

Interpretation

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Kent's "Obscured Course": A Covert Coup Attempt in 2.2–4 of Shakespeare's *King Lear*

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KNOWING KENT

Kent's name, according to the *OED*, is a perfect passive participle of the verb "to ken."¹ Kent's name thus seems to promise that he is *known*. In fact, of all the characters in the widening chaos of Lear's disintegrating England, Kent, although disguised, seems almost uniquely knowable. Also, Kent is accurately declared by Bradley to be "one of Shakespeare's best loved characters."² Coleridge loves Kent so much he calls him "the nearest to perfect goodness of all Shakespeare's characters."³ One could ask about the relationship between our love for Kent and our knowledge of him. Apparently, we both know and love Kent for enacting the familiar, lovable figure of the loyal retainer, the plain, ordinary, rash man of integrity and bluntness and imprudence. The thesis of this paper, however, is that for a long time we have loved a Kent we never really knew.

Certainly, many readers have found Kent to be eminently knowable. For the most part, it is simply taken for granted by critics of every school that Kent simply is as he appears.⁴ One critic uses the word "simple"

¹ David McNeill reminded me of this etymology. Special gratitude goes to Wayne Ambler. Thanks are owed also to the following: Seemee Ali, John Gillies, Henry Higuera, Christopher Lynch, Tom Merrill, James McShane, Jeff Staiger, Stewart Umphrey, and Stuart Warner.

² Bradley (1905), 397.

³ Shedd (1858), 138.

⁴ Rosenberg (1972), 13. But see Stewart (2008), 205, who notes some puzzling inconsistencies.

in connection with Kent five times in one paragraph.⁵ Moreover, there is a widespread, almost offhand, critical consensus that Kent is like a “dog”—the word comes up surprisingly often in critics’ discussions of Kent.⁶ Kent is commonly thought to exhibit canine qualities: he seems unquestioningly loyal to his master, noble, rash, impolitic, angry, even a little bit obtuse, perhaps, but totally transparent, totally plain, as he repeatedly claims he is, and, lovably, “too old to learn” (2.2.128).⁷ A. C. Bradley is typical of readers who see him that way. Crucially, Bradley explicitly maintains that Kent in disguise—called Caius—is not much different from Kent’s “natural character,” specifically with respect to Kent’s “plainness.”⁸ For Kent himself is naturally a “blunt,” “plain” man, just as Caius is, claims Bradley.⁹ Cavell agrees that “it is revelatory of Kent that his disguise does not alter him.”¹⁰ In fact, Bradley’s view expresses the usual critical picture of Kent, and the view is so widely accepted that there is in fact very little reasoned discussion of it in critical literature from Bradley’s time until today.

But it is the thesis of this paper that the usual picture of Kent’s character (plain, rash, doglike, etc.) proves starkly inaccurate. For Kent himself is anything but “plain,” “blunt,” or irascible. On closer investigation he turns out to be extraordinarily deceptive, reserved, controlled. The usual picture of Kent, however, *is* true of Kent’s invented alter ego, Caius. For the fictional creature—Caius—is indeed blunt, plainspoken, impolitic, rash. But we must be taught differences: creator is not creature; Kent is not Caius. It is Caius who consistently proclaims his own plainness, simplicity, rashness, and so forth. But such explicit declarations function merely as part of Kent’s disguise and do not reflect the truth. Thus critics who accept Caius’s picture of Kent as plain and so forth have simply been misled by Kent’s disguise, no less than onstage personae are misled. So I will argue.

Having discerned that Kent is no Caius, readers can then see other ways that Kent’s superficial show diverges from his darker purposes.

⁵ Goldberg (1974), 69.

⁶ Bradley (1905), 307. See also Elton (1988), 186, 190, 285; Granville-Barker (1963), 27; Heilman (1963), 84, 249–51; Rosenberg (1972), 13; Blok (2008), 165; Knight (2001), 217. Better is Stewart (2008), 205.

⁷ All Shakespeare quotations are from Evans (1974). *Lear* quotations used here are not sensitive to differences between Quarto and Folio versions of the play.

⁸ Bradley (1905), 175; Granville-Barker (1963), 46; Heilman (1963), 84; Rosenberg (1972), 13, 148; Goldberg (1974), 69–71; Foakes (1993), 186.

⁹ Bradley (1905), 308.

¹⁰ Cavell (1987), 111.

We can ask a simple question: Why is Kent in the stocks at the end of Act Two, Scene Two of Shakespeare's *King Lear*? The question has rarely been asked because its answer, like Kent himself, has seemed entirely plain. The accepted story is that Kent loses control of himself and rashly insults his nasty social superiors, who then throw him in the stocks as a foreseeable result of his warranted but imprudent insults.

But Kent is not plain, and neither is his stocking. In fact, as I will argue, far from being overwhelmed by his angry passions, Kent actively places himself in the stocks in 2.2. He does this as part of a coldly planned, covert coup attempt designed to return Lear to the throne. None of this action is plausible, of course, if one assumes that Kent just is the simple, plain man he chooses to appear to be. In other words, one must wonder if Shakespeare named Kent ironically.

There are many *prima facie* reasons for doubting that Kent is the kind of man he is seemingly known to be. These reasons concern both Kent's darker deeds and his private speeches. Indeed, the first time Kent appears, in the play's opening sentences, he is shown to be comfortable acting in his behind-the-scenes courtly niche, discreetly questioning the difference between an appearance (that the king had "more affected" Albany than Cornwall) and a reality (that the two men have been carefully awarded the same dowry). Furthermore, courtier Kent's confidential exchange with Gloucester in 1.1 indicates another gap between appearance and reality, since both courtiers know that the division-of-the-kingdom scene has itself been plotted as a public political performance. The *appearance* is that Lear will award the choicest regions to the daughter who praises him best in a swearing contest before the entire court. But the *reality* is that the lands have already been assigned in advance.¹¹ There is little risk, however, that courtier Kent will prove unable to prevent himself from publicly blurting out this hidden truth. Even when Kent seems to lose control later in the play's first act and to speak rashly, he still keeps the court's secrets. More generally, if Kent were really as rash, plain, and uncontrolled as he seems, how would he have been able to reach such an exalted position in a decadent court, riddled with secrets, lies, and mere shows?

If Kent's role as courtier is not consistent with the common picture of his character, what about his deeds after he is banished? Kent works effectively in the shadowy world of high-level espionage, covert

¹¹ See Coleridge (1960), 49–50. The matter is well discussed in Jaffa (1981), 118ff.

communications, secret agents, subterfuge, disguise. None of Kent's underground deeds after his banishment seems consistent with his widely accepted Caius cover story of plainness, rashness, and so forth.

Like his deeds, Kent's words, especially his private words, also provide prima facie evidence for his difference from Caius, the plain, ordinary man. Kent's first soliloquy, for instance, reveals the fact that he thinks of himself as a pregnant man. There he speaks of his "good intent" which may "carry" itself through to a "full issue" (1.4.2–3).¹² Further developing the pregnancy metaphor, Kent hopes that his master, whom he "lov'st," will discover him to be "full of labors" (1.4.6–7). Before Kent can fully deliver, however, he will suffer at least one miscarriage: the failed coup attempt which is the focal point of this paper.¹³

Kent's secret pregnancy is dark. Perhaps only one other character in the play—the Fool—is aware of it, as we will see below. Of course, to be pregnant is in itself to be more than one seems on the surface. But Kent's soliquizing on his pregnancy is not the only moment in which he makes private reference to his own hidden depths. Kent often quietly refers to himself as dark, occluded, opaque, or strange. In his second soliloquy, for instance, Kent speaks of "my obscured course" (2.2.168). Or again, Kent boasts he is "much more than my out-wall" (3.1.44–45) in a private moment while recruiting a secret agent. "Out-wall" here is reminiscent of Kent's claim to be pregnant; it suggests that there is something valuable and vulnerable within Kent's inner reality that must be protected by a wall-like external barrier of mere appearance. Caius is Kent's "out-wall." Thus Kent here proclaims himself to be "much more" than Caius, a representation that seems inconsistent with the claims of critics, mentioned above, who maintain that Kent's disguise obscures nothing important about him.

To summarize: There are many prima facie reasons to believe that Kent is indeed much more than his out-wall, Caius. Kent's own private words emphasize a substantial gap between his reality and his appearance. Moreover, the plain-spoken, rash, uncontrolled Caius could not thrive

¹² Note that when Kent uses the word "issue" (1.1.17) in the opening moments of the play, it seems clear that he means "offspring." It is interesting that Kent's very first conversation concerns a pregnancy.

¹³ We might wonder who the father is. It is noteworthy that when Kent first appears in Nahum Tate's version of *Lear*, Tate instantly makes it clear that his Kent is a man with biological children of his own. Tate perhaps felt he was supplementing a strange lack in Shakespeare's version, but it is also possible that in so doing Tate, wittingly or not, succeeded in further obscuring something important about Kent's character.

in Lear's decadent court, could not survive in disguise, could not function effectively as a spymaster. But in order to enable such darker labors, a prudent Kent might well choose to appear plain-spoken and uncontrolled.¹⁴

KENT'S ARTFULLY DECEPTIVE SPEECH

Moving beyond the *prima facie* evidence for Kent's ulteriority, we must consider other evidence, both more difficult to discern and more powerful. First we will consider Kent's virtuoso verbal mendacity. For an analysis of Kent's equivocal words will clear a view of his deceptive deeds, especially when he is put into the stocks.

Although widely considered to be a plain man, Kent actually lies frequently and masterfully. Sometimes his lies are patent to audiences familiar with the plot of the play, and he fools only his fellow characters onstage. Other times, however, Kent also fools the audience offstage, including prominent critics. To discern Kent's more subtle deceptions, we must first observe his technique in the more obvious ones.

Consider first a lie that is obvious to the rereading audience offstage but concealed from characters onstage: Kent's announcement of his plans after he is banished by Lear. First he notes—signally—the possibility of a divergence between "speeches" and "deeds" (1.1.183). Then, bidding his fellow courtiers "adieu," he immediately declares that "Kent" will "shape his old course in a country new" (1.1.185–87). The couplet is artfully designed to *appear* to mean that the banished Kent will obediently go to some foreign country (likely France, judging from the "adieu"). But of course the play's rereaders know that Kent's own deeds will not "approve" these words, as he himself puts it in the same speech (1.1.184). For in fact Kent will remain, disguised, in England, despite what he apparently proclaims. That Kent lies here is apparent to all rereaders. Less apparent, however, is the equivocal character of Kent's "country new" statement. For although it functions as an effective lie and fools his onstage audience, Kent's statement is not literally false, since after Lear's "difference and decay" (5.3.288–89) England itself has now become "a country new," a place different from what it has formerly been. In announcing his plans, then, Kent cryptically states that he will remain the same person, doing the same old thing he has always done (namely, support Lear) in the same physical space, but in a radically different political context. Kent's artfully deceptive statement both conceals this intention (since it

¹⁴ Compare how the clever Edgar appears as merely an "unaccommodated man" (3.4.108).

seems to mean he will leave England) and reveals it. Or at least Kent's meaning is revealed to attentive rereaders who already know that Kent will not leave England and who pay attention to his precise words.

From Kent's misleading announcement we observe that he is capable of using equivocal language in a way that is craftily, even elegantly, deceptive. Of course, such mastery of deceptive speech is not something we would expect from the putatively careless, plain, and out-of-control Kent of critics' imaginations. More broadly, however, the ambivalent revelation of both appearance and reality in Kent's "country new" speech should be regarded as a kind of Shakespearean training in how to read Kent's words. We learn early that Kent can say something equivocal that can be taken two ways, with the most obvious and tempting interpretation of his statement being false. In the "country new" example, the deception can be obvious to rereaders. But in other, subtler cases, both sides of the deception will not prove so readily visible. Elsewhere, Shakespeare reveals only some few, subtler clues about the reality Kent masks with his equivocal words, leaving us to infer for ourselves the hidden truth of Kent's speeches or deeds. Having scrutinized a more obvious deception, we ought to apply Shakespeare's lesson and remain vigilant for craftier equivocations, lest we confuse appearances in Kent's speech for realities, just as do his gulled onstage interlocutors.

MORE SUBTLE EQUIVOCATION: KENT'S JOB INTERVIEW

We can learn more about who Kent is and how he differs from Caius—his "out-wall"—if we attend to what I call Kent's *job interview scene*, in Act 1, Scene 4. Kent, now disguised as Caius, persuades Lear to hire him as a confidential messenger. It is an impressive rhetorical feat, since normally a stranger would not be offered such a sensitive role. Note, again, how Kent uses deceptive language to both conceal and reveal the gap between what he seems to be (Caius) and what he really is. By now, Kent's deceptions gradually become more difficult for his audiences, both onstage and offstage, to discern.

Throughout his job interview, Kent lyingly claims to be a plain, ordinary man. But it is *prima facie* suspicious when someone goes about declaring his own plainness, simplicity, and ordinariness. For that just doesn't seem like a plain, simple, or ordinary thing to do. We are thus on guard when someone identifies himself as just a "simple country lawyer." Or consider Socrates's ironic self-diminishments. In Shakespeare, what reader is fooled by Mark Antony's rhetorical declarations that he is merely "a plain

blunt man" (*Julius Caesar* 3.2.218)? Similarly, consider the revealing sequence from *Coriolanus* in which Menenius proves to be much like Kent in that he overtly claims plainness but turns out to be unknown:

SICINIUS VELUTUS.

Menenius, you are known well enough too.

MENENIUS AGRIPPA.

...what I think, I utter...

JUNIUS BRUTUS.

...we know you well enough.

M. AGRIPPA.

You know neither me, yourselves, nor any thing.

(*Coriolanus* 2.1.46–67)

A MAN

Interestingly, the primary reason that critics underestimate Kent is that they have naively accepted his own self-effacing self-assessments. But when Kent suggests he is but ordinary, plain, or rash, his very language betrays the lie. For Kent's words themselves prove to be extra-ordinary, equivocal, and controlled even as they explicitly claim the opposite. Kent's deceptive character is thus partially unmasked by the ironically equivocal language of his claims to simplicity and honesty.

When Lear first meets the banished, disguised Kent, he asks what seems to be a simple question: "What art thou?" (1.4.9). Kent's response, although ambiguous, seems equally straightforward: "A man, sir." Superficially, it looks as if Kent means something deflationary: I am just an ordinary man—merely anybody—no one special. It seems as if mere common manhood is the upper limit to what Kent claims for himself. But the seemingly simple exchange points to hidden depths. For "a man" could mean many things. Left hanging is the implied question, thematic for the play as a whole: What is a man? For present purposes, the narrower question is: What kind of a man is Kent? Indeed, Kent's understated answer is entirely consistent with what we will see to be the actual truth: Kent is an unusually special human being—an ordinary man plus much more. In fact, the question of Kent's manliness will prove thematic in the play and decisive for understanding the efficacy of his disguise. We have already seen that privately Kent considers himself to be a pregnant man. And a pregnant man is no ordinary man!

Lear himself seems unsatisfied with Kent's simple answer ("a man") and questions him further. In response, Kent accounts for himself by offering statements that further display his virtuosity at artful equivocation.

One example: “I do profess to be no less than I seem” (1.4.13). The statement is like Kent’s earlier answer to Lear (“a man”) in that it also seems deflationary. For it seems that Kent again maintains that he is an ordinary, plain man, someone who does not appear to be much and who is as he appears. And so Kent is understood by critics, who accept his claims at their apparent face value. Yet a closer look indicates that such seemingly simple statements are considerably more equivocal than they initially appear.

We will now analyze this particular Kentian statement, “I do profess to be no less than I seem,” in some detail, then use the analysis as a template to see through other instances of his dissimulation. The statement will prove a masterpiece of complex equivocation.

Kent’s statement can be divided into two parts: “I do profess” and “to be no less than I seem.” First the “I do profess” part: To state “I do profess to be X” *seems* to be the same as stating “I am X.” But of course the two statements are not identical, since the first is true when someone merely *claims* to be X, regardless of whether the speaker really is X, while the second statement is true only if the speaker really *is* X. (Thus, “I do profess to be the Easter Bunny” could be true of me; “I am the Easter Bunny” cannot be true of me.) “I do profess” is a claim about claiming, not about being.

No less equivocal is the *content* of Kent’s profession: “to be no less than I seem.” The formulation appears to mean straightforwardly that Kent’s reality is identical to his seeming: *What you see is what you get with good, plain, straightforward Kent*. But actually Kent’s formulation is logically consistent with his being actually *much more* than his seeming. For “to be no less than I seem” means precisely that the speaker is *either greater than or equal to what he seems*. Which alternative (*equal to appearances* vs. *greater than appearances*), then, is the correct one for Kent? His later, private statement that he is “much more than my out-wall” (3.1.44–45) clarifies the matter. Kent’s clever formulation, then, is designed to *seem* to say that Kent is *no more than he seems*, but it actually points to the truth: that he is *much more than he seems*.

We now put together both parts of Kent’s statement “I do profess to be no less than I seem,” taking into account the above analysis. The statement then amounts to this: *I do claim to be either greater than or equal to my appearance*. Critics mistakenly take Kent to be saying he is no more than his appearances; they believe the statement true. In fact, Kent’s statement is actually true; but it means (at most) the opposite of what it has been supposed

to mean. Thus Kent's artfully equivocal rhetoric masterfully mimics plainness even as it seemingly claims he is merely plain.

Like the examples mentioned above, Kent's equivocations often work by means of litotes or understatement; they appear to mean that Kent is merely equal to some level which in fact he exceeds. Thus consider his mendacity when he apparently claims to be forty-eight years old (1.4.38–39). It has been noted that there is much evidence elsewhere in the play that Kent is older than forty-eight years old. Bradley, for instance, has observed that Kent is lying about his age when he claims to be forty-eight. In his analysis, however, Bradley flatly states, "Kent tells Lear that he is eight and forty."¹⁵ But Kent's precise words are, "I have years on my back forty-eight" (1.4.38–39). Kent's equivocal statement seems to mean what Bradley reads. But in fact Kent's statement is actually consistent with the truth that Bradley observes, which is that Kent is older than he lets on. The rhetorical/logical analysis of this clever equivocation is similar to the analysis of "no less than I seem," discussed above; it is again a matter of understatement.

Similarly, consider another example of Kent's apparent attestation of his own ordinariness: "that which ordinary men are fit for, I am qualified in" (1.4.34–35). Again, the formulation appears to say straightforwardly that Kent is an ordinary man, or that his capacities are no *more* than that of an ordinary man. The statement so understood is widely accepted as true. But, like the case of "no less than I seem" above, Kent's formulation cleverly means nothing of the kind. Rather, Kent attests to having capacities *equal to or greater than* those of ordinary men. And if we suppose that no ordinary man would be capable of such sophisticated verbal deception, the statement itself points to the correct alternative, namely, that Kent's capacities are indeed extraordinary. Typically, then, Kent lies about himself ironically and elegantly. He makes statements that are indeed technically true. But their truth can be grasped only if they are taken in exactly the opposite sense from the tempting sense in which they are cleverly designed to be misunderstood. Kent proves to be a virtuoso of shrewdly executed equivocal statements that reveal the truth to the few even as they conceal it from the many. The latent sophistication of Kent's self-descriptions is a measure of the latent sophistication of their author.

¹⁵ See Bradley (1905), 175, who offers much evidence that Kent is older than forty-eight but does not note the equivocity of Kent's statement regarding his age.

Not only are Kent's statements equivocal, they also prove to be peculiarly self-verifying. Using litotes, Kent marks his superiority to plain, ordinary men precisely through his seeming denial of such superiority. Fashioned so artfully, Kent's showy claims of plainness amount to an implicit claim of covertness. That claim is verified by the patent fact that no plain man could dissimulate as successfully as does Kent. Again, Kent's merely apparent claims of ordinariness amount to an implicit claim of extra-ordinariness. That claim is self-verifying, too, since no ordinary man would be capable of producing such extraordinary equivocations.

Generally, Kent's masterful dissimulations would be possible only for someone maintaining strictest control over a very large gap between his out-wall appearance and his inner, pregnant reality. That Kent is capable of such control is, to say the least, in some tension with the usual picture of him as a hot-headed, plain-spoken, spasmodically rash teller of home truths.

A HERMENEUTIC LESSON

From the above, we can derive Shakespeare's lesson: Kent is often subtly duplicitous and never so deceptive as when he is claiming to be an honest, plain, or ordinary man. Thus when we encounter Kent elsewhere in the play apparently claiming simplicity—claiming to have been stocked because he had “more man than wit about me” (2.4.42), for instance—we ought to be on our guard. Generally, Kent's words show that he is indeed much more than his out-wall, the plain, ordinary Caius. We can then wonder about Kent's deeds, especially his deeds as he provokes his stocking. Might Kent's deeds also point to something dark?

WHY IS KENT IN THE STOCKS AT THE END OF 2.2?

THE CONVENTIONAL ACCOUNT

We now turn to 2.2, the scene in which Kent is thrown in the stocks. We seek to understand why this happens. Again in 2.2 Kent makes equivocal claims regarding his own simplicity, plainness, honesty, and so forth. And again, these claims are taken, mistakenly, at face value, by both the play's personae and its critics. But by now this should be no surprise.

Before examining the textual evidence concerning how Kent lands in the stocks in 2.2, let us consider the conventional view of Kent's punishment. The matter is always connected with the ever present question of what kind of a man Kent is. Again, a representative account is Bradley's:

[Kent] is hot and rash; noble but far from skilful.... As he himself says, [Kent] has more man than wit about him. He shows this...by falling upon Oswald, whom he so detests that he cannot keep his hands off him.¹⁶

Broadly, Bradley's view epitomizes the critical consensus on these events.¹⁷ The conventional story is so widely accepted that it is rarely even discussed and there has been (so far as I know) no critical controversy about it. The accepted story holds that the "hot and rash" Kent, although noble and loyal, is dominated by his passions, and so he imprudently, perhaps cruelly, attacks Oswald and then Edmund. Kent's wild attack on them, plus his rash—if merited—rudeness to Cornwall and Regan, is the cause of his being thrown in the stocks. In short, Kent is punished because he is emotionally out of control and thus he cannot be diplomatic—cannot mask his inner reality—around the villains he justly despises.

Like the view of Kent as an honest, ordinary, plain, and simple man, however, the conventional account of Kent's stocking is entirely false.

WHY IS KENT IN THE STOCKS AT THE END OF 2.2?

PRIMA FACIE REASONS TO DOUBT THE CONVENTIONAL ACCOUNT

In the passage quoted above, we find that the only evidence that Bradley cites for his interpretation is Kent's own seemingly simple account of the incident. When asked by Lear why he is in the stocks, Kent replies that he had "more man about me than wit" (2.4.42), and he implies that his excessive manliness is the reason he had attacked Oswald, and that was the reason he was in the stocks. Bradley simply accepts Kent's publicly offered account of the affair. We now can see, however, that this explanation is but one of many times that Kent seemingly claims to be an uncomplicated, direct, plain, rash man. (See also his public explanation to Cornwall: "anger hath a privilege" [2.2.70].) Yet if the analysis offered above is correct, Kent

¹⁶ Bradley (1905), 308. See also Danby (1964), 190; Booth (1983), 51; Rosenberg (1972), 147, 149.

¹⁷ One aspect of the interpretation of Kent's stocking to be offered here is anticipated by one isolated sentence, clearly conjectural, written by Northrop Frye. In considering this scene, Frye muses that Kent "seems to be asking for something, almost as if he were a kind of *agent provocateur*, adopting the strategy of Goneril's 'I will have it come to question'" (Frye 1988, 104). Frye does not go on to discuss this single-sentence conjecture; it is purely *obiter dicta*. Nor does Frye offer any further evidence for it, nor is his conjecture taken up (as far as I know) by other critics. But I will argue that Frye's conjecture, as far as it goes, is entirely correct about Kent's motivations in the stocking scene, for specific reasons far beyond that of which Frye spoke.

typically lies when he seems to make such claims about himself. And if the disguised Kent proves unreliable in this account of his stocking (as I will show he does), then Bradley's conventional view (which relies upon Kent's veracity) is weakened substantially.

