is utterly gracious in defeat as well as victory. In my view, it is philosophical *eros*—which Socrates regards as even more essential to the philosopher than intellectual capability³⁶—that sustains his attitude of engaged detachment. Socrates' philosophical *eros* relates to a conception of actuality that differs both from Silentio's inductive disappointment and from the poetically augmented conception of the knight of faith. Silentio describes a youth whose love for an unattainable princess is “transfigured into a love of the eternal being.”³⁷ Here we have something like Socrates' philosophical love of the Ideas or Forms, except that Silentio associates this love with a movement of resignation that springs from an intellectual acknowledgment of the disappointing character of actuality. But Socrates' longing for wisdom is not a consequence of his understanding of the world, and is not born of frustration. Rather, it is nothing less than the most dedicated and persistent love of the whole of actuality—and here actuality must be understood not as the dispiriting way of the world or the tedious limitations of human life (whether real or imagined), but as that which most fully is, in the distinctive integrity of its being.³⁸

The second antecedent of Silentio's knight of faith that I would like to consider is the Hasidic fool in Rabbi Nachman of Breslav's influential story "The Clever Man and the Simple Man."³⁹ Nachman's tale is a religious allegory about two childhood friends who follow separate paths in life. "Determined to conquer the world,"⁴⁰ the clever man travels extensively, becomes an expert in "every artistic achievement,"⁴¹ and ultimately "penetrates the heart of everything in nature and in the soul of man."⁴² He becomes "enormously rich and wise,"⁴³ yet his wisdom serves only to make him miserable: "a violent disgust at the imperfection of life drove him from place to place, and he nowhere found rest."⁴⁴ This is consistent with Silentio's assertion that God's love is incommensurable with actuality. But the clever man goes further than Silentio, for when he is summoned by the king, he reasons—and tries to convince others as well—that the king does not exist.

The simple man remains at home and learns the humble trade of shoemaking. He is a clumsy craftsman and lives in great poverty, yet he does not suffer from the spiritual anorexia that afflicts his clever friend. Indeed, he is "joyous and in good spirits from morning till evening."⁴⁵ Like the knight of faith, he uses his imagination to enhance his experience, and so savors everything that life sets before him. His wife gives him bread and water, but he delights in these as if they were the finest meat and wine: "Thus he seasoned the scanty bites with gay fancies . . . and while he ate he really tasted all the choice dainties of which he spoke."⁴⁶ He rejoices in his "shabby sheepskin" as if there were no "nobler garment."⁴⁷ People often make fun of him and attempt to dupe him, but their insults and tricks have no effect on his good humor. "Ay, friend," he is accustomed to answer, "just see how foolish I am! You can be a good deal cleverer than I and still be a proper fool."⁴⁸ And when the king calls for *him*, he answers immediately, responding to this unexpected bit of good fortune ecstatically: "the joy of the simple man was overpowering."⁴⁹

It is significant that the simple man's happiness is not

purchased at the price of ignorance. Because the simple man "had passed his life without intrigues, he knew how to see into the heart of right and wrong."⁵⁰ In the person of the simple man, this essential moral knowledge is inseparable from the knowledge of how to live joyfully, come what may. In Nachman's story, it also pays off by conventional standards. Valued by the king for his "virtue and simple understanding,"⁵¹ the simple man becomes the governor of his province and finally the king's prime minister. Meanwhile, the clever man becomes impoverished due to his unwavering devotion to exposing the "madness and delusion" of those who continue to believe in the king's existence.⁵² One day he meets the simple man, and tries to prove to him that he, too, has been fooled about this fundamental matter. The simple man cannot counter his arguments, and does not even attempt to do so. Rather, the story ends with the simple man declaring to his friend, "You will never receive the grace of simplicity!"⁵³

Rabbi Nachman's tale recapitulates the main themes of Silentio's imaginative encounter with the knight of faith. Both narratives trace the practical and theoretical problem of resignation to the sovereignty of the intellect in the soul. Conversely, both teach that equanimity, together with the ability to live joyously, springs from the poetically productive love of a trusting and grateful heart. But Nachman's story does not merely confirm that Silentio's problem of how to repair what life has fractured is foreign to the knight of faith, for it also warns that there may be a point beyond which what the intellect has broken cannot be made whole. Measured by the exacting standards of the intellect, the world manifests an ineluctable imperfection. The "violent disgust" elicited from the clever man by this imperfection convinces him, furthermore, that there is no king—and such a repugnant world is utterly inconsistent with the hypothesis of intelligent rule. The simple man rightly refuses to challenge this inference, because logical argumentation cannot address the deeper issue of the clever man's profound spiritual and emotional

incapacity. How could one who regards every blessing as a curse learn to feel joy? By the “grace of simplicity,” on the other hand, the simple man is able to experience life as a blessing, and it is this experience that leads him thankfully to acknowledge God—the *melech ha’olam*, or “King of the Whole,” who is the ultimate source of all blessings.

III. A Very Brief Conclusion

Rabbi Nachman’s simple man is wiser in his foolishness than the clever man is in his wisdom, for only the simple man has attained knowledge of himself and others. In this respect, the simple man resembles Plato’s Socrates, who is also wrongly considered by more cunning and worldly men to be deluded. Like the knight of faith, Socrates and the simple man understand intuitively that love precedes cognition in the well-ordered soul. This is a secret that Silentio makes available to his readers, even if he himself fails to grasp it. But unless we readers either love the whole or can learn to do so, our knowledge will be of no more value than Silentio’s ignorance.

NOTES

1. This article was originally presented at the Sixth International Kierkegaard Conference at St. Olaf College in June of 2010. I would like to thank David Possen for his critical comments, and Ed Mooney for his encouragement.
2. Søren Kierkegaard, *Either/Or, Part I*, ed. Howard V. Hong and Edna H. Hong (Princeton: Princeton University Press, 1987), 292.
3. Søren Kierkegaard, *Fear and Trembling*, ed. C. Stephen Evans and Sylvia Walsh (Cambridge: Cambridge University Press, 2006), 15.
4. Kierkegaard, *Fear and Trembling*, 7.
5. Aristophanes, *Clouds*, l. 104 in *Four Texts on Socrates*, trans. Thomas G. West and Grace Starry West (New York: Cornell University Press, 1998), 120.
6. Ecclesiastes 1:13-14. *JPS Hebrew-English Tanakh*, 2nd ed. (Philadelphia: Jewish Publication Society, 1999), 1766.

7. Johann Wolfgang von Goethe, *Faust*, trans. George Madison Priest in *Great Books of the Western World*, ed. Robert Maynard Hutchins and Mortimer Adler, vol. 47 (Chicago: University of Chicago Press, 1952), Part I, ll. 366-370 and 402-413.
8. Friedrich Nietzsche, *On the Advantage and Disadvantage of History for Life*, trans. Peter Preuss (Indianapolis: Hackett, 1980), 8-14.
9. “The present writer is not at all a philosopher; he is, poetically and tastefully expressed, a free-lancer” and “I am not a poet and go about things only dialectically.” Kierkegaard, *Fear and Trembling*, 5 and 79.
10. This is not the only indication that *Fear and Trembling* presents us with a partial and incomplete understanding of its subject, yet one that nevertheless enables a discerning reader to glimpse more than its author has seen, and thus to begin to correct his mistakes. As Stephen Evans observes in his Introduction to *Fear and Trembling*, the book’s epigram—“What Tarquin the Proud communicated in his garden with the beheaded poppies was understood by the son but not by the messenger”—invites us to see Silentio as a messenger who is unaware of the deeper significance of his own message (Kierkegaard, *Fear and Trembling*, x). But because we do not know whether this is the point of the epigram as Silentio understood it, we also cannot know whether Silentio himself understands that he says more in *Fear and Trembling* than he knows.
11. Kierkegaard, *Fear and Trembling*, 31.
12. Ibid.
13. Ibid., 32.
14. Ibid., 34. The Danish word is *Pedestre*.
15. Ibid., 32-33.
16. Ibid., 33-34.
17. Ibid., 33.
18. Ibid., 7.
19. Ibid., 28.
20. Ibid., 33.
21. The word *poet* comes from the Greek *poiētēs*, which derives from

the verb *poiein*, meaning *to make* or *to produce*—clearly apposite in reference to the knight of faith. The word *author* comes from the Latin *auctor*, which, among other things, signifies *an authority, a creator, a principal cause, a founder of a people*. Note, too, that Silentio consistently emphasizes the fruitfulness of faith as exemplified in “father” Abraham, the *auctor generis* or *progenitor of the people*.

22. Ibid., 32.

23. Ibid., 28.

24. Ibid., 32.

25. His relationship with God is mediated by his intellect: it is not God’s love that makes him “unspeakably happy,” but the “thought” that God is love. Ibid., 28.

26. Fyodor Dostoyevsky, *The Brothers Karamazov*, trans. Richard Pevear and Larissa Volokhonsky (San Francisco: North Point Press, 1990), 231.

27. Plato, *Apology*, 23b-c.

28. Plato, *Symposium*, 220a.

29. See Alcibiades’ description of his exemplary composure in battle in *Symposium*. 220d-221c. Alcibiades also makes it clear that Socrates has no desire for conventional honors, which others pursue as a means of overcoming the oblivion associated with death—cf. 220d-e and 208c-d.

30. Plato, *Symposium*, 221e-222a.

31. Plato, *Symposium*, 216e-217a.

32. Plato, *Gorgias*, 486a-b.

33. See “The Problem of Socrates” in Friedrich Nietzsche, *The Anti-Christ, Ecce Homo, Twilight of the Idols, and Other Writings*, ed. Aaron Ridley and Judith Norman (Cambridge: Cambridge University Press, 2005), 162.

34. Plato, *Apology*, 30e-31a; cf. *Republic*, 476d.

35. Plato, *Phaedo*, 117-118.

36. In explaining who the philosopher is, Socrates accordingly begins not with the philosopher’s intellect but with his desire: he is a lover of the whole of wisdom. See *Republic*, 475b).

37. Kierkegaard, *Fear and Trembling*, 36.

38. See especially *Republic*, 476a-d.

39. Martin Buber, *The Tales of Rabbi Nachman*, trans. Maurice Friedman (Amherst, NY: Humanity Books, 1999), 71-94. On the significance of this story within the context of Yiddish literature, see Ruth R. Wisse, *The Schlemiel as Modern Hero* (Chicago and London: University of Chicago Press, 1971).

40. Buber, *Tales*, 72.

41. Ibid., 74.

42. Ibid.

43. Ibid., 78.

44. Ibid., 74-75.

45. Ibid., 75.

46. Ibid., 76.

47. Ibid.

48. Ibid., 78.

49. Ibid., 85.

50. Ibid., 86.

51. Ibid.

52. Ibid., 90.

53. Ibid., 94.



Kant's Rational Being as Moral Being

Jay Smith

In the Preface to the second edition of the *Critique of Pure Reason* Kant writes:

This discussion as to the positive advantage of critical principles of pure reason can be similarly developed in regard to the concept of *God* and of the *simple nature* of our *soul*. . . . Even the *assumption*—as made on behalf of the necessary practical employment of my reason—of *God*, *freedom*, and *immortality* is not permissible unless at the same time speculative reason be deprived of its pretensions to transcendent insight. . . . I have therefore found it necessary to deny *knowledge*, in order to make room for *faith*. The dogmatism of metaphysics, that is, the preconception that it is possible to make headway in metaphysics without a previous criticism of pure reason, is the source of all that unbelief, always very dogmatic, which wars against morality.¹

As evidenced by the *Critique of Practical Reason* and other works such as *Religion within the Limits of Reason Alone*, the simple act of limiting the excessive and dogmatic claims of speculative metaphysics in order to secure morality proved more contentious, difficult, and complex than the passage above suggests. The situation of practical reason changes in radical and complicated ways as it emerges out of the shadows of speculative reason to become the primary faculty that determines our rational being. I will first discuss the context established for practical reason and morality in the *Critique of Pure*

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Reason. Then I will try to show how pure practical reason is connected to rational faith in the *Critique of Practical Reason*. This examination will uncover the uncanniness of pure practical reason, an uncanniness hidden in part by Kant's commitment to, and transformation of, a traditional view of pure reason. The uncanniness is caused by the operation of a power that is beyond, or out of, the normal course of nature—a power that differs from natural powers. This essay tries to show that Rational Being, for Kant, *is* Moral Being, and that this equivalence preserves a higher dignity for human beings than is compatible with the mere pursuit of secure and comfortable living.

I. Practical Reason and Rational Faith in the *Critique of Pure Reason*

Kant connects a concept of knowledge with a synthesis made possible by the reception of givens under the forms of sensibility, namely, space and time. By synthesis, Kant means an activity that produces a unity. These sensible givens are made ready for further synthesis by the productive imagination. Finally, by the exercise of synthetic judgments, the worked-up impressions are brought under the unity of the categories of the understanding, so that an object of experience is constituted. This constitution is possible only because these spatio-temporal givens worked up as presentations or representations are accompanied by the formal 'I think'—they are prehended and apprehended by the same mind. It is this assertion of the necessity of an overarching unity, a transcendental unity of apperception, that is Kant's response to Hume's claim that the mind is only a bundle of impressions. Without this 'I think' belonging to a persistently identical self-consciousness, the subject would not recognize all these presentations as its own, and, immersed in the stream of lived happenings, would simply forget itself.

