

"In Defense of Political Philosophy" Defended: A Rejoinder to Walter Berns

H A R R Y V. J A F F A

IN HIS "REPLY TO Harry Jaffa" (*National Review*, January 22, 1982), Walter Berns writes:

There is no substance to Harry Jaffa's criticism of me. In 1972, he wrote that the Declaration of Independence displays an "openness or vagueness" as to forms of government, so much so that "the people are not even obliged [by the Declaration] to set up popular governments" (*The Conditions of Freedom*, p. 158). I agree with this now and I have always agreed with it. Therefore, one must look elsewhere for the source of Jaffa's dispute with me.

Walter Berns contributed an essay to a volume entitled *How Democratic Is the Constitution?* This volume is the first in what is intended to be a series observing the bicentennial of the Constitution, sponsored and published by the American Enterprise Institute. Berns was not an editor, but the editors were fellow Residents of the American Enterprise Institute. Hence I associated with him the editors' assertion that, in seeking answers to the question posed in their title, they had sought out "spokesmen as authoritative, thoughtful, and instructive as could be found." I pointed to the presence in the volume of a noted academic Marxist, who gave an unequivocally—indeed brutally—Marxist answer to the question. And I pointed out that there was no representative in the volume of that contemporary of Karl Marx, whom Marx himself so greatly admired—Abraham Lincoln. Yet there was and is no more direct answer to the question "how democratic is the Con-

stitution?" than that given in the Gettysburg Address. There, as in countless other pronouncements, Lincoln identified this nation as dedicated to the proposition "that all men are created equal," and by virtue of that dedication, devoted to the cause of "government of the people, by the people, for the people." It was astonishing to me that both the editors of the volume, and Walter Berns, might raise this question for consideration, in connection with the Constitution's bicentennial, while utterly ignoring the name and argument of Abraham Lincoln. Whether Lincoln was right or wrong ought not to be taken for granted, but that his opinion should be passed over as not being among those deemed "authoritative, thoughtful and instructive," was almost beyond belief.

Whether or not Walter Berns shared responsibility for the editors' omission, his own essay, "Does the Constitution 'Secure These Rights?'" equally ignores the Lincolnian position. It is hardly in keeping with the spirit of the Gettysburg Address that Berns writes approvingly that, "For the Federalists, representation was a way of keeping the people out of government." He thinks, moreover, "that the Declaration does not contain a presumption against kings in general but only against tyrannical kings." Yet Lincoln believed that "the Declaration promised something better than the condition of British subjects. . . ." Senator Stephen A. Douglas, and Chief Justice Taney, said Lincoln, thought that the "equality" of the Declaration applied only to British subjects in Britain, and British subjects in America. They did not see any "promise that, having kicked off

the King and Lords of Great Britain, we should not at once be saddled with a King and Lords of our own."

Walter Berns thinks that there can be no dispute between us, concerning the interpretation of the Declaration of Independence, and its relationship to the Constitution, because he says he agrees with something I wrote in 1972. If I then wrote something different in 1978 (or at any other time), he implies that my other statements must be mistaken. Why? It seems that I (like any man) am as capable of being mistaken at one time as another. What counts is not who has agreed with whom, and when, but what is right. Which argument, whether mine—earlier or later—or Abraham Lincoln's, or Stephen A. Douglas', or John C. Calhoun's, is the right one? The relevant differences can be reduced to a very sharp point: is the Declaration "neutral" towards all non-tyrannical forms of government, as Berns, following Martin Diamond, maintains?; or does it contain within itself a profound preference for democratic republicanism—for government of, by, and for the people—as I and Abraham Lincoln maintain? I have given a comprehensive argument in support of the thesis I uphold in *How To Think About the American Revolution*. This thesis and this argument Walter Berns and the editors of *How Democratic Is the Constitution?* have pretended not to see. They and Walter Berns will apparently go to any lengths, and make any excuses, rather than meet this thesis and this argument in fair and open discussion and debate. I need not repeat the argument of *How To Think About the American Revolution* here. Suffice it for the present that the Declaration, in my opinion, allows the people, in the exercise of their sovereignty, to choose among a wide variety of regimes, or forms of government. Such a choice ought to be in accordance with the dictates of prudence. A prudential choice is one in which the form of government chosen is best adapted to the circumstances in which the people find themselves. But prudence relates to means, not ends. An understanding of

