

## ON BEHALF OF HADLEY ARKES AND LESLIE GELB

I am seldom moved to respond to reviews of books, even reviews of my own books. Thoughtful persons know that important works can only be judged in their fullness and that unimportant ones needn't be reviewed at all. For me, then, the chief function of such essays is to alert me to the level of understanding attained by the reviewer as he discusses a work I have found fit for study. In the November issue of *The American Spectator*, Edward Banfield displays his understanding of Hadley Arkes's *The Philosopher in the City*, a book of genuine significance, and records so clear and so alarming a set of misapprehensions as to summon this reply. However, since Mr. Banfield's comments never rise to the level of a critical review, perhaps it is not out of place for me to apprise *Spectator* readers of the actual aims and general character of the book.

I shall comment only briefly on Mr. Arkes's "style" as a writer, although Mr. Banfield devotes much space and passion to it. *The Philosopher in the City* is intended to establish the moral boundaries within which justifiable political actions occur. The writing is never "pretentious," though it is elegant, and the only "gibberish" associated with it is what Mr. Banfield has had to say about it. The thesis Mr. Arkes defends no longer commands the loyalty it once enjoyed and so he must be very careful in arranging arguments in its behalf. Mr. Banfield seems to think that this care is merely ritualistic. "I am aware," he says, "that many people think this is the way academic books should be written." What Mr. Banfield apparently is not aware of is that this is the way significant issues must be analyzed, and that "academic books" are written as they are because of the requirements imposed on them by consequential issues. Having written quite a number of "academic books" myself, and as one who reads and contributes to the major journals in philosophy, I can only admire Mr. Arkes for his ability to make such issues accessible to a general audience. To create the illusion that the book is "pretentious," Mr. Banfield indulges in the sorts of lexical

gymnastics that gave the Medieval grammarians such bad reputations. Yet, unlike the Scholastics, Mr. Banfield does not celebrate but violates logic in his playful and pointless parsings. He chastises Mr. Arkes for the expression, "inescapably implies," and asks, "... are some implications escapable?" Yes, Mr. Banfield, some implications are escapable and some are called the *as-of-now material implications* (*consequentiae ut nunc*). Thus Mr. Arkes employs the correct and informing adverb where he wishes to note the formal implications of his argument, and Mr. Banfield employs "gibberish" where he would have readers respect his lexical purity.

*The Philosopher in the City* examines a wide range of contemporary political issues and problems. Mr. Arkes cautiously explores the assets and liabilities resulting from purely pragmatic and "utilitarian" approaches to these, and leads the reader to an appreciation of how such approaches nearly invariably result in contradictions or counter-intuitive consequences. He proceeds to defend, in quasi-Kantian terms, an alternative approach grounded in a rational analysis of competing moral claims. Through this analysis it becomes clear that even the most prosaic and sentimental objectives of government—such as Mr. Banfield's search for "... the terms on which we can live together in society"—proceed from a *moral* point of view. Once the reader respects the sense in which all significant legislation reflects the quest for justifications, it is only a small step to the recognition that much recent law stands in contradictory relation to its own justificatory language. A principle, for example, that declares the murder of a non-threatening human being to be wrong cannot be the *same* principle that allows genocide or infanticide once it is shown that the intended victims are in fact non-threatening human beings. Thus, when Mr. Arkes refers to the *necessary* conclusions yielded by an analysis of justifications, he is simply acknowledging the syllogistic char-

acter of the analysis. I might note that it is in just this sense that John Locke—scarcely a Kantian!—recognized the *axiomatic* status of moral reasoning and described it as a kind of geometry.

I leave it to readers of *The Philosopher in the City*—and there should be many—to determine Mr. Arkes's success in his explorations of today's highly charged social issues. He is, of course, and *contra* Mr. Banfield, quite right in noting that neither the logical form nor the major premises of moral arguments are in any way affected by the merely contingent facts gathered by "social scientists." If it can be shown that "X" is categorically wrong and that "Y" is an instance of "X," then "Y" remains wrong no matter what its consequences. It will not do, as Mr. Banfield tries to do, to declare that there are no categorical imperatives. It is necessary to show how Mr. Arkes has gone wrong in arguing that there are and then—and here's the trick—to show that if he is wrong we can still find reasons for our system of justice, for our very idea of justice. When Mr. Banfield raises the flag of Utilitarianism, he can only expect a salute from the "policy-maker," for the political philosopher's allegiance is commanded by higher things. Note, by the way, that if it were the case that a given truth could only produce a net increase in the world's suffering it would be necessary on utilitarian grounds to withhold or deny that truth. This is just one reason why seekers after truth must forego the popular enthusiasm for Mr. Banfield's version of consequentialism which can only assess prostitution in terms of its public effects. I should say, however, that prostitution, on which Mr. Banfield dwells at a length as wearying as it is surprising, is introduced by Mr. Arkes as one of a number of hard cases; cases made hard precisely because they must be understood in the language and within the context of a constitutional order that respects liberty. Far more attention is given to legislation affecting housing, public education, free speech, and "affirmative action." In each instance, Mr. Arkes presents the implicit—and often the explicit

