

Justice, Law, and Religion

Russell Kirk

NOWADAYS, NEAR THE CLOSE of the twentieth century of the Christian era, moral and political disorders bring on sorry confusion about the meanings of old words. As T. S. Eliot wrote in "Burnt Norton" –

*Words strain,
Crack and sometimes break, under the burden,
Under the tension, slip, slide, perish,
Decay with imprecision, will not stay in place,
Will not stay still. Shrieking voices
Scolding, mocking, or merely chattering,
Always assail them.*

Conspicuous among such venerable words, often abused and distorted in our era, is that necessary word *Justice*. Intending to help purify the dialect of the tribe – to borrow another phrase from Eliot – I essay here to set down some desultory reflections on the relationships among justice, law, and religion, somewhat in the manner of the American Humanists of six decades ago.

In the ancient world, the most just of men was Solon, Athens' lawgiver, poet and hero. As Solon wrote of his reform of the Athenian constitution –

*Such power I gave the people as might do,
Abridged not what they had, nor lavished new;
Those that were great in wealth and high in place
My counsel likewise kept from all disgrace.
Before them both I kept my shield of might,
And let not either touch the other's right.*

To each class, that is, Solon assigned the rights and duties

Russell Kirk, the renowned twentieth-century historian, critic, and political thinker, is Treasurer of the National Humanities Institute and Chairman of NHI's Academic Board.

properly appertaining to that class, so preserving the peace: that is true social justice.

Yet we need not turn to the pages of Plutarch to discover just men: they are not an extinct species, although perhaps an endangered one. I think of my grandfather, Frank Pierce, a bank manager in Plymouth, twenty miles outside Detroit. He was the leading man of the Lower Town (now called Old Town), near the railroad yards – not because he was either rich or charismatic, but because he was just.

The virtue of justice, like the other cardinal virtues, is said to be its own reward – which is well, the virtue of justice seldom earning large material rewards. When a member of the town council, my grandfather refused to allow the supplying of the town's water, free of charge, to the town's chief factory – on the ground that if the factory's owners couldn't pay water bills, who could? For that offense, the

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firm's president swore he would have Pierce discharged by his bank; but the bank's president also happening to be a just man, my grandfather's livelihood was not swept away.

My grandfather's counsel was sought by many in the Lower Town who needed advice; and his kindness even moved him on occasion to extend interest-free personal loans, from his own pocket, to young married couples who could not meet the requirements for borrowing money from the bank. (His salary was two hundred dollars per month.)

I do not mean that he was indiscriminately sentimental; not at all. On the several occasions when robbers invaded his branch bank, he repelled them successfully, at high risk: for the just man defends whatever is entrusted to his charge, and sets his face against the lawless.

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In every society, from the most primitive to the most decadent, there are found some persons like my grandfather, whom everyone recognizes as just. (Even bank-robbers and kidnappers—for he was kidnapped once by desperados—remarked that Frank Pierce was a just man.) From what source do such just men and women derive their habits or principles of justice? Most people may form their idea of justice from observing the acts of just men; yet surely the just man himself must recognize some norms, beyond mere impulse.

Are they familiar with jurisprudential theories? Only rarely: even most judges on the bench nowadays are not well grounded in the philosophy of law. My grandfather, who possessed a substantial library—perhaps the only library in Plymouth's Lower Town—read history, but not philosophy or law.

Are their concepts of justice learnt in church? Not so, ordinarily. My grandfather never attended church: he came from a family that began as Pilgrims to Massachusetts and gradually moved through all the American stages of the dissidence of dissent. He never read the Bible at home. He inherited Christian morals, but not Christian faith in the transcendent.

Do they create for themselves a rough-and-ready utilitarian scheme for the administering of justice, founded principally upon their private experience of the human condition? Only infrequently, I think; for most of them would subscribe to the maxim of Benjamin Franklin, "Experience is a hard master, but fools will have no other."