ends is not provided by prudence. It must be provided to prudence. An understanding of the ends of government, "safety and happiness," from the perspective of the Declaration, indicates that a popular government—one of, by, and for the people—is the best form, the one that ought to be chosen, if circumstances do not in any way hinder the people's choice. It is, moreover, according to Jefferson and Lincoln, the only perfectly non-tyrannical regime. The Declaration follows the paradigm of the relationship between prudence and political justice, embodied in the natural right teaching of the classics, as well as in Aristotelian scholasticism. There is then no question but that the people might, in deference to their circumstances, out of prudence, choose or accept non-democratic or non-republican forms of government. But such choices will not themselves be prudent, unless they are informed by the understanding that some form of democratic republicanism is best. The Declaration cannot then be "neutral" towards the different forms of government. To maintain, as Berns does, that the Declaration is neutral, would mean that it is indifferent to the moral choices inherent in the differences of regimes. But the Declaration is in no sense morally indifferent, as the laws of nature and of nature's God are not morally indifferent. Lincoln believed that one could not be indifferent to the differences between, let us say, monarchy, aristocracy, and democratic republicanism, without ultimately being indifferent to the difference between slavery and freedom. Here is the crux of my difference with the school with which Berns has allied himself. No amount of indignant exclamation, or personal reproach, can disguise his unwillingness to face the issue. Walter Berns is tied by interests he cannot admit, to a position he cannot defend. Like the antebellum South, he has the wolf by the ears, and is unable either to hold on or to let go. Without an argument, he is full of sound and fury. But the longer he pretends that there is nothing to debate, the plainer will become the reasons for his refusal to debate.

Concerning what I wrote in 1972, Berns has, in an abbreviated quotation, ignored the context of that quotation. That context was supplied by my critique of the Warren Court's ruling, in its reapportionment decisions, that the Constitution of the United States forbids state constitutions from apportioning upper houses of state legislatures in a manner in which districts of unequal numbers of people would be equally represented. In short, the Warren Court held that the Constitution forbade the people of any state from doing what the people of the United States had done in representing the states in the Senate of the United States. In particular, the Warren Court forbade Hawaii from giving equal representation to the smaller islands with the larger islands, in the upper house of their legislature; and it forbade Colorado from giving equal representation to the districts west of the continental divide and those east of the divide in their upper house. It forbade Hawaii and Colorado from doing these things, even though they were approved, not only by majorities of the whole people in both states, but by majorities within all parts of those states, including those that would be "discriminated" against. This limitation upon the authority of the people was, I argued, not founded upon any just reading of the Declaration of Independence. My argument was directed not only against this arbitrary limitation upon the people's sovereignty, but against the denial of any role for prudence—the proper choice of means—in the implementation of that sovereignty. The argument of that essay did not go to the question of ends, as in the question of the best regime. This latter question I did address in *How to Think About the American Revolution*. In so addressing it, I do not believe I contradicted what I had written earlier.

II

WALTER BERNS REPROACHES ME because he says my letter, "In Defense of Political Philosophy," is "a frank imitation of Socrates' *Apology*." Jaffa, he says, has

"identified his person and his fate with political philosophy and its fate." I do not see what grounds I have given Berns for this accusation, other than manifesting a serious concern with the questions of the right way of life, and of the best regime. Aristotle, in the spirit of Socrates (with whom he did not hesitate to differ), says that when all the errors have been refuted, what remains is the truth. Jefferson says that "truth is great and will prevail . . . unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them." If I have then been free in contradiction, it is within the civility of the tradition of Socrates, Aristotle, and Jefferson. In the philosophic tradition, the truth may be personified in metaphor, but the truth itself is not understood to be a person. It is a *logos*, a rational explanation, or the result of such an explanation. An apology, in the Socratic sense, is neither a confession of error, nor an assertion of rectitude. It is a "giving of an account," by which one has submitted one's reason or reasons to the judgment of one's peers. To be inspired by Socrates' apology to give an account of one's own life and work is nothing for which, I am tempted to say, anyone need apologize.