Let me give an example as a way to explain this process without getting too bogged down in Kant's technical details. I am standing in the kitchen, I hear a loud noise, I turn, look out the window, and see a motorcycle going by. These impressions—hearing the loud noise and seeing the motorcycle—arise in a temporal sequence and are spatially arranged: I was standing by the refrigerator when I heard the noise, and then I turned my head to look out the window and see a motorcycle going by. These happenings, even given in a spatial and temporal arrangement, are not yet an experience in the Kantian sense. There is as of yet no constituted object of experience. To have an experience it is necessary that these two happenings be brought into unity—in this case, under the category of cause and effect: the loud noise is the backfire of the motorcycle.

To be able to constitute an experience out of these happenings, I must be able to temporally and spatially rearrange these happenings, cutting their ties to the way I happened to notice them while standing in the kitchen. This rearrangement, which prepares them to be taken up into the categories of the understanding, is the work of the productive imagination. The sound I heard before I saw the motorcycle is not the cause of the motorcycle but vice versa. Our mind in this way rearranges these happenings to give us an objective experience, an experience in which the subject who has the experience—namely the transcendental subject who spontaneously produces the 'I think' that marks these happenings as happenings of the same, constant mind—also posits a correlative transcendental object of experience, a bare *x*, a placeholder as it were. The happenings become an experience, are constituted into an object of experience, when the reference point shifts from the subject of the happenings to the posited placeholder, so that the happenings are experienced as centered on an object over and against the subject. "Oh, that loud noise was the backfire from the motorcycle."

This concept of knowledge and this description of how our experience is constituted—that is, how we shape experience and give it unity—are easily grasped by us and, for the most part, accepted. For instance, here is a common puzzle: we present someone with a series of, say, six pictures—six different stages of a person chopping down a tree. These pictures are presented in a random order with the expectation that everyone will reorder them in the same way. In Kantian terms, we would say that each person can synthesize these happenings into an objective experience valid for everyone.

Why is this concept of knowledge important for a discussion of Kantian morality? First, because all objective experience is constituted in this way, even what we take to be our internal experience is given under a form of sensibility, namely time, worked up by the productive imagination and subsumed under the categories of the understanding. What we take to be our inner experience, our inner selves, our deepest and truest desires, are constituted and conditioned in this manner. Kant calls this inner self the *empirical* or *phenomenal* self. We have no speculative access, no intellectual intuition either into the thing-in-itself that is the self or into a putative “real” or “authentic” self—which Kant labels the *noumenal* self. This lack of speculative access into the self has significant repercussions on our discussion of morality and on what is demanded from practical reason.

Kant's concept of knowledge also produces a second, more complicated consequence for our discussion of morality. Kant seeks to reject the sort of speculative thought that emerged from mythical thinking when we began to claim access to a universal unity, a One. This One could be seen as the cause and the ground of the Many; in the light of this One, the Many could be conceived as a whole, a totality.

In striving for such a conception, the human mind marks out for itself an extramundane point of reference in which the flow and jostle of concrete events and phenomena are joined together in a stable whole. In this distancing view, one is able

to differentiate between the totality of what is and individual entities, between the world and what occurs within it. Things are understood not in their particularity but in what underlies them. They are understood as ideas, as essences, as forms or substances; that is to say, they are understood in regard to what connects them back to the One. As part of this cognitive stance, of this *bios theōrētikos*, the soul, in striving for an intellectual intuition of the cosmos, forms itself as it becomes conscious of itself in the recollective and reflexive intuition of the One. The uniting of the knower with the One is both an ecstatic self-transcendence and a reflexive self-assurance that enables one to see and live his or her life from this extramundane point of reference. Within this self-assurance, fears of death, of isolation, of frailty, of contradiction, of surprise, and of novelty can be faced.

Kant provides a universal unity as well, but of an entirely different stripe. He begins with the transcendental unity of the knowing subject which, in relating itself to itself, requires, as a posited correlate, a symmetrical concept of everything that stands over and against the subject—that is, a transcendental concept of the world as the totality of all appearances. Kant calls this correlate a Cosmological Idea, which aims at the whole of possible experience and the unconditioned. The unconditioned is the ground of appearance and occupies what would have been the place of the One. Perhaps an example from Aristotle might be helpful here. At the end of the *Metaphysics* Aristotle talks of an unmoved mover whose activity is thought thinking on thought. The experience that he wishes to ground is a theoretically worked-up experience that has its roots in our sense-experiences of an ordered whole, an eternal cosmos of ordered motions. Given that we can have such an experience, how is it possible? To understand Aristotle's unmoved mover, I am often tempted to make a transcendental move of positing the unmoved mover as a necessary logical construct that lays out the conditions for the possibility of this eternal and ordered motion while unifying everything in

light of an overarching end. Aristotle, however, does not make this move. Instead, he makes the puzzling assertions that such an unmoved mover is alive, and that, in its activity of thought thinking on thought, it exhibits the best kind of life there is, the *bios theōrētikos*—which is a real possibility only for some of us and only for short periods of time. In whatever way we are to understand this exhibited life, we can point to it as something transcendent, as a One that is the ground of the order of the cosmos, a One of which we can say that it is not merely a logical construct. Dante, in the context of a religious journey, also calls upon this One at the beginning of his *Paradiso*: “The glory of Him who moves all things pervades the universe and shines in one part more and in another less.”²

Kant recognizes that this orientation toward the One, in the philosophical context, is motivated by the needs of reason. Reason is marked by universality and necessity as it strives for systematic completeness and perfection. Speculative reason seeks this One, this universal unity, as it attempts to bring together in one synthetic act the conditioned—that is, the whole of possible experience—and the unconditioned—that is, the ground or end of such a whole. The results unfortunately are the antinomies, the contradictions that reason inevitably falls into when it seeks to know, to speculatively point at, the overarching unity, the One. As Kant explains: “Either, therefore, reason through its demand for the unconditioned must remain in conflict with itself, or this unconditioned must be posited outside the series, in the intelligible.”³ The positing of something outside the series of appearances is needed in order to point to a ground for appearances that makes the possibility of appearances conceivable. This positing is also needed in order to give a fuller account of us than are provided by references to an empirical ego and to a transcendental unity of apperception. But why take the trouble to label this positing the intelligible world, especially since Kant has denied us any intellectual intuition, and since his concept of knowledge en-

sures that an intelligible world could never be a possible object either of experience or of knowledge?

As a way to begin, let us look at what Kant accomplishes in resolving the antinomies of pure reason by the positing of an intelligible world. First, Kant preserves an idealizing synthesis, a world-constituting synthesis that allows the distinction to be made between the world as a whole and what is in the world. This distinction helps to guide understanding in its work of knowing objects in the world. In preserving the synthesis, however, Kant downgrades the cosmos into the object-domain of the natural sciences, into a kingdom of nature, a kingdom whose only unity is a unity under a certain set of laws. This unity is not a unity that could become an object of knowledge, much less exhibit the highest form of life. It is not the One that holds together the Many. This regulative unity merely assures us that for any set of conditions a previous set of conditions can be found from which the latter can be understood and so on, *ad infinitum*. This world of nature, of appearances, is no longer a whole organized according to ends; because its unity is merely regulative, it has the heuristic goal of advancing theory-construction. The regulative unity of the Cosmological Idea does not provide an extramundane point of reference, nor can it satisfy reason’s demand—or our need—for a whole that contains contingencies, neutralizes negations, and calms the fears of death and isolation.

Second, Kant preserves a space outside of nature that does not conflict with the regulative unity needed for the functioning of the understanding, as he states in the section that discusses the Antinomy of Pure Reason:

The sensible world contains nothing but appearances, and these are mere representations which are always sensibly conditioned; in this field things in themselves are never objects to us. It is not surprising that in dealing with a member of the empirical series, no matter what member it may be, we are never justified in making a leap out beyond the context of sensibility. . . . On the other hand,

to think an intelligible ground of appearances, that is, of the sensible world, and to think it free from the contingency of appearances, does not conflict with the unlimited empirical regress.⁴

As we said above, this intelligible world cannot be known by us. The resolution of the antinomies of pure reason therefore evokes resignation, which Kant expresses in this way:

The greatest and perhaps the sole use of all philosophy of pure reason is therefore only negative; since it serves not as an organon for the extension of knowledge but as a discipline for the limitation of pure reason, and, instead of discovering truth, has only the modest merit of guarding against error.⁵

If there is to be a positive use of pure reason, it will not be in its speculative use but in its practical use. Furthermore, Kant's assertion that he found it necessary to deny *knowledge*⁶ suggests that it is not in the search for truth that we find our dignity; it is rather in guarding against error that some other possibility is preserved for us.

To conclude this first section, let us consider why this space is labeled "the intelligible world." Our metaphysical desire, the desire for a One that can satisfy reason, cannot be satisfied speculatively; moreover, as Kant has shown, attempts to do so propel us into a land of illusion and deception. Unlike David Hume, who claims that this desire will disappear once we see that it cannot be satisfied, Kant rightly asserts that this metaphysical desire will not wither. The needs of reason are always pressing, and it is these needs that provide the context for Kant's exploration of practical reason. The burden that speculative reason attempted to carry in response to the demands of reason and the needs of our metaphysical desire can only be carried by practical reason—and in particular, by practical reason intimately bound up with morality. This is why Kant says,

The idea of a moral world has, therefore, objective reality, not as referring to an object of an intelligible intuition (we are quite unable to think any such object), but as referring to the sensible world, viewed, however, as being an object of pure reason in its practical employment, that is, as a *corpus mysticum* of the rational beings in it, as far as the free will of each being is, under moral laws, in complete systematic unity with itself and with the freedom of every other.⁷

Kant strives to preserve for us a rational core, a moral world whose objective reality is affirmed by the fact of the *ought*. An *ought* requires an *I* beyond the empirical ego, an *I* not reducible to the kingdom of nature, an *I* somehow connected to considerations of freedom. Kant tries to preserve rationality by relying on pure practical reason, and on its affiliated concept of a world of rational beings, each of which acts at all times as if, through his maxims, he were a legislator in the universal kingdom of ends. Reason, which requires universality, necessity, and ends, must be at play in this moral world that is also intelligible. Comprehending such a world would be an exalted and stirring project; but Kant's articulation of the project at the end of the *Critique of Pure Reason*—as was pointed out by Kant's critics—lacked both clarity and content. Let us turn now to the work that tried to respond to such concerns, Kant's second Critique, *The Critique of Practical Reason*.

II. Kantian Moral Being

Here is how Kant introduces his *Critique of Practical Reason*:

The theoretical use of reason was concerned with the objects of the cognitive faculty only, and a critique of it with regard to this use really dealt only with the *pure* cognitive faculty, since this raised the suspicion, which was afterwards confirmed, that it might easily lose itself beyond its boundaries, among unattainable objects or even among contradictory concepts. It is quite different

with the practical use of reason. In this, reason is concerned with the determining grounds of the will, which is a faculty either of producing objects corresponding to representations or of determining itself to effect such objects (whether the physical power is sufficient or not), that is, of determining its causality. For, in that, reason can at least suffice to determine the will and always has objective reality insofar as volition is at issue. The first question here, then, is whether pure reason of itself alone suffices to determine the will or whether it can be a determining ground of the will only as empirically conditioned. Now there enters here a concept of causality justified by the *Critique of Pure Reason* although not capable of being presented empirically, namely that of *freedom*; and if we can discover grounds for proving that this property does in fact belong to the human will (and so to the will of all rational beings as well), then it will not only be shown that pure reason can be practical but that it alone, and not reason empirically limited, is unconditionally practical. Consequently, we shall not have to do a critique of *pure practical* reason but only of *practical* reason as such. For, pure reason, once it is shown to exist, needs no critique. It is pure reason that itself contains the standard of critical examination of every use of it. It is therefore incumbent upon the *Critique of Practical Reason* as such to prevent empirically conditioned reason from presuming that it, alone and exclusively, furnished the determining ground of the will. If it is proved that there is pure reason, its use is alone immanent; and the empirically conditioned use, which lays claim to absolute rule, is on the contrary transcendent and expresses itself in demands and commands that go quite beyond its sphere—precisely the opposite from what could be said of pure reason in its speculative use.⁸

A mouthful to be sure! Let us try and bring some clarity to this passage. First, Kant refers to pure reason as a unified faculty that can be talked about either in its speculative or practical use. Next, pure reason is concerned with the questions of

freedom, God, and immortality, as is made clear by Kant's insistence upon universality and necessity. Finally, pure reason bears within itself the "standard of critical examination of every use of it." Pure reason does not look to a higher authority for its standards, nor does it see its finiteness as marked and determined by reference to an infinite, divine reason. The unity of pure reason is preserved over the difference between its speculative and practical use by promoting pure practical reason to a place of primacy, while at the same time demoting speculative reason to secondary status. This reversal of priority is quite striking when compared to theological explorations of the relation between human and divine reason. A look to theology's distinguishing of divine and human reason puts this reversal of priority in an interesting light. For some theologians, human reason is intimately connected to divine reason, because the former takes its standards and orientation from the latter. Thus, as regards human reason, the primary faculty is speculative and the supporting faculty is practical. In speculative reason man looks up to an order of higher ontological status than himself—God and his created order—while practical reason guides man's actions within this order of ends. God, however, cannot have speculative reason as primary, since there is no order of higher ontological status for him to look up to. If there were such a higher order, he would not be the creator, but the divine craftsman. So for God it is his reason in its practical aspect that is primary. He creates by his word—Let there be light!—and then he beholds that it is good.