Well, then, how *do* just men and women apprehend the meaning of justice? From tradition, I maintain: from habits and beliefs that have long persisted within family and within local community. Aristophanes, contradicting Socrates, argued that virtue cannot be taught in schools or by tutors: rather, virtue inheres in old families. I believe that to be especially true of the cardinal virtue called justice. Or this tradition of justice, families and communities aside, may become known through private reading, perhaps: anyone who attentively reads the great Victorian novelists, say, cannot well escape absorbing, even if he ignores his acquisition, principles of personal and social justice. More obvious, if more rare nowadays, is the influence of the Greek and Roman classics toward forming an affection for justice. Until well into the nineteenth century, Cicero was studied in every decent school; and this passage from that statesman-philosopher implanted an apprehension of the nature of justice:

"Law is the highest reason, implanted in nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind, is law. And so they believe that law is intelligence, whose natural function it is to command right

conduct and forbid wrongdoing. They think that this quality has derived its name in Greek from the idea of granting to every man his own, and in our language I believe it has been named from the idea of choosing.”

IN SHORT, THERE EXISTS a literary tradition expounding the idea of justice. The most recent popular example of this tradition is to be found in an appendix to C. S. Lewis’ little book *The Abolition of Man*. Therein Lewis sets side by side, drawn from various cultures, illustrations of the Tao, or Natural Law. He groups these precepts or injunctions under eight headings: the law of general beneficence; the law of special beneficence; duties to parents, elders, ancestors; duties to children and posterity; the law of justice; the law of good faith and veracity; the law of mercy; the law of magnanimity. Everywhere in the world, in every age, Lewis is saying, wise men and women have perceived the nature of justice and expressed that nature in proverb, maxim, and injunction.

At this point one may inquire, “Are you implying that just men and women find in religious doctrines—Hebraic, Christian, Moslem, Hindu, Buddhist—the fountains of justice?” Yes, I am so reasoning. The sanction for justice will be found, ultimately, in religious insights as to the human condition, and particularly in Revelation. Our so-called “Western” concepts of justice are derived from the Decalogue, Platonic religious philosophy, and the teachings of the Christ. Somewhere there must exist an authority for beliefs about justice; and the authority of merely human, and therefore fallible, courts of law is insufficient to command popular assent and obedience.

It does not follow, however, that all just men and women recognize the ultimate source of ideas about justice, or appeal to that ultimate source. My grandfather never read a line that Saint Thomas Aquinas wrote, though his understanding of justice accorded well enough with what Aquinas expresses so convincingly in the *Summa*. To my grandfather the justice-concepts of the Hebraic and classical and mediæval cultures were transmitted through British and American moral, legal, and literary traditions, and through long custom and habit within his family and within the small-town American communities where he had lived. If pressed as to why he held a certain understanding of the word “justice”—indeed, he once compulsorily engaged in a dialogue on that subject with a rather Nietzschean desperado intent on persuading my grandfather to open his bank’s safe—I suppose that Frank Pierce would have replied, “Because good men always have so believed.” *Securus judicat orbis terrarum, bonos non esse qui se dividunt ab orbe terrarum in quacunque parte terrarum*, Saint Augustine of Hippo instructs us—“The calm judgment of the world is

that those men cannot be good who, in any part of the world, cut themselves off from the rest of the world.” The word *justice* implies obligation to others, or to an Other.

Thus far I have been describing the concept of *justice* that prevailed in the Western world down to the closing years of the eighteenth century. Behind the phrase “to each his own” lay the beliefs that divine wisdom has conferred upon man a distinct nature; that human nature is constant; that the idea of Justice is implanted in the human consciousness by a transcendent power; and that the general rule by which we endeavor to do justice is this: “to each man, the things that are his own.”

What is meant by this famous phrase? To put the matter very succinctly, the doctrine of *suum cuique* affirms that every man, minding his own business, should receive the rewards which are appropriate to his work and duties. It takes for granted a society of diversity, with various classes and interests. It implies both responsibility toward others, and personal freedom. It has been a strong protection for private property, on a small scale or a great; and a reinforcement, for Jews and Christians, of the Tenth Commandment. Through the Roman law, this doctrine of justice passed into the legal codes of the European continent, and even into English and American law.