It would appear, however, that if Walter Berns does not have a very good opinion of my apology, neither does he have a very good one of Socrates'. After saying that he will leave it "to the reader to judge how impressive are the similarities," namely, of Socrates' and Jaffa's apologies, he goes on to add that he "would remind them (sic) . . . that it is an error of logic to conclude, as Jaffa does, that because Socrates was a pest, all pests are Socrates." But nowhere, and never, have I said or implied that Socrates was a pest. That, or something like it, was the opinion of Socrates' accusers. It is not my opinion, and it is not (as Berns alleges) the basis of any self-justification on my part. In writing as he does, Berns may have had in mind the following passage from Plato's *Apology of Socrates* (30E–31A; trans. T. G. West):

For if you [men of Athens] kill me, you will not easily discover another like me, who—even if it is rather ridiculous to say—has simply been set upon the city by the god, as though upon a great and well-bred horse who is rather sluggish because of his size and needs to be awakened by a gadfly. The god seems to me to have set me upon the city as someone of this sort: I awaken and persuade and reproach each of you, and I do not stop settling down everywhere upon you the whole day.

Socrates' comparison—which he calls “rather ridiculous”—is of himself to a gadfly, and of Athens to a horse. In this comparison, the gadfly irritates the horse, but in so doing, does what is good for the horse. The word “pest” suggests pestilence, that is, disease and death. But the irritant supplied by the gadfly—Socrates—to the horse—Athens—keeps the subject from falling into a comatose condition, akin to death. The gadfly, far from being a pest, is life-giving and health-bearing. The passage in the *Apology* reminds one of another in the *Gorgias*, in which Socrates anticipates his trial by comparing it to the case of a doctor being tried before a jury of children, on charges brought by a confectionary cook. The doctor stands accused by the cook of preventing the cook from peddling his sweets among the children, and of compelling them instead to eat plain food, and sometimes to take bitter medicine. As the jurors are children, they do not understand that the doctor—like the gadfly—is their true friend and benefactor, and that the cook is their enemy. And so they will vote to convict and condemn the doctor.

In his catalogue of my crimes, Walter Berns writes that I am unlike Socrates. Socrates, he says, “was gentle and urbane,” while I am “harsh and vindictive.” Yet even while denying a resemblance, he affirms it. “Jaffa,” he says, “adopts in earnest the heroic pose that Socrates adopted in jest.” But how does Berns know that Socrates was not in earnest, or that I am not jesting? Or how does he know that there is not a jesting-in-earnest? Finally, he

says that what I do is “a far cry from Socrates, who lived quietly with his fellow-Athenians while hardly letting them know that he philosophized.” And, he concludes, Socrates “certainly never tried to be their king.” I have taken pains to quote Socrates declaring—according to Plato—that, like a gadfly, he awakens and persuades and reproaches each of his fellow citizens, and does not stop doing this during the whole day (this being the original form of philosophic journalism). I have done so to enable the reader to judge for himself how quietly Socrates says he lived in Athens. Surely, if Socrates did what he did as quietly as Berns says he did it, it would hardly be possible to understand why his fellow-citizens executed him for doing it!

But Berns also says that I am unlike Socrates, because Socrates “never tried to be . . . king.” Yet Socrates, in the *Gorgias*, says that he is the only genuine *politikos* or statesman in Athens. And in the most famous passage in the literature of political philosophy, Plato puts in Socrates' mouth the assertion that evils will not cease from the cities until philosophers become kings, or kings become philosophers. Putting together the passages in the *Gorgias* and the *Republic*, might one not infer that Socrates believed himself to be a king, in the sense that he possessed the art of ruling, however much he may have lacked a *polis* or political community in which to rule? If Socrates was in truth the only *politikos* in Athens, then his rule, had it come about, must of necessity have been monarchical rule. It is true that Socrates' monarchical qualifications were not the result of *trying* to be a king. Genuine kingship, from the Platonic (perhaps Socratic) point of view is a by-product of philosophy, not the other way around. Moreover, *being* a king does not imply *becoming* a king, since genuine philosophers do not wish to rule, and the idea of non-philosophers compelling them to rule is absurd.