By reversing the primacy of the two faculties of reason, Kant makes human reason resemble divine reason: pure practical reason, or reason in its moral activity, comes first; then speculative reason follows—creating, then beholding. There is no ontologically higher order that is open to man's speculative view, and thus the traditional metaphysical claim that actuality anchored in this higher ontological order is prior to potentiality becomes suspect as well. This rejection of the priority of actuality is part of what is at stake in Kant's

rejection of the ontological and cosmological arguments for the existence of God. For Kant, possibility—a possibility not tied to an already existing actuality, but a possibility tied to freedom—will be central. Since there is no existing order of the Good that is open to our view, and thus no way to measure our actions by reference to such an order, this reorientation is a significant break from traditional ethics with its concerns about such things as the distribution of goods, and with its grounding of obligation in the demand that we bring to fulfillment our potentialities as human beings.

Let us now turn more directly to the passage quoted above. Kant seems to assert that practical reason determines the faculty of the will, but that the will can be determined in two different ways: it can produce objects corresponding to representations, or it can bring about such objects. To understand the first alternative, we must see how something can be a cause of our actions. In the Preface to the *Critique of Practical Reason*, Kant says, “Life is the faculty of a being to act in accordance with the laws of the faculty of desire. The faculty of desire is a being’s *faculty to be by means of its representations the cause of the reality of the objects of these representations*.”⁹ In other words, this faculty of desire requires representations of certain objects, from the very concrete (such as desiring an ice cream cone) to the more abstract (such as honor or shame). The subject is affected by a certain representation of a desired state of affairs, and then practical reason goes to work to determine how to attain or bring about such a state of affairs. The content of this representation and the attendant evoking of pleasure or pain is determined by our experience. Kant claims that we do not innately know what we desire and what will bring us pleasure or pain; and furthermore, he claims that these will vary from person to person. We find what it is that makes us happy through experience. When practical reason determines the will through representation, it is operating as empirical practical reason. Under various descriptions it should be familiar to all of us.

When we strive toward a desired end—usually happiness—empirical practical reason is at work as the overall end-in-itself that needs no reference to another end. Maxims and rules of conduct formed in consideration of this end Kant calls hypothetical imperatives: if you want this, then you must act in this way. A way of life organized around such imperatives is a prudential life. Kant indicates this dependency upon experience by the word empirical. This dependency on experience motivates most of our actions, and that is why Kant sees those actions as pathological—because they are determined heteronomously rather than autonomously.

Kant thinks that heteronomous determination is natural to us, since he believes that we are inwardly determined in the same way as the course of nature is determined. Our inmost, authentic desires, which we believe both determine and express who we really are, have been shaped by our education, by our experience, and by our society—that is, from without. Hence to be determined by these inclinations is not to be free, but to be determined heteronomously. Kant regards everything we think of as deeply, inwardly human—our desires, our social roles, our insights, our feelings of love, care, and devotion—as heteronomously determined, which is to say, conditioned from a moral perspective, and radically pathological. Kant considers all desire-driven action to be pathological because it arises in us as a *pathos*, as a suffering of a determination that arises outside of us. In this sense, therefore, pathological activity is not contrasted with normal activity—since it is precisely normal activity that is pathological—but with autonomous activity, that is, with freedom and the formal determination by one’s own will.

This other possibility of determining the will, in which we are not determined heteronomously, is to have the will effect the object by the exercise of the faculty of pure practical reason that is not grounded in our experiences. This way of determining the will may be rather puzzling, but we can at least understand that it would eliminate the mediation caused by

representing to ourselves objects of experience that then activate the faculty of desire, thereby bypassing our dependence on experience. To be subject to representation and desire is in fact to be determined pathologically; moreover, to be motivated by concerns for happiness is to be determined heteronomously. Kant frames this option in the form of a question: “The first question here, then, is whether pure reason of itself alone suffices to determine the will or whether it can be a determining ground of the will only as empirically conditioned.”¹⁰ Kant claims that what is at stake here is freedom and the possibility of autonomy in the sense of self-determination. Our freedom might well be at stake, but it is hard to accept the claim that pure reason alone, pure *practical* reason, can be sufficient in itself to determine the will. The common view, which is easier to accept, was expressed by Hume in his *Enquiry Concerning the Principles of Morals*: “Reason being cool and disengaged, is no motive to action, and directs only the impulse received from appetite or inclination, by showing us the means of attaining happiness or avoiding misery.”¹¹ There are, of course, actions that we perform under the guidance of reason for which we have no immediate inclination—for example, submitting to a painful and risky surgery, or dragging oneself out of bed early to work at a job one dislikes. But the motivations for these actions are also tied to inclinations—to the desire for health or the desire for food and shelter. In other words, reason in its practical work can only direct inclination—that is, in Kantian terms, it can function only as conditioned or empirical practical reason.

Kant is aware of this limitation, of course, and so he asserts that it is “incumbent upon the Critique of Practical Reason as such to prevent empirically conditioned reason from presuming that it, alone and exclusively, furnishes the determining ground of the will.”¹² If we stand aside from our mode of representation, if we leave aside our faculty of desire—which is, after all, the defining faculty of life—we are certainly in an uncanny place. Is it possible that there could be an ethics or a

morality that is not the fulfillment of desire in some form, a fulfillment guided by the representation of the way the world is? Kant proposes that such an ethics or morality is possible, and that it is made possible by the operation of *pure* practical reason, a practical reason that is not dependent upon the representation of a desired object or state of affairs, not dependent on ends that are given to it. This claim about a will that can determine itself apart from representation sets the stage for the prominence of will as a basic metaphysical category for many thinkers following Kant.

Kant pushes us very hard here. In effect, he says that we are less free than we believe. There is no internal sanctuary in which we can discover our true selves, and if we respond to divine commands or act on promises of an afterlife we are being determined heteronomously. Morality for Kant will not consist of a set of norms for bridling desire in order to keep our conduct free of excess. In relation to the smooth, normal course of events—now seen as pathological—morality is always an interruption, a going beyond the way the world is, a going beyond even the pleasure principle. Kant, in fact, rejects the distinction between higher and lower desires, between higher and lower pleasures, a distinction based on whether the desire originates in the intellect or in the senses. Such a distinction lies at the center of much moral reasoning and education, and is implicit in all appeals to moderation. The aim of such a morality is to refine our desires by reflection and to redirect them toward objects of higher ontological status, that is, objects that are visible to the mind only. By lifting our eyes to the intelligible heavens, as it were, we lift our desires as well. A simple example: Pleasures of the senses have a limit—sound, for example, can become so loud that it can destroy the sense organ; pleasures of the mind, on the contrary, can be unlimited—learning simply prepares the mind for more learning. Kant flatly states that all desires are on the same level; this is indicated, for instance, by the fact that we can and do leave a poetry reading because we want to go running and

vice versa. His contention is supported further by the fact that there is no intelligible heaven open to our view, and by the fact that we are determined in what we desire, we are fully conditioned beings. Because we are fully conditioned beings, we are less free than we believe, and everything we take as proper to our humanity stands on one side of the ledger, while only an invisible marker stands on the other side, pointing toward an empty dimension into which we can think ourselves, and in which we can imagine that it is possible to determine our moral being rationally, that is, universally and necessarily.

If, however, on the one hand we are less free than we believe, Kant nevertheless also indicates that we are freer than we know. In his critique of practical reason, Kant often refers to the experience of moral necessitation, the experience of the *ought*—I *ought* to perform this action, I *ought* not to have done this, this *ought* not to have happened—and he gives us an interpretation of this experience that indicates that we are freer than we know:

Lest anyone suppose that he finds an inconsistency when I now call freedom the condition of the moral law and afterwards . . . maintain that the moral law is the condition under which we can first become aware of freedom, I want only to remark that whereas freedom is indeed the *ratio essendi* of the moral law, the moral law is the *ratio cognoscendi* of freedom. For, had not the moral law already been distinctly thought in our reason, we should never consider ourselves justified in assuming such a thing as freedom (even though it is not self-contradictory). But were there no freedom, the moral law would not be encountered at all in ourselves.¹³

The positing of freedom is bound up with the moral law as a condition of its possibility, and this interpretation shores up the experience of the *ought*, making it a necessary, rather than a contingent, element in human cognition. In order, then, for the moral law to be encountered *as* the moral law—and for Kant

that means it must be encountered in its universal and necessary character—it is necessary to posit freedom. In this way, we are freer than we can know, since the moral law necessarily calls forth the postulate of freedom: even though freedom is not a possible object of knowledge for us, we must postulate it. This rational necessity of positing freedom is, for Kant, the first tenet of a rational faith.

Of course it is critical for Kant that this positing of freedom should not contradict the doctrine of freedom found in the *Critique of Pure Reason*—namely, that freedom, though incapable of being an object of experience, is thinkable and conceivable as a transcendental connected with our noumenal selves, as part of the intelligible world needed to resolve the antinomies. This theoretical conceivability does not ground the concept of freedom, does not give it objective reality, but it does leave open the possibility of freedom. In the *Groundwork of The Metaphysics of Morals*, Kant says:

The intelligible world signifies only a “something” that is left over when I have excluded from the determining grounds of my will everything belonging to the world of sense, merely in order to limit the principle of motives from the field of sensibility by circumscribing this field and showing that it does not include everything within itself but that there is still more beyond it; but of this something more I have no further cognizance.¹⁴

The only cognizance of the freedom proper to our intelligible, noumenal self, is an indirect one, a posited one. Only through the experience of the moral law, as interpreted in a certain way, can I become aware that I must be free.

Of course this experience of the *ought*, of the moral law as universally and necessarily binding, can be interpreted otherwise. For example, following Freud, we could see the categorical imperative as an internalization of the strictures of our parents and society, resulting in the formation of the superego; or, following Freud's contemporaries, we could see it as no-

thing more than the consequence either of long-settled custom or of the necessities dictated by prudence. Kant, however, is strongly drawn to this interpretation of the moral law because it solidifies many aspects of his thought. In the Preface to the *Critique of Practical Reason* he says,

The union of causality as freedom with causality as natural mechanism, the first of which is established by the moral law, the second by the law of nature, and indeed in one and the same subject, the human being, is impossible without representing him with regard to the first as a being in itself but with regard to the second as an appearance, the former in *pure*, the latter in *empirical* consciousness.¹⁵

This positing of freedom fills out a possibility foreshadowed in the *Critique of Pure Reason*, allows for some kind of unity of the human being, and supports a view of reason that is not unavoidably in contradiction with itself. Our noumenal self in its freedom prescribes universal and necessary laws to our empirical and conditioned self, which experiences itself as necessitated by these prescriptions, not heteronomously, but autonomously, as self-determining. The preservation of the universal and necessary character of these prescriptions allows Kant to see this experience as rational. Only in this way do we gain some purchase on the intelligible world. We will take up this rationality again at the end of this essay.

But why talk of this purchase on the intelligible world in terms of a rational faith? We see a similar move on the part of Maimonides in his recognition and resolution of a question that I am going to frame as an antinomy: Is the world eternal or does it have a beginning in time? Maimonides is concerned about the claim that Aristotle has demonstrated the eternity of the world. To hold onto the belief that God created and governs the world in the face of such a demonstrated claim is, for Maimonides, to be placed in an impossible situation. Neither he nor Kant could tolerate the proposition that we must

sacrifice reason for faith—that we should believe precisely because it is absurd. Maimonides spends a great deal of time showing that Aristotle did not claim to demonstrate that the world is eternal; and, in fact, he tries to show that it is not possible to demonstrate either that the world is eternal or that it has a beginning in time.¹⁶ We do not have a coherent, scientific account of our world to base such a demonstration on because our best physics (an Aristotelian one) and our best astronomy (a Ptolemaic one) are in contradiction. Thus, we are at liberty to decide this issue on other terms. Aristotle can hold a considered opinion that the world is eternal because it concurs with and supports his other metaphysical concerns. Of course, Maimonides is also at liberty to base his considered opinion on considerations of compatibility with his traditional faith. Kant goes a bit further than this compatibility, because he sees the moral law as universal and necessary: he holds that in determining the moral law we act as legislative members of a kingdom of ends. The underpinning of such universal, necessary, and teleological action must likewise have this rational character. Thus, for Kant, freedom is a tenet of a rational, not a traditional, faith.