Even on *prima facie* grounds, however, there are already problems with the conventional account. For it may make some sense for Lear to accept at face value Caius's account of the stocking (since he presumably does not know that Caius is actually Kent, disguised). But it makes much less sense for critics to accept unquestioningly Kent's seeming explanation, that he is simply an emotionally uncontrolled man. For at the very moment Kent claims to be so plain, we know that he is highly reserved because very effectively disguised. After all, the banished Kent apparently manages to consistently deceive even his long-time, daily associates about his true identity. From this we infer that Kent is entirely capable of maintaining a discreet difference between his appearance and his reality. We should be immediately suspicious when such an effectively disguised man seemingly claims to be plain, straightforward, or emotionally undisciplined.

Moreover, when scrutinized carefully, Kent's "more man about me than wit" claim itself displays an ambiguity typical of Kent's self-assessments. Like the "anger hath a privilege" line, it is assumed by proponents of the traditional account to mean that Kent straightforwardly acknowledges that he is a puppet of his emotions. In this sense, it seemingly amounts to yet another Kentian claim to plainness—he has certain emotions and he cannot but express them in his actions. Kent's interior emotional reality is thus plainly legible through his exterior words and deeds. We have seen reasons to doubt Kent's claims to plainness. In order to know what Kent means by his statement, we would have to understand what he means by "man" (again) and by "wit," and how these two very fraught terms fit together. We might also wonder, thinking about the preposition Kent uses, what it means to have man "about" him. Is Kent's manhood here like an out-wall?¹⁸ (We discuss Kent's manhood in more detail, below.) Similarly, for Kent to say "anger hath a privilege" is not necessarily to say "My rude actions were caused by my uncontrolled anger." Kent does not make clear to whose anger he refers, or in what, precisely, its "privilege" consists.

¹⁸ David McNeill suggested this pun to me.

Moreover, there is another reason that Bradley should not be so quick to accept Caius's own account of his stocking. The story is a manifest lie, as the audience should know.¹⁹ Kent is stocked only after publicly (and in full view of the audience) spewing at Cornwall and Regan a series of outrageous insults, including unflattering wisecracks about their faces and literal bathroom humor at their expense, in addition to other overt provocations. Yet in his account to Lear, Kent suppresses those important details of his encounter with Cornwall and Regan, reporting only that he had manfully attacked Oswald. In implying that this is the only reason for his stocking (2.4.44–45), Kent thus lies to his master by omission. But Shakespeare makes certain to emphasize Kent's lie by omission, turning it immediately into an explicit lie by commission: The instant Lear leaves the stage, a Gentleman explicitly asks Kent: "Made you no more offence then what you speak of?" And Kent now unequivocally lies: "None" (2.4.62).

Perhaps, again, it is understandable if the Gentleman and Lear himself are deceived by Kent's lie about the stocking sequence, since they were not present onstage for the relevant events. But the audience has no such excuse, having directly witnessed the entire sequence. We thus should know that Kent's account of his stocking is a lie. Nonetheless, in the passage quoted above, Bradley relies on Kent's account and apparently does not appreciate that Kent is suppressing important details. Bradley places excessive trust in Kent's own account of the affair, trusting him unreservedly when there are reasons for doubt. In this regard, Bradley is emblematic of many critics, who have too uncritically accepted Kent's word regarding his own character, intentions, and alleged pathologies. Bradley even allows himself to express a certain fond condescension for Kent, in the same passage in which he accepts Kent's account of the stocking. He says: "One has not the heart to wish [Kent] different, but he illustrates the truth that to run one's head unselfishly against a wall is not the best way to help one's friends."²⁰

Even on the surface of the play, then, we have now seen that there are already two divergent accounts of Kent's stocking, a divergence created by the mendacity of the seemingly simple Kent. That there are at least two inconsistent accounts of the one event is noteworthy in itself. Perhaps neither is true. Could there be other accounts of the event, as well?

¹⁹ See Foakes's editorial note on this line (1997, 146). See also Rosenberg (1972), 146.

²⁰ Bradley (1905), 308.

HOW KENT REALLY ENDS UP IN THE STOCKS

In place of the above conventional view, I will argue that Kent is stocked not because of any lack of self-control on his part, however noble or manly, nor because of his putative plainness. On the contrary, the crafty Kent placed himself in the stocks on purpose by deliberately provoking the passions of Cornwall and Regan by means of repeated, calculated insults. He so manipulates them because he hopes they will punish him, as they do, in a manner that will offend and thus enrage Lear (since Kent is Lear's official representative). Kent's goal is to thereby provoke Lear into a rage so great that he will be stampeded into doing what he has repeatedly threatened: retake the throne by force. In short, I maintain that Kent's stocking forms part of his covert coup attempt.

I call Kent's coup attempt a *covert* one because (like much about Kent) it is largely invisible to audiences both onstage and off. Even its primary intended beneficiary, Lear, whom the plot is designed to re-empower, takes no part in the scheming of it and may never realize it has happened. Lear is apparently to be (in a sense) one of the plot's victims. For the success of Kent's plan required the manipulation of Lear's angry emotions no less than those of Cornwall and Regan.

But Kent's coup attempt does not succeed, as I will show. Its failure is predicted by the Fool, and Kent thus learns a painful, if profound, lesson about the meaning of his epoch as a whole.

The thesis proposed above about Kent's stocking points to something in principle invisible: Kent's motivation, or as he himself puts it in his first soliloquy, his "good intent" (1.4.2). That Kent insults various people in 2.2 is clearly visible. It also seems clearly visible that he proclaims putative causes for those insults ("Anger hath a privilege" [2.2.70]). But what is not clearly visible is whether Kent's claims about his motives are actually true or whether he is again speaking duplicitously. For intentions themselves are invisible psychic states; they can only be inferred from what is visible, from external circumstances, words or deeds. So we must investigate Kent's visible activities to determine his ulterior "good intent" (1.4.2), his own "darker purpose," if any, in the stocking scene.

To understand Kent's activity in 2.2, first consider that the play shows a parallel for someone deliberately acting rudely to his social

superiors as an attempt to provoke a quarrel. For (as Frye notes²¹) this is exactly what Goneril orders Oswald to do in Act 1, Scene 3. The audience sees her instruct him to be deliberately rude to Lear so that she can, as she puts it, "breed from hence occasions" (1.3.24). Obviously, in order for her plan to succeed, Oswald must *appear* to be spontaneously rude, to be rude because of what Bradley would call his "natural character."²² (The plan fails if its intended dupes discern that what appears to be Oswald's rudeness is really Goneril's intention.) Goneril's plot is effective. Vowing, "I'll teach you differences" (1.4.89), Kent is duly precipitated into hasty action by Oswald's tempting provocations, and Goneril has her way. But unlike onstage personae, readers are not fooled by Goneril's deception. This is because, again, Shakespeare has overtly shown us both sides of the illusion. Thus the poet offers his audience a lesson: this sort of plot is a live possibility in the world of *King Lear*.

But now imagine if, other things being equal, Shakespeare *had not* shown us the plotting scene (1.3) in which Goneril orders Oswald to feign a spontaneous disrespect of Lear. Audiences offstage would then have likely been as fooled as the onstage onlookers. Both would probably believe that Oswald's rudeness in 1.4 is uncalculated and that his external rude behavior simply flows immediately from his character.

Such is exactly, I claim, what happens with Kent in 2.2. For in this case, having already taught us how to look, Shakespeare does not show us so clearly both sides of the illusion. We still get the same tempting appearance (now: *Kent is spontaneously rude to those above his seeming station*), but this time we are not explicitly shown the underlying reality (*Kent's rudeness is calculated as part of a plot*). Instead, the second time the same illusion is shown, we are given only *clues* that point to the underlying reality (clues I will discuss below). If we have been good students of Shakespeare, however, we will have learned to read the covert plot in 2.2 and 2.4, partially from seeing its overt parallel in 1.3–4.

A point of precise parallel between the two plots comes in 2.2, when Cornwall asks Oswald, "What was the offence" that Oswald gave Kent to cause Kent to attack him. Oswald directly lies, saying, "I never gave him any" (2.2.115). Oswald's lying reply precisely parallels Kent's direct lie, discussed above, in answer to the Gentleman's similarly worded query, asking about Kent's "offence" against Cornwall (2.4.62).

²¹ Frye (1988), 104.

²² Bradley (1905), 308.

Another interesting confirmation of the parallel plot idea comes at the precise moment at which Cornwall orders Kent to be thrown in the stocks. Cornwall cries: "Fetch forth the stocks!... We'll teach you—" Kent interrupts: "Sir, I am too old to learn" (2.2.125–28). Note that in this passage, Cornwall has a sentence ("We'll teach you—") that is cut off when Kent interrupts him. In *King Lear*, one must always pay closest attention to what is prominently not said. What could Cornwall have been trying to say when Kent interrupted him? A conjecture: "We'll teach you differences!" Reasons for the conjecture include the following: First, it makes sense for Cornwall to say something of the kind, since he is angry at Kent for not respecting his putative betters. Second, the words Cornwall does speak closely echo words that Kent speaks earlier, as we saw: "I'll teach you differences" (1.4.89). In fact the words "teach you" appear only twice in the play, once in Kent's speech at 1.4.89 and again in Cornwall's broken declaration under discussion here. Thus in both form and content Cornwall's broken declaration points back to Kent's previous statement, suggesting the two are meant to be seen as the same.

If so, Cornwall's words would clinch the parallelism between the two plots, Kent's and Goneril's. For Kent utters his analogous phrase ("I'll teach you differences!") at the precise moment at which he takes the bait and physically attacks the rude-feigning Oswald, thus providing Goneril with the very "occasion" she was attempting thereby to "breed" (1.3.24). Analogously, then, Cornwall utters his version ("We'll teach you—") at the precise moment at which he finally takes Kent's bait in the parallel plot. That is, Cornwall's phrase is spoken at the moment that he orders Kent to be thrown in the stocks, thus providing Kent with his own occasion. Thus if my conjecture is correct, the two analogous moments in analogous plots are *almost* marked by two identical statements. It is only Kent's timely interruption that prevents the parallel from being overtly complete and the conclusion from becoming obvious.

There is a further point to be mentioned about Goneril's plot as it parallels Kent's possible plot. The scene in which we are shown the inner reality of Goneril's plan (1.3) immediately precedes the soliloquy in which we are first introduced to Kent as Caius (1.4). Shakespeare contrives to have contiguous scenes point to each other or make comments about each other in this fashion. Thus, in effect, Oswald dons his dramatic costume (under Goneril's direction) just as his opposite number, Kent, assumes his own costume (or disguise), under the direction of his own "good intent" (1.4.2). Each is preparing to make a deceptive display of behavior that *appears* spontaneously "unmannerly" (1.1.145), as Kent would put it, while in fact their seemingly

unmannerly behavior is entirely calculated, or as we might say, altogether *mannered*. The contiguity of the scenes is another clue that one should consider that one repeats, covertly, the overt action of the other.

From the above analysis, then, we can also see that 1.4 proves a complex scene. It contains two secret plots running interpenetratingly, with two men, Kent and Oswald, each of whom is both the protagonist of his own secret plot and simultaneously the dupe of the other's. Moreover, the success of one plot is also the success of the other, even though the plotters have opposite interests. For Oswald's success in provoking Kent into violence is simultaneously Kent's success, too, since he thereby demonstrates his value to Lear, who, appreciating the spirited loyalty of the new man, hires him on for a rather sensitive position.

Summary: So far we have seen three aspects of *King Lear* that offer prima facie support for my reading of the covert coup attempt in 2.2. First is Kent's mastery of duplicity in the job interview scene and elsewhere, calling fundamentally into question the conventional view of him as simple, ordinary, plain, and so forth. This means that Kent is the kind of devious man who could engineer such a coup attempt. Second, Kent tells at least one overt lie about how he came to be in the stocks. This means that there is something fishy about accounts of Kent's punishment. Third is Goneril's parallel plot, in which what is apparently spontaneous rudeness is revealed to be calculated provocation. This is significant because it shows that such a plot is indeed possible in *King Lear*. This prima facie evidence suggests that there could be much more than meets the eye in 2.2, the scene in which Kent is stocked.

More evidence is available to confirm the unconventional interpretation that 2.2 actually shows a covert coup attempt and that 2.4 shows its abortive aftermath. Thus the following sections will undertake a close reading of those scenes, making two general points. First is that, far from being the puppet of his passions, Kent continues his characteristic, masterful deceptiveness through 2.2 and early in 2.4. Despite appearances, Kent (and not the slow-witted Cornwall) drives the events in the moments leading to Kent's stocking. The second point concerns conditions favoring a coup attempt such as (I claim) Kent enacts in 2.2 and 2.4. Having listed a series of such conditions, I will then show that Shakespeare carefully shows us that they are present in the drama, sufficient to warrant the conclusion that Kent's actions there do constitute a covert coup attempt.

A FARRAGO OF KENTIAN DECEPTION AND
MANIPULATION IN 2.2 AND 2.4

The faint but palpable odor of Kentian guile, sensible already in Act 1, wafts through all of 2.2 and lingers through the beginning of 2.4, remaining for as long as Kent is active in that scene.

In 2.2, Kent's duplicity begins from the very first lines of the scene: asked by Oswald if he is "of this house" (2.2.1–2), Kent replies with a mendacious "ay." This initial lie sets the tone for everything that follows in the scene. After his lie, and with no immediate provocation, Kent verbally—then physically—attacks Oswald (2.2.5–42). Next he physically threatens Edmund (Caius's social superior and Cornwall's new darling). Then he offers crude, provocative insults to Regan and Cornwall, vastly his social and political superiors. He demeans Cornwall's intelligence multiple times throughout the scene, and he even insults Regan's face to her face (2.2.90–96). It is unsurprising that they become angry with him. The question is whether their rage is consciously calculated by Kent.

We saw above that when asked why he was placed in the stocks, Kent directly lies. Suppressing more relevant details of his far greater offenses, Kent falsely claims that he was stocked only because he had drawn his sword upon Oswald (2.4.44–45). The intent of Kent's lie is to minimize his offense against Cornwall and Regan, and thereby to maximize the insult they offer to Lear by stocking his (allegedly) relatively guiltless messenger.

Similarly, Kent carefully provokes both Cornwall (2.2.129–32) and Regan (2.2.136–37) to confirm publicly that they are aware of but at most indifferent to the fact that stocking Kent will constitute a grave insult to Lear. They knowingly treat Lear's own man like a common criminal (2.2.140–50), worse even than one would treat his "dog" (2.2.136). The intent of Kent's provocation here is similar to that of his lie in 2.4 regarding the offenses leading to the punishment: Kent wishes to intensify the offense Lear takes. The insult offered him by Regan and Goneril is even greater if done with publicly avowed disrespect. Kent thus both minimizes his own provocation and maximizes the offense of his enemies. He uses his capacities for deceit and manipulation to set a scene in which Lear would be maximally provoked, thus maximally angry, thus maximally inclined to retake the throne.

Kent's provocations and prevarications continue throughout 2.2 and the beginning of 2.4. Even as he insults his social betters in 2.4, Kent proclaims that it is his "occupation to be plain" (2.2.93). As usual when

Kent seems to claim transparency, the statement is artfully deceptive, since it seems (and has been taken) to say, "I am naturally plain." In reality, of course, the statement is like Kent's earlier "I do profess to be no less than I seem." It merely indicates that it is Kent's present task to be or seem plain, something subtly but importantly different from appearances. But by now we should not be surprised when we see Kent using equivocal language to claim ordinariness. For Kent is never so duplicitous as when he claims simplicity, honesty, or ordinariness. The same goes for Kent's seeming explanations for how he was stocked ("more man about me than wit" [2.4.42] and "anger hath a privilege" [2.2.70]). As suggested above, such statements amount to more equivocal claims of an emotional simplicity that is, in fact, utterly foreign to Kent's complex character.

Kent's deceptions in 2.2 contribute to the air of theatricality that permeates the scene. Elsewhere in *King Lear*, when characters use theatrical language, it often indicates that they are about to fool someone. See, for example, Edmund's theatrical references at 1.2.134–37. Heeding that lesson, we should be suspicious of play-acting when Kent uses such language, as he does at 2.2.35–37: "You...take Vanity the puppet's part against the royalty of her father."²³

Another theatrical reference comes when Kent makes a joke at Cornwall's expense, calling him "Ajax" and insolently saying that he is the "fool" of Oswald (2.2.124). As Foakes notes on this line in his Arden edition of the play, this joke is especially rude and provocative, since a few lines earlier (2.2.65–66) Kent had made a pun linking the words "Ajax" and "a jokes," that is, a bathroom. So for Kent (as Caius) now to call Cornwall "Ajax" is for a seemingly socially negligible man to make provocative scatological humor at the expense of a personage now hardly below the level of a king. (We note that Kent makes no reference to this particularly egregious offense when he later explains to Lear why he ended up in the stocks.)

But Kent's "Ajax" joke is also a theatrical one, and it indicates that Kent is casting both himself and Cornwall in a play that will not end well for Cornwall. In making this joke, Kent actually goes some distance toward tipping his hand. First, as editors mention, "Ajax" here means someone who is mentally defective, foolish. (See, e.g., Foakes's note on this line in the Arden edition.) This is not complimentary to Cornwall's intelligence, of course. But

²³ This line, with its uses of theatrical language, might also indicate that by now at least Kent understands that Oswald had been only acting as part of Goneril's parallel plot in 1.4.

the significance is more acute: for Ajax is the gull in the old tragedy, dramatized by Sophocles, recounted by Ovid, and known to Shakespeare, in which Ajax is fooled and driven mad, unable to handle Odysseus's provocations.²⁴ In his madness, Ajax believes he is striking out at his enemy, Odysseus, but he actually harms only himself and his family. In his own mocking drama, Kent casts Cornwall as Ajax and himself as Odysseus. Thus in madly throwing the polytropic Kent in the stocks, Cornwall thinks he harms his enemy, Kent, but in reality (as Kent plots it, anyway) he only endangers himself and Regan. In short, the Ajax-like Cornwall is driven to this madness by the self-consciously Odyssean Kent, who simultaneously announces and enacts this show through his insults and theatrical references.

Further pursuing Kent's engagement of theatrical tropes in this scene, we note that Kent also actually stages a live comedy act for his interlocutors in 2.2. This happens at 2.2.105–6. There he makes much of abruptly—and preposterously—shifting dialects, affecting a high class, courtly diction, absurdly flowery. Kent here satirically flatters Cornwall while parodying the courtier he himself formerly was. (See courtier-Kent's final speech to Lear at 1.1.139–42 to understand the target of this parody.) Just as abruptly, Kent then abandons the comic parody of the courtly dialect. Instead he launches into an opaque statement with vague pronouns and near impenetrable syntax (to be discussed below). Kent thus overtly demonstrates that he now is what he had explicitly hoped (2.2.109) to become, namely a master of different “dialects,” different syntaxes, riddling language. Such mastery represents a skill—of course—not to be expected from the plain, simple man Kent is thought to be.²⁵

When Kent feigns highfalutin accents and diction, the mood is overtly comic. He is toying with his stupider interlocutor. But sometimes the mood in 2.2 becomes tense. One fraught moment in Kent's play-within-the-play comes when his principal antagonist, Cornwall, partially recognizes that Kent is play-acting with him. Remember, the banished Kent is in disguise,

²⁴ Apparently Sophocles's *Ajax* was being read and produced in Shakespeare's time. See Knight (2009). In any case, the story is extant in *Metamorphoses* 13, and Shakespeare refers to it frequently, as in, e.g., *Love's Labour's Lost* (4.3.6).

²⁵ This passage also commences with another demonstration of Kent's verbal pyrotechnical ability. In his highfalutin diction, he seems to be protesting that he is telling the truth: “Sir, in good faith, in sincere verity...” (2.2.105). But as usual when Kent claims to be telling the truth, something is off here. The sentence in which the truth-claim seems to be made is an anacoluthon; it therefore is not a sentence. Therefore it makes no claim. In a sense, Kent is here parodying his own constant mendacity, showing that he will lie, and do so cleverly, no matter in what “dialect” (2.2.109) he speaks.

faking a bluntness that is not his own. If he is caught in England it means his death. Cornwall suddenly accuses Kent of faking his plainness, saying that Kent "doth affect a saucy roughness," that his plain-acting is merely "craft" (2.2.96–102). Unlike Bradley and other offstage critics, then, Cornwall accurately intuits that the "plainness" and "bluntness" that Kent displays in this scene is "quite from his nature" (2.2.98). To a degree, Kent's disguise is penetrated in this passage.

Or almost penetrated. For the crude Cornwall is ironized here all the same, and he is undercut all the more radically for having correctly noted Caius's play-acting. For although Cornwall does guess he is being gulled, he does not fathom the depth of Kent's craftiness, or see his deeper "good intent" (1.4.2). Cornwall fails to grasp Kent's plan to enrage Cornwall and provoke him into rash action. Instead, Cornwall perceives Kent's very real deception, but mistakes it to be merely more of Caius's insolent insult. Cornwall is thus all the more precipitated toward rash punishment. Ironically, then, Cornwall's partial insight into Kent's craftiness is worse than useless, making him even more vulnerable to Kent's deeper deceptions. It is thus fascinating to consider that part of Kent's masterful plot to enrage Cornwall entails letting him catch a quick glimpse of the very illusion that is designed to snare him!

Cornwall's moment of quasi recognition of Kent's duplicity is especially fascinating on a technical level. That is, Shakespeare wishes Kent to be disguised also from the audience, disguised as a plain man. (We will discuss Shakespeare's own motivation below.) This disguise has been quite effective, misleading critics who believe that Kent is as he appears. But in the passages quoted above Shakespeare makes Cornwall speak of Kent's "craft" and so forth, and he makes Cornwall explicitly deny that Kent is naturally plain. In other words, Shakespeare's own writing here threatens to wreck the disguise he has himself so laboriously created for Kent. For Cornwall's claims are all actually true, if understood correctly. But since Cornwall is an evil character, and otherwise not especially intelligent, he has little credibility with the audience. That Shakespeare puts such unmasking in Cornwall's mouth effectively means that Kent remains cloaked all the more deeply. For to see Kent as a crafty faker seems to mean seeing the world as the villain Cornwall sees it, a perspective psychologically unpalatable for spectators. In a flashing moment of metatheatrical daring and psychological virtuosity, then, Shakespeare hides Kent's secret in very plain sight.

Interestingly, Kent also unmask himself, somewhat, when discussing the difference between himself and his plain character, Caius. In fact, Kent breaks character, stepping out of the Caius role and commenting on it, as I will show below. Replying to a question from the baffled Cornwall about the meaning of Kent's comedy routine with the different dialects, Kent says:

To go out of my dialect, which you discommend so much. I know, sir, I am no flatterer. He that beguil'd you in a plain accent was a plain knave, which, for my part I will not be though I should win your displeasure to entreat me to 't. (2.2.109–13)

Since Kent does speak the truth in this passage, however, he cannot speak plainly. That fact explains the tortured syntax and the opaque pronouns that appear in Kent's confession. In these lines, after remarking his protean capacity to move in and out of his "dialect," Kent refers repeatedly to himself, using variants of the first person pronoun ("I" four times, "my" twice, "me" once). But Kent also refers to someone else—a "plain knave"—as "he." This "he" Kent insistently differentiates from "I" (i.e., from Kent himself). Kent further marks the distinction between "I" and "he" by the words "for my part."

But who is this "he," so emphatically nonidentical to Kent's "I"? To understand who "he" is, consider Cornwall's denunciation of Caius as one who insolently faked his plainness. The denunciation contains a proliferation of sarcastically intoned "he's." Cornwall states:

This is some fellow...
He cannot flatter, *he!*
 An honest mind and plain—*he* must speak truth!
 An they will take it, so; if not, *he's* plain. (2.4.95–104, emphases mine)

In response, then, Kent picks up the "he" that Cornwall repeatedly denounces in the lines above. Kent's "he" refers to Caius, a man who really is as Cornwall describes him—"an honest mind and plain," who "cannot flatter" and "must speak truth." For Caius really is a "plain knave," as Kent says, and *he*—Caius—does "beguile" Cornwall in a "plain accent," as Kent states and Cornwall does partially perceive. This Caius is as critics have found Kent to be.

But now recall Kent's decisive switch to the first person. He speaks of an "I" who, "for my part," will not be the "plain knave." This "I," then, is not "he," not Caius, not the "out-wall." Rather, Kent's "I" is the inner Kent himself, who is, as he himself says, neither knave nor plain. In fact, as argued above, the more transparent "beguiling" performed by the

"plain knave" Caius is itself merely another gambit, part of the much more obscured, deeper "beguiling" performed by Caius's creator, Kent.