There is even further unintended irony in Berns' accusation against me, of all people, of harboring monarchical ambitions. Certainly, if I am known at all, it is as an

admirer of Abraham Lincoln. And my differences with Walter Berns, which have led to his angry accusations, arose when he ignored, or brushed aside, Lincoln's doctrine, that the Declaration of Independence indicates a preference for a regime as far from the monarchical as possible. It was, I remind the reader, Berns, not I, who wrote "that the Declaration of Independence does not contain a presumption against kings. . ."

III

IN HIS ANGER, Walter Berns declares that I am "a textbook case of someone converting philosophy into ideology, of abusing theoretical teachings . . . for practical ends." Berns does not say how I do this, and I do not know what it is that he considers to be such an abuse. But he also says that I am "like Marx" in wanting to change the world rather than interpret it (paraphrasing the theses on Feuerbach). I have dealt at length with this comparison between myself and Marx in "The Primacy of the Good: Leo Strauss Remembered" (*Modern Age*, Fall 1982). Suffice it for the present, that I show there that if I am "like Marx," so also are Leo Strauss and Aristotle. From Berns' perspective, as it seems, any use of philosophical or theoretical teachings for practical ends becomes an abuse of those teachings. For Berns, political philosophy itself has become identified with "ideology." Berns' quarrel is with the very idea of that enterprise which clarifies the meaning of the good, in order that we might not only know what is good, but become good, by acting well.

Berns excuses his refusal to face the questions I have raised with him for debate, by saying that "the reason some people avoid Jaffa is not that they are afraid to debate him, but that he follows Hobbes, not Socrates, in holding that to disagree with him is to insult him." But where does Hobbes—one of the ablest and most unrelenting controversialists who ever lived—say that "to disagree with him is to insult him?" And who will believe, for one moment, that Walter Berns ever refused to

debate anyone, fearing lest his opponent think that he had been insulted! But Berns has a strange way of transposing facts. It was I who, in the best of tempers, invited him to share a platform with me at the annual meeting of the American Political Science Association in 1981, to debate the differences I have described concerning the Declaration of Independence. It was he who, in the worst of tempers, declined, on the ground that, in differing with him as I did, I had insulted him. Therefore, I herewith extend to him again the invitation to debate these matters, at the next meeting of the American Political Science Association, or at any other time or place. And I assure him, and everyone, that I will never consider myself to be insulted, by any contradiction whatever.

Berns says that I am "a slayer of imaginary dragons." I leave it to the reader to decide whether the questions I have raised about the interpretation of the Declaration of Independence are imaginary or real. At stake is the question of whether "the laws of nature and of nature's God" really exist, and whether the political life of the United States—or of any other polity—ought or can be guided by them. For in the Declaration of Independence, ideas of natural law and natural right become for the first time in human history the explicit and public ground of positive law and positive right. Ideas of natural law and natural right reflect the tradition of political philosophy, whose founder was Socrates. There is a sense in which the Socratic enterprise faces its supreme test—certainly its supreme test in the post-classical world—in the fate of the American political tradition. There was a time when Walter Berns was one of the most enthusiastic advocates I knew of this view of the relationship of political philosophy to political history.

Now, however, Berns writes that Leo Strauss "did not believe he, or political philosophy, could save western civilization (or reverse 'the decline of the West')." "It is precisely hopes of this kind," Berns adds, "that distort the quest for truth. Eternity, not history, is the theme of philosophy. . . ." Much depends upon how one understands