Let me now address the other two tenets of this rational faith. As mentioned above, somehow the will, quite apart from representation and desire, brings about an object. This object, for Kant, is the highest good, in which happiness ought to be distributed according to how much one deserves to be happy. Kant tells the painful truth: that in this world, those who deserve happiness often do not attain happiness—the wicked do indeed often prosper, and the good often suffer. Virtue is not its own reward; moreover, happiness does not constitute a coherent system: the things that make us happy often work against each other. In addition, it is not in our power to bring about this highest good. We can act individually as if we are legislating members of a Kingdom of ends, but to bring the highest good into being requires that others act with us—thus,

to do so is not in our power. God is posited as a necessary condition for the possibility of such a highest Good, inasmuch as He can somehow harmonize our actions with those of others. Furthermore, the human will is not good, as we can see through the experience of being morally determined: we must struggle against our sensual nature as we strive to be virtuous. Now although we can strive to perfect our will, it is an impossible task, which Kant must reframe as an infinite task in order to make the completion of our striving at least conceivable. The condition for the possibility of such an infinite task is the immortality of the soul. Thus in order for the will to bring about the highest good, and thereby to have a rational hope that our actions are not completely futile, the rational postulates of God and immortality are required. The postulate of freedom grounds the moral law while the other two postulates, God and immortality, transform our moral actions (namely, making the world into what it ought to be and perfecting our will) into an infinite task. It is important to see that these rational postulates give us neither any knowledge of what God is in himself nor any knowledge of what life after death may be like. All I know is that it is necessary to assert these tenets in order to make it conceivable that we can bring about the highest good as an object of our will. In this way, our metaphysical desire is addressed and met by a rational faith; and this is the only way that these desires can be met, since Kant has demonstrated that they cannot be met by striving for a speculative vision.

Let us now marshal further support for Kant's assertion that we are freer than we know. We have already seen that in claiming to be the sole power that can determine the will, empirical practical reason oversteps its boundaries and closes off the uncanny space of freedom. This space is preserved by pure practical reason. But is there other evidence of our freedom?

Kant presents several examples that show situations in which our freedom is made manifest. In the *Critique of Practical Reason*, he rebuts the claim that we are impotent in the face of our desires—that, for instance, those of us who lust

are controlled by our lust. Kant responds that a lustful person about to enter a brothel would soon learn to control his lust if he encountered a gallows in front of the door together with an official proclamation that anyone frequenting the establishment would be hanged. We can certainly conceive of controlling our lust under such a threat, but if we do exert control, it is for the sake of self-love and self-preservation. Kant then extends this rebuttal with a slightly different example: A prince pressures someone to bear false witness against an innocent man whom the prince wants eliminated. Kant claims not only that everyone knows what ought to be done in such a situation, but also that it is quite conceivable that someone in that situation would refuse to bear false witness even despite the threat of the gallows. The first example shows that we can exert control over our desires if something serious, like our life, is at stake; the second example shows that we can refuse to perform an action even if our life is at stake. These examples show that our relation to moral activity takes place on two planes; in one we appear to be determined by the situation, while in the other we appear to be free.¹⁷

A few pages later in the same book, Kant provides another bit of evidence for our being freer than we know—what might be called a phenomenological description of the difference in self-critical response between losing at a game and cheating at a game. He who loses a game (or, by extension, loses the game of life by not becoming as successful or respected as he might have desired), might be angry with himself or at his unskillful play; but if he knows himself to have cheated at the game, he must despise himself as soon as he compares his action with the moral law. These two failures are different; the second clearly lies in the moral realm and is connected to freedom.¹⁸ In this second response, we see again that there is a plane of moral action that points to an independence from external determination.

Finally, let us look at one last piece of evidence for our freedom: the categorical imperative. Both our own inclinations and sometimes the blandishments of others, including our

friends and family, try to persuade us that we are a special case, that a normally prescribed action is necessary just this once, and that to take the action is really, in this situation, better for all concerned. We may be told that this action is what God, or our church, or our family, or our country demands of us if we are to fulfill our responsibilities. These persuasions of sentiment, reason, and authority are effective because they touch on our foremost moral weakness—the temptation to make a specific exemption for ourselves in a special case. The tendency toward self-favoritism or particularism is a commonplace both in philosophical systems of morality, where judgment of actions typically must be made by an impartial spectator, and in everyday legal practice, where we may not sit in judgment in our own case. The Categorical Imperative is a rational procedure that makes this common and pervasive temptation explicit, because it demands that actions be judged by universal and necessary laws: we must act so that the maxim of our action can serve as a law for all rational beings—including, quite pointedly, the law-determiner himself or herself.

Now it may seem that following commands, doing as one is told, has the same form as Kantian duty. But this is problematic for several reasons. First and foremost is the sacrifice of freedom in following a command that is not the product of one's own self-determination. In a bold move, Kant places *following commands* together with *following inclinations* (two functions that are kept strictly separate in most moral systems) under the same heading, namely, being determined heteronomously. It is at this point that Kant introduces his famous distinction distinguishing actions that are merely in conformity with duty from actions that are in conformity with duty *and* done for duty's sake. Kant places actions that merely conform with duty in the category of *legality*, which is, strictly speaking, an empty formalism, since it is independent of intentions and motivations. Actions that are both in conformity with duty and done for the sake of duty bring into play the pure practical reason as well as a will that can determine itself, apart from

desire and representation, by means of the universal form of the categorical imperative. The pressing question here is: How can a form, namely the form of universality, serve as a material incentive?

Kant's answer to this question takes us to a strange place. In his *Religion within the Limits of Reason Alone*, Kant asserts that we are free to decide, after a certain age, which of our inclinations we will we allow to influence us. He does not mean that we cease to feel these inclinations; he is asserting, rather, that in feeling them we are not necessitated to act. Or, to put it more broadly: we can choose our character by deciding which of our inclinations to emphasize. It is in *this* freedom of choice that we can decide to have the universal form be the principle of the maxims by which we act. This decision happens in the twinkling of an eye. Kant describes it in this way:

[I]f a man is to become not merely legally, but morally, a good man . . . this cannot be brought about through a gradual reformation, so long as the basis of the maxims remain impure, but must be effected through a revolution in man's disposition. . . . He can become a new man only by a kind of rebirth, as it were a new creation.¹⁹

Strictly speaking, this does not constitute evidence of Kant's uncanny space of freedom. But he is not the only thinker to claim that our freedom to decide what will influence us determines what character we will have. In the myth of Er near the end of the *Republic*, Plato depicts our souls in a place outside of time, having to choose a life, a character that they will fall into.²⁰ Kant suggests something similar: a place of freedom, a place outside of time, in which we can actually exercise the faculty of choice.

III. Conclusion

Kant's step of setting our humanity aside, of asking us to be indifferent to our desires, has evoked passionate criticism. Some

are upset by his refusal to allow our inclinations—especially our positive inclinations such as care and sympathy—to serve as a ground for obligation; others complain that he ignores the consequences of our actions; yet others are genuinely puzzled by what in the world (or out of it, for that matter) Kant could possibly mean by designating humans as “finite rational beings.” For the most part, these criticisms come from critics of single-principle moralities such as Kant’s that place a premium on conformance to duty and obligation; such moralities tend to denigrate concerns for life-fulfillment or happiness, that is, questions about what is good to love or good to be, both for ourselves and for others. The great benefit of Kant’s moral system is that it can resolve complicated situations in which there are competing goods, and cut short the angst of moral remorse. But the critics of single-principle moralities ask, At what cost do we purchase this benefit? And for them, the answer seems unacceptably high: At the cost of our humanity.

All of these are understandable concerns, but behind most of these criticisms is the fear that if we become indifferent to our desires, to our humanity, we will lose what makes us most truly who we are. This self is our *personal* self—not *personal* in the Kantian sense of having standing in a court of law as a bearer of rights, but *personal* in the sense of a *personal* touch or *personality*. In creating the moral world by acting as if we are members of a possible kingdom of ends (a creation *ex nihilo*, since we are not guided by a pre-existing good nor tied to our existing potentialities), we are acting *impersonally*. Kant is asserting that at the very core of our being exists an *impersonal space*. It is this space that Kant seeks to preserve, because he sees it as the guarantee for whatever dignity we have. As he says in the *Groundwork of The Metaphysics of Morals*:

There is a sublimity and dignity in the person who fulfills all his duties. For there is indeed no sublimity in him insofar as he is subject to the moral law, but there is insofar as he is at the same time lawgiving with respect to

it and only for that reason subordinated to it.²¹

Our dignity demands that happiness is not a blessing to be bestowed on us by a higher power as a reward for obedience or service; rather, it is a right belonging to reason, and it ought to be distributed in proportion to the worthiness of being happy.

If we insist that a *personal* self lies at our core as the foundation for our dignity, we abandon the possibility of being a lawgiver in a possible kingdom of ends; in effect, we abandon reason. If we replace Kant’s pure reason with a reason that is socially and historically mediated, we relinquish the possibility that reason can access the space of freedom. For Kant, it is this lawgiving self, a universal, necessary, and end-determining rational power, which is admittedly impersonal and uncanny, that is at the center of our being. This rational power, this pure practical reason, determines its own ends, and therefore it should be respected as an end-in-itself—that is, as a moral being. In Kant’s view, as expressed in the passage from the Introduction of the *Critique of Practical Reason* quoted earlier,²² pure practical reason allows us to attain a threefold end that other moral systems cannot match: the requirements of reason are satisfied by rational faith; the supremacy of our faculty of pure reason (which defines who we are) is preserved as practical; and our dignity remains intact—not as knowers of eternal truth, but as autonomous moral beings.

NOTES

1. Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (New York: St. Martin’s Press, 1929), 29 (Bxxix-xxx).
2. Dante, *Paradiso*, trans. Robert Hollander and Jean Hollander (New York: Anchor Books, 2007), 3.
3. Kant, *Critique of Pure Reason*, 482 (B592).
4. *Ibid.*, 482 (B591).
5. *Ibid.*, 629 (B823).

6. Ibid., 29 (Bxxix-xxx).
7. Ibid., 637-38 (B836).
8. Immanuel Kant, "Critique of Practical Reason" in *Practical Philosophy* (Cambridge: Cambridge University Press, 1996), 148-49.
9. Kant, "Critique of Practical Reason," in *Practical Philosophy*, 144n.
10. Ibid., 148.
11. David Hume, "An Enquiry Concerning the Principles of Morals," in *Moral Philosophy*, ed. Geoffrey Sayre-McCord (Indianapolis: Hackett Publishing, 2006), 274.
12. Kant, "Critique of Practical Reason," in *Practical Philosophy*, 148.
13. Ibid., 140.
14. Kant, "Groundwork of The Metaphysics of Morals," in *Practical Philosophy*, 107.
15. Kant, "Critique of Practical Reason," in *Practical Philosophy*, 141.
16. Maimonides, *Guide for the Perplexed*, Part II, Chapters XV-XIX.
17. Kant, "Critique of Practical Reason," in *Practical Philosophy*, 163.
18. Ibid., 170.
19. Immanuel Kant, *Religion Within the Limits of Reason Alone*, trans. Theodore M. Greene and Hoyt H. Hudson, ed. John Silber (New York: Harper and Row, 1960), 42-3.
20. Plato, *Republic* 614b-621d.
21. Kant, "Groundwork," in *Practical Philosophy*, 88.
22. See above, pp. 00-00 and note 8.

What Did You Learn?

Lise van Boxel

Congratulations on successfully completing the Master's Program in Liberal Arts.

Now that you have your M.A., it is a good time to reflect upon what you have learned and the reasons why you began the journey that led you to your degree. What knowledge have you acquired at St. John's College? Have you gained any *practical* skills here? Your employers or potential clients, your friends and your family will certainly ask such questions. What will you say to them? What do you say to yourself?

Before turning to a consideration of possible answers to such questions, consider briefly some of the presuppositions that often underlie them. Frequently, the real meaning of "What did you learn?" is, "In what way has this education contributed to your value as a worker or to your ability to earn a living?"

These questions are not ridiculous. Unless you are lucky enough to be independently wealthy or to have a patron, you have to think about how to support yourself. On the other hand, it is wrong-headed to think of education simply or primarily in these terms, as if employability and income were the highest, most important considerations for a human being.

Friedrich Nietzsche offers a vivid description of this impoverished and narrow understanding of education—an understanding that characterizes the modern era. In sum, he argues that an education that looks solely or primarily to the marketplace deforms the souls of its students because it is

ignorant of, or denies, the proper fullness and activity of the human soul:

[T]he present age is . . . supposed to be an age, not of whole, mature and harmonious personalities, but of labour of the greatest possible common utility. That means, however, that men have to be adjusted to the purposes of the age so as to be ready for employment as soon as possible: they must labour in the factories of the general good before they are mature, indeed *so that they shall not become mature*—for this would be a luxury which would deprive the ‘labour market’ of a great deal of its workforce. Some birds are blinded so that they may sing more beautifully; I do not think the men of today sing more beautifully than their grandfathers, but I know they have been blinded.¹

Nietzsche grants that the emphasis on science, and more specifically on science directed by the marketplace, will indeed produce economic success, at least in the short term. However, he adds that this kind of science is a desiccated version of the comprehensive understanding that is the proper goal of science or higher learning more generally—a goal that the modern world has largely abandoned:

I regret the need to make use of the of the slave-owner and the employer of labour to describe things that in themselves ought to be thought of as free of utility and raised above the necessities of life; but the words ‘factory’, ‘labour market’, ‘supply’, ‘making profitable’, and whatever auxiliary verbs egoism now employs, come unbidden to the lips when one wishes to describe the most recent generation of men of learning. Sterling mediocrity grows even more mediocre, science ever more profitable in the economic sense. . . . Those who unwearyingly repeat the modern call to battle and sacrifice—‘Division of labour! Fall in!’—must for once be told in round and plain terms: if you want to push science forward as quickly as possible you will succeed in destroying it as quickly as possible; just as a hen perishes if it is compelled to lay eggs too quickly.²

If Nietzsche’s account of the trend in modern education aptly describes the kind of education you did *not* receive and to which, I think, St. John’s is opposed, how might you describe what you *did* learn here?