Understood aright, then, here Kent is "teaching differences" marking the vast difference between himself and Caius—the "plain knave" who "must speak truth," as Cornwall puts it. Critics (who believe Kent and Caius are identical, plain, etc.) have understandably missed Kent's own teaching in this passage, masked as it is by opaque pronouns and crabbed syntax. So also does Cornwall miss the meaning of Kent's compact, difficult lecture. Baffled, Cornwall gives up questioning Kent and simply changes both subject and interlocutor, abruptly turning now to Oswald and demanding, in exasperation, "What was th' offense you gave him?" (2.2.114).

Summary: In 2.2 considered as a whole, Kent looks nothing like the plain, rash man he is often understood to be. He toys with Cornwall like a nimble matador making elegant passes around a huge, dangerous bull. Sometimes Kent seems deliberately to expose himself to danger, sometimes he seems about to be gored. Sometimes he allows himself to be (partially) seen as a kind of artful fraud, but his theatrics only consummate his complete mastery over the powerful, dumb brute. The verbal matador baffles his slow interlocutors with a bewildering, ever changing farrago of deceptions, dirty jokes, theatrical productions, comic stand-up routines, literary allusions, various dialects, insults both latent and patent, riddles, lies that look like truths, and truths that look like lies, or are in any case wrapped in pronouns opaque and syntax impenetrable. The audience should be impressed with Kent's élan and virtuosity, but we should also not lose sight of his real courage. He is taking a not inconsiderable risk by deliberately enraging his powerful dupes. Throughout 2.2, Kent remains in charge, almost gleefully directing the scene, setting the pacing of its events. The comic tone, however, will swiftly change when Lear himself appears on stage.

KENT'S "OBSCURED COURSE":
THE CONDITIONS OF THE PLOT

We have seen that Kent repeatedly states (equivocally) that he is emotionally out of control in 2.2. So he is regarded by critics, who take his word for it. But, ironically, Kent is actually the only one in the scene who *is* in control, not only of himself but of the action as a whole. Now if the duplicitous Kent controls the action in 2.2, then he also intends the scene to end as it does, with him publicly punished. The punishment functions as part of Kent's covert coup attempt. As we shall now see, a close look at 2.2 and 2.4

reveals that the necessary conditions for such a plot are actually in place. The chief coup plot precondition, of course, is a Kent with the capacity to provoke his rash dupes, successfully enraging them while not tipping them off to the manipulation. We have seen above that ours is such a Kent. Other preconditions include the following:

- the presence of two rash and easily offended men (Cornwall and Lear) who can be stampeded into precipitous action by Kent's provocations;
- a Lear who is actually willing to retake the throne;
- a Kent who actually wants to be in the stocks (in fact, he must be courageously willing to accept whatever punishment Cornwall dishes out to him);
- a Kent who is actually calm, even if he appears plainly angry;
- a Lear who is direly offended by the sight of his servant stocked;
- a Kent who is concerned that Lear command a sufficient quantity of soldiers, if he is to retake the throne by force.

In the following paragraphs, I will show that the above preconditions obtain in *King Lear*, a set of facts that goes far to support my claim that Kent places himself in the stocks as part of a deliberate, covert coup attempt.

One precondition, then, is that Lear has to be possessed of an angry, impetuous character, such that he can be stampeded by an insult into doing something drastic, and Kent would have to know that Lear has such a character. A quick glance at the precipitous events of the play's opening scene should satisfy anyone that such conditions prevail.

A second precondition for the coup attempt: not only must Lear be irascible, Cornwall must also have (and be known by Kent to have) the kind of character whose emotions are easily aroused and therefore manipulated. In fact, Shakespeare is careful to tell us twice that this condition is realized: indeed "all the world" (2.2.154), we are told, "well knows" Cornwall to be a stubborn, foolish, headstrong, and unreasonable man, having a "fiery quality" (2.4.93). Therefore Cornwall is ripe for manipulation by an Odyssean character such as Kent. And it follows logically from what is said that Kent, inasmuch as he is part of "all the world," "well knows" this fact about Cornwall. (Incidentally, we never hear anything analogous in the play about *Kent* having a longstanding reputation for being emotionally out of control. Indeed, as mentioned above, Kent's clear aptitude for the roles of courtier, spymaster, and disguised aristocrat suggests otherwise.)

Third, it would be convenient if the notion of a political takeover was already in Lear's mind, and that Kent should be aware of this fact, as well. These conditions are also realized, for in fact by the beginning of 2.2, Lear has already twice threatened to retake the throne, once at 1.4.307–9 and again at 1.5.39. Goneril certainly takes Lear's threat in 1.4 very seriously, asking Albany if he "marked" (1.4.310) it, and making sure that it is conveyed by Oswald to her sister (1.4.334–39). Although Kent is not present when Lear utters the threat to retake the throne the second time, he is possibly present on stage for the first threat in 1.4. (The Quarto and the Folio are both ambiguous on this point.) In any case, Kent is present when Oswald delivers Goneril's message to Regan (2.4.28–32). Goneril has ordered Oswald to tell Regan of her "particular fear" (1.4.337), namely, that Lear will do what he has threatened and retake the throne. There is reason to believe that Regan indeed did receive that message, since her final speech in 2.4 expresses her concern that Lear's "desperate men" may "incense" him to do something that "reason may fear." Thus Regan justifies shutting Lear out on the heath by adverting to a "fear" (precisely echoing Goneril's "particular fear") that he will attack them by force. What the sisters both fear, however, is Kent's precise hope. Before 2.2, then, Kent is not alone in being aware that Lear is contemplating a forceful retaking of his royal power. This knowledge makes it likelier for Kent to plot to bring about that very outcome and more likely for the plot to succeed. (But even if Kent had no direct knowledge of the fact that Lear was contemplating a forceful political takeover, of course, he could easily have inferred it from his intimate knowledge of his old master's irascible, rash character.)

Another necessary condition for Kent's plot emerges at the end of 2.1, when Gloucester offers to "entreat" Cornwall to allow Kent an early release from the stocks (2.2.153–54). Kent flatly refuses the offer. Why would he refuse? Any ordinary, plain person with simple motivations would naturally prefer to escape the unpleasant stocks as soon as possible. Thus Kent's refusal to accept Gloucester's help to escape the stocks would be puzzling if Kent did not actually *want* to be in the stocks.

For his part, Gloucester is motivated to plead for Kent's early release, not primarily out of concern for Kent himself, but precisely because Gloucester too is concerned that Lear will be angry at the sight of the stocked messenger ("twill be ill taken" (2.2.157–58). But the ironized Gloucester is not aware that his worry is precisely Kent's intent. It is because Kent's plan

requires Lear to see him in the stocks that he naturally refuses Gloucester's offer to entreat for his freedom therefrom.

Once in the stocks, Kent's demeanor is also telling. Again, what is not said is what is important. Consider the tone of the soliloquy he delivers. If Kent really were the angry, emotionally out-of-control man he cleverly portrays himself to be, then we would expect him to be raging when he is stocked. But he isn't. Instead, Kent is instantly calm, as soon as his target audience is out of earshot. He has got what he wanted. He serenely reads his secret mail. In 2.2, Kent is like an actor onstage merely playing an angry man; when the curtain falls, the show ends, the anger vanishes. Kent's alleged rashness and irascibility were never real in the first place.

It is probable that Kent is not only quite content but highly relieved to find himself in the stocks at the end of 2.2. For his plot was risky. If Cornwall and Regan had detected his coup scheme, of course, he would likely have paid for it with his life, at best. But even if Kent's plot went undetected, and things went entirely according to Kent's plan, it nonetheless meant deliberately placing himself in great danger. For when projecting his scheme, Kent must have considered that it ultimately required Lear to become furious with Regan and Cornwall for insulting him. Lear's fury would erupt only if Kent, Lear's servant, was punished harshly by Regan and Cornwall. The only way to provoke such a harsh punishment, Kent would have known, was for him to be tremendously rude to Regan and Cornwall. Kent thus outrageously baits them to harshly punish him as they rashly see fit. He must have understood in advance that once he launched his plot, he would not be able to control exactly how serious a punishment Cornwall and Regan would mete out to him for publicly humiliating them. It could have meant something far worse than the stocks. The new and therefore politically insecure rulers could have deemed Kent's repeated public insults to them a capital crime, or one worthy of such tortures as they later inflict upon Gloucester (3.7). This means that Kent was willing to gamble with his life to return Lear to the throne. Kent is not only a clever but also a courageous man. Thus, given the range of imaginable punishments he risked, the stocks must have looked pretty good to Kent when he ended there, safely. That is why he is so surprisingly cheerful at the end of 2.2.

Kent, satisfactorily stocked, calmly soliloquizes his hopes that Fortune will now "smile once more, turn [her] wheel" (2.2.173). So grand a metaphor refers not to the release Kent does not seek but to Lear's return

to the throne and to the larger consequences that Kent hopes would attend upon that event.

Finally, in considering the preconditions for Kent's plot, we note that in 2.4, Kent's first question is: "How chance the King comes with so small a number?" (2.4.63). If Lear is to retake the throne, he needs soldiers. The lack of them in sufficient numbers now jeopardizes Kent's plan; this is why the weakness of Lear's entourage is Kent's immediate concern. It presages the ultimate failure of his coup attempt, as we will see below.

KENT'S PREGNANCY, AGAIN

Tellingly, Kent's pregnancy metaphors, first seen in his soliloquy in 1.4, return near the end of 2.2. Refusing Gloucester's offer to help him, the stockinged Kent says, "I have watch'd and travell'd hard" (2.2.154). The word "travelled" (spelled "trauaild" in the Quarto and Folio) is a pun on "travailed," a word that also signifies the labors of childbirth. In this connection we recall Kent's first soliloquy, in which he spoke of himself using metaphors of pregnancy. The word "travailed" suggests that Kent is trying to bring to birth a regime change in his "country new." That is the "full issue" with which Kent was pregnant in his first soliloquy. He wishes, in fact, to return his country to the way it was, to make his detested "country new" back into his country old. Kent's plan will not work, however: Lear will not retake the throne. Thus, as we will see below, Kent's attempt at bringing his "good intent" to "full issue" (1.4.2-3), that is, Kent's pregnancy, terminates in a miscarriage, despite all his heroic, courageous, and clever "labors" (1.4.2-7).

KENT'S MISCARRIAGE

Lear does not retake the throne, although at one precise point it appears as if he is on the very verge of doing so. Seeing his messenger Kent in the stocks, at the beginning of 2.4, Lear is indeed offended, just as Gloucester had fretted and Kent intended. Lear is shocked by the magnitude of the insult done him by the stocking of his man, and—with Kent cunningly egging him on—Lear works himself up into a frenzy of insulted rage. He wildly proclaims that the stocking of Kent is "worse than murder," the kind of overstatement that must make Kent optimistic indeed that he might succeed in goading Lear into action (2.4.22-23). (Later we will see that the "murder" Lear has in mind is one in which his state is the victim.)

Next, the fully enraged Lear *almost* announces a return to the throne, making good on his repeated threats. But Lear seizes up on

his crucial command before he can fully utter it. Thus we can see the very moment at which Kent's labors come closest to fruition. To contextualize: At the beginning of 2.4, Gloucester worries about what the fiery Cornwall will do in the face of Lear's imperiousness. Insulted by the stocking of his man, and offended at the notion that someone else's anger could be thought significant in what he still regards as his own kingdom, Lear then erupts in rage. Here then are Lear's lines at the precise instant that he approaches, hesitates, then turns away from, Kent's plotted coup:

The King would speak with Cornwall, the dear father
 Would with his daughter speak, commands, tends service.
 Are they inform'd of this? My breath and blood!
 Fiery? the fiery Duke? *Tell the hot Duke that—*
 (2.4.101–4, emphasis mine)

Working himself up to give the decisive command, the angry Lear in this passage refers to himself as “the King” (as opposed to the former king or the like) and to Regan as his “daughter” (as opposed to the new ruler or queen or by some formal title. (Compare also 1.4.78–83.) The insulted Lear, sputtering in the imperative mode, starts issuing “commands,” and comes close to delivering a crucial imperative (“Tell the hot duke that—”). But Lear breaks off before finishing the critical command, saying, “No, but not yet” (2.4.105). Again, we must hear what is not said in an incomplete sentence. What was “the King” about to announce in his broken utterance? This is the very moment that Kent's entire plot was intended to provoke: *Tell the hot duke he is no longer in power and that I—King Lear—am hereby returning to the throne*. But Lear cannot go through with it; he is distracted, balks, and decides to “forbear” (2.4.109). The crucial sentence, like Lear's will to rule, is now broken off forever.

To explain his forbearance, Lear says, “May be he is not well” (2.4.105) and goes on to discuss how it is that “we are not ourselves” when ill. Superficially, it looks as if the ambiguous “he” in this passage refers to Cornwall, but more profoundly if unconsciously, perhaps, Lear is possibly ruminating on his own “sickly” state, his own unfitness to rule. Lear's fitness to rule is of course the most relevant question at the moment of truth regarding the coup, as the Fool himself remarks earlier (2.4.67–74).

In any case, Lear's broken declaration is the high-water mark of Kent's coup plan. After Lear forbears, the crucial moment is gone and never returns; the proposal of Lear's return to the throne is never seriously mentioned again, either by Lear or by Kent. The moment at which Lear

almost announces Kent's plotted coup, but balks, is the precise moment of Kent's miscarriage.

Swiftly after the moment of miscarriage, as if grasping its significance, Lear exclaims: "Death on my state!" (2.4.112–13). The outburst is particularly significant in its context, because Lear's failure to undertake the coup does signify, precisely, the death of his state. Above, we saw that Lear had earlier claimed, seemingly hyperbolically, that the stocking of Kent was "worse than murder" (2.4.22–23). He intuits that Cornwall's and Regan's unanswered insults will mean the death of his state. This, he feels, is worse than murder. Kent's insulting punishment and Lear's impotent incapacity to reply to the offense represent together the final blow to Lear's rule. Both he and it will never recover, and it is all downhill from here for Lear, to use the metaphor presciently chosen by the Fool to describe the situation (2.4.71–74). Thus Lear now prophetically expresses what is true: he will never again rule in England; England will never be the same again. Lear's madness—symbol, cause, and effect of his downfall and the downfall of his world—is now soon to emerge, starting in this very scene, 2.4.

Overview: We have traced the arc of Kent's covert coup attempt. We saw Kent's initial soliloquy about his mysterious pregnancy and "good intent" in 1.4; then his consistently duplicitous self-representations in 1.4 and 2.2; then Goneril's parallel plot, exposed in 1.3 and executed in 1.4; then Lear's angry expressions of his intention to retake the throne in 1.4 and 1.5; then Kent's clever, merry execution of his "good intent" throughout 2.2; then his solemn prayers for his plot's success at the end of 2.2; then his final manipulations of Lear's rage at the beginning of 2.4. The arc ends at the moment of Lear's broken-off command, quoted above. Lear's anacoluthonic balk marks the abortive finish of Kent's covert, elegant, heroic, risky, futile coup plot.

THE FOOL PENETRATES KENT'S PLOT AND PREDICTS ITS FAILURE

Another dimension of Kent's abortive plot does remain to be exposed. This involves Kent's peculiar interaction with the Fool in the beginning of 2.4. Entirely aware of Kent's hidden labors from the very beginning of the scene (2.4), the Fool also foresees that the plot is abortive. He riddlingly predicts and explains its failure even before it actually miscarries. Before Lear's balking, the Fool tries to teach Kent that he was wrong to undertake such a doomed scheme. The Fool lectures Kent:

We'll set thee to school to an ant, to teach thee there's no laboring i' th' winter. All that follow their noses are led by their eyes but blind men, and there's not a nose among twenty but can smell him that's stinking. (2.4.67–71)

In suggesting that Kent must be “set to school,” the Fool implicitly denies what Kent had explicitly asserted, namely that Kent is “too old to learn” (2.2.128). But what is the Fool’s parabolic lesson? In what sense is Kent’s activity analogous to pointlessly “laboring in the winter”?

The Fool’s use of the word “laboring” means that he also is capable of seeing Kent’s invisible intent. The Fool somehow intuits that Kent privately thinks of himself as pregnant (1.4.2–7). The insightful Fool understands precisely what issue Kent hopes to bring to term with his plot. The Fool’s parable signifies that Kent’s pregnancy—his plan to return Lear to the throne—is out of season. Kent is too old for pregnancy. It is too late, and the pregnancy is in that particular sense unnatural; it cannot succeed. Lear himself is also too old, with all he stands for. Like the turn of the seasons, time has already moved on, leaving Lear behind. Lear’s death (both literally and symbolically) is thus implied here: he is already long dead, functionally, which is why the Fool says Lear is “stinking.” In this sense, Kent’s “laboring” (2.4.68) and “travailing” (2.2.154) were not destined to be fruitful, as the Fool understands. But the scope of the Fool’s lesson is also far grander: it is not only Kent or Lear himself as a mortal individual or even Lear as a viable political leader who are now finished, but Lear as a representative of an entire way of life, as an emblem of an epoch, who is “stinking.” (Consider Lear’s outburst, discussed above: “Death on my state!” [2.4.112–13].) In every sense, Lear is now a dead man walking. The Fool then suggests the practical moral of his ant fable:

Let go thy hold when a great wheel runs down a hill, lest it break thy neck with following it; but the great one that goes upward, let him draw thee after. (2.4.71–74)

It is of course Lear (with his whole world) who now “runs down a hill,” never to be brought up again. Instead of laboring against the natural inertia of the situation, and thus risking himself pointlessly, the Fool reasons, Kent must instead wait for another “great one that goes upward” and labor with him instead. Fascinatingly, the ant parable in 2.4 marks not the first time that the Fool attempts to teach the disguised Kent this precise lesson. For the Fool offers Kent another version of the same lesson the very first time they meet in the play one act earlier (1.4.99–104). This means, incidentally, that

the Fool had already penetrated Kent's disguise (enough anyway to intuit Kent's intentions) from the very beginning of their interactions.

In his soliloquy in the stocks, Kent had prayed to Fortune to "smile once more, turn thy wheel" (2.2.173). Kent, as we saw, had been plotting so that his "country new" (1.1.187) could circle round again to be restored as his country old. The Fool's lesson for Kent means that Fortune now functions more like a spiral than a wheel. Although it turns, it will never again return back to the precise place previously occupied. Kent's reactionary attempts to turn back time are thus doomed to failure. The Fool's lesson is that now there is no going back: Kent's country will remain new, and the only question now is what particular new form it will take. The past is finished. It is a new world, however brave, that is being born, with the uphill-travelling "great one" of the Fool's admonition. Kent's proper task now is to get out of the way, cease attempting to salvage the departed past, perhaps even to accelerate its destruction and to help bring to light what is to come and take its place. Of course, the Fool's prophetic prophecy will quickly be confirmed; he accurately predicts the failure of Kent's naive coup plot. To the knowing Fool it can be no surprise that Lear lacks what it takes to regain the throne and that he thus balks at the crucial moment.

KENT LEARNS

Kent, who had once claimed to be "too old to learn," finds his interest piqued by the Fool's "lesson."

KENT.

Where learn'd you this, fool?

FOOL.

Not i' th' stocks, fool.

(2.4.86-87)

The Fool's bitter response silences Kent; he has no rejoinder. The exchange about learning fittingly initiates a long period of pregnant silence for Kent, who does not speak again throughout the rest of Act 2, Scene 4, some 200-plus lines. If we accepted the common view of Kent as plain, rash, and so forth, we would expect to see him protesting vigorously throughout the scene.²⁶ In fact, however, once Kent has heard the Fool's lesson, it seems almost as if he disappears from the action of 2.4, saying and doing nothing even as Lear is virulently abused by his daughters. Actually, although Kent speaks no lines in the bulk of the scene, he is intensely present there, as he silently takes in

²⁶ Compare the prominent nonsilence of Kent himself in 1.1, and of Servant 1 in the parallel 3.7.

the painfully edifying spectacle before him and grasps the hard truth of the Fool's lesson.

Imagine the scene through Kent's eyes: First Lear seems to be on the very verge of reclaiming his throne, just as Kent had plotted. But instead Kent's hopes are dashed as Lear balks at 2.4.104. Next Lear proves to be completely impotent to stop the overt disrespect his daughters mete out to him, unable even to maintain his own dignity, or—ultimately—even his sanity. The man Kent had plotted to catapult back into absolute power now publicly proves instead incompetent to rule himself, his own family, and anyone else, let alone an entire state. What object lesson could more fully—or more painfully—demonstrate the truth of the Fool's riddling lecture? Alas Kent has risked his own life to promote a man already dead.

Kent's silence through the action of 2.4 is the silence of a suffering man learning an unwelcome but profoundly important lesson. That Kent does learn the Fool's lesson can be inferred from his words and deeds in the subsequent acts of the play, events that are beyond the scope of this paper. In 2.4, then, Kent learns that he must rise to the challenge of a new moment in history, a moment that will radically transcend (for good and ill) anything that has come before it. Now Kent sees the significance of his own era as a whole, he grasps the trajectory of his times, and he accepts the new labors required thereby. To gain such a comprehensive vision requires something more than the considerable smarts that Kent has previously manifested. It requires wisdom. Wisdom is thus the true offspring of Kent's laborious failure. In this sense, the learning that Kent silently undertakes in 2.4 represents the most important turning point of his life.

ACTION

It is perhaps uncontroversially true that Kent fits the general archetype of a Man of Action, even if some of his more important exploits (e.g., his coup attempt) have not been fully discerned. Still, however, Kent's silent learning in 2.4 points to a deeper understanding of the very meaning of dramatic action itself, in the Aristotelian sense.²⁷ On its surface, Act Two, Scene Four of *King Lear* is a very noisy show, complete with surprise entrance, dramatic familial showdowns, angry threats, soft blandishments, violent curses, loud shouting, stormy exit, and so forth. If asked to tell the scene's action, we might superficially be inclined to say something like this:

²⁷ Aristotle, *Poetics* 6.

a helpless, angry Lear is rudely insulted by his own daughters, systematically stripped of his power, and then ejected, with some cooperation from himself, out onto the stormy heath. But that would be to miss the deeper, quieter action of the scene. For those showy plot events, however dramatic, are largely just the mechanical outcomes of forces set in motion at other times and places.

Instead, there are two primary instances of possible action worthy of consideration in 2.4. Neither can be readily seen on the hurly-burly surface of the scene. In fact, both episodes of action are in principle invisible because they take place inside the souls of characters. One possible action is that a man refuses to rule: Lear balks at Kent's proposed coup. The outer implications of this inner event are enormous, we could say. But even this experience cannot really qualify as a genuine action in the deepest sense. For, as the Fool foretold, Lear actually cannot return to the throne; he already "runs downhill" and is dead, even "stinking" (2.4.71). The Fool tells us that Lear has already been finished as a leader since before the beginning of 2.4. Thus Lear cannot genuinely make a choice in the scene, and therefore he is not fully active. It is more accurate to say that Lear now begins to sense (however inchoately) what has long been latently real for him and for his times. Lear may begin to sense his loss, but he surely has not yet begun to accept it. The magnitude of Lear's empty shouting and pointless posturing in this scene is proportionate to the significance of this silent dawning.

The most real action in 2.4 is also completely invisible on its surface. One man silently sees another man's failure, grasps the far-reaching significance of that failure, and then adjusts his own outlook and deeds accordingly. Kent sees Lear's balk; Kent then learns and changes. He resolves to act, and this resolution is Kent's deeper action. Many subsequent events, too complex to detail here, will flow from Kent's action in 2.4. Those exterior plot incidents will *mimic* Kent's interior action, as Aristotle would say. For now, we can say that Kent's pregnant silence in 2.4 points to the deepest meaning of dramatic action in Aristotle's sense: action is a mysterious movement of soul arising from thought and character.²⁸ Thus by contrast, everything that is superficially perceptible about 2.4—all its visible business, its ranges of prominently expressed emotion, bustling back and forth, shouting, threats, entrances and exits, noise, commotion, drama—all the onstage hurly-burly is of epiphenomenal significance. The sound and fury of Act 2, Scene 4 of *King Lear* exists primarily to frame an invisible episode

²⁸ For Shakespearean reflections on action, see *Julius Caesar* 2.1.62–70.

of dramatic action—a silent movement inside the pregnant soul of a single character named Kent. In this sense, Kent becomes a real Man of Action in 2.4. And his invisible, unfathomable activity is the beauty of the scene. I believe that the realization of such action is the deepest, most beautiful purpose of Shakespearean drama.