what saving Western civilization means, or how "the decline of the West" might be reversed. I believe that the enterprise of western civilization is consummated each time a soul is saved from the dark night of fanatical obscurantism. It is consummated whenever one soul is released from the pessimism that truth is unobtainable, or not worth the trouble to obtain. It is consummated whenever a single soul is disabused of the proposition that the subjective intensity of one's convictions matters more than their objective validity. Eternity is indeed the theme of philosophy, but it becomes such when the individual soul becomes aware of its power to know, and when it discovers in this power the immortal ground of its mortal existence. This, above all else, is what is meant by saving western civilization, and reversing the decline of the West. Whether there will be enough of such souls, or whether the influence of such souls will be sufficient to inform political action on a sufficient scale, is something no one can foretell. But unless we surrender to pessimistic determinism, a pessimism born of the denial of the possibility of philosophy, unless we surrender to the nihilistic doctrine that there is no objective difference between doctrines except the subjective intensity with which they are held, we have no reason to believe that we must fail. If we do not know that we must fail, we have a duty to persevere in our political efforts to reverse the decline of the West. With that duty, we have the sure knowledge that, whatever the outcome, we will, by doing our duty, have lived our lives well. For the heart of the enterprise of political philosophy lies in the distinction between vulgar success and noble failure, and in the reasoning that teaches us why we should prefer the latter to the former. The destiny of the human soul does indeed lie in eternity, not in history. But the destiny of souls in eternity is reflected in how they act in history, in their moral and political lives in this world. Western civilization is above all the historical phenomenon constituted by a concern for eternity, whether by the instruments of reason or of revelation. That our concern

with eternity be reflected in our lives in this world, is so far from distorting the quest for truth, that it is the very condition of that quest.

IV

WALTER BERNS WRITES THAT Jaffa "did not learn from his teacher, Leo Strauss, that moral indignation is the greatest enemy of philosophy." In this, Berns is most assuredly right. I did not learn from Strauss that moral indignation is the greatest enemy of philosophy, because Strauss never taught that moral indignation is the greatest enemy of philosophy. Moral indignation would be the enemy of philosophy, only if political philosophy was not part of philosophy, or if political philosophy was unphilosophical, or if political philosophy was identical with ideology (as Berns seems to think).

If Strauss had believed that moral indignation was the greatest enemy of philosophy, he would certainly have expressed that belief in his writings. But where does Strauss say anything of the kind? Socrates, in the Platonic dialogues, identifies "misology" as *the* enemy of philosophy. This means "hatred of reason," even as philosophy means "love of wisdom." If philosophy is a form of "love," its greatest antagonist would necessarily be a form of "hate." What the philosopher loves is wisdom, but wisdom understood as the perfection of reason, of dialectical reason, or of *logos*. Hence what the enemy of philosophy would hate above all, would not be wisdom, however understood, but wisdom understood as the result of *logos*. Misology, and not moral indignation, is then the greatest enemy of philosophy.

If Walter Berns had said that moral indignation may become an obstacle in the quest for truth, he would certainly have been correct. The quest for truth should be dispassionate, or at least animated by no other passion than by the passion for truth. Moral indignation arises when we become angry at threats to what we believe to be our own, and when we identify our own with the good. But moral indignation, taken by itself, is indifferent to the distinc-

tion between our own and the good. It is the task of political philosophy, to teach us the difference between our own and the good, to the end that we make the good our own. But if political philosophy is possible, it is possible for us to replace opinion about the good, with knowledge of the good. And to the extent that we have knowledge of what is good, and have made good purposes our own, we ought to act well in the light of that knowledge. Acting well in the light of such knowledge, means summoning the passions to the defense of reason. It means making use of moral indignation in the defense of good against evil. Certainly, we do not, and cannot, philosophize, while we are morally indignant. Neither can we philosophize while we are acting to relieve or protect ourselves, as we must, from cold, hunger, or danger. Only God can philosophize without interruption, without having to take care. Philosophy may belong to the perfection of

human life. But it is not the whole of human life. Moral indignation, under the direction of reason, also belongs to the perfection of human life, although to a lesser perfection than philosophy. According to Aristotle, there is no human situation less conducive to philosophizing, than that embracing the act of love. But he does not say that therefore sexual love is the greatest enemy of philosophy. On the contrary, he recommends it, at the right time, and in the right place, and with the right woman! And so with anger: we ought to be angry, at the right times, and in the right places, and with those things—evil, injustice, mean spiritedness, cruelty—which offend all decent men, philosophers and non-philosophers alike. This was Aristotle's teaching; and, so far as I can gather from my nearly thirty years' association with him, and from the continual study of his writings, it was the teaching of Leo Strauss.