

Domini Canis

The Conservative Affirmation, by Willmoore Kendall. *Chicago: Henry Regnery Company, 1963. xiv & 272 pp. \$5.95.*

A BOOK REVIEW by Willmoore Kendall (1) begins, like this, with a list of things numbered 1, 2, and 3; (2) if it has appeared in recent years, can be found in the second half of this book; (3) must reduce any author who knows Kendall is reviewing his book to a state of sleepless terror, a fear of the sixth sense that seems to guide him toward the fatal point where an author nods, tries to cover a weak point, lapses into silliness or dishonesty; and (4) is probably an analytic and literary masterpiece.

A *literary* masterpiece, for it is one of the best-kept secrets of our age that one of the best prose stylists of our age is Willmoore Kendall. The long sentence that argues with itself down one page and around the next did not, we find, go out with William Morris wallpaper. Professor Kendall has given the circumspect Victorian periodicity, which *disciplines* the reader while delighting him, a new lease on life; and this by three means. First, he introduces slang into these staid surroundings. Then, he follows speech rhythms—not the lecturing cadences of a pulpit age, but the lunge of two voices contrapuntally going at each other. Last, he makes fun of his own grammatical arabesques, elaborating them in the most arch fashion. The result is a combination of the colloquial and the baroque that is invariably exciting. His sentences hover somewhere between a ballet and a rumble.

This unique arguing voice, disciplined and given prose continuity, is very compelling in the final 125 pages of short, astringent reviews. (I count 31 such encounters, and rank the casualties thus—sixteen dead, four wounded, eleven decorated for service to political philosophy.) Kendall's martial edge comes from a belief that the Liberal maxim "It does not matter what one believes" is the worst kind of insult to humanity. If

man's ability to think does not matter, then we had better give up this difficult business of being men. It is contempt for the mind that Kendall is fighting when he ferrets out the arguments that evade or muffle or deny the intellect's task. He will not let men get away with the attempt to demote "truth" to "value," or escalate opinions into historical "forces" with which it is impossible to grapple. He is not a victim of that verbal sleight-of-hand that would oppose "the open society" to a "closed society" (the opposite of Popper's fictitious open society is, he reminds us, the consensus society, expressing what the framers of our system called "the deliberate sense" of the community).

Nor does he let his allies take advantage of positions not thought through to their term. In one classic review (pp. 187-90), he exposes the inconsistency in the stance of those who want religious education *and* public education—who want, that is, a school system that must teach only the lowest common denominator of religion. This is to embrace, in principle, an unprincipled religion, a religion at the mercy of the components of the system from day to day, which alone establish the common denominator. It is an uncomfortable demand he makes—of consistency, or, if one must settle for compromise, of consciousness that one is yielding a point of principle.

I begin with the last half of Mr. Kendall's book because here we get him in his most characteristic role—the cross-examiner, the inspired heckler, the nemesis of evasion and cloudy-mindedness, the hound of heresies. To line up thirty-one reviews end to end takes courage. Coming at a random set of foes from many angles, one is almost bound to say things that seem inconsistent, simply from warring on so many different fields. Typically, Mr. Kendall does not try to cover up the apparent inconsistencies. The pessimism he deplores in Richard Weaver he condones in Eric Voegelin. On pages 6 and 84 he denies that there is a necessary connection between Conservatism and religion, but in his treatment of Leo Strauss and Eric Voegelin he seems to mean to imply (it is as indirect as that, yet persistent) that Conservatism is based on a recognition of divine reality, or at least that a conservative *political science* is so grounded; then, on page xii he says the matter must remain "problematic," despite the fact that on pp. 264-6 he urges the Rev. John Courtney Murray, S.J., to *decide* whether one can maintain a conservative belief in the natural law without a Church to

stimulate or restrain that belief. On pp. x and 40 we are told, and told why, Conservatism can "do no business" with Calhoun's interpretation of "concurrence" in the Constitutional structure; but on p. 182 this interpretation is presented as part of "a true Conservative's credo about the Senate." I do not mean to make much of these contradictions. They are partly the result, as I say, of the book's form (but this disadvantage should be taken into account when we tot up the gains in liveliness and range that are insured us by the book's structure). These are the occupational hazards of the gadfly, whose effectiveness depends on his mobility. Swat him here and, lo, he is over there. And behind this dazzling nimbleness one can often trace, or guess at, the connections Mr. Kendall might establish, if challenged, between his apparently disparate statements.