Injustice, according to this doctrine, occurs when men try to undertake things for which they are not fitted, and to claim rewards to which they are not entitled, and to deny to other men what really belongs to those other men. As Plato put it, in *The Republic*, quite as an unjust man is a being whose reason, will, and appetite are at war one with another, so an unjust society is a state afflicted by “meddlesomeness, and interference, and the rising up of a part of the soul against the whole, an assertion of unlawful authority, which is made by a rebellious subject against a true prince, of whom he is the natural vassal—what is all this confusion and delusion but injustice, and intemperance and cowardice and ignorance, and every form of vice?”

Edmund Burke re-expressed this doctrine of “to each his own” when, in his *Reflections on the Revolution in France*, he wrote of *true* natural rights, in civil society: “Men have a right to the fruits of their industry, and to the means of making their industry fruitful. They have a right to the acquisitions of their parents, to the nourishment and improvement of their offspring, to instruction in life, and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to all which society, with all its combinations of skill and force, can do in his favor.”

And yet in Burke’s own time, there arose a very different idea of justice, the Utilitarian concept, expounded by Jeremy Bentham. From Bentham’s jurisprudence there is descended the powerful present-day school of legal thought

that we call legal positivism or legal realism. Positivistic jurisprudence arose in alliance with nineteenth-century nationalism and with scientific mechanism and materialism. To the legal positivist or realist, laws are the commands of human beings merely. There exists, for the positivist, no necessary connections between law and morals, or between law as it is and law as it ought to be. The positivists' legal system is a closed, logical system without need for referring to social aims, policies, or moral standards. So-called "moral judgments," to the positivists, are "value judgments" merely: and value judgments cannot be established or defended by rational argument. This positivistic understanding of justice and law looms large in American courts today.

But in this essay I do not have time to analyze the strengths and weaknesses of legal positivism. For the present, I do no more than to point out that nineteenth- and twentieth-century positivism stands in harsh opposition to both the classical and the Christian understanding of justice and law. In Catholic universities, at least, some defense still is offered of the Augustinian virtue of justice and the venerable theory of natural law.

It is my purpose in this brief essay to reassert the classical and the Christian concept of justice, as opposed to the positivists' denial of any source for justice except the commands of the sovereign state. And I will touch glancingly upon the connections among religion, justice, and law.

(Justice and law are not identical, though they may be closely related: in a good commonwealth, law is an attempt to maintain standards of justice, so far as that may be achieved in a bent world.)

All law is derived from the religious understanding—that is, all law in the traditional societies of the West; law in totalist states is another matter entirely. Moses came down from Horeb and did justice upon criminous Israelites: the prophet as lawgiver. Solon reformed the laws of Draco: the religious poet as lawgiver. When law is divorced from the moral sanction of religious convictions, presently the law is corrupted by passion, prejudice, private interest, and misguided sentimentality.

THE CHURCH IS CONCERNED with the inner order: the order of the soul. The state is concerned with the outer order: the order of the commonwealth. Between state and church, nevertheless, relationships are ineluctable. Among these relationships is an understanding of justice.

Such relationships took shape in the West so early as the fifth century of the Christian era. We perceive them in the connections between Augustine, Bishop of Hippo, and his friend Boniface, Count of Africa. In theory, all Christians of the West believe in separation of church and state—though sometimes that principle has been more honored in the breach than in the observance.

The church recognizes the necessary end of the state, and so submits to the state's laws. Because of human sinfulness, the Fathers of the Church taught, the state is ordained of God. As best it can, the state restrains the three chief forms of lust: cupidity, the lust for possessions; the *libido domi-nandi*, the lust for power; and sexual lust, the abuse of the gift of procreation. When the state is enfeebled, these lusts work the ruin of the person and the republic.

So it is that the church, even in Roman imperial times, has taught obedience to civil magistrates. Saint Augustine reasoned that the good citizen, the believing Christian, should obey every command of the state, save one: an order to worship false gods and to serve Satan.