—moral terms adopted by legislators and jurists in framing the reasons behind their actions. And in each instance we discover any number of *formal* inconsistencies between juridical dispositions and moral justifications. Juggled in the tense and often spastic hands of public opinion, the most fundamental precepts of a just state are reshaped into mere "policies." The very concept of justice is thereby traduced into an enlarged parlor-game which holds wisdom and prudence as hostages to clever hacks.

It is merely unfortunate that Mr. Banfield failed to understand the book. But it is alarming to discover the sources of his incomprehension. He notes, for example, that Aristotle and Thomas Aquinas disagree on such matters as slavery, abortion, prostitution, etc., and concludes from this that, "Moral principles turn out to be a good deal less knowable and certain than Mr. Arkes began by saying." It appears to be Mr. Banfield's thesis that unless every axiom of a science is known at precisely the same time, none of the axioms is knowable or certain. In Euclid's geometry parallel lines never converge; in Riemann's geometry, parallel lines are great circles which intersect at two loci. Banfield's conclusion: The axioms of geometry are neither certain nor knowable.

Tied to this logical "howler" is a vexation Mr. Banfield endures at the hands of the concept of *necessity*. It is a concept that figures in Mr. Arkes's analysis in two different ways, neither of which seems to be grasped by Mr. Banfield. There is first what Aristotle was first to call *hypothetical necessity* (necessary on a hypothesis) such that, if I *must* be in New York by 5:00 p.m. *necessarily* I must leave Washington before 4:55 p.m. And then there is the well-known *necessary* relation (the *logical necessity*) joining true premises and a true conclusion. Thus, if the law is to hold me responsible for what I do, then *necessarily* I must be viewed as free in my actions. Thus, too, does the very idea of law *entail* a moral being.

Mr. Banfield concludes his polemic with a claim which, if true, would raise the most serious doubts as to the need for the discipline he teaches. He tells us that "... a politician ... must act generally in an unprincipled or even wrong way if he is to perform his indispensable function of finding the terms on which we can live together in society." Accordingly, the politician's mission may call for him to find a masochist to match up with each sadist in society; a loose cat for every citizen who happens himself with the torture of animals. It is this reasoning that *The Philosopher in the City* refutes and seeks to replace. But even Mr. Arkes's formidable talents cannot yield success until those of us who are repulsed by the cloudy effluents in the Potomac recognize that some of them originate in the Charles.

—Daniel N. Robinson  
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Professor Edward C. Banfield is the greatest urban scholar of his generation. *The Unheavenly City* is a classic, to be treasured and to be read and to be re-read. I do not think, however, that Professor Banfield has taken counsel of his wisdom in his review (*The American Spectator*, November 1981) of *The Philosopher in the City: The Moral Dimensions of Urban Politics*, by Hadley Arkes.

Professor Banfield declares his "main complaint" against Professor Arkes to be that he "does not recognize the difference between philosophy and politics." In saying this, however, he simply assumes the discreteness of the two, a discreteness denied by the very idea of *political philosophy*, the enterprise founded—according to Cicero and Leo Strauss—by Socrates. Equally important, Banfield here denies the legitimacy of the enterprise of the American Founding, in which politicians were guided every step of the way by "the laws of Nature and of Nature's God." These laws were the discovery of political philosophers.

According to Banfield, Arkes is mistaken in saying that "it may indeed be only the philosopher who is capable of addressing, at their root, the practical questions of public policy in the city." Banfield declares quite categorically—as if it were a self-evident truth—that this is something that cannot be done. A "question is practical," Banfield says, "precisely because there is no principle by which it may be coped with,

let alone solved." As Winston Churchill might have said, this is an assertion up with which political philosophy cannot put.