The first half of the book is a different matter. Here are seven lengthy essays, ranging over a variety of subjects but reflecting a single preoccupation, the same one that was the source of his energies of pursuit in the reviews. This is the problem of belief, of orthodoxy, of the creed that gives society, any society, its coherence. He finds this at the root of the problem of pacifism (is there anything worth *dying* for?) and the McCarthy controversy (is there anything worth *proscribing* for?) He approaches the problem on three levels, the strategic and the historical and the theoretical.

On the strategic level (the first essay and most of the second), Mr. Kendall traces the efforts (by and large unsuccessful) of the Executive in this country to effect a revolution, and the by and large successful thwarting of that revolution by the Legislature. The former goes by head-count, is responsive to instant pressure, single in its drive. The latter pits head against head in protected debate, is obstructive of faddist momentum, self-regulatory by reason of its self-defending blocs. This analysis, incisive and persuasive, would have gained if Mr. Kendall, who says on p. 32 that there is no prevailing theory of the problem of Executive-Legislative tension, had revised his essay to take account of James MacGregor Burns' "four party" concept in *The Deadlock of Democracy*, which is fast becoming the theory or framework in which these matters are discussed, and which unwittingly confirms Kendall's analysis by uncovering the Executive pretensions that Kendall traced in their more latent form.

Mr. Kendall does not use the word "revolu-

tion" hyperbolically in describing the Executive's claim to protect the people of America from the Constitution of America. He argues that, if the checked-and-balanced deliberative process is presented as simply retardative of popular will, then the genius of the Constitution has been denied at its center; that war is declared on it; that there is rebellion. And the lines of that rebellion are clear in issue after issue—in the Judiciary's usurpation of Legislative function; in the attacks on Congressional procedure with regard to committees, seniority, filibuster; in opposition to rural "over-representation," to the electoral college, to the maintenance of voting standards; in the attempt (as in Burns' book) to ideologize the American party system, give up staggered elections, and extend the cult of the Presidency.

Now, give the Liberal attackers their way on all these points, and the form of government explicated in the *Federalist Papers* will be no more. In at least this area, then, the question 'Is Liberalism a Revolution?' can have only one answer . . . Revolutionary? Yes indeed, and in a three-fold sense: revolutionary, because give the Liberals their way and the American social order will not bear even a cousinly resemblance to that which is traditional among us; revolutionary, because the revolution must go on and on forever, since if you are in the business of making people equal there is and can be no stopping-place; revolutionary, finally, because the job cannot be done by a government of limited powers.

At the historical level, Mr. Kendall studies the relation between the Constitutional structure that is under attack and the principle of "majority rule" in whose name it is, as often as not, attacked. He believes that an argument often used to resist this attack, the argument that the Constitution is "anti-majoritarian," is misleading because anachronistic. The framers of our governmental system did not oppose majoritarianism, since the modern thing that goes under that name was inconceivable to them. The founders approved of the only majoritarianism they could conceive of—that is, the majority of qualified citizens in each state choosing a man of intellectual and moral standing, who, in conference with his peers, would decide matters by a majority vote within such company. At this point, one begins to feel uneasy with the promise made, in the introduction, that the Conservatism being "affirmed" in this book would have

no quarrel with democracy and hold no brief for aristocracy; Mr. Kendall is clearly within his rights when he argues that this is what the founders meant by "democracy" and "majoritarianism" and lets us know that this is what *he* means to mean by those words; the uneasiness arises from his assumption that this is what most other Americans have continued to mean by these words, a proposition he must maintain if Liberalism is to be considered an unaccomplished, if threatening, revolution. But at this point we are edged over the line into problems of a speculative nature, into an area where the established system becomes an orthodoxy, and revolution must be considered as heresy.