Yet church and state have different ends, though both uphold justice. There runs through the history of Christianity the doctrine of the two swords: the church's sword of faith, the state's sword of secular justice.

Knowing that this earthly existence is not the be-all and end-all, the church holds that perfect justice is in the power of God alone, beyond the confines of time and space. In this world here below, we mete out justice as best we may. Sometimes we err in our administering of justice; it cannot well be otherwise; we are not perfect or perfectible creatures.

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NATIONAL HUMANITIES INSTITUTE

214 Massachusetts Avenue, N.E.

Suite 470

Washington, D.C. 20002

(202) 544-3158

H. Lee Cheek, Jr., *Editor*

Joseph Baldacchino, *Publisher*

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To apprehend the church's stand on mundane justice, it is desirable to make distinctions between crime and sin. A crime is an act or omission which the law punishes on behalf of the state, whether because that act or omission is expressly forbidden by statute, or because it is so injurious to the public as to require punishment on the ground of public policy.

A sin is a transgression against moral law, with that law's divine sanctions. It is God, not the state, who punishes or forgives sins.

Not all sins are crimes. We have it on the authority of Saint Paul that the greatest of the theological virtues is charity. Therefore uncharitableness is a great sin; yet lack of charity is not an offense at law. A man may be all his life snarling, sneering, contemptuous, envious, abominable in his language toward his wife, his children, and others to whom he owes obligations—that is, perfectly uncharitable; yet he will run no risk of being haled before the bar of criminal justice. The uncharitable may be dealt with at the Last Judgment. But mundane courts of law do not touch the

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sinner unless his sins result in violence or fraud or substantial damage to others. The state is unconcerned with sins unless they lead to breaches of the peace, or menace the social order. This separation of function accords with the doctrine of the two swords.

Quite as the state—that is, the constitutional state—does not lay down religious dogmata in recent times, so the church does not decree the laws of mundane justice, as expressed through courts of law. When the church has endeavored to impose its doctrines through the operation of the state's criminal law, the church has erred.

I have been speaking of orthodox Christian doctrine, interwoven with principles of law in America, Britain, and many other countries—interwoven, that is, until recent decades. But great confusion has fallen upon us in these years near the end of the century. Increasingly, the state—aye, the democratic state, too—separates itself from the religious understanding of the human condition. And a good many churchmen abandon Christian realism for a sentimental humanitarianism.

Let me remind you of the true signification of this word “humanitarianism.” Properly defined—and this is the definition one still finds in the Oxford English Dictionary—humanitarianism is the doctrine that Jesus possessed a human nature merely, not being divine; and, by extension, the doctrine that mankind may become perfect without divine aid. A humanitarian is a person totally secularized in his

convictions. Yet erroneously many people use “humanitarian” as a term of commendation. “He was a great humanitarian,” they say of Albert Schweitzer. That charitable and heroic man, a professing Christian, would have rejected indignantly that label.

Now what has this distinction between humanitarianism and charity to do with justice? The point is this: the humanitarian denies the existence of sin, declaring that what we call “sins” are not moral matters at all, resulting instead from circumstance, faulty rearing, or social oppression. In the view of the humanitarian, sins—and crimes, too—are the work of “society”; and sinners and criminals are victims, rather than unjust offenders. Such reasoning is the consequence of holding that man and society may be perfected through mere alteration of social conditions, without the intervention of divine grace.

The humanitarian frequently proclaims his abhorrence of severe punishments—perhaps of any punishments. Why? First, because of his illusion that no human being possesses the ability to make moral choices. Second, because of his horror of inflicting pain. He leaves no ultimate justice to God, because he fancies that no God exists. The mere preservation of one's comfortable earthly life is his obsession, he fancying that man is not made for eternity.

On the other hand, the humanitarian fulminates against those who disagree with his principles. Thus there occurs the phenomenon called “the humanitarian with the guillotine.” (The recent French film called “Danton” sufficiently illustrates this ferocious love of all humankind.) As Edmund Burke put it, speaking of the humanitarian Jacobins, men who today snatch the worst criminals from the hands of justice tomorrow may approve the slaughter of whole classes. Humanitarian apologies in our own time for butchery by Communist revolutionaries sufficiently suggest the persistence of this curious intolerant humanitarianism. The ideologue need merely proclaim that his object is universal happiness here below, and he is approved uncritically by the humanitarian. As Solovyev wrote, the banners of the Anti-Christ will bear the legend, “Feed men, and then ask them of virtue.”