THE KENT OF OUR DREAMS

If the argument thus far has been successful, it will have established at least this much: Kent is not merely boasting when he privately claims that he is “much more than my out-wall” (3.1.44–45). He tells the truth when he announces that he “will not be” a “plain knave” (2.2.111–12). We have seen a Kent who is a man far from plain, ordinary, out of control, or straightforward, even if he has taken great pains to appear that way, deceiving observers both onstage and off. Part of Kent’s deception involves a heretofore unseen, covert, failed coup attempt in 2.2–4. In short, close reading reveals that a major character in *King Lear* proves radically different from his appearances.

If the thesis of this paper is correct, Shakespeare has artfully designed Kent to be largely invisible to readers, critics, and actors for over four centuries. Two questions emerge. First, *how* did Shakespeare manage to craft Kent’s disguise so powerfully that it has remained undetected for so long? Second, *why* did Shakespeare choose to hide Kent so deeply?

In response to the first question, we note first that Kent’s Caius disguise is actually surprisingly flimsy. Kent’s true complexity, as we saw above, is amply indicated by his deeds, his own words (both public and private), and the declarations of others. Indeed, the Kent who is not plain, honest, ordinary, is hidden in fairly plain sight, once one asks the right questions. The flimsiness of Kent’s disguise, however, renders the question all the more urgent: *How* could Kent’s Caius disguise—so weak in itself—have been so effective with audiences for so long?

Recall our two initial facts about Kent: Kent seems to be known (*kent*), and he is one of Shakespeare’s “best loved” characters, as Bradley rightly avers.²⁹ It has precisely been our blinding love for Kent that has impeded our knowing him. Only the power of our own desires could so robustly compensate for the weakness of Kent’s Caius disguise.

²⁹ Bradley (1905), 307.

We dearly desire Kent to be the man he repeatedly claims to be. The Caius figure of the simple, plain, honest, loyal, spirited, if unsophisticated, retainer strikes some profoundly gratifying chord. We are nostalgic for such iconic characters as the good, if limited, Kent of our fantasies. We sophisticates are pleased to condescend to him, even as we love him. We also long, perhaps, for the simpler world in which, we imagine, such a reassuring character could be at home. This may be why Cornwall is able to see partially through Kent's disguise, as we noted above. For like the Fool (who completely penetrates Kent's mask), Cornwall is relatively unburdened by any nostalgia for plain goodness and ordinary simplicity. Perhaps Caius Kent, the plain, true, simple, noble Kent of our fond dreams, was always too good to be true, and maybe we always somehow knew that, even. But this, too, is part of what makes the fantasy, the disguise, so unshakeable. Like many a beloved, Caius Kent simply feels too good to be false.

Caius Kent also, however, gratifies desires more dark and furious than mere nostalgia for simpler times and plainer men. Consider that Kent actually engages more than one disguise in *King Lear*. Before he dons his Caius disguise, Kent operates in a courtier disguise. The gentle, Courtier Kent, however, cannot endure the crisis of Lear's England. Indeed Shakespeare stages the precise moment at which Courtier Kent cuts off and Caius Kent commences. The last sentence that Kent utters in his courtier disguise is a broken one, appropriately:

Royal Lear,
Whom I have ever honor'd as my king,
Lov'd as my father, as my master follow'd,
As my great patron thought on in my prayers—
(1.1.139–42)

Courtier Kent's final anacoluthonic sentence is flowery and flattering, appropriately for his courtier mode. Like his final sentence, however, Kent's courtier persona is itself broken off forever when Lear rudely interrupts his appeal with an overt and most discourteous death threat. Having gathered from Lear's reply that his courtier disguise now is *dépassé*, Kent instantly disengages from that tame, flattering mode (although he does return to parody it at 2.2.105–8, as we saw above). It is precisely at this moment, as Kent overtly tells us, that he pivots 180 degrees to adopt the Caius disguise. He explains: "Be Kent unmannerly / When Lear is mad" (1.1.145–46). Kent goes on to explain why he makes a tactical transition here, shifting from his courtly

“honor” guise to the rougher “plainness” guise. He says: “To plainness honor’s bound / When majesty falls to folly” (1.1.146–47).³⁰

As Kent himself announces at its inception, a characteristic feature of the Caius disguise is precisely its discourteous “unmannerliness.” That very “unmannerliness” plays a large part in the centuries-long success of the Caius disguise. It is the unmannerliness of our dreams. We responsible adults must be courteous, cannot be unmannerly, must flatter, are compromised in many ways. We cannot “speak truth to power,” as Caius Kent does in 2.2, cannot overtly ridicule those with political authority over us, however richly they may deserve it. Nevertheless, if we have any spirit at all, we thumotically long to act out as Kent does, even if we are not comfortable acknowledging this to ourselves in broad daylight. Thus a disguised part of our soul is darkly thrilled to hear Kent speak plainly to powerful, arrogant people, speaking with a liberty we both deny ourselves and yearn for, perhaps more than we consciously realize. This is Caius’s darker appeal: he enacts onstage what we cannot dare in life.

Caius Kent’s explicit claim to be “unmannerly” is a complicated play on words. There is a limited but powerful sense in which Caius Kent is free, precisely, to be “a man” (1.4.10), just as he says in response to Lear’s question, quoted above. Again, Caius does have “more man than wit” (2.4.42). In this fantasy manhood, however, *unmannerly manliness* is redundant, not oxymoronic. As a real man of a certain fantastical type, Caius Kent twice permits himself to physically beat Oswald, just because (he feels) the effeminate, two-faced, servile, cowardly Oswald *deserves* to be twice beaten! Caius Kent goes on to do—with matadorial flair—many of the unmannerly manly deeds we must prudently deny ourselves. We are not indifferent to the pleasure arising from the feeling that not only does Caius Kent symbolically punish our own enemies, but he also exacts his revenge with justice, even. Caius thus provides the deeply gratifying spectacle of just vengeance, a spectacle rendered all the more gratifying by our unconscious identification with him and his dreamily symbolic beating of our own—untouchable—enemies. Moreover, if one considers that a quick turn in the stocks is but light punishment for such taken liberties, the fantastic Caius Kent even gets away with it, too. In short, Caius Kent is free, is a dark figure for our own longed-for

³⁰ This means, incidentally, that Bradley (1905), 308 and others are incorrect when they judge from Kent’s demeanor early in 1.1 that he is naturally “plain” and thus infer that there is no great difference between Kent and Caius. In fact, there is no point in 1.1 at which some unaccommodated Kent is visible; he is always in one disguise or another throughout that scene and indeed throughout the play as a whole.

unmannerly freedom. (It is not an accident that manly Caius Kent has no wife, no family, no children.)

The answer to the first question, regarding *how* Shakespeare managed to hide Kent so deeply, then, is this: The four-hundred-year success of Kent's (relatively flimsy) Caius disguise is a measure of how badly we desire such a Kent to exist, how badly we want a dream Kent to enact onstage for us our own fantasies of simple goodness, unthinking loyalty, uncompromised liberty, masculine revenge, unconstrained liberty. Kent is our heavily cathected oneiric image of unmannerly manliness. Thus Shakespeare shrewdly tailored Kent's Caius to gratify some of our most powerful fantasies, and that's how his disguise, however flimsy, has been so successful for so long.

As to the second question—*Why* did Shakespeare wish to hide the truer Kent from us?—two thoughts emerge. First, the beauty of Kent's inner action in 2.4 is intensified because it is not on easy display but remains discreetly veiled by an "out-wall" of Caius-like appearance. More profoundly, however, I believe Shakespeare wrote Kent's Caius disguise deliberately, to proffer to us a bright, tempting Caius Kent as cloak, sign, or symptom of our own darker purposes. Such is Shakespeare's intention and the lesson of Kent's enduring mask: for us to penetrate Kent's disguise after so many years is to discover our own passionate complicity in it, and thus to glimpse our own disguise as well. Perhaps we, too, were never as plain as we thought we were or longed to be.

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Habermas between Athens and Jerusalem: Public Reason and Atheistic Theology

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Habermas's approach to the age-old conflict between reason and faith, or Athens and Jerusalem, is far from being of minor importance in his overall philosophical project, and it decisively orients his understanding of the idea of public reason.¹ In this paper I argue that Habermas's attempts to find a solution to this conflict lie at the heart of the existential dilemma posed by one's being a German philosopher called to carry on, after the Shoah, the spirit of German philosophy from Kant to Marx, that is, the project of modernity. My discussion of the topic of Athens and Jerusalem in Habermas is divided into three parts. The first deals with his well-known thesis that, in the age of postmetaphysical thought, philosophy is called to act as an interpreter and translator of semantic content which it receives from extraphilosophical sources, be these common sense, religious traditions, or empirical sciences. I call this the post-Hegelian moment of Habermas's discourse on religion. I argue that the topos of philosophical translation poses a dilemma for Habermas: if the translation of religious intuitions into philosophical reason is too successful, then there is no point to preserving these intuitions qua

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¹ Eduardo Mendieta has done much to emphasize this theologico-political approach to Habermas, as can be seen from his introduction to Habermas (2002). The recent *Habermas-Handbuch*, in its discussion of the contexts of Habermas's philosophy, dedicates its last two sections to Jewish philosophy and monotheism (Lafont 2009, 121–32), but it does not offer an extended engagement with the problem of Athens and Jerusalem in Habermas's thought itself. Accetti (2010) explores the problem of political theology in Habermas with respect to his theory of democracy.

“religious” (and thus, to some extent, impermeable to reason because linked to revelation); if the translation is not successful, these intuitions may get lost in any case, given the prevalence of other translations of moral and political concepts (for example, those engaged in from the standpoint of evolutionary biology). In the second part, I explain why Habermas needs to hold on to a notion of philosophical translation that does not eliminate the religious intuitions, despite their “irrationality.” This has to do with the question of the memory of the Shoah as constitutive for the ideas of public reason in postwar German philosophy and theology. Here I discuss Habermas’s sympathetic approach to the so-called critical political theology, developed by German theologians in the Federal Republic of Germany. The third part of this presentation takes up Habermas’s “methodological atheism,” which he offers as the solution to the problem of Athens and Jerusalem. I try to show why this atheistic standpoint with respect to religion enters into an irresolvable aporia. In this context, I compare Habermas’s atheistic standpoint with that of Spinoza in light of their use of a conception of public reason to resolve the conflict between reason and faith.

1. LOST IN TRANSLATION: HABERMAS’S POST-
HEGELIAN UNDERSTANDING OF THE RELATION
BETWEEN PHILOSOPHY AND RELIGION

Since Hegel, perhaps no other German philosopher has placed religion and philosophy in such close proximity as Habermas. In *Post-metaphysical Thinking* he writes:

I do not believe that we, as Europeans, can seriously understand concepts like morality and ethical life, person and individuality, or freedom and emancipation, without *appropriating the substance* of the Judeo-Christian understanding of history in terms of salvation.... But without the *transmission through socialization and the transformation through philosophy* of any one of the great world religions, this semantic potential could one day become inaccessible. (1992b, 15; emphasis added)

Just like Hegel, Habermas is convinced that the substance of morality and ethical life has a religious origin. For Westerners, being moral is inseparable from understanding themselves in the vocabulary bequeathed by the biblical tradition. But, again like Hegel, Habermas also believes that if it is true that religion provides the substance of normativity, the discourse of religion, considered in itself, lacks the conditions for its “appropriation.” In Hegelian

vocabulary, one can say that the sphere of religion is not where substance gets understood “also” as subject.

For Habermas, the sphere in which subjectivity gets realized is, in part, philosophy (what Habermas refers to in the above passage by “the transformation through philosophy”), and, in part, common sense (what he calls “socialization”). I shall return in the end to this mutual and dialectical relation that Habermas establishes between socialization and philosophy to account for the possibility of being moral in the modern age, when the traditional religious worldviews have exhausted themselves.² Habermas claims that unless religious substance can be subjectively appropriated, unless it can—so to speak—make sense for concrete individuals who need to be able to take a yes-or-no stand with respect to this substantive content, and who therefore need to understand religion as raising a truth claim, there is a real risk that the moral insights contained in the biblical tradition will fall on deaf ears, and thus eventually disappear altogether, as a dead language that no one knows how to speak anymore. It is the task of philosophy (“Athens”) to appropriate religious substance (“Jerusalem”) by translating it into criticizable truth claims.³ As Habermas says in the *Theory of Communicative Action*: “the aura of rapture and terror that emanates from the sacred, the spellbinding power of the holy [*die bannende Kraft des Heiligen*] is sublimated into the binding/bonding force of criticizable validity claims [*bindenden Kraft kritisierbarer Geltungsansprüche*] and at the same time turned into an everyday occurrence” (1984, 119). This transition is what Habermas refers to as the “linguistification of the sacred,” the profanation, in everyday communication accessible to all, of religious mysteries originally accessible to the initiated few. It is the process of rationalization of sacred taboos into moral claims that Hegel and Freud outlined.

Habermas parts ways with Hegel insofar as for him philosophy can no longer be understood in terms of the absolute unfolding of the principle of subjectivity. As is well known, Habermas believes that philosophy after Hegel has undergone a linguistic and “pragmatic turn,”⁴ so that what is true for the absolute subject in Hegel’s logic becomes, in transcendental

² The account of this exhaustion of premodern understandings of religion is given by Habermas in chapter 5 of Habermas (1984).

³ Habermas’s understanding of how Hegel thinks about the process of translating religious content into philosophical form, thereby understanding substance as subject, follows closely the interpretation given in Löwith (1962).

⁴ For the standard narrative, see Habermas (1992), 35–105.

pragmatics, what could turn out to be true for an indefinite future community of interpreters. The principle of subjectivity has passed over into a principle of intersubjectivity. For the fate of religious substance, this shift from subjectivity to intersubjectivity has crucial consequences: the translation of religious content into philosophical argument needs to be achieved under conditions of what Habermas calls “methodological atheism” (2002, 76). What this means is, at first, quite unproblematic: since according to transcendental pragmatics something is universally valid if and only if it could become—counterfactually—that about which an indefinite community of speakers could come to enjoy an understanding (*Verständigung*), it follows that the translation of religious content must be such that it is potentially understandable by all possible perspectives, that is, it must be a translation which does not exclude nonbelievers. If religious semantic content is to be appropriated linguistically (communicated intersubjectively), then it must receive an “atheistic” translation, since otherwise it could not be shared by people who lack faith in the event of divine revelation.

Habermas’s criterion for the philosophical appropriation of religious content raises several problems, which he has recently addressed in Habermas (2005) and which have given rise to an interesting debate between him and Cristina Lafont (Lafont 2007). One problem not mentioned in this exchange is rather obvious: the possibility that the philosophical translation of the religious Ur-text may be so successful, may be so atheistic, that it could wipe away the original text itself.⁵ For instance, today it is in vogue to translate moral and political concepts into the language of evolutionary biology. It is perfectly possible to explain what we take to be the rituals and codes of love into evolutionary terms, as evolutionary psychologists and cognitive scientists do all the time. But the result of this work of translation, of course, is not that Christians and Darwinians now can come to a mutual understanding as to what love means, but, on the contrary, that the substance of love (Christian, romantic, etc.) has vanished in the process of translation. Some, including Habermas, may argue that such extreme translation may also get rid of subjectivity,⁶ but in any case what seems quite certain is that substance itself will get lost in translation.

⁵ We would have here a reversal of Benjamin’s dictum: “My thinking is related to theology as a blotting pad is related to ink. It is saturated with it. Were one to go by the blotter, however, nothing of what is written would remain” (1999, 471). This problem of giving a rational interpretation of the Bible is of central importance in other attempted solutions of the conflict between Athens and Jerusalem, such as the ones offered by Leo Strauss and Karl Jaspers, which I have no space to discuss here.

⁶ For instance, as in Dennett (1996).

For Habermas this possibility presents a grave risk with respect to the development of moral consciousness, owing to the fact that “postmetaphysical philosophy does not trust itself any longer to offer universal assertions about the concrete whole of exemplary forms of life” (2002, 70). In other words, the burden of providing concrete forms of good life necessarily falls back onto ethical forms of life (*Sittlichkeit*), onto substantial ideas of the good, which offer the basis from which to reflexively come to an agreement about what is “equally good for all,” the latter denoting the properly “moral” standpoint.⁷ Without the rootedness in ethical substance, the moral standpoint would have no place from which to transcend the limitations of this very substance. And yet, despite all of this, Habermas sees no other solution but to assume this very risk.

2. ERINNERN, WIEDERHOLEN, DURCHARBEITEN: HABERMAS AND CRITICAL POLITICAL THEOLOGY

How does Habermas deal with the challenge that the translation into the language game of argumentation, the give and take of reasons, poses to religious substance? The answer comes in the form of two distinct argumentative strategies. The first is that for Habermas it is essential to distinguish between religion and theology in the postmetaphysical age. By religion Habermas means ritual praxis. In ritual praxis the meanings of symbols are not open to interpretation. For instance, seen from the perspective of ritual, the Eucharist is either the body of Christ or a piece of unleavened bread, depending on whether you belong to a certain community of faith. But, seen from a theological perspective, the Eucharist may be given a criticizable interpretation: as a symbol, it can be made sense of in such a way that its meaning may, potentially, be understandable to both a believer and a nonbeliever.⁸ This, at least, is how Habermas understands theology, in opposition to religion, once theology takes a postmetaphysical turn, that is,

⁷ On the distinction between ethical and moral in Habermas’s communicative ethics, see Habermas (1993).

⁸ This crucial idea of a symbol is derived from Jaspers’s postwar works on the relation between faith and philosophy, such as the 1947 *Der philosophische Glaube angesichts der Offenbarung* (Jaspers 1994). It is well known that Habermas first develops his communicative conception of power in relation to Arendt’s notion of action as disclosure to others in speech acts; but it is less well known that Arendt herself was following Jaspers’s own idea of communicative reason, which Jaspers develops precisely in relation to the problem of faith and philosophy after the war, although its original form was already given in *Vernunft und Existenz* of 1935. Habermas has written an essay on Jaspers’s theory of the symbol (Habermas 2001, chap. 2), but the extent of the real influence exerted by Jaspers’s treatment of “Athens and Jerusalem” on Habermas, to my mind, remains to be explored.

once the experience of the sacred becomes linguistically mediated.⁹ In short, the inevitable loss of substance that religion must undergo once it enters into the demythologizing currents of linguistic translation must be made up by theology understood as the conceptual interpretation of religious substance.

Habermas has argued that the theology that is charged with this translation must be of a special kind: it is the theology represented, among others, by Adorno and by Metz (Habermas 2002, 74).¹⁰ Adorno and Metz stand for a consciously anti-Hegelian translation of religious semantic potential into conceptual language because they understand this conceptual language in a postmetaphysical fashion. More particularly, Metz wants to recover the religious experience of Covenant and Redemption carried forth by Judaism against Hegel's philosophically Christian translation of religious substance. Adorno, for his part, wants to use concepts in such a way as to think the nonidentical "beyond all non-objectifying concepts." The impulse in both is the same, and goes counter to the translation of religion into philosophy discussed above: "to save intuitions that have not been exhausted in philosophy" (ibid.) by translating them into philosophical language.

Here Habermas introduces a crucial element into his philosophical discourse on religion. This is the concept of the "rest" or of the radical "other."¹¹ It is, of course, no coincidence that Habermas refers to Metz and Adorno. Both, the former in relation to theology and the latter in relation to philosophy, attempted to register at the level of the concept (*Begriff*) the radical caesura entailed by the event of the Shoah, this attempt on the part of the German nation at the complete annihilation of human difference, of

⁹ It would be interesting to compare this definition of theology with that provided by Heidegger in "Phänomenologie und Theologie," where theology is defined as "the science of faith" (*die Wissenschaft des Glaubens*) (Heidegger 1978, 55). I cannot prove this here, but actually Habermas's idea of the translation of religion into philosophy by way of the mediation of theology is not so far from Heidegger's own formulation of the analogous task of translation.

¹⁰ The reference to the "critical political theology" of Metz is found in early Habermas as well: "the repoliticization of the biblical inheritance observable in contemporary theological discussion (Pannenberg, Moltmann, Solle, Metz)...does not mean atheism in the sense of a liquidation without trace of the idea of God.... The idea of God is transformed [*aufgehoben*] into the concept of a *Logos* that determines the community of believers and the real life-context of a self-emancipating society. 'God' becomes the name for a communicative structure that forces men, on pain of a loss of their humanity, to go beyond the accidental, empirical nature to encounter one another *indirectly*, that is, across an objective something that they themselves are not" (1975, 121). For discussion of Habermas's relation to this critical political theology, see Arens, John, and Rottländer (1991); Arens (1997); and Fiorenza (1992).

¹¹ For this reason it would be much too quick to oppose, in a premature fashion, Habermas's theological discourse to those developed in Derrida (2000) and Agamben (1999), for whom the motif of the "rest" or "remainder" is explicit and essential.

a people that stood apart from other nations (“the rest of Israel,” understood in all of the many senses of this expression). In the Western philosophical tradition, in fact, there is no more perfect exemplar of “religious substance” and of “ethical life” than the Jewish people: this is clearly acknowledged by all those modern philosophical critics of Judaism, be it Spinoza or Hegel, Marx or Nietzsche. Thus, it is clear that if Habermas cannot provide a conception of translation of religious substance (that is, of Judaism) into philosophical language that fares better than Hegel’s attempt (which ends up eliminating the voice of Judaism in the unity of reason),¹² then it is the entire project of a “communicative ethics” that would fail to live up to Adorno’s motto: “remember, repeat, work through” (erinnern, wiederholen, durcharbeiten).¹³ This is not to say that Habermas shares Adorno’s beliefs with respect to the fate of reason after the Shoah, but it does mean that Habermas cannot afford to minimize the implications of Adorno’s motto in his own attempt at re-establishing the public role of philosophy in postwar Germany.

In my opinion, the above point offers the best explanation for why Habermas feels so close to Jean Baptiste Metz’s “critical” political theology, which turns on the idea of an “anamnestic reason.”¹⁴ The concept of anamnestic reason is precisely the idea of a rationality that remembers, that is, brings back into Christian theology, the memory of the Shoah and counterbalances what Metz believes to be the “original sin” of Christian theology, namely, its having chosen the language of Greek metaphysics rather than that of biblical prophecy in order to spread the “glad tidings,” the gospel of Christ’s death and resurrection to eternal life.¹⁵ Thus, it is absolutely essential for Habermas that the theology that translates the religious substance into the public sphere (hence “political” theology in the sense of Metz is synonymous with “public” theology) must be a theology that brings into the consciousness of the public the memory of the Shoah, that offers, in other words, a sort of restitution of the exterminated “rest” of humanity.

The concept of “anamnestic reason” has a prevailing meaning in postwar Germany: it means that whatever conception of public reason

¹² On Hegel’s translation of Judaism into philosophical reason, see Fackenheim (1973) and Yovel (1998).

¹³ See “Was bedeutet: Aufarbeitung der Vergangenheit,” in Adorno (2003a).

¹⁴ See the essay “Israel or Athens: Where does Anamnestic Reason Belong? Johannes Baptist Metz on Unity amidst Multicultural Plurality,” in Habermas (2002), 129–38.

¹⁵ On Metz’s political theology, see Metz (2002). I have no space here to engage the great problem of the Hellenization of both Christianity and Judaism, perhaps the central theme of Hermann Cohen’s *Jüdische Schriften*. Suffice to say that all “political theology” in the twentieth century situates itself at this crossroads of the encounter between Athens and Jerusalem.

one has, the idea of public reason must be such that the memory of the Shoah becomes what is first and foremost for philosophy as such. Postmetaphysical, post-Hegelian reason can no longer pretend that the Jewish faith can be *aufgehoben* by German philosophical *Geist*.¹⁶ That is why it cannot ever be a conception of public reason for which the biblical faith could simply vanish. This may explain why the later Habermas has been unwilling to adopt the standpoint of a “pure” universalism, that is, the standpoint according to which, if a particular religious faith cannot be translated into terms that are universally acceptable (and this is obviously the case of the Jewish faith in Israel being the “chosen” people), then this should be understood as a loss for that particular faith. As he says, the postmetaphysical philosopher is someone who “has the experience that intuitions which had long been articulated in religious language can neither be rejected nor simply retrieved rationally” (2002, 79). “As long as religious language bears with itself inspiring, indeed, unrelinquishable semantic contents which elude (for the moment?) the expressive power of a philosophical language and still await translation into a discourse that gives reasons for its positions, philosophy, even in its postmetaphysical form, will neither be able to replace nor to repress religion” (*ibid.*, quoting Habermas 1992a, 60).