The heart of all the practical problems with which Professor Arkes's book so lucidly deals—riots in the cities, defamation of groups, discrimination in schools and in housing, the uses of the police power in relation to morals—involves the question of what is or ought to be meant by "the equal protection of the laws." But what constitutes the equality which is to be protected is no less a moral and metaphysical question than it is a legal and practical question.

Abraham Lincoln called the proposition that all men are created equal the "father of all moral principle among us." He said that men and women might differ in many respects, and yet be equal in relationship to certain fundamental rights. A black woman, he said, might be unequal in many ways to a certain United States Senator. But in the right to put into her mouth the bread that her own hand had earned, she was the equal of the Senator, or of anyone else on God's earth. For this reason slavery, which denied her right to put that bread into her mouth except with the leave of someone else—someone who had not earned that bread—was morally wrong. According to Lincoln, this moral judgment on slavery could not control public policy in every respect. But no policy with respect to slavery could be right, which did not rest upon the premise that slavery was morally wrong. Moral judgment was a *necessary*, although not a *sufficient*, condition for public policy. The sufficient condition requires prudence and morality. But prudence without morality is like a game without rules. This is Professor Arkes's basic argument, and he is right. His book demonstrates that in great measure public policy today—notably in the cities—is faced with questions that are little but variations of those that Lincoln faced in his lifetime. Racial discrimination, whether in schools, housing, or employment, is wrong, for precisely the same reason that slavery was wrong. To discriminate among human beings—in speech or in deed—not because of their intelligence, ability, virtue, or work, but because of the color of their skin, is wrong. It is objectively wrong, hence morally and metaphysically wrong.

To know the principles of right and wrong, and to develop the ground of such principles, is the province of political philosophy. Politicians should be instructed by such understanding. It is their vocation—the

function of their calling—to seek consent for wise and moral policies, so far as they are able to do so. Professor Banfield declares what he cannot possibly mean when he says "that a politician ... must act generally in an unprincipled or even wrong way if he is to perform his indispensable function of finding the terms on which we live together in society." But there are an infinite number of possibilities in which we can live together in society, including Nazi ways, Communist ways, cannibal ways, suicidal ways (e.g., Jim Jones). Politics arises among men precisely because, unlike beehives and anthills, there are different ideas about the good or right ways to live together. The American regime was founded upon the notion that there was a way according to the laws of nature that was decent and tolerant, open to human differences, equal in opportunity, but not equal in rewards. Professor Arkes's book sees the American regime, in its Founding principles, as perhaps the finest fruit of the long tradition of political philosophy. He sees the Fathers as the most hard-headed of politicians, precisely because they saw their task in the light of political philosophy. It is the neglect of this vision which, according to Professor Arkes, is the most important cause of our present difficulties. Again, I think he is right.

—Harry V. Jaffa  
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Leslie Gelb is a liberal, believes in arms control, and is undoubtedly guilty of other sins, too. I disagree with him on many issues. Nevertheless, Tom Bethell's personal attack on him in the September issue, making him out to be practically a Soviet agent, was absurd and unworthy of *The American Spectator*.

Gelb is co-author of a book about the origins of our Vietnam involvement which is one of the more sensible efforts at explaining that whole episode; in the process he debunks the paranoid theories that it was all a criminal conspiracy at the highest levels of the U.S. government. When he was a *New York Times* reporter in 1975, congressional sources fed him details of our covert aid for UNITA and the FNLA in Angola. His story got no attention because he played it straight, with no policy bias or insinuation of depravity. (A few months later, in contrast, his *Times* colleague, Seymour Hersh,

printed some of the same information with a blatant anti-administration twist and a heavy admixture of tendentious errors; this helped trigger the Tunney amendment which turned Angola over to the Soviets and Cubans.) Later, while serving in the Carter State Department, Gelb was one of those advisers who attempted to save the neutron bomb. After the *Washington Post* revealed the new enhanced radiation warhead (in the hope of killing it), Gelb was one of those officials who spent months assiduously obtaining allied agreement to deploy it, only to be undercut when Carter, in a fit of messianic Christian pacifism, decided he didn't want to be identified in history with anything effective.

There are plenty of journalistic ideologues on the Left who relish trying to sabotage national policy. Gelb is more responsible than that. Bethell has had to strain quite a bit to take phrases out of a single news story and inflate them into evidence of pro-Soviet bias. It is unconvincing and unfair.

—Peter W. Rodman  
Washington, D.C.



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