In this disordered age, when it seems as if the fountains of the great deep had been broken up, our urgent need is to restore a general understanding of the classical and Christian teaching about justice. Without just men and women, egoism and appetite bring down a civilization. Without strong administration of justice by the state, we all become so many Cains, every man's hand against every other man's. The humanitarian fancies himself zealous for the life impulse; in reality, he would surrender us to the death impulse. The humanitarian's visions issue from between the delusory gates of ivory; justice issues from between the gates of horn.

Public instruction that ignores both our classical patrimony and our religious patrimony may fail to rear up just men and women. Positivist jurisprudence that denies any moral order and any religious sanction for justice may end in a general flouting of all law. We prate of "peace and justice" in a dissolving culture, without apprehending tolerably the words we employ. "Shrieking voices/ Scolding, mocking, or merely chattering,/ Always assail them." These are the voices of the ideologue, the neurotic, and the

nihilist, pulling down the old understanding of Justice, "to each his own."

"Justice is a certain rectitude of mind, whereby a man does what he ought to do in the circumstances confronting him." So Thomas Aquinas instructs us. At every college and university, the doctors of the schools ought to inquire of themselves, "Do we impart such rectitude of mind? And if we do not, will there be tolerable private or public order in the twenty-first century?"

The Bloom Phenomenon

Joseph Baldacchino

THIS MAY NOT BE the age of fusion—the jury is still out—but it is certainly an age of monumental intellectual confusion. Consider, for example, the uncritical praise for Allan Bloom's book *The Closing of the American Mind* that filled the air a year or so ago. Not atypical were statements to the effect that Bloom's book was a profound contribution to conservative thought, that it was *the* conservative book of the decade or even the century. With over 750,000 copies in print, there can be no question that the book has been, as a blurb on the paperback edition proclaims, a publishing phenomenon. The book's commercial success has been hailed ecstatically by many on the political and intellectual right. Hardly a day passes even now when a favorable allusion to the book doesn't find its way into the public prints, courtesy of some columnist or commentator usually identified as a conservative. The Bloom book seems to have gone over especially well among those who consider themselves neoconservatives.

Yet if the question is put whether Bloom is himself a conservative in any traditional sense, the answer, based on a careful reading of *The Closing of the American Mind* and other of his writings, would seem to be no. How to explain, then, the euphoric embrace of Bloom's latest book by many conservatives and the popular impression that he is one of their number? I think two explanations are salient. First, the book is rife with material that could not have been intended otherwise than to appeal to those of a traditionalist outlook. Conservatives would be hard-pressed to read Bloom's criticism of rock music, militant feminism, and the '60s counterculture without, if not wholehearted agreement on every particular, at least a high degree of sympathy. The same holds true for his denunciation of the indiscriminate

compassion that is all too prevalent in contemporary America and his lamenting the absence of academic rigor or comprehensiveness in our institutions of higher learning. But there is a haphazardness about much that Bloom writes in these areas. When viewed in the light of his insistence elsewhere that the main concern of true philosophy is how the parts fit into "the order of the whole of things," the randomness of his comments raises questions about his seriousness on these matters.

At times Bloom is blatantly contradictory. Conservatives cannot help but nod approvingly at passages such as this one from page 85: "Country, religion, family, ideas of civilization, all the sentimental and historical forces that stood between cosmic infinity and the individual, providing some notion of a place within the whole, have been rationalized and have lost their compelling force. America is experienced not as a common project but as a frame within which people are only individuals, where they are left alone." But what Bloom appears to endorse, he in fact disavows, though in ways that may not register with the casual reader.