While denouncing an overly narrow view of education, Nietzsche alludes to the effect of a *complete* education: it would create “whole, mature and harmonious personalities.” Neither you nor I can honestly claim that you acquired a complete and harmonious soul as a result of several years of education at St. John’s. This is not to say that I reject the idea that the truly authoritative education aims at, and can produce, a harmonious soul. Rather, I think this education is the ongoing activity of a lifetime. Nonetheless, I *do* believe that the liberal education you received here can contribute greatly to the attainment of this goal. However, I will put aside these ideas for the moment, and I will turn instead to a more modest articulation of what a liberal education is and what skills may be acquired as a result of it.

To do so, I will replace Nietzsche’s high-flying, though accurate, description of a *complete* education with Aristotle’s sensible, though still ambitious, account of a *liberal* education. In distinguishing a specialist from someone who, like you, has been generally educated, he says:

With regard to every [kind of] contemplation and inquiry, both lowlier and more esteemed alike, there appear to be two ways of being skilled, one of which it is well to call the science of the thing, and the other as it were a kind of education. For it is characteristic of an educated man to be able to hit the mark and judge appropriately what the speaker sets forth finely and what he doesn’t. For something like this is in fact what we suppose the generally educated man to be, and that to be educated is to be capable of doing this very thing—except that we believe that this one, the generally educated man, is able to judge about virtually all things, though being one man, but that the other one is able to judge [only] about some limited nature.³

I do not recommend launching yourself into this quotation when asked what practical skills you acquired at St. John's College, though if you decide to do so, take a deep breath, and deliver it with panache. You can, however, capture the essence of what Aristotle says in your own words.

In *my* own words, I say that, as a result of your liberal education, you are better able to judge when an argument or account is adequate and when it is not. When it is inadequate, you are more capable of seeing how it is deficient and what would need to be addressed to alleviate this shortcoming. Such judgment can be brought to bear on any argument, regardless of the field. If the argument includes technical language, all you need is the time to look up the definitions of these words before you are able to proceed as you would with any other account. At bottom, such an argument is no different from any other.

To Aristotle's description, I would add that, as a result of your education, you are now better able to admit when you do not know something, and to do so without embarrassment. Do not underestimate the value of this intellectual honesty. It will help you to continue to learn. In addition, it will be greatly appreciated by other people, most of whom are anxious about their own ignorance, but are afraid to admit that they do not know. It can be a tremendous relief to encounter someone who can say without shame that he does not know, but that he wants to learn.

This training in judgment—in clear thinking—is an essential part of a liberal education. And it can indeed help you to advance your career. I advise you, therefore, to consider how you can describe this skill to others so that you can represent it with the full strength that it deserves and in a manner that is readily apparent to others. If you do this, you will be well equipped to respond to those who want to know how you can apply what you learned to the workplace.

This account of your education, however, is neither complete nor does it capture the most important element of

education. Aristotle would say that, in order *truly* to judge well, one must have a satisfactory understanding of the ultimate end at which one aims. It is not enough to have an idea of the *proximate* goal that one seeks to fulfill. One must have adequate knowledge of whether and how this *proximate* goal accords with the *highest and most comprehensive goal* at which human beings can and should aim. Without a sufficient account of this authoritative, supreme good—the Good—no judgment is adequate, strictly speaking, and consequently one cannot truly be said to know. Thus, any education can and must be considered in terms of whether and how it can contribute to the Good. Regarding questions about whether your education here was practical, therefore, the real issue is not whether this education will contribute to your employment opportunities, but whether it contributes to your knowledge of the Good. And the real question about your job is not whether your education has made you suitable for it, but whether it can contribute to your ability to lead a good life.

No, I will not let go of the highest account of education to which Nietzsche alludes and which, I dare say, all great thinkers share. Moreover, I expect that you empathize with me in my refusal to forgo these highest goals.

While some of you came to St. John's partly in order to advance your career, I doubt that any of you came here primarily for this reason. You came because you had questions—questions that perhaps you could not quite articulate, even to yourself, but that you could not put aside. As you made your way through the works of our Program, I suspect many of you began to recognize your questions reflected back to you in the Great Books: "What is justice?" "What is love or friendship?" "What kind of beings are we, and what is our place in this world?"

Many and perhaps all of these questions arise from a common origin: the yearning to have a good life, combined with the realization that you do not know clearly enough what this is. I suspect, in other words, that the fundamental reason

why you came here was because you thought this education might help you to understand the Good.

Since our human life is limited, and since the clock is already ticking on the time that we have, this question of the Good is urgent. No one wants to realize at the end of his life that he misused or wasted his time. And since none of us know how much time we have, it is foolish for any of us to postpone the question of the Good indefinitely.

Such talk of mortality and the Good sounds very serious. Well, what did you expect? Has anything valuable that you have read or discussed here been unserious? Thankfully, seriousness does not have to be grave. You need only recall the company you have kept as you have pursued your questions, and you will feel, not weighted down, but elevated by the astounding souls who have walked alongside you.

Here is Plato, on the same journey as you, speaking with a voice as nuanced and relevant as it was some 2,400 years ago. With a touch of mischief, he doubles himself, adopting the voice of Socrates, who recollects taking this same path, just a day earlier: "I went down to the Piraeus yesterday with Glaucon, son of Ariston."⁴

Another man introduces himself with the words: "Thucydides, an Athenian, wrote the history of the war between the Peloponnesians and the Athenians, beginning at the moment that it broke out, and believing that it would be a great war."⁵ He hands you his book, which contains his thoughts about your shared questions, saying as he does so: "I have written my work, not as an essay which is to win the applause of the moment, but as a possession for all time."⁶

Homer turns his blind eyes upon you and points to Achilles and Odysseus, each of whom tackles the questions of the good life and what it means to be a good human being. Shakespeare speaks to you with a profundity that is surely expressed in some of the most beautiful language ever heard. Nietzsche reaffirms life with a cry from his electric soul: "We still feel it, the whole need of the spirit and the whole tension of its bow."⁷

These souls are among the best students and teachers ever to have lived. Their greatness consists largely in the fact that they investigated the most serious eternal questions with unmatched comprehensiveness and depth. What have you learned from them about the Good?

If you have learned anything, it is that, when speaking to one who does not already know the answer, you cannot respond meaningfully to this question in a single sentence or two. You might say, for example, that they taught you that the good life is the philosophic life or the life devoted to the Divine, but then you would have to explain what philosophy or the Divine is and what it would mean to dedicate your life to such things.

While there are answers to these questions, each answer leads to a new question—and this is not the occasion for a long conversation. It *is* the occasion, however, to remind you that all of these great students and teachers spent their lives engaged with such questions. Inquiry is thereby shown to be central to, if not the essence of, a good human life. Furthermore—and this is worth emphasizing, since you have now exited the Master's Program—these students were able to learn from virtually everything and everyone, if not directly, then indirectly. Life after your M.A. may not be as leisurely as it was when you were a student, but you can and will find opportunities to learn, if only you come to embrace *life itself* as a learning opportunity.

I hope and expect that something of this way of life has become a part of you and that, if you look around now at the faces of your fellow students, you will see in their eyes something of the souls of those great human beings who are your models.

Continue to be thoughtful. Be open-minded. Retain the flexibility of soul that is necessary for continued learning. In sum, keep the goal of a good life always before you. Use the Good as your North Star to guide every significant action and decision you make. Doing this will not guarantee that you

always make the right decision, but it will mean that you will have done the best that you could do, and that, whatever contingencies you may face, you will have led the best life that is possible for you.

Let me conclude with one of Plato's favorite valedictions: "Have success in action, and do what is good."⁸

NOTES

1. Friedrich Nietzsche, "On the Uses and Disadvantages of History for Life," in *Untimely Meditations*, ed. Daniel Breazeale (Cambridge: Cambridge University Press, 1997), 97-98.
2. *Ibid.*, 99.
3. Aristotle, *On the Parts of Animals*, 639a2-15, trans. David Bolotin.
4. Plato, *Republic*, trans. Allen Bloom, 2nd ed., (New York: Basic Books, 1991), 3.
5. Thucydides, *History of the Peloponnesian War*, in *The Landmark Thucydides*, ed. Robert B. Strassler (New York: Free Press, 2008), 3.
6. *Ibid.*, 16.
7. Friedrich Nietzsche, *Beyond Good and Evil*, trans. Walter Kauffmann (New York: Vintage, 1989), 3.
8. Plato, *Republic*, 303 and 472.



To the New Recruits

Elliott Zuckerman

From now on I'll refer to you as waiters,
even those whose ears do not resemble
the picture in the magazine.

You will be issued the standard bill of fare
including a list of all the famous sauces
and all the substitutions we allow.

You'll wear the studded cuff
the collar and the pied cravat
and those who can will wear the earrings
that fascinate the men who dine here,
whether they arrive by pre-arrangement
or enter dazed directly from the street.

I ask you not to fall in love.
When two of you collide, just smile,
stand up again and go about your business.
The moppers will come running.
Ignore the murmuring of the clients who
deplore the loss of sequence in the dance.

After a month or two you'll get the steps
and grow to like the music.
Then we can film the service.
We'll play it back at half the pace of life
And next we'll show it speeded up.
The comic rondo will delight us all.

DELPHIC EXAMINATIONS

David Leibowitz, *The Ironic Defense of Socrates: Plato's Apology*. Cambridge: Cambridge University Press, 2010. 204 pages, \$80.

Book Review by David Bolotin

David Leibowitz's book on Plato's *Apology of Socrates* is in the first place a thorough and penetrating interpretation of the dialogue. It also claims, however, and attempts to show, that the *Apology* is the key to the entire Platonic corpus, and to this end it includes thoughtful interpretations of various aspects of other dialogues. Yet the book's ultimate ambition goes much further even than this. For its chief aim is to show, in Leibowitz's words, "that Plato's Socrates is not just a colorful and quirky figure from the distant past, but an unrivaled guide to the good life—the thoughtful life—who is as relevant today as he was in ancient Athens" (1).^{*} Thus, Leibowitz combines his interpretations with arguments for the truth of the Socratic positions that he has brought to light. The book even includes arguments in Leibowitz's own name that reply to objections a reader might make to Socratic views. Now it is likely to be younger readers who are most open to the question of whether Plato's Socrates is an unrivaled guide to the good life, and thus the book's primary audience is not other scholars but these younger readers. But Leibowitz asks of his readers that they follow him in his scholarly, and even more than scholarly, attention to the details of Plato's text (24-25). And his reason for doing so is indicated in his book's title. Socrates was ready and even wanted, on Leibowitz's

^{*} Numbers in parentheses refer to pages in *The Ironic Defense of Socrates: Plato's Apology*.

view, to be convicted at his trial and executed, out of a wish to promote the cause of philosophy by becoming a martyr for it. But this wish required him to explain to potential philosophers what philosophy is while concealing from the other citizens—even as he was courting death—those aspects of it that, as he thought, could never become publicly acceptable (59-60, 154-160). And in order to achieve all this in a single address, Socrates had to speak ironically, a term that Leibowitz well explains to mean speaking “in a ‘double’ fashion so as to be understood differently by different listeners” (18). But this implies that Socrates’ deepest thoughts could be revealed only in hints, whose intended meaning could come to light only through careful attention to his words. We who have the good fortune to be able to study these words as Plato presented them must therefore pay great attention to subtle details of Plato’s text. Leibowitz himself has surely done this, and though his account of the philosophic life and his argument for its being the good life are ultimately stated with great directness, he develops them in stages, following Socrates’ own guidance, through an almost line-by-line reading of the *Apology*.

It would be too large a task for me to comment on Leibowitz’s work in its entirety. So I shall limit myself instead to what he himself presents as the core of his account, his interpretation of Socrates’ story of the Delphic oracle. According to Leibowitz, this story is a fiction, whose purpose is to call attention, as inoffensively as possible, to the central theoretical crisis in Socrates’ life. As we know from the *Phaedo* and from Aristophanes’ *Clouds*, Socrates in his youth was a student of natural philosophy. But the *Phaedo* also teaches us that Socrates’ study of nature led him to an impasse, since he realized that he could not be certain of the causes, i.e., the necessary causes, why things come into being, are as they are, and perish. Recognizing the limits of his knowledge of nature, Socrates also came to recognize that he could not even be certain that there *is* nature, which he understood as a necessity that limits what a being or class of beings can do or suffer. The implications of this awareness of ignorance were made more acute by his recognition that many

people at least implicitly deny that there is nature, since they believe in gods with unlimited power to intervene in the world. Moreover, at least some of these believers claim to have had evidence of there being such gods from their own experience of them. Thus, Socrates had to admit that, for all he knew, the study of “nature” was a pseudo-science based on a false premise, and also a turning away from the deepest human evidence of truth. According to Leibowitz, it was this crisis resulting from Socrates’ youthful pursuit of natural philosophy that led him to the cross-examinations that he pretended to undertake at the instigation of the Delphic oracle. In keeping with this suggestion, Leibowitz presents these examinations primarily as attempts by Socrates to learn that his interlocutors lacked the evidence of omnipotent gods that they thought they possessed—or in other words, that what they had thought of as evidence was illusory. For if he could know this about his interlocutors, then even though he lacked certainty that natural necessities are at the root of things, he could at least know that he knew no one else with a firmer hypothesis (63-69). Leibowitz also argues that there was a second reason for Socrates’ “Delphic” examinations, even on the assumption that he could successfully refute his interlocutors’ claims to superhuman wisdom. For he says that Socrates came to doubt, even on the assumption that there is no such wisdom, whether the life of philosophy is the best or happiest life, and he interprets the cross-examinations as having the subordinate aim of confirming that it is (72-73).