On this theoretical level Kendall argues, very effectively, against the opinion that government establishes its *own* authority (social contract theory), that it does this through constant re-submission of its premises to its constituents for acceptance or rejection (the open society), and so maintains its validity only by way of a completely untrammelled discussion process (freedom of speech). Mr. Kendall's objection to this elaborate thought-structure we have learned to live with in all our political discourse is historical (government, and especially our government, simply has not worked that way), practical (it never *could* work that way), moral (there would be no reason to obey authority if it *did* work that way), philosophical (the presumption, in such a process, is that all truth is relative—not only to other truths, but to the preferences of any community at any moment), and theological (all authority comes from God, not from the conviction or whim or digestive system of a particular electoral body). So far, so good. That is, the negative work gets done, and done well, in Kendall's best style. Sometimes he is not quite fair to his opponents, but there is only one major case of this. We are told that Mill based his essay *On Liberty* on the denial that there is any such thing as truth—which is as fair as saying that *laissez-faire* economic theory is based on the belief that there is no such thing as wealth. Mill argues that a free market of talk will make more truth available to more people. He may have been wrong in this (Kendall, at his best, makes a good case that he is), but a belief in man's ability to arrive at truth by way of reason was the mainspring of Mill's system, and to deny this is to distort all subsequent discussion. Still, as I say, the destructive task is pushed well forward on all the fronts Kendall chooses for himself.

What is left *unclarified* is the positive basis

of society, and how we arrive at it. Authority is based on justice, or truth, or God, according to one's language? But how does one, short of theophany, discover the truth, or find the means of making fallible institutions the channel for it? If certain men do not recognize this truth as the source of authority, what claim does government have upon them? And if the processes of "freedom" described by Mill were mechanical and not human, what is *real* freedom, and what place does it have in a system that provides and enforces an orthodoxy? Because Mr. Kendall leaves these matters unsettled, he invites misunderstanding or simple confusion. He assures us that America, like all political bodies, was founded on a set of propositions; and so, lest he be forced to say that *that* America went out of existence and has been replaced by another, or a series of later ones, he must insist that we still subscribe, fairly consciously, to those original propositions (propositions which, after all, make us what we are, without adherence to which we would have become something else). Thus the optimism that seems so refreshing in a Conservative, where one rarely finds it these days, is a necessary part of Kendall's argument. But it introduces endless problems. The people and most of Congress resist the Liberal revolution, but unreflectively (yet does not an authority arising from propositions depend on our ability to grasp them intellectually *as* propositions?). Mr. Kendall feels that society must maintain an orthodoxy, although he advances his own views as unfamiliar because the regnant doctrines of our own educated and educating men is revolutionary (yet *can* there be an orthodoxy that is unarticulated—an orthodoxy without a *doxa*; and are not the holders of established channels of discourse and intellectual advantage precisely the body of men who should carry on the debate that, by Kendall's own showing of the framers' vision, was to articulate the deliberate sense of the community?). If Mr. Kendall answers, as he seems at times inclined to, that rulers must have *virtue*, not expertise, he leaves us with the problems (a) how, short of clairvoyance, we are to read the hearts of candidates, (b) what norms we get from the orthodoxy by which to judge virtue (and then we are back at the problem of where we get the orthodoxy), and (c) whether the process does not reduce itself, in the last analysis, to a matter of what and who the majority *thinks* is virtuous.