When one cuts through the book's dense rhetorical fog, the burden of Bloom's position is that love of country is beneath serious philosophers since what differentiates countries is "convention," not "nature" or true reality; that religion is mere "superstition" and wholly inimical to any genuine search for truth; and that aristocratic institutions or customs, which traditionally accorded considerable significance to a person's family and related duties and station, have been exposed by Enlightenment thinkers as inherently "unjust" and, thanks to those thinkers' salutary influence, play little role in contemporary society. As for "ideas of civilization" and "sentimental and historical forces," Bloom dismisses them as largely mythical (i.e., untrue) or arbitrary, hence undeserving of influence on discerning individuals. "The essence of philosophy," he asserts on page

Joseph Baldacchino is President of the National Humanities Institute and Publisher of HUMANITAS.

253, “is the abandonment of all authority in favor of individual human reason.”

There is a second reason for the widespread misinterpretation of Bloom. Like his mentor, Leo Strauss, and other “Straussians,” Bloom dwells heavily on the classical Greek philosophers Plato and Aristotle and makes frequent reference in his work to terms and concepts that were central to their thought. The insights of the classical philosophers, Aristotle especially, were incorporated into the body of Christian thought and—until Christendom was partially eclipsed in recent centuries by competition from rationalistic Enlightenment notions—exerted a primary influence on Western civilization generally. Against this backdrop, it is not surprising that those who still perceive great value in Western tradition, even if the majority no longer does, would tend to view Bloom and like-minded Straussians as intellectual brethren. “Any friend of Plato and Aristotle is a friend of ours,” so to speak.

The trouble is that Bloom, despite superficial appearances, is no friend of classical thought. Granted, he devotes much attention to Plato and Aristotle, but the result of his work is to turn the central thrust of their philosophy on its head. Bloom uses many terms and phrases reminiscent of the Greek thinkers. Like them, for example, he says that man’s highest part is his reason and that the purpose of philosophy is to seek the Good. But the terms take on a new meaning, at Bloom’s hands, that is not faithful to the original.

Thus, for Plato and Aristotle, reason meant reflection on or contemplation of the universal good. To be able to contemplate the good was the highest activity, the crowning achievement, of man. But before man could be ready to philosophize, he first had to embody in his character the virtues of “aristocracy,” by which was meant not titled nobility but the qualitatively best life. To be a philosopher was higher than being an aristocrat, but one could not be the former without simultaneously being the latter as well. It was this preoccupation of the Greek philosophers with the ethical and their sense that the ethical for man has its source in the transcendent that became assimilated to Christianity and helped in large measure to shape the development of Western civilization and culture.

Bloom also describes the life devoted to reason as the highest for man. But the connection between reason and ethical virtue that permeates the thought of Plato and Aristotle is hardly evident, if at all, in Bloom’s. Indeed, Bloom sharply separates intellectual virtue (reason) from moral virtue (ethics) on page 279 of the book, saying: “The philosopher wants to know things as they are. He loves the truth. That is an intellectual virtue. He does not love to tell the truth. That is a moral virtue.” According to Bloom, Plato’s and Aristotle’s espousal of the aristocratic virtues,

which have helped shape the ideals of Western man for centuries, is not to be taken seriously. Rather, he says, this view of the good life was put forward for an ulterior motive: to deceive the members of the nobility and upper classes, who cared about noble deeds and what was morally virtuous, into believing falsely that the philosophers were their allies. In this way the philosophers would obtain necessary support and protection.

It was the genius of the Enlightenment thinkers, Bloom writes, to devise a way to flatter the democratic masses into believing that science is *their* ally because it can cater to the people’s passions. As a consequence, modern philosophers no longer find it necessary to feign support for aristocratic values, with their premium on self-restraint, or to pretend to see any truth in religion, which, he says sweepingly, is mere “superstition.”