In discussing Leibowitz’s interpretation of Socrates’ “Delphic” activity, I will stress what I see as difficulties with his account rather than its merits. This is not because I am blind to these merits—which seem to me to be quite considerable—or that I disagree with Leibowitz about what is primarily at stake in Socrates’ examinations—which I do not. But since I believe that he does not give an adequate account of this central aspect of Socrates’ life, I feel compelled to say why.

Let me begin with the second of the two reasons that Leibowitz gives for Socrates’ Delphic examinations, since it is the one

he focuses on first in his own elaboration. To repeat, Leibowitz claims that Socrates had to examine the various classes of non-philosophers in order “to confirm that the life of philosophy or science, or to speak more cautiously, the life based on human wisdom, is the best or happiest life if indeed there is no ‘super-human wisdom’ to guide us” (72). And the first thing I would say about this suggestion is that I can see little if any evidence for it in Plato’s text. The only time that Socrates even mentions the question of whether his life is preferable to those of his interlocutors, as distinct from the question of whether he is wiser than they—though even here it is not simply distinct from it—is in the context of his examination of the craftsmen. And the reason he asks it seems to be that he had to grant to the craftsmen a superiority of sorts in wisdom, since they were wise in their crafts, even though, like his other interlocutors, they turned out to suppose falsely that they were wise with regard to the greatest things. For that reason he asked himself whether he would prefer to be as he was, neither wise in their wisdom nor ignorant in their ignorance, or to be as they were; and he replied that it was better for him to be as he was. But apart from this, Socrates’ account of his examinations deals only with the question of whether he was wiser than his interlocutors. It is true, of course, that he will later claim that his own way of life is “the greatest good” (or, perhaps more precisely, “a very great good”) for a human being, and that “the unexamined life is not livable for a human being” (*Apology of Socrates* 38a1-7). But he never suggests that these conclusions relied on any fruits of his examinations other than the knowledge he gained of his interlocutors’ inferiority in wisdom.

Further difficulties with this suggestion of Leibowitz’s emerge when we consider his discussion of it in more detail. Leibowitz stresses, and rightly, that after coming to the conclusion that the first political man he examined was not wise, Socrates “did not leave it at that. Instead, he tried to show him both that he thought he was wise and that he was not. . . . In short, Socrates exposed him as a fraud” (75). Not surprisingly, this caused Socrates to be hated, both by the politician and by many

of the bystanders, and Leibowitz asks what Socrates’ reason could have been for “the seeming malice of his procedure. Why did he rub the man’s nose in his foolishness” (75)? Dismissing what I agree is the implausible suggestion that Socrates hoped to steer the politician toward philosophy, Leibowitz proposes an answer to his question in terms of Socrates’ eagerness to establish—even assuming “that he is already confident that no superhuman wisdom (divine guidance) exists”—that “philosophy is the best way of life for any human being capable of living it” (77-78). And he suggests that Socrates hoped to confirm this belief by prompting his interlocutors, once they saw that they lacked wisdom about the noble and good, about which he questioned them, to acknowledge that their lives appeared “fundamentally defective or unsatisfying” (78). In other words, Socrates confirms that philosophy is the best way of life by showing that everyone can in principle be brought to agree with him that their alternative ways of life are unsatisfying. Ultimately, then, there is no dispute, since the philosopher is the only one whose belief in the goodness of his life can be maintained in the face of scrutiny. According to Leibowitz, Socrates’ interlocutor will come to feel dissatisfied with his life because the beliefs that Socrates shows to be false or inconsistent are central to his way of life. But how will Socrates’ interlocutor reveal his dissatisfaction with his life? Leibowitz says that he will do so by “getting angry at Socrates. . . , blaming him for his distress, perhaps even coming to hate him” (79). This anger and hatred will reveal the pain he feels once he sees not only that Socrates’ refutation is sound, but also that it destroys a prop on which his satisfaction with life has depended. And accordingly, “anger and possibly even hatred are part of the confirmation that Socrates seeks, not unintended, or altogether unintended, byproducts of his examinations. In many cases, they may be the only confirmation available” (79).

But as I said, there are difficulties with this account. In the first place, it assumes that Socrates is successful in showing his interlocutors that they are unwise, or that their fundamental beliefs are false. But Socrates says explicitly, in the only case

where he describes at length this aspect of his examinations, that his (first) interlocutor did not see this, but that in Socrates' view he continued to suppose that he was wise (*Apology of Socrates* 21d4-5). According to Leibowitz, however, this continuance of his false belief, and therefore also his continuing sense of satisfaction with his life, was the result of "powerful defenses," which allow people to "bury this awareness [viz., that their lives are unsatisfactory] by the next day or even the next minute" (79-80). "But this changes nothing," he continues. "For in their one moment of clarity, they themselves have judged their lives to be defective" (80). Socrates' first interlocutor has revealed this judgment by his anger, or more precisely, "the disturbing insight that leads to his anger is clouded by or in the anger itself," so that Socrates' attempt to show him that he was not wise "both did and did not succeed" and "its success was partial and unenduring" (80-81). This is how Leibowitz can square his account with Socrates' unambiguous statement that he thought he had *not* succeeded in his attempt to show this interlocutor that he was not wise.

But in fact Leibowitz's suggestion is unsupported by the text of the *Apology*. On the basis of the dialogue, it makes more sense to say that Socrates' interlocutors, or at least those among them who became angry at him, never stopped believing that they knew what the noble and good (or virtue) was, even when their assertions about it were refuted. They may have recognized that they were unable to give an adequate account of it in the face of Socrates' questions, but this meant only in their view that they were unable to give adequate expression to what they knew (cf. *Meno* 79e7-80b4; *Laches* 194a7-b4, 200b2-4). And so their anger at Socrates must not have stemmed from the pain of becoming aware of their ignorance, and thus dissatisfied with their lives, but rather from the more common pain of being insulted (cf. *Meno* 94e3-95a3). Indeed, an additional difficulty with Leibowitz's suggestion is that an interlocutor's anger could never reveal clearly that its source was anything other than this more obvious one. Leibowitz acknowledges the difficulty of interpreting an

interlocutor's anger, but he dismisses it on inadequate grounds, with a mere assertion that in practice it "may not be very difficult" to distinguish the anger that he says Socrates is looking for from other kinds (79).¹

But if Socrates' attempt to make his (older) interlocutors aware of their ignorance was not aimed at eliciting the kind of anger and hatred that Leibowitz suggests it was, what was its purpose? I am not certain of the ultimate answer to this question, but the most plausible beginning point is that Socrates must have wanted to confirm what he in fact discovered, that he would be unable to show them their ignorance of virtue, or in other words that their confusion about it was ineradicably deep-seated or that they had a stake in holding on to this confusion. This discovery must have been important enough to Socrates that he was willing to incur the anger and hatred that he knew he would arouse in the course of coming to it. But he was not looking for the anger itself.

Leibowitz has given a surprising amount of weight to what he regards as Socrates' attempt to discover through conversation that his interlocutors, in addition to being his inferiors in wisdom, lived less satisfying lives than his own. His Socrates does not assume that his discovery of their lack of wisdom, or their confusion about virtue, is sufficient to confirm the superiority of his life to theirs. They themselves must be made to see, if only partially and only for a moment, that their lives are unsatisfying. Leibowitz argues for the significance of such a moment by reminding his readers that we human beings want more than illusory happiness, such as the "happiness" of a deceived cuckold, but a contentment rooted in truth (82-84). But what if it turned out that some human beings *were* satisfied with illusory happiness, or that their contentment with their lives was not affected, even for a moment, by the discovery that they were based on falsehood? How could this imagined state of affairs have been of any concern to a man like Socrates? Would it have made him doubt the superiority of his life to theirs? Hardly. And more generally, in order to be convinced of the choiceworthiness of the philosophic life, Socrates did not need to burst other people's bubbles.

Leibowitz's belief that Socrates deliberately sought to provoke anger and even hatred in his interlocutors has an unfortunate bearing, it seems to me, on the tone of his own writing. For too often he expresses his unavoidably challenging views with unnecessary and un-Socratic harshness, a harshness that could well provoke anger and hatred, especially in older readers. I have already cited his claim that Socrates exposed the first of his examinees "as a fraud," and that he rubbed his nose "in his foolishness." Along the same lines, he claims later in the book that those refuted by Socrates' youthful imitators—their fathers, or at least men of their fathers' generation—act "as if Socrates were to blame for their own stupidity." And he adds that when they are asked how Socrates corrupts the youth, as they accuse him of doing, they are "of course not about to reply, 'by teaching the young to expose men like me for the fools and frauds we really are!'" (105). Such language on Leibowitz's part seems to me to show a failure to appreciate the respect—even intellectual respect—that Socrates, like any sane man, would naturally feel for at least some of those who turn out to be confused about the questions he raises. Another example of Leibowitz's harshness is his suggestion that "ordinary decency" (which he here distinguishes from the "deeper and more solid decency" of the philosopher) is "perhaps the chief enemy" of philosophy (109). Or consider his claim that Socrates is confident, even before conversing with his typical interlocutor, that "his moral beliefs are *always* false. . . , in the first place because they are sure to presume the existence of 'high' things. . . , yet Socrates knows through his own reflection that highness in the relevant sense is literally inconceivable" (96). A footnote makes clear that by "highness in the relevant sense" Leibowitz means "intrinsic worth or goodness" (97). And later in this footnote he adds, "Given the unintelligibility of the notion [viz., of intrinsic worth or goodness], it is a cause for wonder, then, that belief in high things has such extraordinary vitality in people's lives" (97). Now in company with Kant, as well as most ordinary people, I disagree with Leibowitz's assertion that intrinsic worth or goodness is an

unintelligible notion (whether or not it is as fundamental a concern for us as Kant thinks it is). But even apart from this, why does Leibowitz choose to assign the word "high"—even if slightly qualified at first—to a notion that he rejects as unintelligible? Later in this footnote he admits, "[T]o deny that there are high things is not, of course, to deny that there are admirable or beautiful ones" (97). But this admission rings hollow in the wake of his initial rejection of the very notion of highness. And readers of what he calls ordinary decency, who are likely to be deeply attached to the notion of highness, whether or not they understand it adequately, are therefore also likely to feel anger and hatred toward a way of life that is said to reject it out of hand. Under less liberal conditions than those which prevail now in the West, such feelings could lead to a renewal of the persecution of philosophy. Even now, they are likely to stand in the way of Leibowitz's attempt to guide the most promising young people toward the philosophic life (cf. 174). And I fear that Leibowitz's apparent indifference to these concerns—in practice, if not in principle (cf. 59-60)—is at least partly rooted in his view of Socrates as a man who deliberately sought to provoke anger and hatred.

But let me turn now to the primary reason that Leibowitz gives for Socrates' Delphic examinations, namely, his concern to meet the theoretical challenge to philosophy posed by those who claim to have evidence of an omnipotent god or gods. For, to repeat, this claim directly calls into question the presupposition of philosophy that there are natural or necessary limits to all possible change. Now it is not immediately apparent, to say the least, to the reader of Plato that Socrates' Delphic examinations had this anti-theological motive. But Leibowitz's excellent interpretation of many large and small details of the *Apology* (and of other dialogues) might well convince even a reader who, unlike me, was not already persuaded of it that this view was sound. However, Leibowitz's account of the precise manner in which Socrates' refutations aim to meet this challenge to philosophy seems to me to be problematic, both in itself and in terms of the textual evidence that he claims for it. According to Leibowitz,

Socrates thought that his Delphic conversations, which were primarily about virtue, “are somehow the key to answering the question of whether or not there are gods, and hence whether or not philosophy in the full sense is possible” (71). More precisely, I would say, and in keeping with the bulk of Leibowitz’s argument (e.g., 67-68, 72), Socrates thought that they were somehow the key to answering the question of whether or not human beings have genuine *evidence* of there being gods. In Leibowitz’s view, Socrates suspected that the belief that one has experienced the presence of a god, a belief whose soundness—or, as I would say, the alleged evidence for which—he could not dispute directly, “rests on *other* false beliefs” (88), about virtue or morality, whose falsity he thought he could show. Accordingly, his refutations are intended to lead his pious interlocutors, once they have seen the falsity of their own beliefs about virtue, to come to understand, if only for a moment, that what they previously may have interpreted as experience of the supernatural was no such thing. Leibowitz suggests that these interlocutors would perhaps reveal their loss of faith in what they had taken to be their experience of a god “by getting angry,” and he adds that “their reaction to what he showed them must have been a crucial part of his confirmation of the possibility of philosophy” (88, cf. 96).