And yet, at the same time, Habermas is aware of the double bind that this position creates for him: unless some process of translation is undertaken, the religious substance also risks being lost forever to the waves of scientific (“naturalizing” and “reductionist”) discourse, and thus here too, from the side of positivism, the memory of Judaism and of its attempted annihilation could vanish from the earth.¹⁷ The problem is that, as discussed above, the process of translation entails that one no longer has to be a believer in order to share in the meaning of the religious substance. The task for Habermas, as it were, is how to allow Jewish thought to survive, how to communicate universally what the meaning of Judaism is (namely, universal peace and justice represented in history by a people that separates itself from all others),¹⁸ within a universalistic renewal of the project of Enlightenment.

¹⁶ The early Habermas may have believed that this *aufhebung* was still possible, as can be seen from his essay “The German Idealism of the Jewish Philosophers,” in Habermas (2002), 37–59. This essay, already in its very title, betrays the idea of a German philosophical *aufhebung* of Judaism.

¹⁷ On Habermas’s recent critique of scientism see Habermas (2003), the arguments of which rely extensively on conceptions of “human nature” found in Jonas and Arendt, which could themselves also be understood as philosophical “translations” of intuitions found in Judaism.

¹⁸ This general definition is drawn from Cohen (1924), generally recognized as the source of the renewal of Jewish thinking in the twentieth century. For another, more recent and “realist,” perspective on the messianic vocation of Judaism see Hartman (2006).

3. HABERMAS'S INCOMPLETE SPINOZISM: METHODOLOGICAL ATHEISM AS SOLUTION TO THE CONFLICT BETWEEN ATHENS AND JERUSALEM

It is at this point that Habermas introduces his solution to the dilemma just described. Habermas inscribes “Jerusalem” in the heart of his conception of communicative reason, in the heart of “Athens,” through what he calls the principle of “methodological atheism.” Such methodological atheism is a character of postmetaphysical theology in its function as translator of religious substance into a public and anamnestic reason. The idea of an “atheistic theology” is not itself new—Rosenzweig already posited it as an essential category for a new Jewish thinking, although he gave it a different sense than Habermas.¹⁹ For Habermas, a theology is atheistic in the following sense: it will give an “interpretation of the religious discourses by virtue of its argumentation alone” and see whether this “permits a joining to the scientific discussion in such a manner that the religious language game remains intact, or collapses” (2002, 76).

What does an atheistic theology look like to Habermas? Since the biblical conception of God is that of a “personified divine power,” of God as *Adonai* or Lord, and thus as a heteronomous source of normativity, an atheistic theology that wants to translate this religious insight into publicly acceptable terms, that is, one that takes into account the supreme value of individual autonomy, will have to abandon the idea of God as the Lord of human beings (and of the world). Yet, since it is still theology, atheistic theology must carry forth some idea of God, one that is potentially acceptable to all possible interpreters. Here there are two options that Habermas discusses with regard to methodological atheism. The first is associated with the theology of Peukert.²⁰ For Peukert, God is understood atheistically as a “reality” “that can connect our selves beyond our own death with those who went innocently to their destruction before us” (Habermas 2002, 77); only this reality can keep alive our “desire to hold on to solidarity with everyone else in the communicative fellowship, even the dead” (*ibid.*). It is not difficult to see why a German theology like Peukert’s, developed after Auschwitz, would consider absolutely essential the possibility that those who died innocently be saved, that is, that solidarity must extend not only to the present community or to a future community but also to those of another community who were

¹⁹ See the 1914 essay “Atheistic Theology,” in Rosenzweig (2003), 143–54. But more generally see the use made by Rosenzweig of Goethe’s and Nietzsche’s “atheism” in *The Star of Redemption*.

²⁰ For another interpretation of Peukert’s importance for Habermas see McCarthy (1993), chap.8.

annihilated as innocents in the past since precisely *this* solidarity vanished in Germany during the Hitler years. The question of German “guilt”—which Karl Jaspers posed as inescapable for German philosophy immediately after the war and of which Habermas himself received a daily, concrete reminder when Adorno and Horkheimer brought the Frankfurt School (and the memory of Benjamin’s “martyrdom”) back from exile to Frankfurt—this question is the crucial context for the figure of “anamnesic reason” with which Habermas is called on to wrestle.

Remarkably, Habermas does not follow the path of Peukert and other German theologians, probably because he also understood Adorno’s other motto: “äusserste Askese jeglichem Offenbarungsglauben gegenüber, äusserste Treue zum Bilderverbot, weit über das hinaus, was es einmal an Ort und Stelle meinte” (extreme asceticism toward the belief in revelation, extreme fidelity to the prohibition against worshiping images, well beyond what it once meant in a specific time and place) (Adorno 2003a, 616). For Habermas, unlike Peukert, a methodological atheism must also do away with the belief in God as what vouches for the resurrection of the dead, that is, for their eternal salvation. In other words, Habermas does not believe that any faith in a redeeming God can ultimately eliminate the guilt incurred for the Shoah. Rather, he adopts the position that this guilt must be “something that spurs us to fight against the conditions that have produced the guilt.” One does so by holding on to “our solidarity with all who have suffered and died, now and before” (2002, 78).

Interestingly, this conception of solidarity is charged with picking up the Benjaminian contribution to critical theory: Habermas conceives of this solidarity as that “weak” messianic force that animates the struggle against the conditions of evil in this world of which Benjamin speaks in his *Theses on the Philosophy of History*.²¹ The weak messianic force is harbored by “the ideal communicative fellowship”—in other words, it is nothing other than the “force” of the better argument, and of those conditions of communication that allow for this “force” to prevail over the force of violence and myth. Habermas’s atheist theology places “ideal communicative fellowship” in the place of the Christian God as what represents best the memory of Benjamin, and, through Benjamin, somehow, the rest of Judaism (Habermas 1988).

²¹ On Habermas’s use of Benjamin to traverse the conflict of Athens and Jerusalem see now Brunkhorst (2010).

But Habermas takes a further step away from the above atheist theology with the principle that his methodological atheism expresses a “transcendence from within the world” and not from without (i.e., from a transcendent and forgiving God). Yet Habermas is aware that such transcendence contained by the “anticipation of an unlimited community of communication” necessarily raised by every validity claim cannot by itself offer the hope for the “deliverance for the annihilated victims” that anamnestic reason wants, for this hope depends on a “transcendence from beyond” which “is accessible only in the language of the Christian tradition” and is thus not the object of a possible universal understanding because it excludes those who are not Christian. Habermas goes as far along as he can with the anamnestic political theology of Metz, Peukert, Moltmann, and others, but separates himself from it over the question of whether the faith in the crucified Christ can be a political symbol strong enough to do away with injustices in the world.²² Habermas is not willing to hold that Christian hope (in the universal salvation of all human beings, including those who “resist” the “glad tidings” of Jesus as the Christ or Messiah) is a requirement for “the perspective of living together in solidarity and justice” (2002, 80). And yet it remains unclear whether methodological atheism does emancipate itself completely from under the shadow of the theology of the cross, as I indicate below.

Habermas offers two main arguments as to why Christian faith (but also any other religious faith) is not required in order to establish the ideal communicative fellowship. The first argument rests on a point of philosophy of language: Habermas refers to Peirce’s notion of the sign to show that the weak “transcendence from within” offered by “good reasons” is not only oriented to the present, but has an internal relation to a future interpreter and to a past object. The idea is that communicative action has the resources by itself to account for the constitution of a “tradition.” But this argument is not very convincing since it also means that communicative reason, at its deepest level, must rely on the previous existence of a tradition, and thus of an authority, with which it cannot dispense in order to establish the possibility of universal morality.

The other argument seems to me to be the stronger one:

we acquire our moral intuitions in our parents’ home, not in school. And moral insights tell us that we do not have any good reasons for behaving otherwise.... It is true that we often behave otherwise, but we do so with a *bad conscience*. The first half of the sentence attests to the

²² For the same theme, see now Habermas (2005).

weakness of the motivational power of good reasons; the second half attests that rational motivation by reasons is more than nothing [*auch nicht nichts ist*]*—moral convictions do not allow themselves to be overridden without resistance. (Habermas 2002, 81; emphasis added)*

Habermas here rests his hope of redemption (in Benjaminian terms: the weak messianic force of the better argument) on the facticity of processes of socialization that can establish by themselves the solidarity of communication. As I showed with the first quotation above, socialization plays a crucial role for the success of translating religious substance into profane communication. Habermas, therefore, argues that there are good reasons to be moral, but these reasons find their “strength” at the level of “bad conscience” and not at the level of motivating good actions, since here good reasons turn out to be “weaker” than other means to get people to do the right thing. Thus, ultimately, for Habermas one knows that one is rational because one feels guilty whenever one does something that one is not supposed to do, in accordance with the norms into which one has been socialized. But Habermas’s acceptance of guilt as *index sui* of truth is as good an indication as any that communicative reason may, in the end, remain caught within the sphere of religion, thus endangering the entire premise of a “translation” of religion into philosophy. Communicative reason, at least, is no “gay science.”

At this point it is useful to introduce Spinoza, who advocates, before Nietzsche, both the need to separate reason from the experience of guilt and the need to separate philosophy from faith.²³ From Spinoza’s standpoint, in fact, it appears that Habermas’s methodological atheism, despite its best intentions, may not effect a real separation of philosophy from faith, but instead collapses philosophy on the side of faith. For the Spinoza of the *Theological-Political Treatise*, the philosophically correct conception of God is one that understands God as eternal nature (“universal laws of nature”), rather than as an omnipotent legislator and judge, as the commanding and loving God of the Bible (TTP, chap. 4). Nature commands nothing, and for that reason one cannot be in the wrong with respect to God as nature, and thus one cannot have guilty feelings: philosophy understood as the knowledge of nature or God is a “joyous science” because it cannot possibly lead to sad affects such as bad conscience and guilt.

²³ For the *Theological-Political Treatise* (henceforward TTP) I have used Spinoza (2007). For general overviews of the question of Spinoza’s atheism and the problem of the conflict between reason and faith, see Israel (2002), Israel (2009), and Nadler (2004). On Spinoza’s critique of guilt in ethics, see Deleuze (2001).

Given this conception of philosophy, Spinoza goes on to argue that our moral intuitions, which are invariably tied up with the ideas of guilt and bad conscience, do not correspond to anything in nature but are instead a reality that is “human-all-too-human”: moral laws are laws that follow from human decision (TTP, chap. 4). Human beings require morality once they choose to live together in society; thus socialization carries with it, for the majority of persons who do not have a philosophical understanding of society, the need to constitute a bad conscience for oneself—what Freud later called the superego. The requirement of bad conscience within socialized relations to others is a rational requirement for Spinoza: it is part and parcel of the preference to join others for one’s self-protection, and to do what is necessary to continue in existence is part of natural right—it is one of the essential laws of nature (TTP, chap. 16). This means, then, that moral consciousness exists only for a *political or public* reason, since it is a requirement of living together (and this means, also, that it is always conditional on the utility of the community for the individual). Spinoza holds that one has a natural right to break one’s promises to others if these go against one’s utility (*ibid.*).

For Spinoza, the above understanding of morality as what is required by public reason depends on biblical faith: only biblical faith can offer this morality of socialization a foundation (TTP, chaps. 12 and 13). Thus, morality depends on religion in the last instance because morality depends on political existence, on obedience to self-chosen norms. The training to obey such norms, to which one can always say yes or no, is the reason for being of religion—which means that for Spinoza religion is always political or social (TTP, chap. 13). This explains why Habermas can say that he does not need God to have hope for solidarity because socialization (already at the level of the family) is enough: Habermas is right, but only because socialization is not possible without religion and its internalization, as Spinoza shows.²⁴

For Spinoza it is also perfectly possible to fabricate a universal conception of religion into which all religious intuitions can be translated and given good (public) reasons. The one tenet of this universal faith would be that of solidarity and justice itself (which Spinoza simply calls charity and justice, subsuming all commandments and positive laws under the tenet “love thy neighbor”) (TTP, chap. 14). Even more, for Spinoza only a democratic state can ultimately be the legitimate interpreter of what “love thy neighbor” must mean as it gets translated into positive laws (TTP, chaps. 16 and 19).

²⁴ It is interesting to note that the peculiarity of Judaism is precisely that God contracts with a family prior to a people: the family is the original site of morality (Novak 2005, 12–15, 30–64).

Thus one can see that Habermas's post-Hegelian problematic of translating religion into a democratically structured public sphere is prefigured by Spinoza. The difference between them is that Spinoza, unlike Habermas, argues that this translation falls not within philosophy but within faith (TTP, chaps. 14 and 15). From Spinoza's radically atheistic perspective, Habermas's methodological atheism appears to be a variant of what Jaspers calls a "philosophical faith," that is, a translation into universally acceptable reasons of the main tenets of religious faith which constitute the basis of morality.

But if this is the case, then another aporia appears to confront Habermas's methodological atheism. For, given Spinoza's atheistic perspective, the distinction between reason and faith is precisely what requires that morality be based on religious faith (and this for political reasons: morality is only possible in theologico-political terms). The methodological atheism of Habermas—believed to arise out of exclusively philosophical considerations—would in the end stumble on its own moral precommitment: one cannot be *both* atheistic *and* moral, one can *only* be atheistic and philosophical. From Spinoza's standpoint, philosophy and a morality based on the experience of guilt are ultimately opposed and irreconcilable, insofar as there exists no necessity imputable to any self-chosen forms of the human life-world when these are considered in relation to nature itself (TTP, chap. 4). From the standpoint of God as nature, it is entirely an accident, a radical contingency that human beings exist who believe in moral "goodness." Spinoza's methodological atheism shows that the translation of religious substance into philosophical concepts is not just an "experiment" that may put religion at risk: rather, it reveals the radical status of experiment (*Versuch*) that "morality" has. Communicative reason and discourse ethics do not offer a transcendental standpoint from which to judge the result of the experiment of translating religion into philosophy: they are themselves in question along with this experiment.

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David Leibowitz, *The Ironic Defense of Socrates*. Cambridge: Cambridge University Press, 2010, 204 pp., \$80.00.

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David Leibowitz's new book is a work of astonishing scope. Through what is primarily an extraordinarily thorough commentary on Plato's *Apology*, he offers a comprehensive interpretation of the life of Plato's Socrates and the meaning of Socratic political philosophy. The immense scope of this work is the consequence of the author's unusually vast and serious ambition: as Leibowitz tells us in the introduction, he intends "to show that Plato's Socrates is...an unrivaled guide to the good life...[and] that the *Apology* is the key to the Platonic corpus" (1). Not content merely to explain Socrates's view of the good life, Leibowitz argues for the truth of this view. Thus, he frequently voices hypothetical objections to Socrates's arguments and then responds to those objections.¹ To be sure, one finds here no geometric demonstration of the superiority of the Socratic life, but by Leibowitz's account such a demonstration is neither necessary nor possible (78). Rather, in his view, those who reject the Socratic way of life, that is, Socrates's particular view of the philosophic life, do so out of their confusion about morality, and if their moral beliefs should be clarified, they would be opened to Socratic philosophy (78–83, 180). Leibowitz therefore explains the confusion characteristic of nonphilosophers as he understands it with startling clarity, leaving it to the reader who has followed his account to see whether philosophy does not then appear the most choiceworthy activity. As one who would not claim to possess a fully clarified understanding of morality himself nor to have entirely followed Leibowitz's argument, I can only say the book is gripping: it presents a thoroughgoing challenge to our ordinary views, and, as it seems

¹ For examples, see pp. 82–84, 123–26.

to me, it is a challenge that those inclined or compelled to clarify their own views of morality would do well to face.

While his argument might measure up to his aim of presenting Socrates's superiority as a guide to the good life, Leibowitz's more scholarly intention, that of showing that the *Apology* is the key to the Platonic corpus, is more obviously problematic for his work. Leibowitz soundly argues that the only nonarbitrary approach to the interpretation of the dialogues is one that takes into account every detail, large and small alike (20). He thus justifies his line-by-line, at times word-by-word, scrutiny of the *Apology*, and this attentiveness to the details of the *Apology* is surely one of his work's virtues: through its capacity to discover important indications about the Socratic life by puzzling over the dialogue's smallest details,² this book should provide much encouragement for students of Plato to read him with care. However, in order to interpret the *Apology* as the key to the Platonic corpus, Leibowitz must make reference to statements made in countless other dialogues, none of which he interprets with the care he demands in the case of the *Apology*. The reader is thus struck by the discrepancy between Leibowitz's careful interpretation of the *Apology* and his rather free use of other Platonic dialogues, and even works of other classical authors (42–43, 76–77), in some cases at fundamental points in his argument (see especially 92–97), to support and explain that interpretation.

It is highly plausible that the complete interpretation of the *Apology* requires consideration of Plato's other dialogues. It is entirely possible that Leibowitz has studied the other dialogues with the same care that he demonstrates in his interpretation of the *Apology*. He can hardly be faulted for not having published all those studies. The problem for Leibowitz stems from a discrepancy, of which he seems well aware, between Plato's intention and his own. As Leibowitz sees it, Plato's concern for his fellows, philosophers, nonphilosophers, and potential philosophers alike, led him to disperse his teaching throughout the dialogues, thus rendering it difficult to access (18–19, 88, 92n64, 104–5, 160); Leibowitz intends to put that teaching together. There is nothing problematic in his wish to provide himself with a comprehensive interpretation of the dialogues, but Leibowitz's aim of presenting that interpretation to all (without publishing all of his Plato

² For example, consider the conclusions Leibowitz is able to draw on pp. 111–12 and nn. 91 and 92 based on his close attention to the variations in Socrates's statements about his first accusers (cf. 46–47). For more examples of important conclusions based on small details in Socrates's statements, see 61, 86–87, 130–33.

interpretations) requires him to offer what must be a less rigorous interpretation of the *Apology*. It seems that Leibowitz was faced with the choice of either providing a more limited, cautious, perhaps only suggestive interpretation (cf. 21n25), or with providing the bolder, potentially more complete account that he does offer. The result of his choice is a book that, if it at times presents accounts of Socrates's life that are hard to verify, also offers countless valuable or provocative suggestions about Plato's dialogues in general.³

The full assessment of Leibowitz's work therefore requires a comprehensive understanding of the Platonic corpus. For those of us who lack such an understanding, its persuasiveness seems to lie in the coherence of its account of Socratic philosophy. Let us then turn to that account. There can be no question of recapitulating the work's whole argument here; we restrict ourselves to what the author himself indicates is the most fundamental part of it, the interpretation of Socrates's Delphic mission (cf. 1, 71), since the reader who has not been persuaded by this aspect of the argument is unlikely to be persuaded by the rest.

Socrates speaks of his Delphic mission in order to explain his wisdom, his reputation for wisdom, and the slander that has culminated in his trial (63). He claims to have heard that the Delphic oracle once declared that no one is wiser than Socrates. Then, being aware that he was not wise, Socrates set out to refute the oracle by finding someone wiser than himself. This attempt to refute led Socrates to refute many others, as he discovered their ignorance, thereby arousing much animosity toward himself. Now, as Leibowitz notes, according to this story the oracle made its statement only when asked by a companion of Socrates whether anyone is wiser than Socrates, and thus the story fails to fulfill its purpose of explaining why anyone ever came to consider Socrates wise (64). Leibowitz then persuasively argues, based on his careful treatment of Socrates's puzzling mention of his "first accusers," that Socrates seemed to be wise prior to the Delphic oracle's statement owing to his study of natural science, of which these "first accusers" had accused him (66; cf. 39–43, 50–51, 59–60). Furthermore, Leibowitz's careful reading of the question that Socrates himself raises, to which his Delphic oracle story is the response, shows that the question is in fact two

³ Consider, for example, Leibowitz's brief account of Socrates's own education (69–70). Here, Leibowitz offers an explanation of the relationship between Socrates's account of his activity in the *Apology* and the indications about his education given in the *Phaedo*, *Parmenides*, *Symposium*, and *Alcibiades I*. The explanation is coherent, provocative, and quite possibly of great help to anyone trying to interpret these dialogues, but to anyone who begins with a different interpretation of the dialogues, Leibowitz's brief remarks are unlikely to be persuasive.

questions, one of which is, in effect, “why, if Socrates does nothing ‘more’... [than] the other natural scientists...he has been subjected to more rumor and slander than they” (61). In other words, the Delphic oracle story is to indicate what Socrates has been doing that has caused him to get into more trouble than the other natural philosophers. Leibowitz thus persuasively explains the otherwise bizarre details of Socrates’s speech leading up to the Delphic oracle story by presenting that story as the account of Socrates’s distinctive philosophic activity, his refutations of nonphilosophers who show no interest in or promise for philosophy: Socrates turned to these refutations in view of the problems or limits of natural science, and found in them a more solid foundation for that science (66–69, 70–72).

How, then, do Socrates’s refutations serve his study of nature? Leibowitz answers that Socrates’s attempt to refute the oracle is, quite literally, his manner of “investigating the god” (71). Relying especially on the *Phaedo* in addition to the hints of the *Apology*, Leibowitz argues that Socrates had come to see that we lack sufficient knowledge of the causes that make things necessary, that is, the natures that natural scientists or philosophers seek to know. Being aware that he lacked such knowledge, Socrates saw that he could not disprove the possibility of a “miraculous god,” a god for whom all things would be possible, and thus a god for whom nothing would be necessary (66–69; cf. 41–43). If there is such a god, the attempt to know nature, as the philosophers understood it, would seem to be impossible (43). Accordingly, Leibowitz concludes, the philosophic life, as the attempt to understand the world in light of its fundamental necessities, rests on an unevident assumption so long as it cannot disprove the existence of such gods (67).

One could wish for a fuller account of Socrates’s view of natural science and its limits, an account that would, for example, explain why the insight into our limited knowledge of causes opens Socrates to the possibility of a miraculous god instead of the awareness of the possibility of such a god opening him to the limits of our knowledge of causes. But it is not Leibowitz’s aim to give a full account of the development of ancient science here, and his basic point is hard to deny: the beliefs of many regarding the gods would, if true, render the philosophic pursuit of knowledge futile, and Socrates would therefore be interested to see whether he could not find some way of evaluating these beliefs (cf. 71). Furthermore, Socrates’s concern with the gods could seem to be a concern with a mere possibility, unsupported by any evidence and opposed by the “mountain of evidence” for the existence of nature, but, as Leibowitz nicely points out, many people do claim to have

evidence of the existence of god or gods, especially the evidence found in their own personal experiences of god or gods (67–68). Again, one would like to hear more about what exactly constitutes the “mountain of evidence” for the existence of nature, when we lack knowledge of causes, but Leibowitz’s main point is clear: Socrates must try to assess the evidence believers have for their beliefs, and his refutations are his way of doing so (72).⁴

In the description of his Delphic investigation, Socrates emphasizes not simply that those whom he refuted were ignorant, but that they were ignorant about the noble and good, or morality. Thus, Leibowitz plausibly suggests that Socrates for some reason sought to investigate beliefs in the gods through an investigation of the believers’ moral beliefs (71–72). This suggestion then becomes more concrete in Leibowitz’s careful treatment of what Socrates says about his refutations of poets. There, we find that Socrates also subtly indicates that he has been investigating prophets as well as those who deliver oracles, and, what is more, that he has traced the experiences of gods to which the poets, prophets, and oracles attest to their confused moral beliefs (86–88). That is, Socrates refutes the moral beliefs of believers, showing their confusion about morality, and their agreement—which they express in one way or another—as to the importance of this confusion (88; cf. 78–84), while also showing that their beliefs in the gods are bound to this confusion (88, 92n64). In this way, according to Leibowitz, Socrates provides himself some confirmation that the evidence believers claim to have for the existence of gods has a basis in their confusion about morality (93), and that if they should cease to be so confused, they would then cease to believe they have such evidence (cf. 99–100).