Bloom makes it pretty clear that the kind of political regime he prefers is egalitarian democracy as derived from the assumptions of the Enlightenment and the social-contract theorists. The only significant exception to Bloom’s egalitarian preference, it appears, is that professors in the elite universities—i.e., people like himself—should be looked up to as “the repository of the regime’s highest faculty and principle.” That principle, for Bloom, is “reason”; but the term, as Bloom understands it, looks much less like the reason of a Plato or Aristotle with its ethical dimension (*Sophia*) than the mere ability to calculate, which Aristotle termed “cleverness” (*deinotes*). What kind of regime Bloom abhors is even clearer than the kind he favors. Not for him a society that pays respects to old families, old traditions, old beliefs, or old ways—what Burke called the “unbought grace of life.” That kind of talk Bloom dismisses as the “special pleading of the reactionaries.”

Bloom seizes upon an epistemological weakness in Plato and Aristotle that is essentially peripheral—their tendency to abstract the universal from the particular, hence reason from action—and magnifies its importance out of all proportion. At the same time he misses or distorts the heart and soul of their teaching, which, as it concerns how men should live, is ethical. Whether this is intentional or not, it is hard to say—the more so since he and other Straussians admit to using deception when it suits their needs. At best, *The Closing of the American Mind* is a confused book. At worst, it is deliberately subversive, intended to undermine some of the strongest pillars of Western civilization.

In either case, the fact that the Bloom book has been widely praised by people who are popularly regarded as the conservative intellectual elite in this country suggests that something passing strange has occurred over the past decade or two. Has anyone checked the whereabouts of the “Stepford Wives” lately? A recovery of intellectual and cultural substance is sorely needed.

Dialogue

¶ Philosophy, in the earliest and strictest meaning of the word, is the love of universal, hence unchanging, truth. Yet life, as everyone experiences it, is a succession of choices among possible actions in constantly changing circumstances. To live is to participate in *historical* reality. This being the case, does philosophy have any relevance to practical life as man is forced to live it, one unique moment at a time? Can it tell us anything that is everywhere and always valid about the nature of acting man? Most importantly, can it tell us, without recourse to special revelation or dogma, how we should live? Or must philosophy, if it is to speak of universal truth, necessarily confine itself to abstract questions divorced from the world of immediate action?

From its beginnings Western philosophy has exhibited a strong (though not uncontested) tendency toward abstract rationalism. A good example of this tendency among recent theorists is the contention by Leo Strauss (1899-1973) and his disciples that historicism—the idea that truth can be apprehended through historical experience—is incompatible with natural right and necessarily leads to value relativism. Professor Richard Rorty, a self-described historicist and follower of John Dewey, has lent credence to this Straussian notion by arguing (*The New Republic*, April 4, 1988) in the name of historicism that philosophy can help make men sensitive to life around them but that it can point to no such thing as “nature” or “human nature” that can serve as a “standard” for judging good and evil actions.

Between the Straussians’ position and Rorty’s, philosophy faces a devil’s choice: either it affirms a

distinction between good and evil but in a way that is too abstract to be convincing or useful to most persons, or it comments vividly on the world in which people act but is too uncertain of itself to affirm anything with conviction. Small wonder philosophy currently is held in low esteem by many men and women of practice.

A way out of this dilemma is provided by value-centered historicism, which views the moral ultimate not as abstract principles but as a quality of will that is experienced as universal and intrinsically good. While man acts in changing circumstances, the structure of his consciousness (his “nature” in traditional terminology), which includes conflicting desires to act in conformity to the universal will and in violation of it, is unchanging. When man acts in deference to the universal will, the unique circumstances in which the act occurs are ordered by the universal; the particular and the universal are merged. The universal as thus partially embodied in history provides inspiration and support for new good acts, and the presence or absence of such inspiration as the motivation for a given act is the standard of good and evil. Philosophy is the conceptualization of this experientially known process. Philosophy, then, does not separate the universal and the particular but takes account of the universal in its concrete manifestations.

For in-depth discussion of this subject, see Claes G. Ryn, *Will, Imagination and Reason* (Chicago: Regnery Books, 1986) and Benedetto Croce, *Philosophy of the Practical* (New York: Biblio and Tannen, 1969; this translation has some flaws).

—JB

NATIONAL HUMANITIES INSTITUTE
214 Massachusetts Avenue, N.E.
Suite 470
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