I have the same doubts about this last suggestion as I do about Leibowitz’s earlier suggestion that Socrates intended to provoke in his interlocutors a momentary awareness of ignorance about virtue and an angry response to it. But leaving this aside, let us see how he supports his more fundamental claim—that according to Socrates, belief that one has experienced the presence of a god rests on one’s beliefs about virtue or morality. He leads up to this suggestion through his account of Socrates’ examinations of the poets, which he begins by quoting from Socrates’ own report of these examinations. What Socrates says, in Leibowitz’s translation, is that he “soon came to know . . . that the poets do not make what they make by wisdom, but by some sort of nature and by divine inspiration, like the prophets and those who deliver oracles. For they too say many noble things, but they know

nothing of what they speak. And it was evident to me that the poets also are affected in the same sort of way (22b8-c4)” (86). According to Leibowitz, this passage means more than what it says clearly, which is that the poets, like the prophets and those who deliver oracles, do not speak as they do by wisdom or with knowledge of what they are speaking about. Leibowitz thinks it also means that these three classes are all “consciously or unconsciously . . . makers [not merely of poems and other verses, but] of gods and of reports of seeming evidence of gods,” and that they make these gods and these reports about gods by nature and not by divine inspiration (87-88). Now I do not accept this interpretation of the text or the argument leading up to it, but rather than going into tedious and I think unnecessary detail, let me say only what seems to me most important: by presenting Socrates as denying that his interlocutors were divinely inspired—though Socrates explicitly asserts that they were, whether or not he meant it literally (cf. *Philebus* 15e1)—Leibowitz weakens the focus of Socrates’ concern, which was not to learn what cannot be learned, namely, that there are no gods and no divine inspiration, but rather to learn that the poets and the others do not possess knowledge of what they speak about (which would of course include the gods). But to continue with Leibowitz’s account, he goes on to ask, “How has Socrates confirmed . . . that all three classes make what they make by nature and not by wisdom or divine inspiration? How has he to this extent settled the question of the gods? He explains briefly with the words, ‘for (*γάρ*) they too’—the prophets and those who deliver oracles as well as the poets—‘say many noble things’—he does not say true things—of which they know nothing. In other words, he implies that the belief that one has been inspired by a god rests on *other* false beliefs about the noble” (88). But these words of Socrates, which are presented by Leibowitz as an answer to *his* question of how Socrates has settled the question of the gods (to the extent at least of ruling out that poets or prophets are divinely inspired), are clearly intended rather by Socrates to explain why he has just likened the prophets and those who deliver oracles to the poets. And from all that I can

see, Socrates is not concerned here to settle the question of the gods, except to the extent that his interlocutors' claim to knowledge of them can be successfully challenged through the discovery that they say the many beautiful things they do—primarily, as I agree, about virtue and about the noble, rather than the gods (cf. *Republic* 598d7-e4, 599c6-e1, 600e5-6; *Ion* 531c2-d2)—without knowledge of what they are speaking about.

But precisely *how* could the discovery of such ignorance on the part of his interlocutors help Socrates make any progress at all with respect to his question about the gods? Leibowitz addresses this question directly in a section of his book entitled "Socrates' Approach to the Theological Problem" (92). He contends that Socrates tries to show his interlocutors, or at least those among them who claim to have had "vivid and detailed experience of a god," that "the moral content of their experience—the divine command, let us say—is incompatible with the moral perfection . . . that they demand, perhaps without knowing it, of god" (93). "Consciously or unconsciously," as Leibowitz elaborates a bit later, "the believer raises the claim that god's commandments and actions are just, and this claim can be examined" (94). And, returning to the original passage, "In the most successful cases the interlocutors then come to doubt, at least for a time, that their experience was genuinely divine" (93). This would of course corroborate Socrates' own suspicion. Leibowitz illustrates the possibility of such conversations by referring to Socrates' refutation of the definition of justice that he attributes to Cephalus at the beginning of the *Republic*. In Leibowitz's view, Cephalus' belief that it is a requirement of justice always to return what one has taken—to the extent, at least, that this really was his belief—seems to have its origin, or to find support, in dreams in which a Zeus-like figure commanded him to pay all his debts or be tormented forever. On this view, and assuming that Cephalus really held this belief about justice, Socrates would have hoped to confirm that Cephalus would not respond to a reasonable critique of this belief by objecting that a god's commands must be obeyed

whether or not they are just or seem just to our human reason, but would instead come to doubt that his dreams were really divine.

This account, however, of Socrates' approach to the theological problem suffers in the first place from a lack of textual evidence. Leibowitz's premise that Socrates' interlocutors thought of morality or virtue as consisting in obedience to divinely revealed commands seems to me to find no support, except in the *Euthyphro*, where the virtue in question is piety (cf. Leo Strauss, *Xenophon's Socratic Discourse*, 134-35). The only other instance I can think of where interlocutors in a Platonic dialogue speak of virtue as obedience to divine commands, and where their beliefs about what the gods have commanded are transformed in the wake of a rational critique of their opinions about virtue, is in the *Laws*. But in the *Laws*, the philosophic character is not Socrates, but an Athenian stranger. And though this stranger does indeed seem to be a kind of fictional "Socrates" (who chose to flee Athens rather than accept death at the hands of the city), his intention is not to provide a theoretical defense of the possibility of philosophy, but rather to help frame a code of laws for a newly founded city in Crete in which philosophy would, to the extent possible, have legal sanction. Now it is true, as these two instances suggest, that Leibowitz's account does indeed capture a genuine aspect of Socratic thought. But I see no evidence that it gives an adequate picture of what Socrates hoped to learn about the gods, or about our knowledge of them, from his Delphic examinations.

Moreover, there is at least one substantive difficulty with Leibowitz's account, a difficulty that he raises himself, namely, that it deals only with those interlocutors who believe that the gods are just, and not with anyone who believes that they are "unjust or unconcerned with justice" (95). Now for Leibowitz to state the objection in this way is perhaps unfair to his own argument, since he has just said that in Socrates' view the believer "consciously or unconsciously" (94) claims that god's commandments and actions are just, and he has argued that Socrates confirmed this view by seeing his interlocutors' response to his

refutations. But at all events, Leibowitz goes on to downplay the significance of this objection by claiming, as he suspects that Socrates discovered, that the belief in gods who are unjust or unconcerned with justice is both rare and “almost never supported—at least among believers who are even modestly educated and sane—by the experience of revelation, that is, by seeming evidence that natural philosophy cannot assess” (95). Still, he acknowledges that “Socrates’ approach to the theological problem cannot tie up every loose end,” and that “the possibility of revelation from an amoral, willful, or radically mysterious god cannot be ruled out” (95). But this last is a very serious admission. For whatever may be the case about belief in gods who are unjust or unconcerned with justice, the belief in a god who is radically mysterious—in his actions, and even in his commands—has been held by thoughtful people throughout the centuries (cf. Maimonides, *Guide of the Perplexed*, III 25-26). For Socrates to leave unchallenged, then, the alleged evidence of those who claim to have had experience of such a god would be to fail to respond to a most serious objection to the possibility of philosophy.²

But let me turn to Leibowitz’s most important reason for focusing only on believers who believe in (intelligibly) just gods, a reason that comes to light in what is also his most important discussion of the confusion about morality that he thinks these refutations disclose. Leibowitz claims that Socrates thought of morality or virtue as something that people regard as the source of happiness, not by constituting happiness itself, but by promising it as a deserved reward. But since virtue itself, as the argument continues, does not deliver this reward, it can have the power that people think it has only if there are gods who do deliver it. “Virtue, one can perhaps say, is a claim on the attention and concern of just gods” (177). Leibowitz goes on to argue that Socrates rejected the belief in just gods on several grounds, but chiefly because the concern for virtue that it presupposes (and to which it also gives support) rests, as he claims that Socrates thought, on a confused and even contradictory view of our own motivation. Leibowitz presents what he sees as this contradiction

in the following way. He begins by observing that “virtue, seen in the first place as noble, inspires devotion” (178). But then he says that “devotion would seem to be harmful, if only because it distracts us from the pursuit of our own good” (178). And since, as he reminds us that Socrates claimed, no one voluntarily (or knowingly) harms himself, he asks how voluntary devotion is possible. His proposed answer to this question is that devotion to virtue gives us hope that we will obtain—because we deserve to obtain—a greater good than anything we might give up as a result of such devotion. It is, then, as he says that Socrates suggests, “the expectation, perhaps only half-conscious, of benefit to oneself that makes devotion possible” (179). But this line of reasoning, Leibowitz continues, which would seem to establish the possibility of voluntary devotion, “suggests instead the impossibility of *all* devotion. For if benefit to oneself—as Socrates implies—is our ultimate consideration, no true devotion is possible, for devotion embraced as a benefit is not true devotion” (179). And “if men are never truly devoted, they never meet the condition of deserving rewards as they understand that condition” (179). However, most of us never face up to this truth about our motivation, and it is through this failure that we can preserve the hopes that our attachment to virtue inspires. Accordingly, Leibowitz concludes, our attachment to virtue, or at least the kind of virtue that arouses hope in rewards from the gods, is rooted in the contradictory thought that what we most care for is both the noble and our own happiness.

This is a powerfully stated argument, as it seems to me, and I am sympathetic to it, having even tentatively proposed something similar to it in print myself. But Leibowitz proposes his argument without tentativeness, and I must therefore say that in my view he has failed to make his case. I will leave aside the difficulty that his description of the believer as someone who thinks he deserves divine rewards shows a surprising insensitivity to the fact that at least the most thoughtful believers regard themselves as unworthy to receive the blessings they hope for. For even apart from this, the argument fails to show that the believer has contradictory

thoughts about what he most cares for. A believer will readily grant to Leibowitz that he cares very much about his own good or his own happiness, which he hopes for both in this world and the next. But he would deny that this is what he loves or cares for most (cf. Thomas Aquinas, *Summa Theologica* II-II, qu.26, a.3). He might fear that, because of his weakness, a loss of hope for his own happiness could undermine his attachment to virtue, but he would not believe that it would necessarily do so, and he might even be thankful never to have experienced or yielded to such loss of hope. And Leibowitz's argument, it seems to me, has done nothing to show that the believer's view of himself is wrong. The most he has done is to attribute to Socrates the claim that we care mostly for our own good. But I don't see his evidence even for this assertion. What he apparently relies on is Socrates' exhortation to virtue, "Not from money comes virtue, but from virtue comes money and all of the other good things for human beings (30a-b)." Leibowitz interprets this exhortation to mean that "men should care above all for virtue, and for virtue for the sake of the good things it brings. Men should and should *not* care above all for virtue" (178). It is the latter of these conflicting claims that he thinks Socrates means seriously. But Socrates' statement that all good things come from virtue does not say, as Leibowitz says it does, that men should care for virtue *for the sake of* the good things it brings, and surely not for the sake of these good things above all. Socrates knew, of course, that the many among his listeners might take him to be saying this. But that he made it easy for them to do so means only that he understood them well enough to know that he could not reach them with a higher appeal. Leibowitz has therefore not shown that our own good is our ultimate concern even according to Socrates. And so he has also not shown, and not even shown that it was Socrates' view, that a believer's hope for divine rewards rests on self-contradictory thoughts about what he cares for most.³ And this means, finally, that he has neither undermined nor shown that Socrates thought he had undermined the basis for this hope on the part of the believer.

It seems to me, then, that Leibowitz has not explained with sufficient clarity what Socrates wished to accomplish through his Delphic examinations or how he sought to accomplish it. In particular, he has not explained adequately how Socrates hoped to meet the challenge posed to philosophy or the study of nature by those who claim to have evidence of miraculous gods. On the other hand, he has outlined this challenge in an unusually compelling way, and he has made a persuasive case that the *Apology* presents the core of Socrates' response to it. For this merit, among many others, we should be grateful to Leibowitz for his book. Even if he has not shown, as he intended to show, that Socrates is an unrivaled guide to the good life, he has, I think, shown that this is at least a serious possibility, and he will help his best readers to keep considering the evidence for and against it on their own.

NOTES

1. In a footnote, Leibowitz refers to Callicles' anger in the *Gorgias* as a clear case of what he calls the deeper kind of anger, but he offers no evidence that Callicles ever becomes aware of his ignorance of virtue, as I believe he does not. (Moreover, at the moment when he seems to come closest to that awareness, at *Gorgias* 513c4-6, he is not angry at Socrates.)
2. I suspect that Leibowitz thinks that the possibility of revelation from a radically mysterious god can indeed be ruled out, at least to some extent, on the basis of what he speaks of as a necessary "second branch" of Socrates' Delphic examinations, or the conversations he had with those "promising" young people who could go "to the end of the road" with him in their critique of our ordinary moral beliefs. Accordingly, when he says that Socrates sought to determine "whether for them, as for himself, all traces of seemingly divine experience eventually disappear," I think he meant to include in this even the apparent experience of a radically mysterious god (98-100; cf. 134: "the so-called experience of the gods of the city, and indeed of any gods"). But even if one admitted for the sake of argument that this was Socrates' intention and that he learned what he hoped to learn from his most promising interlocutors, this would not be adequate to the question at hand unless one could show the bearing of these conversations with regard to his examinations of his more typical interlocutors. After all, a radically mysterious god, and even a not so mysterious god, might be disin-

clined to reveal himself to people like Socrates. And I do not think that Leibowitz has given an adequate account of the bearing of this "second branch" of Socrates' Delphic examinations.