One would like to hear a more complete account of exactly how much confidence Socrates could take in what he discovers from his refutations or of the precise epistemic status of these refutations (cf. 86n53, 98), but one can hardly say Socrates is at pains to indicate this clearly in the *Apology*. Perhaps Socrates’s refutations could permit him a reasonable confidence that no believer he has encountered has good evidence for his belief, but, as it seems to me, Socrates would have had to remain open to the possibility of a believer who is not confused about morality. Thus, it is hard to follow Leibowitz’s suggestion that Socrates eventually ceased to need to carry out

⁴ Leibowitz also notes a second purpose of Socrates’s refutations, namely, that of demonstrating the superiority of the philosophic life to all other ways of life (72–73, although cf. 81n46), but since this superiority also depends on the possibility of philosophy, and since this is the more fundamental question, we focus on this question here.

these refutations (99, 100). It may be that refuting believers who display typical beliefs became less important to Socrates than were other studies, but I cannot see why this would mean that Socrates no longer had any need to investigate believers altogether, or why Socrates would take up the debate with a believer depicted in the *Euthyphro*, which occurs only shortly before the *Apology* takes place, if he had ceased to need such refutations (cf. 92n64).

Next, Leibowitz seeks to spell out in further detail than Socrates provides in the *Apology* the substance of his refutations through a consideration of some passages from the *Republic* and *Laws* (92–97). Here again, as it seems to me, his account is not free of puzzles. As Leibowitz had explained it, Socrates's refutations focused especially on believers' moral opinions, but when he explains the refutations here he insists that Socrates was intent on refuting the believer's beliefs about the gods' justice in particular, showing, that is, that a believer's confidence that a particular command or law is divine can be shaken if Socrates can show that it does not accord with the believer's view of justice (93–95). Therefore, as Leibowitz describes them, Socrates's refutations are not merely about believers' moral views, but about the discrepancy between believers' moral views and their beliefs about the gods. Leibowitz seems to acknowledge the apparent shift in his description of the refutations: he writes, "someone might object that Socrates never says that he examined men on the subject of the gods" (89); I would add that someone might make this objection on the basis of Leibowitz's own argument, which I believe would otherwise lead us to think that Socrates's investigation of the gods for some odd reason led him to discuss morality and not the gods with believers (cf. 71). Although Leibowitz answers this objection by noting that gods too are considered beautiful and good (89), and although it is about the gods' justice, that is, their morality, that Leibowitz says Socrates refutes believers, we wonder whether Socrates could not have found a way to indicate more precisely that this is the topic of his refutations if he wished to, just as he managed subtly to indicate that he studied prophets and assessed the source of their prophecies.

To be sure, Plato and his Socrates were interested in the kinds of arguments that Leibowitz describes—these refutations of beliefs about the gods would seem, for example, to provide some justification for Socrates's natural theology, or his account of the gods on the basis of human reason alone—but, in addition to wondering whether it is precisely these refuta-

tions that Socrates refers to in his description of his Delphic investigations,⁵ we should also note their limits. As Leibowitz seems to acknowledge, the refutations he describes “do not deal with those who believe that the gods are unjust or unconcerned with justice.... The possibility of a revelation from an amoral, willful, or radically mysterious god cannot be ruled out” (95). It seems plausible to me that every serious person has some concern for justice, and thus that every serious believer, in considering divine perfection, will be inclined to attribute some kind of justice to god. But, as it also seems to me, there are some believers for whom god is, so to speak, nothing but love; he is certainly merciful, but not necessarily just. Furthermore, we may wonder whether the possibility these believers bring to light might not also manifest itself in some form in the beliefs of some of the more serious ones, such that an objection to their understanding of god’s justice would not really cut to the core of their belief (cf. 98–99), which is bound much more tightly to their conviction that god loves.

In addition to asking about gods who are believed to be loving rather than or more than they are believed to be just, we must also ask about gods who are believed to be simply unjust or evil. According to Leibowitz, Socrates finds that belief in gods who are unjust or unconcerned with justice, “like belief in the malevolent power of black cats, is not only rare but is almost never supported—at least among believers who are even modestly educated and sane—by the experience of revelation” (95). Aside from raising a question about those few cases that, as Leibowitz allows, are so supported, this leaves us wondering what Leibowitz’s Socrates would make of the relatively widespread belief in evil deities such as the devil. Surely many “sane” people have claimed to have some experience of evil that attests to the existence of such evil spirits, but as Leibowitz explains it, Socrates’s refutations only hold for those who believe in just gods. On the other hand, if Socrates were for some reason concerned only with the moral confusion of believers and not necessarily with those confusions stemming from the belief in god’s justice, as the *Apology* had seemed to suggest, those who believe in evil gods would likely be easy to refute: these believers would almost surely testify to their belief in the possibility of knowingly and voluntarily choosing the bad, which Socrates, as it seems, would have regarded as sure evidence of their confusion about morality (cf. 122–26).

⁵ In this regard, consider Leibowitz’s relatively slight attention to the *Euthyphro* (95), which would seem to be the most striking conversation between Socrates and a believer in the Platonic corpus.

It is in the book's conclusion, I believe, that we find the reason for Leibowitz's limitation of Socrates's refutations to those who believe in just gods. Here, Leibowitz offers his fullest description of the confusion about morality that Socrates's refutations uncover (cf. 96–97). According to that description, our moral beliefs tend to be confused especially as regards our motivation: we tend to believe that we are devoted to the noble for its own sake while also hoping for our own good, precisely owing to our devotion to the noble (178–79). Leibowitz then draws attention especially to the feeling of merit or desert that comes with this confusion; he writes, “devotion to what is noble...raises hopes that what is lacking *will* be supplied. Such devotion seems to be the distinguishing mark of a virtuous or good man. It is *the* thing that—in his own eyes and in the eyes of many others—makes him deserving of rewards” (178–79; emphasis in the original). And Leibowitz finds in the feeling of desert the connection between our moral confusion and our beliefs in the gods: “deserving (or justice) is a middle term that links virtue with piety” (177). Deserving links virtue with piety because “virtue has the power we expect—and if this power is essential to virtue, virtue can exist—only if there are just gods...gods who ensure that the virtuous get what they deserve” (177). Thus, Leibowitz's view of our moral confusion, by tying that confusion to our concern with desert, also seems to tie that confusion to the belief in just gods, thus offering some explanation for his limitation of Socrates's refutations to those who believe in just gods.

Aside from the question this raises about the many believers who try to be virtuous and at least claim not to believe themselves deserving of any divine rewards, we must also ask about precisely what kind of link desert provides between virtue and piety. As Leibowitz presents it, our full, i.e., confused, view of morality is dependent upon some belief in just gods. That is, our belief in desert is in need of some belief in the gods, if we are to expect to receive our just reward. Leibowitz had suggested, plausibly in view of Socrates's statements about the source of what the poets and prophets make (86–88), that it is our moral beliefs that provide a *basis* for our beliefs in the gods (93, 96). Now, however, his description of morality would seem to show that our moral beliefs, in particular our confidence that justice will be rewarded, depend on some prior belief in the gods who would provide that reward. Furthermore, if the belief that justice will be rewarded presupposes some prior belief in the gods, it is unclear why the clarification of our moral beliefs would lead to a loss of faith in the gods, as Leibowitz suggests (99–100). Leibowitz could argue that our concern for desert increases our feeling of a need for divine assistance, although this is a need that we would also feel

otherwise (177, 178), thus making us less willing to question our beliefs in the gods. Still, so long as he does not think that we can come to believe in something simply because we feel a need for it, this would not indicate any way in which our moral beliefs provide a basis for piety.

It may be that we tend to be confused about morality in some such manner as Leibowitz describes, but I do not think Leibowitz adequately establishes the connection between this moral confusion and our beliefs in the gods, so as to explain why Socrates's "investigation of the god" would focus on these beliefs. Perhaps Leibowitz believes that our moral confusion only arises together with our beliefs in the gods, and he may, in this way, explain how the belief in the gods provides support for our moral beliefs. But the dependence of his argument on desert, as it seems to me, leaves it unclear how our moral beliefs could themselves provide a *basis* for our beliefs in the gods. Finally, unless our moral beliefs offer such a basis, it is unclear why Socrates's investigations of these beliefs would allow him to assess the evidence that the pious adduce for their belief in the gods.

I argued above that for those of us who lack a comprehensive understanding of the Platonic corpus the persuasiveness of Leibowitz's book would ultimately lie in the coherence of its account of Socratic philosophy, and, as it seems to me, the book's account has deficiencies or gaps, about which I have tried to raise some questions. However, even if I am correct about these gaps, my intent to illuminate them should not overshadow the significant achievements of Leibowitz's work: the plausibility of his suggestion that Socrates was concerned above all to learn the truth about the gods, the seriousness with which he examines our moral beliefs, or the many odd details of Socrates's speech in the *Apology* that Leibowitz is able to make sense of, only a few of which I have been able to mention here. These aspects of his book, which render his argument powerful and often quite convincing, are what prompted me to undertake this study of it, a study from which I believe I have learned much. Furthermore, the striking clarity with which Leibowitz typically argues allows him to offer a startling and provocative depiction of the Socratic life. If it is read seriously, it will surely provoke serious discussion, discussion that I imagine would be welcome to all thoughtful students of Plato.

Gary McDowell, *The Language of Law and the Foundations of American Constitutionalism*. Cambridge: Cambridge University Press, 2010, xvi + 400 pp., \$32.99 (paper).

The Case for the Constitution

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Gary McDowell, a long-time and distinguished observer of American institutions, would call us back to the good old reasons for constitutional government. The contemporary jurisprudence of a “living constitution,” he fears, is the death of the actual Constitution. In effect, government by fundamental law slips away under judicial arbitrariness, that is, invented ideals masquerading as an evolution of “moral theory.” In response, McDowell defends interpretation according to original words and original intent. He defends the “originalism” revived in the 1980s by Attorney General Edwin Meese, blocked by the Senate’s rejection of its intellectual champion Judge Robert Bork, and patronized now by such Supreme Court Justices as Antonin Scalia and Clarence Thomas. Still, McDowell’s partisanship is warm hearted, subdued, and not given to cheap shots. His book is inquiry not only patriotic but above all erudite. There are extended accounts of the planners of constitutionalism (Hobbes, Locke, Blackstone, and others) and of the American founders and interpreters (especially Jefferson, John Marshall, and Joseph Story).

The long account of the “living law” school is itself searching (9–52). Harvard’s turn to legal instruction by the case system supplanted the traditional constitutional commentaries, and an aspiration for a science of law went with instruction by purely academic teachers, rather than practitioners with “a republican commitment.” Still, the decisive change was a new

belief in historically developing law and legal science. Progressive scholars such as Edward S. Corwin and Woodrow Wilson would replace “18th century mechanics” with “a living statute palpitating with the needs of the hour” (22) and with a Supreme Court conceived now as a “constitutional convention in continuous session” (39).

McDowell’s argument for the founders’ fixed constitution has this form: supposing that we wish constitutional government, here are the principles by which we must abide. (His book does not directly address the progressives’ political objections.) These principles are mostly familiar, but McDowell reminds us of their bite and priority. A constitution must be a fundamental law, or it is not a constitution. To be fundamental it must be written and originate from the legitimate source of government, the people. So understood, constitutional government is then self-government, according to the theory of representative government, not government by judges or theorists as such. For the sake of constitutional government and free government alike, then, a constitution’s meaning comes from its words and the people’s intent, not judges’ theories. McDowell insists on the peculiar importance of intent, and his book dwells distinctively on the “theory of language” advanced by constitutionalism’s theoretic planners.

The importance of language is introduced early, in conjunction with another surprising point. It was Thomas Hobbes, the absolutist and monarchist, who “planted the seeds of natural rights constitutionalism.” Hobbes fathered the politics of fundamental law, written and everlasting, which fixes an artificial, representative, and sovereign institution (55–58). Sovereignty means superiority to any conflicting authority, including conscience, higher law, or divine law. That required Hobbes’s theory of language, which discredits such moral and religious claims. Hobbesian language is artificial signs derived from a mix of sensible impressions with desire and invention. It is invented language pruned of intuitions or divinations as to what is good, right, and high. Since intuitions or visions are impressions that are not merely sensible, they do not deserve the names of real things. Moral claims and religious law are then merely arbitrary opinions (“private judgments,” 77), and public authority has almost unbridled authority to put the true public priorities (security and peace) first. McDowell shows the political implications of this first stage in modern critical thinking.

I wonder whether the phrase “theory of language” catches the extent of Hobbes’s radical critique, which extends beyond word use to intelligence, science, morals, and revelation. Be that as it may, McDowell

certainly discusses these things (61–81). A more serious question is whether Hobbesian critique does get rid of higher law, as McDowell sometimes asserts. Hobbesian government is indeed sovereign. But it is of a structure (a legal institution), and for a purpose (social peace and protection of a *natural* right to life), over which it is not sovereign. Again, McDowell certainly discusses the necessary structure and purpose. Does that make Hobbes the originator of an “unwritten fundamental law behind the written law,” a constitutional theory behind the Constitution?

McDowell’s account of Locke is a must-read. It is three times as long as the chapter on Hobbes and even more provocative. It extends way beyond the *Second Treatise of Civil Government* to the early (and Hobbist) *Tracts on Government*, as well as to *Questions on the Law of Nature*, the *First Treatise*, and the *Reasonableness of Christianity*. But it concentrates on the *Essay concerning Human Understanding*, “the most political of Locke’s works” (!) and the missing “middle” between the *Two Treatises* (!). Why is the *Essay* political? “Fashion” is a great power over men, especially “well-endowed fashion” (130–31). The *Essay* works to replace oppressive moral and religious fashions with a custom of freedom and humane society (124–44), especially a custom of free and humane religion. McDowell shows us how Locke makes Christianity open to liberal democracy and its ideals of equal rights and self-reliance. We are shown, too, the political significance of Locke’s probing attack on innate ideas, especially innate moral ideas. He reframes intelligence and reason toward humane and politic reason. The reformed law of reason prescribes not virtue and righteousness but the preservation of mankind through self-reliance, and not deference to patriarchy but the right of natural equals to constitute for themselves humane government. Locke like Hobbes is crucially concerned to get out of the “wood of words” and to devise “signs” of man’s true, that is real, desire and intent (106–32).

Still, civil government is more important; fashion dominates especially when “well endowed.” While McDowell says that Locke is only Hobbes made “acceptable,” the Locke he describes emphasizes more the “commonwealth” and political representation. Locke introduces the legislative power, the qualified supremacy of legislative over executive, and majority rule. Although he is no proponent of contemporary democratic theory (equal dignity; one man, one vote), he goes farther toward popular constitutionalism than merely remodeling the “structure” and being more discreet (162–63). Consider the sharp and anti-Hobbist separation of “consent” from conquest, the clear governmental obligation to obey constitutional limits, the right of

popular rebellion when government violates limits, the insistence on separated powers. And is Locke “indifferent” as to form of government (154)—the Locke who attacks absolute monarchy, aristocratic inheritance, and thirty tyrants as well as one, and who favors one national assembly, majority rule, and broad suffrage? Modern government may owe most to Hobbes, but perhaps modern constitutional government owes more to Locke.

An instructive and original chapter shows how liberal law and custom were spread by enlightened dictionaries of language and law, as well as by legal treatises. Samuel Johnson’s famous *Dictionary* (1746–73) was full of Locke’s thought and especially his definitions. Surely, few of us would otherwise know of Giles Jacob’s *New Law Dictionary* (1729), which would clarify legal terms and thus enable “mankind” to defend “political liberty” (171–82). Jacob’s seminal work was aimed against the artifices of the old common lawyers and judges. Law as written is to be taken seriously, and its words interpreted “as intended.” Similar lessons appear in the monumental studies—institutes, really—of the law of nature and nations. McDowell touches works by Pufendorf, Burlamaqui, Vattel, and Rutherford. The safety of the people is the supreme law; a constitution should be permanent; the law is that laid down by the legislator or his appointed judges; in interpretations the intention should govern, even if ambiguities must sometimes be resolved by conjecture as to purport and “design” (182–97). Similar principles pervade also writings of the so-called classical republicans, such as John Trenchard and Thomas Gordon, and of “Tories,” notably of the reformer of common law William Blackstone (197–215). One should suspect scholastics and “abuse of words,” rely on a “science of politics,” and rely not least on “terror of law” (Trenchard and Gordon). With Locke, “bridle the governors.” The state, according to Blackstone, is a “collective body composed of a multitude of individuals...intending to act together as one man”; its basis is “absolute rights” and a need for “peace.” While law and judges are instruments of the sovereign (an “absolute, despotic power” as in “all government”), there is danger, too, in an “arbitrary will in the judges.” This last point is also Montesquieu’s: judges are to follow the letter of the law. Especially in a republic, with its popular turbulence, judging should be “settled and fixed” (220).

McDowell’s final chapters, on the United States, bring his general arguments toward his political-legal point. The framers of 1788 worried about federal weakness and democratic strength. Their plan aimed for both an authoritative central government and restrictions on the legislature, especially on the more popular House of Representatives. Among American

innovations, McDowell concentrates on the legal ones: a written Constitution (“the greatest improvement on political institutions”), ratification by the people in conventions, and enforcement by judges. While Locke had advanced the first two, neither he nor Montesquieu relied on judges to enforce the fundamental political law. This American innovation gave to courts and to the Constitution as such special political efficacy, greater, surely, than that proposed by the philosophic originators of constitutionalism. The Americans were nevertheless recipients, even if not “passive recipients.” They were the first people to revolt according to “a philosophy of politics,” and they were the first to establish government not only by consent, by “reflection and choice,” but also according to “enlightenment” political science.

McDowell’s suspicion of “unwritten law” recurs in this context: the Constitution is “not written because fundamental in some abstract and antecedent sense,” but “fundamental precisely because (it is) written” (322). Yet the framers wrote a constitution because they (antecedently) believed it should be fundamental. Actually, McDowell puts beautifully just this point. While Chief Justice Marshall “flirted” with “higher or unwritten” law, and would not rely on general principles alone, he understood such principles to have “prompted” particular provisions. Marshall too had learned from “philosophic teachers” (316, 312n5). Perhaps the present problems of judicial interpretation stem less from excessive moral and political theorizing as such, although that is a problem in the law schools, than from alien and impolitic theorizing.

McDowell’s very instructive account of Jefferson and the states-rights school confirms the point, although by mirror image. To defend their “strict constructionism” the Jeffersonians had to distort the framers’ intent and principles. Jefferson could say in a letter that “the capital and leading object” of the Constitution was to leave the states with all authorities except those dealing with foreign nations or other states (282). His ally Spencer Roane protested against reliance on “general abstract doctrine,” such as Marshall’s doctrine of the sovereignty of a governmental power. The states, not the people, made the Constitution; the sovereign states were left the “great objects” of government; a state court was not bound by a federal court’s interpretation of even the Constitution (284–97).

A fine chapter shows Marshall’s attempts to render “sacred” both law and enlightened custom, that is, both constitutional institutions and the doctrines that upheld them. But judicious decisions and powerful rhetoric were not enough. Well before his death in 1835, the great chief justice was

convinced he had failed. The Court could not halt the Southerners' design to "transform the Constitution...into the old Confederation" (320). While his stalwart and industrious protégé Story more than kept up the work, not least with his extraordinary commentaries on law and the Constitution, Story too found the headwinds too strong.

McDowell's chapters on the greatest American judges are alive with the arts of practical constitutionalism. In this, as in his provocative theoretical discussions, his book seeks instruction from the past and gives instruction to the present. All of us concerned for the American constitutional democracy are in his debt.

Donald L. Drakeman, *Church, State, and Original Intent*. Cambridge: Cambridge University Press, 2010, x + 371 pp., \$29.99.

The Agnostic Detective

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Donald Drakeman of Princeton University has crafted a volume that will stand in the first rank of interpretations of the religion clauses of the First Amendment. It is a scholarly tour de force, written in a style that engages the reader as would a good mystery novel. In fact, in this superb study, Drakeman has undertaken to sleuth the First Amendment's Establishment Clause with an acknowledged nod to Sherlock Holmes himself. One imagines the author, pipe in hand, focusing on the usual suspects: the wall of separation; its rival, nonpreferentialism; and what he terms "enhanced federalism." In the end, he exonerates all three, and the detective leaves his quest with only the quizzical shrug of an agnostic.

In examining the first suspect—the wall of separation—Drakeman finds two sets of clues, and he unearths how they were planted to mislead the unwary observer. Chief Justice Morrison R. Waite gets the blame for the first plant. In deciding the case of *Reynolds v. United States* (98 U.S. 145 (1879)), Waite called upon his friend George Bancroft, the most respected historian in the United States at the time, as well as a prominent man of affairs. *Reynolds* was not, of course, an Establishment case at all. The question before the Court was whether the Free Exercise Clause of the First Amendment allowed a man to practice polygamy as a religious duty in spite of an act of Congress that forbade the practice in a territory of the United States. In answering that question, Waite took a detour to ascertain the meaning of "religion" and looked to Bancroft. On the basis of Bancroft's

advice, Waite consulted earlier historical works of two Protestant Dissenting ministers—Robert Reid Howison and Robert Semple—who had located the constitutional relation between church and state in Jefferson’s and Madison’s struggles for religious separation in Virginia in the 1780s. But it was Waite himself who took a hitherto obscure 1802 letter of Thomas Jefferson to the Danbury Baptist Association and placed Jefferson’s metaphor of the “wall of separation between church and state” into the Court’s opinion, thereby turning Jefferson’s phrase into the very touchstone of Waite’s “originalist” interpretation of the Establishment Clause. Waite’s piece of historical leg-gerdemain ultimately vaulted Jefferson into the undeserved role of founding father of the Establishment Clause.

By Waite’s logic, Jefferson’s categorical separation of the state from religion widened the jurisdiction of Congress and concomitantly constricted the range of the Free Exercise Clause. Congress was therefore “left free to reach actions which were in violation of social duties or subversive of good order” (*Reynolds*, 98 U.S. at 154). The federal government’s prohibition of the “odious” practice of polygamy was well within congressional power, religious obligations notwithstanding (*ibid.* at 164)

Seventy years later, two other justices built on Waite and made Jefferson’s metaphor into the mantra of every strict separationist in the country ever since. In *Everson v. Board of Education* (330 U.S. 1 (1947)), Justices Black and Rutledge (with an assist from a brief by the ACLU) explicitly made Madison and Jefferson the de facto authors of the Establishment Clause. Sleuthing again, Drakeman discovers that it was really the anti-Catholic Wiley Rutledge, who, in his dissenting drafts, moved the anti-Catholic Hugo Black to incorporate and expand on Waite’s “originalist” version of the drafting of the Establishment Clause.

Drakeman’s brief is not just that Waite, Black, and Rutledge were wrong as a matter of history. Many others have offered that critique. Rather, Drakeman attacks the bona fides of their actions, particularly those of Black and Rutledge. He terms Black’s and Rutledge’s drafting “a case of premeditated law office history” (74). Drakeman’s argument is that the justices’ prejudicial motivations, Black’s search for colonial examples to support his already arrived at conclusion, Rutledge’s “results-driven” project (131), as well as the unmasking of their “history” by many subsequent historians, leave the “wall of separation” basis of the Establishment Clause not only with no originalist grounding but with a morally ungrounded provenance. His conclusion is that in both *Reynolds* and *Everson*, the favored Jeffersonian

model of a strict separation of church and state was a compound of religious prejudice and historians' conceit. It had no warrant in the understanding of the framers of the Establishment Clause or of the received understanding of the time. In fact, subsequent to the drafting of what came to be the First Amendment, Congress went on its merry way of asking for days of prayer and thanksgiving, establishing chaplains for itself and for the army, holding church services in the House of Representatives, and paying missionaries to convert the Indians. In the most delicious irony, as Drakeman reminds us, "the first thing Congress did after adopting the Bill of Rights was to pass a resolution asking President Washington to declare a day of prayer and thanksgiving to God for bestowing upon the new nation such a fine collection of constitutional amendments" (264).

Modern strict-separationist justices have offered explanations of the many "contradictory" actions of the First and subsequent Congresses. Justice Brennan, for example, opines that when Congress authorized chaplains and prayer for their sessions (at the same time as they were drafting the Bill of Rights), they did not know what they were doing "in the hurly-burly of legislative action" (*Marsh v. Chambers*, 463 U.S. 783, 815 (1983)). His argument, of course, fails in discerning the received understanding of the time, for the First Congress clearly did not regard their actions accepting and supporting religious practices as contrary to what they had just prohibited themselves in the Establishment Clause. That is why Justice Brennan, perforce, must retreat to the idea that "the Constitution is not a static document whose meaning on every detail is fixed for all time by the life experience of the Framers" (*ibid.* at 816).