True, Mr. Kendall can introduce at this theoretical level the difference he found, at the stra-

tegic and historical levels, between a *good* majority (one that is forced to think in terms of local realities, make up its mind in slow stages, argue with other people up against the realities involved, etc.) and *bad* majorities (those that indulge in the fantasies, the promising contests, the popularity binges that characterize Presidential politics). At the practical level, all this is true, and important, and needed saying. But, at the theoretical level, is even the best majority right only *because* it is a majority? Or is it right by virtue of the truth, and so bound always to arrive at the truth (which is only another way of saying that it is right because it is a majority, and most men get at the truth given time)? Will the truth it arrives at always be the truth embodied in the basic propositions of the society? If not, what means of giving the majority "time to reconsider," or of blocking impending error, are appropriate and just? In the name of what does one oppose, or educate, or "bring out" what Rousseau would call the *real* will of the majority? Kendall argues that every society, to be a society, must maintain an orthodoxy, and that Conservatism is simply this task of *maintenance* (but can this procedure be divorced from consideration of the contents of the orthodoxy; and if it is so divorced, does it not take the position that any intolerance will do, so long as it is the society's favorite intolerance; and is not this, in the long run, being tolerant of any intolerance—that is, becoming as relativist as the Liberals with their opening of every question *ab ovo* every morning?). At times, Mr. Kendall seems to indicate what *his* favorite intolerance is (Christianity, which, as intolerances go, is a good one), but he does not make it clear why it should be *our* favorite one; or why, if it is our favorite one, we should force it on others; or why, anticipating this, others should not oppose Christianity with all their might as a clear threat to freedom. Has Mr. Kendall, in short, solved the problem he sets himself when he goes after the self-validating tautology of "social contract" theories, the tautology that says a state or community is right because *it* has somewhere *said* it is right?

To ask Mr. Kendall to answer these questions is, of course, to ask for a solution to the deepest problems involved in man's terrifying ability to govern other men (that is, at the critical outer limit, to kill men who "get out of order"). Mr. Kendall, unlike most of our political theorists, does not hide the mystery and responsibility of this task from himself, in fictitious constructs

that allow one, sending his fellow off to prison or the gallows, to say that the fellow is doing it to himself. Nor is the question important only at the outer limit. All our forms of social coercion present the same problem, and it is very dangerous to live with the snowballing fiction that we do not hedge speech and thought when in fact we *do*. Out of this comes that schizophrenic Liberalism that is often urging us, *in the name of free speech*, to shut various people up. Kendall for one is perfectly willing to admit that, under certain circumstances, he would ride a "heretic" out of town on a rail. Before people luxuriate in shocked gasps, let them look, at a little less flattering angle than the one they normally sight along, into their own consciences. When a McCarthy put himself "beyond the pale," pious Liberals used a Senate provision for censoring *breaches of etiquette* in order to discredit McCarthy's (ie., in the deliberative context of that body, *Wisconsin's*) support of various *positions* in debate. That is, they used ostracism, social pressure, *power*, instead of argument. They rode him out on a rail. And the place to go from here, as Mr. Kendall demonstrates, is not back to the murky controversy, dealing largely in myths, over whether McCarthy *deserved* to be railroaded, but to ask, over again, what princi-

ples are involved in our daily, less overt, very subtle, ways of discrediting opinion by means other than Mill's. Until we are honest enough, as Kendall is honest enough, to do this, political discourse is bound to stagnate.

This book is, then, a great contribution, a *beginning*; it reopens the question of authority, its basis, its range, in very startling terms. Before we get to the bottom of these mysteries, we will need even greater nerve than Mr. Kendall has, and, what is harder to find, even more learning and industry. (In the reviewer's opinion, only one man had the sheer nerve, centuries ago, to hint at the right answers to most of these problems). But Mr. Kendall's essays get so deep into the matter so fast that we (unjustly) begin demanding solutions from him. And he cannot satisfy us with the vague assurance that most of the questions were answered by Plato and/or Aristotle and/or Aquinas. They were not. At many points one would like to turn Mr. Kendall's superb abilities on him, make him defend himself sentence by sentence, stand still, "come clean." But it would undoubtedly take a Kendall to catch a Kendall. And, unfortunately, we only have one.

Reviewed by GARRY WILLS