3. There is perhaps the outline of a stronger argument for Leibowitz's view of our ultimate concern in his discussion of Glaucon on pages 96 and 97. But even there I think he has failed to present an adequate case. In this connection, I wonder about Leibowitz's claim, in note 72 on page 99, that Socrates would like to know "whether those who reconcile themselves to unfathomable gods and inexpressible divine experiences could also, if brought to see the truth about highness, reconcile themselves to the unintelligible nobility and goodness of the commands that these allegedly divine experiences communicate." For if Socrates knows, as Leibowitz claims he knows, that "the noble and good," or virtue, "does not exist" (180), because it rests on contradictory thoughts about our motives, why would he care whether others who appeared to understand his argument would accept its conclusion? If they did not accept the conclusion, wouldn't he assume that they had not understood the argument?



TOLERATION

Eva Brann, *Homage to Americans*

Philadelphia: Paul Dry Books, 2010. 273 pages, \$19.95.

Book Review by Janet Dougherty

Eva Brann's *Homage to Americans* is an expression of heartfelt, genuine, and ungrudging respect for the American people. As Ms. Brann explains in the first essay of the book, "Mile-High Meditations," true respect may involve—nay, it requires—thoughtful and sometimes pointed criticism. In particular, she notes that toleration, which has eclipsed and perhaps supplanted all other standards in contemporary American society, is "helpless before reality" (7)* and "culpably helpless in the face of evil" (3). Like Lincoln, Ms. Brann displays a kind of "radical conservatism" in her writing: she reminds us of our roots and thereby invites us to renew our awareness of our convictions and our goals. She never preaches; she reflects. Beginning, as she says all reasoning must, *in media res*, Ms. Brann speaks for herself and writes so as to invite her readers to engage in the examination of our shared habits of thought. *Homage to Americans* is the work of a master teacher who respects her students and therefore wishes them to think for themselves.

Homage to Americans is divided into three parts: "Mile-High Meditations," "Close Readings," and "Time-Spanning Speculations." "Mile-High Meditations" is a single essay in eight sections, named according to the time and place of her reflections. In it we see Ms. Brann's mind at work, beginning with immediate responses to what she sees around her and deepening into philosophical and practical thinking of wide-ranging significance. The second part of the book comprises close readings of Madison's *Memorial and Remonstrance*

*Numbers in parentheses refer to pages in *Homage to Americans*.

and Lincoln's *Gettysburg Address*. The third part includes a lecture given to the students of the Air Force Academy on "The Paradox of Obedience," together with a lecture given at St. John's College on the destruction of two great South American civilizations, the Aztec and the Inca, by conquerors from Spain. The book is unified by Ms. Brann's persistent concern with the integrity of American culture, and therefore with the problem of reconciling the adherence to true and defensible principles of human society with toleration of otherness.

"Mile-High Meditations" is a fitting opening of the book, for in it Ms. Brann puts into perspective the principle of toleration—which means, in part, putting it into the context of the Western tradition. Ms. Brann and the Americans to whom she speaks share this tradition, albeit some of us half-heartedly and with little awareness. Her writing moves seamlessly from contemporary American society to Plato, Aristotle, Plotinus, Spinoza and Heidegger, Swift, Shakespeare, and Wallace Stevens. This is no display of erudition, but rather of openness to the tradition wherever it can offer support for genuine inquiry. Ms. Brann's style of writing is egalitarian in its openness to insight wherever it manifests itself, and therefore to the tradition that shapes our society. In "Mile-High Meditations" she invites her readers to reflect upon the appropriate limits to toleration, and the invitation is unequivocally democratic. All may engage in the inquiry she shares with her readers; all, that is, who are willing to risk "respectful contempt," the rightful punishment for those who fall short of the standard to which we deserve to be held. This is democracy in the high sense. This is the democracy that we ought to count as our heritage.

For a thoughtful citizen there are no insuperable barriers between intellectual inquiry and everyday reflection. Americans can seek depth of understanding wherever it is to be found and we ought to begin wherever we find ourselves. Ms. Brann shows the way by reflecting on an overweight couple playing chess in the Denver airport. (Their tastes, happily, are not limited to fast-food pizza.) She provides a model of judging cautiously without surrendering the power to make judgments. Toleration, she shows us, cannot be held

as a principle overriding all others without being intellectually flabby as well as weak in the defense of right; but respect for others requires openness to their sometimes surprising combinations of traits. With no absolutes to rely on, Ms. Brann plunges into the morass of distinctions that alone help to untangle mere prejudice from thoughtful conjecture. In this piece Ms. Brann exhibits an intellectual courage and straightforward honesty worthy of emulation. She acknowledges that she shares the "bias for the thinkable, *the* bias of our West" (63). (Who, after all, lacks biases?) Her ability to examine the grounds of her convictions and the convictions that characterize the West does not fade but rather gains momentum as she identifies what may be the bias of all biases: "The faith that some thoughts are true and their opposites false is attended by this unease: It is not itself a truth, meaning a mode of the intellect in which it is through and through lucid and—or rather because it is—about something through and through genuine. It is rather an opinion, even a prejudice" (27). The prejudice that there are truths drives one to seek them. Ms. Brann does not pretend to settle the difficulties she articulates and clarifies. But she does work towards greater clarity and, ultimately, toward answers.

The compelling question of this piece, as I see it, is whether our biases serve us as human beings worthy of respect, and, in doing so, serve humanity? Do they allow for the "personal practice of virtue" (both intellectual and moral) that Ms. Brann, by her own admission, prefers over general principles of morality (79)? While falsity is a condition for thinking through to the truth (31), and a multiplicity of perspectives can give us insight into another's position, to acknowledge those perspectives is not to obliterate the sense that some things are beyond the pale. Near the close of this essay Ms. Brann reflects on the difference between intellectual and moral virtue ("a virtue in thinking is, however, often a vice in doing" [82]), and announces the importance of "doing right." This conviction is easy to account for in those who "care less about the livability of life than its consecration" (8)—that is, those who acknowledge a firm religious faith. With regard to faith in God, Ms. Brann is Socratic: she chooses "knowing that I don't know" (49). She begins and ends the essay, however,

with a reference to the possibility of evil. Without assuming that evil is always easy to recognize, one must acknowledge the problem of evil while putting toleration into perspective. One brief reference to Nazism is enough to prove the point: "What, for example, was the attraction offered by the Nazis to the young but Romanticism writ large and made official" (82)?

The key to toleration might be seen as "letting others alone," but in the face of evil it is clear that such thoughtless toleration is shameful and irresponsible. In section IV of the essay, Ms. Brann lays out several reasons for thoughtfully respecting, not merely tolerating, others. Throughout the essay she demonstrates what it means to avoid forcing the truth into preconceived notions, by letting something be, but not letting it alone (12), and this distinction, it seems to me, points to a standard for action as well as for thought. Like people who espouse values in conflict with one's own, the current trends demand respectful examination; Ms. Brann demonstrates that they are unworthy of slavish adherence. Toleration without respect is a standard that is below the dignity of human beings. The contemporary emphasis on the dissimilarity of races, for example, on "dis-similation" rather than assimilation (59), is flawed in that it overemphasizes otherness. Particular humans combine their share in universal humanity with particular accidents and unique choices—here Ms. Brann finds an opening into the perennial philosophical problem of the relation of same and other. That problem is just beneath the surface of the complex and delicate issue of how various ethnic, racial, religious and otherwise differentiated groups relate to one another in a society that derives its fundamental principles from universal humanity and whose status depends upon the respectability of these principles. American society cannot maintain its integrity unless its members maintain a habit of thoughtful reflection. Ms. Brann's "Mile-High Meditations" provides us with a model.

In the next section of *Homage to Americans*, Ms. Brann goes on to make available to the reader the kind of thinking and writing that gave this nation its character. Madison's *Memorial and Remonstrance* and Lincoln's *Gettysburg Address* are both models of thoughtful eloquence; the first united Virginians, the second, Amer-

icans committed to the preservation of the union, to uphold convictions that provided the basis for liberty and mutual, respectful, toleration. Ms. Brann's examinations of these two texts are models of close and informed reading. Her analyses reveal to the reader the greatness of these documents in a way that a casual reading—that is, a reading uninformed by knowledge of the tradition in which Madison and Lincoln were steeped—cannot. After a paragraph by paragraph account, Ms. Brann, quoting from Hume's "On Eloquence," sums up Madison's work as "at once 'argumentative and rational,' grandly passionate and carefully constructed" (123). As for Lincoln's *Gettysburg Address*, Ms. Brann shows in a line-by-line reading its beauty as poetry and its resonance with the Biblical language by means of which Lincoln tried to persuade his audience of the "bonds of affection" (181) that could alone preserve the union. Both sections of this central part of the work deserve slow and careful readings. The section on Madison's *Memorial* showed me that I had read this document only superficially. While I have read and heard Lincoln's *Address* many times and with great appreciation, Ms. Brann's account showed me that it too is a richer piece of writing than I had ever imagined.

In his *Memorial and Remonstrance*, Madison argued against a bill to support Christian education and in support of the toleration of all religions because he was confident that without governmental interference they would thrive. He was far from disparaging the role of religion in supporting a healthy society. Ms. Brann asks, "What would Madison have said in the face of an observable decline of religious commitment and the increasing legal expulsion of religion from communal life" (110)? She wonders whether the kind of rhetoric he uses in the *Memorial* is an irrecoverable art. These are pressing questions for us to consider, questions, it seems to me, that were easier to address in a time when the hope that the United States could provide a "practical political pattern to the world" (161) was not considered narrowly self-serving, and when few if any would claim that "truth is a private predilection and everything is 'true for' them that believe it" (116).

Not only did Lincoln and Madison not share this prejudice, but

they did not feel obligated to respond to it. The depth of both statesmen's grounding in religion, far from being a hindrance to their promotion of democracy, was at its heart. Lincoln looked forward to a "new birth of freedom" in the aftermath of the Civil War, a new birth that was possible only through the common respect for the principles of the *Declaration of Independence*, and especially the principle that "all men are created equal." The principles of the *Declaration* must be held, he thought, as sacred. Respectful tolerance thrives on the support of such principles.

In the penultimate piece of *Homage to Americans*, a lecture addressed to students of the U. S. Air Force Academy entitled "The Paradox of Obedience," Ms. Brann maintains her characteristic sense of balance between opposing respectable views in the difficult context of the use of armed force. She avers that an "unthinking warrior is a fearful thing" (195), and argues that "submission can be an act of freedom" (208). She broaches a question that is urgent for those who defend this nation with force: how does one fulfill one's duty to obey one's superiors while cultivating a thoughtful awareness of the possibility that "personal, conscientious disobedience" (206) may sometimes be morally necessary? Citing the Spartan obedience to law rather than to an individual, Ms. Brann suggests the possibility that freedom *requires* some sort of obedience. But blind obedience cannot support freedom. It seems to me clear that the respectability of a warrior must depend on the respectability of the nation he or she serves, but it is equally clear after reading this lecture that the nation's general character is insufficient by itself.

The discussion of toleration that opens the book is complemented by the last piece in the book: "The Empires of the Sun and the West"—and in particular by Ms. Brann's account of the intolerance of human sacrifice that characterized Cortés and his men, which contributed to their determination to conquer the Aztec people. This is no whitewashing: the Spanish conquistadors were guilty of unnecessary brutality, which Ms. Brann appropriately deplores (253). The motives of the Spanish conquerors were self-interested, but their prejudices, like ours, were integral to the Western tradition that promotes respect for human dignity. Where then ought

we to set the limits to toleration? This is no small problem. Ms. Brann peremptorily dismisses the suspension of judgment as any kind of solution: "A non-judgmental historian is an incarnate contradiction and produces only an armature of facts without the musculature that gives it human shape (222). In this respect she sides with Cortés himself, who "dignifies his subjects with his condemnation" of their practice of ritual human sacrifice (223).

The role of human sacrifice in the Aztec (or Nahuatl) culture, Ms. Brann argues, is the key to their defeat by the Spanish conquistadors. For the Aztec people thought they were compelled to sacrifice human beings in order to render more reliable the annual and epochal returns of the sun, their primary god. The nobles themselves may have experienced a sense of doom, for they were "living over a moral abyss" (241) created by the compulsion to kill their own kind. They were betrayed by their trust in their gods (248-9). The Spanish, by contrast, worshipped "a god mysterious but not capricious, [who] made nature according to laws and left it largely alone" (257). Although Ms. Brann describes the conquistadors as ruffians, she attributes their victory over the Aztecs and the Incas to the Western culture that shaped them, and she supports their disgust and horror at a practice they could not see as justified or tolerable.

This account of the conquest of the Aztecs is well informed and extensively researched. Ms. Brann describes a wide variety of sources, including Cortés' own letters to his king, and acknowledges their biases. No set of citations can demonstratively establish the truth of Ms. Brann's account, but its plausibility is, to me at least, manifest. The contest was by no means a conflict between good and evil: it is worth repeating that there was plenty of wrongdoing on the side of the Spanish conquerors. But their victory does seem to have been a victory of the West (*our* "West"—an ambiguous but convenient term, as Ms. Brann acknowledges [217]), of a culture that produces a kind of human being who knows "how to fight back," and "how to correct our aberrations by returns to sounder beginnings" (229). The Aztecs were trapped by their culture; we, with all our defects, may find renewal at the heart of ours. This is not a promise but a task.

Ms. Brann has accomplished a great deal if she has helped her readers to understand that task. I think she has done that and more. To read *Homage to Americans* is to prepare to undertake the task of renewing our culture.