But if we are to honor the Constitution as understood by its authors, ratifiers, and contemporaries, we must see it as it is and not just as we wish it to be. All know now that Jefferson's separationist views were those of a man quite absent from the framing process, and that his "wall of separation" statement to the Baptists was seen as out of the mainstream (particularly by the Baptists, Dissenters though they were). Even Madison's later qualms about some of the early religion-friendly actions by Congress and the president were essentially after-the-fact second thoughts, though enough to allow Justices Souter and Brennan to cite them as evidence of original understanding. Drakeman points out, however, that Madison never defended his later, more separationist views as constituting the agreed upon consensus of the framers of the Establishment Clause; and in any event, Madison himself

contradicted those later views in practice when he agreed to ask for days of prayer and fasting during the War of 1812.

Having removed the judicial emperor's clothes that attired the decisions of *Reynolds* and *Everson*, Drakeman does not rest with that exposé. He undertakes to solve the mystery himself, and on the way, examines the other two suspects, nonpreferentialism and enhanced federalism.

He begins his own investigation by interposing an excellent overview of the debate over the meaning of the Establishment Clause, including the prime proponents of the three main interpretations of separationism, nonpreferentialism, and enhanced federalism. His summary (with an appropriate acknowledgement to the work of Daniel Dreisbach) of the contributions of J. M. O'Neill, Leo Pfeffer, Robert L. Cord, Leonard W. Levy, Gerard Bradley, Douglas Laycock, Steven Smith, William Porth, Robert George, Thomas Curry, and Philip Hamburger is a marvel of scholarly reportage.

Drakeman then turns to expound what he believes to be the framers' true understanding of the meaning of that incessantly disputed clause. In a thorough investigation of the original statements and attitudes of the founding generation, looked at in appropriately appositional circumstances, Drakeman's conclusion is somewhat anticlimactic: there is not much original intent or original understanding there at all. The framers merely wanted to provide a sop to the Anti-Federalists, namely, to affirm that the feared new central government could not establish a national religion. There is little more than that, Drakeman asserts, all the furious debates of the last few decades notwithstanding.

Moreover, there was not even a consensus among the founders as to what an "established religion" was. Some thought the tax-supported clergy in some of the states constituted an establishment. Others did not. Drakeman argues, however, that there is no need for a consensus. The amendment was solely concerned with prohibiting the establishment of a church like those in European countries, all of which were, by definition, more or less tyrannies. Thus, it was a "milk and water" amendment (213), prohibiting that which nobody wanted to bring about, and simply restating what the Federalists had been claiming all along, namely, that the Constitution gave no such power to the new government to begin with.

Drakeman effectively uses the Conan Doyle analogy of the dog that didn't bark in the night to illuminate his conclusion that the fact that there was no debate over what would have been controversial issues shows

that what the amendment covered was of no great moment. “We know with a fairly high degree of confidence what most people were saying about the establishment clause at the time it was adopted and ratified: nothing” (327).

The kinds of religion-friendly actions by Congress immediately after the drafting of the Establishment Clause also demonstrate that the members of Congress, at the very least, did not think they were acting contrary to that which they just proposed. They simply saw no conflict. In appointing chaplains to Congress or to the armed services, Congress was in no way doing anything to assist the establishment of a national church, and, apparently, no one at the time thought so.

Upon reading Drakeman’s devastating exposé of the strict-separationist view of the Establishment Clause, the nonpreferentialist advocate would feel his heart lift at this point in the tale, but he cheers too soon. The nonpreferential suspect receives no support from Drakeman either, though the author spends far less time on the issue than he did in unmasking the origins of the strict-separationist argument.

The evidence that Drakeman marshals to demonstrate that nonpreferentialism could not have been the meaning of the Establishment Clause is simple and straightforward: nobody in the founding generation seemed to believe it or act on it. In surveying state practices of the era, and looking at the more limited postadoption practices of the federal government, Drakeman sees that aid to religious teachers or tax assessments for the benefit of churches, if not done in favor of a particular Protestant sect, was almost never given to anyone but Protestants. Commentators at the time took pains to distinguish favored “sabbatarian Protestant Christianity” over other religions, including Judaism and, especially, Roman Catholicism. The literature of the era is rife with preachers and politicians declaring that Roman Catholicism was not even Christianity or a “true religion,” as the Church was regarded as essentially a political faction beholden to a foreign prince.

Still, one wonders if Justice Antonin Scalia’s more nuanced nonpreferentialism could have been in accord with the values of the framing generation. In *McCreary County v. ACLU of Kentucky*, Scalia wrote, in dissent, “[T]oday’s opinion suggests that the posting of the Ten Commandments violates the principle that the government cannot favor one religion over another. That is indeed a valid principle where public aid or assistance to religion is concerned, or where the free exercise of religion is at issue, but it

necessarily applies in a more limited sense to public acknowledgement of the Creator” (545 U.S. 844, 893 (2005); internal citations omitted).

Drakeman himself concedes, “One could advance an a fortiori argument that a government with the constitutional power to aid Protestantism on a nondenominational basis could also aid all forms of religion equally, but that would not necessarily be an originalist argument” (256). But Drakeman may not be correct here. The limitation of aid to sabbatarian Protestants may simply have been a category mistake of the founders. One does not have to be Dworkinian to argue that the founders in the main sought to aid all “religions” equally insofar as they recognized an entity to be a “true religion,” which in their eyes at the time meant a Protestant sect. Once the category of “religion” could rationally be seen to include Jews and Catholics, for example, the same original animating notion would include them in any scheme of governmental aid. Originalism does not have to be pietistic literalism.

Still, Drakeman assuredly has a point that silence at that point in time is witness to something of an understanding that did not include nonpreferentialism as the meaning of the Establishment Clause. He avers that there seems to be no evidence that anyone among the founders advocated that the Establishment Clause prohibited only that kind of aid that favored a particular sect. As noted before, many among the founding generation did not even think that earmarked tax assessments for clergy constituted an “establishment.” And among those who did think that tax assessments was a form of establishment, there is no evidence that they drew the corollary that the Establishment Clause also forbade direct aid to a particular sect, at least if done for public-policy purposes.

The respective arguments against strict separationism and nonpreferentialism, therefore, rest equally on the same ground. There is virtually no evidence, Drakeman argues, that anybody at the time thought that either was the meaning of the Establishment Clause.

Drakeman’s historical agnosticism on the meaning of the Establishment Clause extends to his view of what the framers of the Fourteenth Amendment thought was a religious establishment. In the concise but not cursory treatment he accords to the history of church-state relations in the nineteenth century, Drakeman tries to assess whether by the time of the drafting of the Fourteenth Amendment there was a consensus as to the meaning of the phrase “respecting an establishment of religion,” so that *if*

the framers of the Fourteenth Amendment had intended to incorporate the Establishment Clause, we might know *what* exactly it was they thought they were incorporating. Drakeman's finding is similar to his conclusion as to the record of what he found in the framing period: there was not much agreement by the time of the Civil War as to the content of what an establishment of religion was and what government actions would offend against it.

Drakeman may be correct here, but his history is incomplete and unsatisfying. To show that the antebellum generation had an ambiguous attitude towards "establishment," Drakeman points to the contradictory views of many who opposed ending Sunday mail deliveries but supported the government's subsidy of Protestant missionaries to the Indians. The dispute over discontinuing Sunday mail deliveries roiled through the nineteenth century, and Drakeman is correct in stating that little objection was made to paying missionaries to convert the Indians. For Drakeman, this demonstrates the lack of consensus on what constituted aid to a purported prohibited "establishment." Yet the contradiction seems more apparent than real.

The founding generation may have used Christian institutions to accomplish public-policy objectives, but it was not until after the Second Great Awakening that there came a movement truly to "advance" Christianity. The most prominent and rancorously disputed example was the attempt to have the federal government stop Sunday mail delivery, which had been mandated by an 1810 law. There was no hesitation among those who opposed Sunday mail deliveries that it was a Protestant requirement, a biblical *law*, in fact. In this dispute, Drakeman detects the early development of what would become the modern schools of strict separationism and nonpreferentialism. But at this time, the Sabbatarians failed. Sunday mail deliveries were too important to the people. The post office (usually in the general store) was the only thing open on Sunday. It was the place to go to get the latest news (newspapers were delivered by mail), gossip, smoke, drink, and have a good time (while presumably the ladies were at church). In other words, it was too much of a civic association of the republic to give way to religious law. In fact, Sunday mail deliveries were maintained by the federal government until 1912.

At the same time, the federal government continued to pay for missions to turn Indians into Christians. Drakeman illustrates his argument with the example of Senator Richard M. Johnson of Kentucky (later vice president under Martin van Buren), who had successfully resisted the efforts to end Sunday mail deliveries but was equally insistent on having Congress

pay for Protestant missionaries to the Indians. Similarly “contradictory” was Ulysses Grant, perhaps the most strict-separationist president up to that time except for Jefferson. Grant was, nonetheless, enthusiastic about such Indian conversion projects. But was Johnson’s position, as a member of Congress, contradictory? Was Grant’s position, as president, anomalous? Congress had little problem paying for such outlays. No president, including Thomas Jefferson, ever felt it contradictory to pay missionaries to civilize the Indians. This is another silent dog, but one which, in this case, Drakeman did not hear.

The dog may have been silent precisely because presidents (and Congress) saw the Indians as quasi foreign entities, as being essentially outside the body politic that had bound itself to the Constitution, and were to be dealt with as such. In other words, the Establishment Clause simply did not apply to the relations between one sovereign and another (in this case, dependent) sovereign. Even if one believed, as did Senator James G. Blaine, that there should be no funding of religious entities (or, obviously, clergymen), dealing with the Indians was in an altogether different category. Aid to the Indians, therefore, may be entirely outside historical relevance when it comes to the prevailing ideas about what our government can legitimately do to advance religion.

In sum, though Drakeman’s historical research has persuasively uncovered much of the meaning, or more precisely, the lack of meaning, of the Establishment Clause of 1789, his argument has not as significantly advanced our knowledge of the meaning of that clause as understood in 1866 when the Fourteenth Amendment was drafted.

Of course, if the real meaning of the Establishment Clause was only, as Madison said on the floor of Congress, “no national church,” then there is a commonality to all the religion-friendly actions of the federal government during the eighteenth and nineteenth centuries. The government was certainly not taking actions to “establish” a church. Everyone would have agreed upon that. But it is also doubtful that the federal government was trying to “accommodate” religious practices either. Otherwise it would not have fought so long and so successfully in favor of keeping Sunday mail deliveries.

Rather, the government was pursuing policies that met the needs of a republican government. Calling on divine providence for aid was a long established practice, hence chaplains in Congress and days of prayer and thanksgiving, as well as ceremonial moments of prayer. To assist the men in arms (nearly all Protestants) to perform their duty led to Protestant

military chaplains. Above all, using the precepts of “true religion,” that is, generic Protestantism, to create a virtuous citizenry to which the fortunes of a republic could be safely entrusted meant assisting Protestant teachers. Likewise, preventing the Indians from making war on the United States meant changing their culture (as Washington long understood), hence, civilizing them by means of experts in the field, that is, missionaries, who were the most cost-effective method. As Drakeman puts it, “many of these examples of so-called aid to religion were really not so much for the benefit of religion as for the good of the government” (340).

The policy of our government was neither secular nor religious, but republican in the truest sense. It called on the people’s most treasured and effective institutions to advance the fortunes of a republican polity.

This brings us to the last of the suspects, enhanced federalism. As Justice Clarence Thomas has argued, “The text and history of the Establishment Clause strongly suggest that it is a federalism provision intended to prevent Congress from interfering with state establishments. Thus, unlike the Free Exercise Clause, which does protect an individual right, it makes little sense to incorporate the Establishment Clause” (*Elk Grove Unified School District v. Newdow*, 542 U.S. 1, 133 (2004)). But Drakeman does not agree. He holds that no one in Congress expected that any of the amendments would apply to the states anyway, so that there was no real need to emphasize that fact in the wording of the amendment. And he repeats his argument that there was no particular support for the idea in Congress or contemporary commentary.

Here, Drakeman has run into opposition. Vincent Phillip Muñoz remains unconvinced that Drakeman’s dismissal of the enhanced federalist interpretation of the Establishment Clause is conclusive. In his brief and otherwise complimentary review of Drakeman’s book, Muñoz (reflecting some of his own earlier work) writes,

Drakeman fails to provide a convincing interpretation of the words “respecting an.” If he is right and the framers really did intend merely to prevent the creation of a “Church of the United States,” they could have said so. They could have easily drafted an amendment stating, “no national religion shall be established by law” or “Congress shall make no law establishing religion.” Both textual formulations were proposed in the House. But both were rejected. Instead, the awkward sounding phrase “respecting an establishment” was adopted by a joint House-Senate conference committee. Why?

Following the point of view articulated earlier by Steven Smith, Muñoz argues that the use of the word “respecting” was meant to be a division of powers excluding Congress from jurisdiction over religion and leaving the states totally in command of it, just as “respecting” in the Property Clause (art. IV, § 6) deprives the states of all jurisdiction over federal property and leaves the control entirely with Congress (Muñoz 2010, 51).

Muñoz goes on, in his brief argument, to point out that earlier in the consideration of the proposal first put forward by Madison (and modified by Congressman Vining of Delaware), two New England congressmen objected that the vague wording of the proposal could have been interpreted by a federal court to void the requirements among several of the states for compulsory tax support of ministers. Although some adjustment was made in the wording of the amendment, by the time the conference committee came to fashion the final wording, the “words ‘respecting an’ were *added* to the Establishment Clause. They must have been intended to do some work” (ibid.). That extra work, Muñoz offers, was to make sure that Congress could not interfere with state establishments (i.e., those that required tax support of ministers) then existing.

Further, Muñoz argues, the Senate had defeated the one attempt to regulate the states in matters of religion. “There *is* evidence that the members of the First Congress were concerned with and attentive to federalism” (ibid.). Thus, it seems that both the Senate members (having defeated an attempt to interfere with the states) and the House members (aware of concerns by New Englanders about the security of their own religious establishments) would be in favor of putting in an extra dose of protection in the Establishment Clause. Hence, they added the phrase “respecting an.”

How does Muñoz’s objection face up to Drakeman’s point that there were virtually no defenses of state establishments in the entire drafting and ratifying of, nor in the public literature surrounding, the Establishment Clause, except for two desultory comments on the floor by two New England congressmen? And what of the other arguments of Drakeman, namely, that everybody knew that the amendments were designed to placate the Anti-Federalists and were created solely to be a restriction on the federal government (Madison’s one sole individual foray to protect the states having been shot down in the Senate), and that the Federalists still believed in their original argument that Congress lacked any power to interfere with religion? The “respecting an” clause as an additional protection to the states would be an unnecessary and redundant phrase. Rather, Drakeman argues, the

“respecting an” clause must a fortiori apply only to laws that might deal with a national establishment of religion.

This is the key debate over the enhanced federalism issue, and text and context and history give neither side a clear field of fire.

First, let us look at Drakeman’s position that making the “respecting an” phrase a protection of the states would be an unnecessary redundancy and therefore mere surplusage. The framers had already put in a profederalism redundancy: if all knew that these amendments were to restrict the federal government only, then the phrase “Congress shall pass no law” was also an unnecessary redundancy. But we know that adding in “Congress shall pass no law” came about from Livermore’s proposal adopted initially by the House—“that Congress shall make no laws touching religion”—in order to make sure that no untoward interpretation of Madison’s phrasing could endanger the security of the states’ arrangements with religion. If one redundancy, why not two? Further, as Muñoz suggests, “respecting an” adds another level of protection for the states, creating a clear demarcation in jurisdictional authority between Congress and states on matters of state religion. It works as a categorical ban on congressional laws “touching” religion, as Livermore’s earlier, somewhat less precise draft put it. Muñoz’s argument gains some further traction in that one of Madison’s reasons for putting forward the amendment was that he had come to realize that the “sweeping clause” (the Necessary and Proper Clause) could allow Congress to, let us say, “touch” on matters not delegated to it, so long as Congress were pursuing the accomplishment of one of its delegated powers. In this light, surely Madison in the conference committee could have seen (perhaps even he proposed it) that a prohibition on Congress’s passing any law “respecting an establishment of religion” specifically and more insistently constrained its use of the necessary and proper power in this area.

Furthermore, it may be true, as Drakeman argues, that the Federalists who were drafting the amendments thought they were a sop to the Anti-Federalists, that they were probably not necessary anyway, and that Madison had difficulty even moving them to consider them in the first place. But when it comes to state establishments, a number of these same Federalists would have been particularly solicitous of state prerogatives. It would therefore be understandable if these New England congressmen broke the mold of the manner in which the other amendments were formed to insist that the amendment dealing with established religions should be double locked to protect the states.

On the other hand, a fair reading of the record gives Drake-man's "no enhanced federalism" argument plausibility. The words "respecting an" were placed into the amendment by the conference committee *in response to* the Senate draft, which the House had found unacceptable. It is fair to surmise that in the conference committee, the House members were pressed to do something to meet the Senate's concerns, and the Senate (even though its members were elected by the states) was not, in this instance, concerned with the prerogatives of the states. Rather, the Senate wanted to put some meat on the question of what an "establishment" was.

The relevant wording of the amendment that the House had originally sent over to the Senate read, "Congress shall make no law establishing religion..." Obviously, from the limited record we have of the Senate's consideration, the House version was altogether too vague. The Senate's first attempt to define "establishment" was "Congress shall make no law establishing one religious sect or society in preference to another." This gave some substance to the word. But it seems that some in the Senate thought that this alternative phrasing might allow Congress to set up an establishment of all churches, likely meaning perhaps that Congress could set up a tax system where one could choose to which denomination one's taxes could be directed. So a stricter and more sweeping definition was offered: "Congress shall not make any law...establishing *any* Religious Sect or Society" (emphasis added). But that phrasing was rejected.

Someone else in the Senate must have believed that the phrasing "religious sect or society" of the approved Senate version was still too indefinite, so that person proposed "Congress shall make no law establishing any particular *denomination* or religion in preference to another" (emphasis added). But that failed as well. After that attempt, it seems the Senate could not take care of the ambiguities still latent in its own version, so it momentarily gave up on the quest, repealing its first version and adopting wording that tracked the original House version: "Congress shall make no law establishing religion."

But six days later, the Senate apparently found the definition of "establishment" it had been searching for: "Congress shall pass no law establishing articles of faith or a mode of worship." "Establishment," the Senate had decided, was something like the Anglican establishment in England, not the manner of compelled tax support of clergy that was found in some of the states in America. A national confessional church was what the Senate wished to prohibit. Such a view of what was an established church

merely expanded what was already in Article VI of the Constitution prohibiting religious tests for the holding of federal office: “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” With the Senate’s definition, no confession of faith could be required of any person in any circumstances. What could be a more federalism-friendly amendment than that? Nowhere in the Senate’s considerations, therefore, could one readily detect a concern for protecting the established churches of the states. It just did not seem to be anything to be worried about.

The House of Representatives, however, did not accede to the Senate version, and the issue was left to a conference committee, which also had to resolve other differences between the two houses. The members of the committee were Senators Charles Carroll of Maryland, Oliver Ellsworth of Connecticut, and William Paterson of New Jersey. From the House were James Madison of Virginia, Roger Sherman of Connecticut, and John Vining of Delaware. No one knows what happened in the deliberations of that committee (how historians wished that Madison had taken notes as he had at the Constitutional Convention), but we do know that all, particularly Madison who all along had a personal stake in the matter, were impatient to resolve the remaining differences in order to send these amendments to the states and get on to other business.

It also is clear that the Senate representatives came to the conference committee without a brief to protect the state establishments: that had clearly been absent in all the versions of the Establishment Clause that they had contended with. As for the House side, Madison all along had thought the concern for state establishments just short of foolish. His impatience with the crabbed parsing of his original proposal by Congressman Huntington on the floor of Congress was patent. A “national” church was all he wanted to prohibit, he had insisted. It had nothing to do with the place of religion in the states.

Although Roger Sherman came from a state that supported clergy through tax assessments, he had been outspoken against the need altogether for such an amendment. John Vining had shown no record of concern for state establishments. (His state had none.) And the Catholic Charles Carroll came from a state that had suppressed Catholicism and thus would not be a fan of state establishments.

But Drakeman nonetheless gives the enhanced federalism argument a fair hearing. He notes that the “respecting an” language was in

Ellsworth's handwriting, that he was known as a champion of religion, and therefore could have been solicitous of Connecticut Congressman Huntington's concern for state establishments. But in the end, Drakeman concludes that the federalism protections in (1) the presumption that none of the amendments would apply to the states anyway, and (2) the fact that "Congress shall pass no law" made that explicit in regard to establishments, free exercise, and freedom of speech and press, taken together defeated the idea that "respecting an" had anything to do with state establishments. Moreover, many New Englanders denied that their form of clergy-supported tax assessments was an "establishment" at all. What was there, therefore, to protect?

Lastly, Drakeman returns to his "dog that didn't bark in the night" argument. "There is no evidence of the New England (or other) states calling for an amendment that would shield their ecclesiastical laws from federal interference; there is no significant record of speeches, sermons, or newspaper articles seeking such protection" (241–42). He concludes that "the words 'respecting an' become a reasonable and appropriate introduction to the critical words 'an establishment of religion,' which is what all of the debates had been about—that is, prohibiting the institution of a single national church" (245). For Drakeman, the new meaning was that "Congress would be forbidden from passing laws on the subject of a national religion" (211).

Yet to many ears, the "respecting an" phrase is not a "reasonable and appropriate introduction" to "an establishment of religion." It cries for some additional heft in what the amendment proscribes.

Consider: if we put ourselves in that room with the three senators and the three congressmen charged with resolving their differences, perhaps we can fathom another conversation taking place. Drakeman's fair and fecund rendering of what might have happened overlooks one possible scenario.

Let us look at the events from the perspective of Madison, the prime mover and likely the most emotively involved of all the players in the drama. Among the amendments put forward to the House, Madison had pressed for one that was entirely of his own making, one that had in no way been suggested by any of the ratifying conventions: "no state shall infringe the right of conscience." This amendment broke the mold: it would have been the only one specifically worded to restrict the states. Madison regarded it as "the most valuable amendment in the whole list." It is possible that Madison put

this amendment forward as a backhanded method of undoing the remaining state establishments from within, that is, allowing those who objected to clergy tax assessments to object to them as infringing on their “right of conscience.” But this is unlikely for two reasons. First, Madison had, in this stage of his life, been entirely transparent in all of his opinions. There was virtually none of the devious contrivances that Jefferson would become famous for. Second, it had long been a staple of the notion of religious tolerance from the time of Locke onward and confirmed by the Glorious Revolution that there was no contradiction between a society having an established church and at the same time according its citizens freedom of conscience. It seems evident that this is all that Madison had been advocating. The House approved his amendment, but the Senate rejected it out of hand shortly before the conference committee began its work.

When the committee convened, Madison must have been smarting at the Senate’s rejection of his “most valuable” amendment. At the same time, the Senate’s definition of an established church was so narrow as to be uselessly fictional. No one was thinking of a national church that would look like the Church of England. It seems a logical speculation that it was Madison who drew the line in the sand, and he drew it, not to protect the states, but to broaden the definition of what an established church was, for that is what the Senate had placed on the table. Thus, the “respecting an” language would have meant, in Madison’s eyes, “arguably having to do with” an establishment of religion, including those arrangements, such as tax-supported clergy, that some believed were also an establishment. The result was that “establishment” meant not only a national church like the Church of England, but the kind of arguable “establishments” that a number of states had. Thus the new amendment would prevent the federal government from instituting taxes to support church buildings or clergy. In this way only, some of the Remonstrance could be said to have found its way into the Establishment Clause. The House conferees were so adamant that the Senate’s definition was inadequate that they told the upper house that they would accede to the Senate’s wording of all the other amendments but only if the House’s new version of the religion clauses were agreed to. One thinks that such intransigence could only have come from Madison who would have wanted to close the door (left open by the Senate version) to the federal government’s sponsoring tax assessments for clergy.

So where does all this speculation as to the meaning of the “respecting an” phrase leave us? It is clear that the one interpretation that

has the least grounding in historical provenance is the strict-separationist model articulated in *Everson* and refined as the sweeping test of *Lemon v. Kurtzman*, namely, that the primary purpose and effect of legislation must be secular and it must not foster “an excessive government entanglement with religion” (403 U.S. 602, 613 (1971)). In fact, crediting Hamburger, Drakeman concludes, “there was no prominent and consistent voice for a truly secular reading of the Establishment Clause” until late in the nineteenth century (324).

Even if the definition of “respecting an establishment” was intended by Madison to include earmarked tax assessments for clergy, that would not prohibit the federal government from making use of or assisting religious entities in performing a genuinely public purpose. Nor would it preclude the government from affirming and encouraging religious practices and observances among the people, including ceremonial prayer, to encourage a virtuous citizenry. That was how our republican government acted from the time immediately following the passage of the religion amendments, and that is how it should have been permitted to act, the contrived history of a few Supreme Court justices notwithstanding.

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One need not be a devoted follower of current affairs to recognize that religion poses a formidable challenge to political orders in large parts of the world. And in places where this threat seems less imminent, those driven by religion are often the most vociferous participants in the political sphere, shaping the debate on key political and social issues. What has been called the theological-political problem has thus been fully resolved neither in the Orient nor in the Occident. Ronald Beiner in his new book on civil religion reveals the extent to which the theological-political problem occupied, and indeed formed the core of the concerns of, political philosophers from Machiavelli to Rawls. In doing so he not only offers illuminating and suggestive readings of many works in the canon of Western political philosophy, but also succeeds in communicating the urgent contemporary relevance of our encounter with these texts.

Beiner's book is divided into four main parts, each dedicated to delineating one of the four main positions taken by political philosophers in the dialogue on the relationship between religion and politics. Machiavelli, Hobbes, and Rousseau are identified by Beiner as civil-religion theorists who aim to domesticate religion and make it serviceable to political ends. The failure of the civil-religion approach adopted by these thinkers leads to an effort on the part of liberal political philosophers to distance religion from politics. Such, Beiner argues, is Locke's position. While attempting this distancing, however, liberal political philosophers recognized that religion cannot be completely done away with. This recognition is taken up by a different set of philosophers to launch a full-scale defense of the primacy of religion over

politics. The two exemplars of this effort are de Maistre and Carl Schmitt. Finally, we have a fourth position that takes into account the lessons of the three former positions. The “postmodern theists” both recognize the eclipse of Christianity, or more broadly the death of God, but are also not convinced that politics, and humankind in general, can do without some form of religion. These political philosophers thus share with the theocratic side an antipathy for liberalism, but combine it with a call for “new gods” rather than a return to Christianity. Nietzsche and Heidegger are the principal exponents of this position.

In addition to offering us an account of the debate over the place of religion in politics, and thus revealing that the question of religion offers a unique “gateway to political philosophy as a distinct and uniquely ambitious form of intellectual activity” (x), Beiner announces at least two other aims. By contrasting civil-religion theorists such as Machiavelli, Hobbes, and Rousseau against liberal theorists, he aims to show how the liberal program of separating religion from politics represents a solution to the theological-political problem that opposes the civil-religion solution in rejecting any use of religion for political ends. While this seems to set civil-religion theorists at the opposite pole of the debate over the place of religion in politics, Beiner argues that there is greater affinity between civil-religion theorists and liberals than there is between civil-religion theorists and theocrats. Unlike theocrats and postmodern theists, civil-religion theorists and liberal theorists are engaged in the same battle—the battle against the “kingdom of darkness,” a battle in which the aim is to give primacy to politics over religion. Civil religion theorizing is thus a way-station on the road that leads to the liberal solution of distancing religion from politics. Beiner’s other aim is to “situate John Rawls’s account of religion in the introduction to *Political Liberalism* in the centuries long dialogue within the history of political philosophy in which it properly belongs” (2). In pursuing these aims Beiner takes his readers on a journey spanning some five centuries and featuring at least sixteen political philosophers, while never losing sight of his central concerns.

Part 1 of Beiner’s book explores three modes of civil-religion theorizing. The first such effort is exemplified by Machiavelli’s attempt to paganize Christianity and thus make it serviceable to politics. The second mode is articulated in Hobbes’s effort at the “Judaicization of Christianity.” Lastly, we have Rousseau’s rejection of both these modes in favor of a watered-down form of religion that can serve to hold republics together. Beiner reveals Machiavelli’s modes of theorizing by offering a response to an important

puzzle posed by *The Prince*; namely, if Cesare Borgia was ultimately a failure, why does he hold such an important place in the text? Beiner argues that Borgia holds the place he does because his failure is tied to a project that Machiavelli strongly endorses. What Cesare's father aimed at and what Borgia ultimately failed to achieve is essentially to "appropriat[e] the Church for pagan purposes" (25). The focus on Cesare Borgia is thus meant to highlight Machiavelli's solution to the divisions created by the church. While Beiner cites two redoubtable authorities—Burckhardt and Nietzsche—who seem to share such an interpretation, the focus on Borgia as a failure obscures some of the positive lessons that Borgia's example is aimed at imparting to the readers of *The Prince*.

If Machiavelli's text merely gestures toward a new interpretation of Christianity, Hobbes makes an explicit effort to offer such a political interpretation of Christianity. Unlike Machiavelli, Hobbes does not merely aim to make religion subservient to politics—his aim, in Rousseau's words, is to "reunite the two heads of the eagle." Beiner deploys three of Hobbes's texts to illustrate how Hobbes goes about attempting this unification. Most obviously this unification requires that the sovereign set all the dogmas to be followed, but the more profound aspect of Hobbes's position is his effort to give Christianity a this-worldly interpretation. By offering a this-worldly interpretation of Christianity and making the sovereign responsible for establishing the dogmas of the religion, Hobbes essentially makes the primary concern of public religion the stability and longevity of the political order, rather than the salvation of the soul.

Beiner both opens and closes part 1 of his book with a treatment of Rousseau's account of civil religion. Rousseau, Beiner rightly argues, rejects both Machiavelli's and Hobbes's solutions to the problematic relationship between religion and politics. He rejects the infusion of a pagan spirit into Christianity, for he sees the former as instilling a belligerence that leads to war. Furthermore, that pagan religion is false is a decisive consideration against it for Rousseau as it is not for Machiavelli. Rousseau also rejects the Hobbesian solution, for he is convinced that the spirit of Christianity is inherently inimical to the sort of concern with this world that is an essential feature of any successful civil religion. Having rejected the solutions offered by his two predecessors, Rousseau presents the dogmas of his civil religion that aim to rectify the problems of Christianity and paganism. This is a more or less standard reading of Rousseau's position in the penultimate chapter on civil religion in the *Social Contract*. Where Beiner rejects the standard

reading is in his assessment of the degree to which Rousseau succeeds in presenting a viable civil religion, and more importantly on whether Rousseau even has such an aim.

Beiner argues that Rousseau not only fails to offer a viable civil religion, he does not intend to do such a thing. Second, Beiner holds that Rousseau's account betrays a "liberal hesitation about his own republican utopia" (83). Beiner adduces textual evidence for both of these claims. For the first claim, that Rousseau did not intend to offer a viable civil religion in the *Social Contract*, Beiner cites a critical passage in the chapter on civil religion where Rousseau shifts his ground from political considerations to "principles of right." Rousseau's criticism of paganism, Christianity (as he understands it), and Catholicism, are all launched on political grounds. Yet when he comes to presenting the civic profession of faith he begins by "setting political considerations aside" (Rousseau 1978, 120). Beiner takes this to be evidence for the claim that Rousseau did not himself consider the civic profession of faith presented in the *Social Contract* a viable civil religion when considered from a political point of view.

To support his second, bolder, claim that Rousseau betrays a "liberal hesitation," Beiner has recourse to the divergence between the *Geneva Manuscript* and the *Social Contract*. In particular, Beiner points out that while Rousseau entertains the possibility of Protestantism serving as a civil religion in the *Geneva Manuscript*, this option is dropped in the *Social Contract*. That Rousseau drops the more promising civil religion (Protestantism) which seems to overcome the weakness of the other three types of religion, Beiner takes to be a sign that Rousseau came to the realization that Christianity could not provide the particularism necessary to a civil religion. Rousseau thus settles for an anemic religion of tolerance. Beiner takes Rousseau's failure to offer an effective civil religion as a sign that the latter had "liberal hesitation over his own civic-republican utopia" (83). While one could grant to Beiner that Rousseau's civil religion is far too "anemic" to serve as an effective civil religion, whether one can take the leap from this to impute "liberal hesitation" to the lover of Sparta is debatable.

Given that the civil-religion theorists' solution is shown to be inadequate in Rousseau's writings, liberal political philosophers began an effort that led to a distancing of religion from politics. Breaking with the chronological order, Beiner sees Spinoza as the transitional figure standing between the civil-religion solution and the newer, liberal solution to the theological-political problem. Thus part 2 of Beiner's book begins with an

account of Spinoza's moral critique of the Old Testament, which impugns particularist religions. This critique is combined with a call for moral freedom that seems to place Spinoza on the liberal side of the debate about the relationship between religion and politics. However, Spinoza combines these liberal sensibilities with a solution to the theological-political problem that most decidedly places him in the class of civil-religion theorists. While he defends a sphere of personal freedom, Spinoza does not seek to erect a wall of separation between religion and politics; rather, he follows Hobbes in calling for the state to have control over religion with the aim of ensuring that religious authority does not undermine political authority. Beiner thus reads Spinoza as combining a Hobbesian moment with a Spinozist moment, both of which he argues are present in the *Theological-Political Treatise* (in chapters 16 and 20 respectively).

It is thus not Spinoza but Locke who ushers in the liberal solution to the theological-political problem by offering the first account of the separation of church and state. He does so by following two broad strategies. The first is "the privatization of religion," a strategy followed in the *Letter on Toleration*. The second strategy is to offer a rationalized form of Christianity. Locke's effort in this direction is found in *The Reasonableness of Christianity*. In the latter work Locke offers a purely moral reading of Christianity that does not deal with the question of politics. He thus lays the foundations for the separation of church and state.

Locke's privatization of religion, while creating some distance between politics and religion, does not do away with the latter. In fact, the way Locke achieves the separation is in part by stressing the moral content of Christianity over its political content. Thus, Locke continues to hold the view that sees a close connection between religion and morality. The next interlocutor in the dialogue on religion in politics attacks this proposition. Pierre Bayle argues that the loss of religion would not cause people to become less moral, and by corollary that religion contributes little to morality. Thus, religion goes from being a necessary political instrument for civil-religion theorists to being relegated to the private sphere by Locke, and finally in Bayle's writings is shown to be superfluous even in the private sphere as it proves to be ineffectual in guaranteeing morality. Bayle thus represents a view diametrically opposed to that espoused by civil-religion theorists, arguing that religion is not only unnecessary for politics but adds nothing to personal morality.

Bayle's arguments are taken up by Montesquieu, who charts a course on the question of civil religion between the positions of Rousseau

and Bayle. Montesquieu disagrees with Bayle in that he considers civil religion important, thus siding with Rousseau against Bayle, but he disagrees with Rousseau on the question whether Christianity can serve as a good civil religion. Montesquieu argues that Christianity makes for a far better civil religion than paganism, precisely because the former does not lead to the belligerence characteristic of the latter. This Montesquieuan effort to show that Christianity can in fact function as a good civil religion is taken up by Tocqueville who sees America as providing an example of both the politically salutary influence of Christianity and its compatibility with democracy.

Part 2 of Beiner's book also covers Kant and two central figures of the Scottish Enlightenment, Hume and Smith. Fittingly, part 2, which is dedicated to the liberal response to the theological-political problem, closes with a treatment of Rawls. The centrality of Rawls to Beiner's account is made evident by the fact that he considers Rawls's *Political Liberalism* to represent the "consummation" of the liberal tradition. Yet Beiner does not simply endorse Rawls's liberal solution. Beiner presents Rawls as animated by the concern to respond to the threat posed by religion to politics, but finds fault with Rawls's effort to avoid endorsing any comprehensive doctrine. Drawing on the voluminous Rawls literature, Beiner argues that even in *Political Liberalism* Rawls ultimately smuggles in a comprehensive doctrine. To argue that "religious commitments should not trump a commitment to ecumenical citizenship," as Rawls does, is in Beiner's view to affirm a comprehensive doctrine (286). Yet Beiner's criticism does not stop here. He contends that what ultimately weakens Rawls's position is not the fact that he affirms a comprehensive doctrine, but rather the fact that he does not do so strongly enough. Beiner writes, "Rawls might actually have come up with a more viable account of his philosophy of liberalism if he had allowed himself to articulate *more* of a 'civic cult' in his liberalism than he does" (284). To assess whether this would indeed have been the case one would have to consider whether an adherent to such a "civic cult" would be a more responsive interlocutor in a dialogue with those who hold different comprehensive doctrines. What is clear though is that such a strong endorsement of a "civic cult" would radically transform Rawls's project, and would go against the grain of what Rawls considered himself to be doing in the move from *A Theory of Justice* to *Political Liberalism*.

Having laid out the civil-religion and liberal positions, Beiner offers an overview of the theocratic position on the relationship between religion and politics in part 3 of the book. Beiner explores this position by

deploying the works of de Maistre and Carl Schmitt. In Beiner's view a theocrat is characterized not simply by an insistence on the importance of religion for politics, but by the view that religion ought to have primacy over politics. Thus, for de Maistre the health of the political order depends on the extent to which politics is infused with religion and the degree to which the political role of "scientists and intellectuals" is limited.

The second representative of the theocratic position in Beiner's account is Carl Schmitt. Focusing in particular on Schmitt's critique of Hobbes, Beiner reveals how Schmitt saw Hobbes as providing the foundation for the "eventual triumph of liberal pluralism" (361). Hobbes prepares this triumph by allowing religion to be instrumentalized and then requiring that the sovereign concern itself with outward performance alone. The key insight that Beiner draws from this is that the civil religion approach turns out to be more liberal than illiberal, as it defangs religion by putting into question its pretensions to be offering absolute truths.

The final section of Beiner's book is dedicated to philosophers he terms "postmodern theists." This group of philosophers do not celebrate the death of God but rather hold that a substitute for revealed religion must be found. Thus, in their critique of liberalism and call for new gods, the postmodern theists are more closely aligned with the theocrats than with civil-religion theorists. The quintessential postmodern theist in Beiner's account is Nietzsche. Nietzsche blames Christianity itself for its downfall. The move from immoral gods to a moral God (a move that can be traced back to Plato) and the substitution of a universal God for particular gods are for Nietzsche the two key missteps that ultimately led to the undermining of Christianity. While Nietzsche is unequivocal in his partisanship for premodern religion over Christianity, the loss of faith in Christianity still troubles him. For Nietzsche this loss of faith deals a deadly blow not only to politics and society, but to the overwhelming majority of human spirits. Therefore, for Nietzsche some form of theism is the necessary response to what he sees as the leveling effects of the loss of belief. Nietzsche's most serious charge against Christianity, therefore, is that it is directly responsible for the atheism he saw around him. Heidegger too follows Nietzsche in bemoaning rather than celebrating the death of God. Heidegger's position is best encapsulated in his famous statement from the posthumously published *Der Spiegel* interview: "Nur noch ein Gott kann uns retten" (Only a God can save us now).

In offering us an account of the various positions on the relationship between religion and politics, Beiner makes it clear that his preferred

solution is “to more or less expel religion from the public sphere” (414). Even if one sides with Beiner in this debate, he warns against complacency. Beiner concedes that there is no permanent solution to the tension between religion and politics. One can look forward neither to the eradication of religion from politics nor to the complete privatization of religion. It is precisely this live and permanent tension that makes Beiner’s book both timely and significant.

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In his 1917 essay *Imperialism: The Highest Stage of Capitalism*, V. I. Lenin highlighted a then-recent study by the British economist J. A. Hobson. No Marxist (as Lenin immediately observed), Hobson nonetheless shared the Marxian assumption that economic interests largely determined political behavior, including empire building. Given the wide distribution of Lenin's book, Hobson's name often stands alone at "the beginning of the end" of British imperialism. Not all the names of earlier anti-imperialist writers have been forgotten, but the fact of their anti-imperialism often has been. Claeys provides a much fuller and more finely textured account of anti-imperialism in British political thought than any previously available. He concludes too trendily, ascribing to this thought "the foundational ideals of modern identity politics" (290); what he has found turns out to be more interesting than that.

European imperialism found justification in Christian evangelism—Catholic and Protestant—whose advocates viewed with suspicion "indolent savages" who "committed the crime of living in an environment where little effort sufficed to attain a sufficiency" (13). For this violation of the curse of Adam (somewhat redolent of the atmosphere prevailing in a university faculty), "millions were enslaved and worked to death," Claeys tartly observes. Imperialism also found justification in modern natural right as integrated into philosophic accounts of the law of nations. Emer de Vattel, for example, argued that peoples who refuse to cultivate the soil and live by plunder "fail in their duty to themselves, injure their neighbors, and deserve to be exterminated like wild beasts of prey." Other, more pacific peoples who

merely tend flocks, hunt animals, and gather edibles injure no persons but do “occupy more land than they would have need of under a system of honest labor, and they may not complain if other more industrious Nations, too confined at home, should come and occupy their lands” (17). Theodore Roosevelt could not have said it more concisely—nor, as you might imagine, did he. Critics of this argument (including Diderot, Kant, and Herder) found no influential readership in eighteenth- and nineteenth-century Britain.

The first important British anti-imperialists came not from the natural-rights or the Continental protohistoricist schools but from the liberal utilitarians Richard Cobden and John Bright—free traders (today we would call them libertarians) who rejected all intervention in the domestic concerns of foreign countries as ultimately unprofitable. But the main intellectual influence on British anti-imperialism came from Auguste Comte, the founder of positivism, who derived his ideas from his “spiritual master,” Nicolas de Condorcet. As is well known, Condorcet stands at the pivot of the transition of European Enlightenment thought from natural right (by then in its Rousseauan form) to historicism; anticipating human progress toward humanistic universalism, Condorcet comes off rather as a Hegel without the massive and intricate historical/ontological dialectic. Comte elaborated a new social science, inventing the term “sociology” for it; ruled by industrialists, “including engineers and scientists,” Comtean social science called for an initial dictatorship not of the proletariat but of the scientists, to be followed by a degree of democratization as the masses relinquished their old religion for an altruistic “Religion of Humanity”—guided, to be sure, by a new priesthood “living in colleges, and trained in science, but without celibacy,” and teaching the altruistic creed, “Live for others” (48–50). For his British readers, anti-imperialism followed from this humanitarianism. Wedded to the evolutionist-historicist thought of Darwin, positivism optimistically assumed that no coercion would be needed to aid the march of progress; therefore, both balance-of-power geopolitics and imperialism wasted time and resources (including lives) while encouraging retrograde selfishness and atavism. Positivism began to become popularized in Great Britain in the late 1840s, at the time of Chartism at home and other revolutionary stirrings on the Continent.

Perhaps on the grounds of a humanist/universalist sympathy for which nothing human was foreign, British positivists inclined toward praising the religions of the conquered. Wilfrid Scawen Blunt celebrated Islam, hoping that Africans would convert to it as a means of avoiding being

absorbed by Europe (37); consistent with the Religion of Humanity, Blunt stipulated that Islam modernize its teachings on slavery, marriage, concubinage, and divorce (40). Blunt, Richard Congreve—a lapsed Aristotelian who taught at Oxford—and Frederic Harrison also praised Hinduism and even showed distinct sympathies for Irish Home Rule. The most influential of the British positivists, Harrison likely turned against imperialism in reaction to “the bombardment in 1863 of Kagoshima in Japan, where a city of 100,000 persons was destroyed in reprisal for the murder of one Briton” (84). Oddly, Harrison blamed Christianity for this atrocity—claiming that “on the Christian theory, the Japanese are *absolutely* inferior” to Christian Britons, whereas “on the human theory [i.e., positivism] they are *relatively* our equals, occasionally our superiors, and essentially our brothers” (85). Evidently none too conversant with Christian theology, Harrison more soberly blamed the massacre on “the devilish antipathies of race” and the imperial ambitions of British aristocrats “pandering to the English merchant” (86).

Comte envisioned a world organized as a federation of small states. “The state had to be relatively small, akin to the Greek *polis* or perhaps Holland” (97–98). Modern nation-states and the empires they built launched the subordinate masses of people on voyages to subordination, squalor, and death. “Little-Englandism” followed from this. Little England would combine compact size with modern industry; like all of its sister statelets around the world, it would confederate peacefully under the “spiritual direction” of the Religion of Humanity (100). This vision could readily accommodate the socialism that gained intellectual adherents in the later nineteenth century. The following century proved disappointing to such visions; Claeys bravely contends that “the Positivists had not failed Humanity; humanity had failed the Positivists” (114). One might say that humanity had failed Humanity, as it so often does; reportedly, God has been no less disappointed.

As a social and political movement positivism “did not survive its second generation of leaders” (118). Prussian militarism and the arrival of the United States as an increasingly well-armed world power, along with the new, harsher creed of Social Darwinism, all dampened the spirits of positivists. But a portion of positivism lived on in socialism—an influence much attenuated by the sympathy for imperialism among the British working classes and by the Marxian argument that imperialism represented a necessary historical advance over sack-of-potatoes peasant societies. Still, imperialism itself, modernizing force though it may be, was slated for destruction along with the capitalism that directed it. William Morris’s

famous utopian-socialist prose poem *News from Nowhere* embellished Little-Englandism with a synthesis of modern egalitarian and medieval charm. But many of the Fabian socialists, including George Bernard Shaw, H. G. Wells, and the Webbs, judged imperialism indispensable to efficiency, civil service, and the advance of internationalism. Such Independent Labour Party luminaries as Ramsey MacDonald and Keir Hardie eventually endorsed “not anti-imperialism but an alternative imperialism” “based on assumptions, if not of British superiority then at least of a British genius for administration that was of benefit to the colonized” (201). “Many socialists thus moved relatively easily towards a position of seeing the empire as a potential socialist commonwealth, capable of extending the benefits of socialist civilization to the less developed regions of the world” (227).

Hobson took a middling position. He concurred with both capitalist and later socialist thinkers (and ultimately with Vattel, against Comte) that “if a nation or the government of a nation holding possession of a piece of territory refuses to utilize fully its resources or to permit others to do so or otherwise makes itself a nuisance to its neighbors, or to the international public, the sacred rights of nationality ought not to protect it from coercion imposed on behalf of the general good of nations” (243). “These peoples have no natural or inalienable right to withhold the natural resources of their country from the outside world, and they cannot develop them without the assistance of that outside world” (258). He rejected, however, the imperial claim to a right to run over national claims altogether in great-power rivalry. In this, he sided with the Comtian Little-Englanders. With the socialists, he insisted that the social and economic inequalities of capitalist societies drove such societies outward in search of wider markets and more wealth. Unlike most Fabian socialists he did not accept a radically *internationalist* program for the internationally needed development of weaker, nonmodern societies. In this, “he adopted the standard Positivist party line respecting nationalism, namely that a balanced and unchauvinistic patriotism was a natural focal point for human affection and identity” (261).

“Natural” turns out to be a pregnant word. Beyond the notion of “Humanity,” Hobson saw the need of a “spirit of religion [that] must transcend humanity, seeking a One which is higher and holier” (279). This One turns out not to be God, except perhaps in Spinoza’s sense; it is nature. “It had been Positivism’s failure to include nature, save as a contribution towards the progress of humanity, that was responsible in part for the slight hold Comte and his disciples attained” (280). Hobson called for “a

recognition of nature as the larger and higher value” (280). Driven out with a pitchfork, nature returned—if perhaps in a form more evocative of the more mystical forms of our contemporary “environmentalism” than of natural right, ancient or modern.

INSTRUCTIONS FOR CONTRIBUTORS

The journal welcomes manuscripts in political philosophy in the broad sense. Submitted articles can be interpretations of literary works, theological works, and writings on jurisprudence with an important bearing on political philosophy.

Contributors should follow *The Chicago Manual of Style*.

Words from languages not rooted in Latin should be transliterated to English. Foreign expressions which have not become part of English should be accompanied by translation into English.

To insure impartial judgment, contributors should omit mention of their other publications and put, on a separate title page only, their name, any affiliation desired, address with postal zip code in full, email address, and telephone number.

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