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## The Ennobling of Democracy: The Challenge of the Postmodern Age

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# THE ENNOBLING OF DEMOCRACY: THE CHALLENGE OF THE POSTMODERN AGE

By Thomas L. Pangle. Baltimore: Johns Hopkins University Press, 1992. viii + 228 pp.

*Reviewed by Fernando R. Tesón\**

## INTRODUCTION

A liberal society, one founded upon individual freedom and democratic principles, is hard to build and harder to preserve. Democratic institutions are fragile, and what John Rawls calls “the strains of commitment” are permanent features of even the most enlightened civil societies.<sup>1</sup> This is why every once in a while the world of ideas is shaken by a frontal revolt against freedom and reason: the stress of civilization tempts too many a thinker, too many a politician, into utopian or authoritarian proposals. While these cyclical revolts have come in many shapes (some from the right, some from the left) they share this common trait: the twin rejection of rationality and freedom. Challenges to the Enlightenment are always, almost by definition, anti-rationalist and authoritarian.<sup>2</sup> The rejection of the open society has not been confined, alas, to the realm of ideas: every single time any such theory has been implemented it has resulted in a horrifying disaster. Millions of people have perished or languished in concentration and reeducation camps, purges, torture chambers, and wars, not to mention the setbacks suffered under these regimes by the industries, the arts, and all other high forms of human endeavor.

Today, after the collapse of communism, the new revolt against freedom and reason comes under the label “post-modernism.”<sup>3</sup> What

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1. According to John Rawls, one virtue of a theory of justice is its ability to withstand the burdens entailed by compliance—these are the strains of commitment. See JOHN RAWLS, *A THEORY OF JUSTICE* 175–77 (1971).

2. Some of the most notorious philosophers of despair are Plato, Nietzsche, Hegel, and Marx. See generally KARL R. POPPER, *THE OPEN SOCIETY AND ITS ENEMIES* (2d ed. 1966). Of course, the fact that they were enemies of freedom does not mean that their contribution was not valuable in other respects.

3. I include in the term “post-modernist” here a variety of radical views such as radical feminism, deconstructionism (at least when applied to politics and morality), and critical legal studies, among others.

seemed at first harmless and sometimes silly views on art, architecture, and literature, have now been extended to law, ethics, and politics. Space here prevents me from analyzing in detail the postmodernist movement; the curious reader will find enough representative quotations in the first chapter of the book under review. Yet I will say this much: the main tenet of postmodernism is a wholesale rejection of the philosophical and political project of the Enlightenment. In epistemology, postmodernists reject the possibility of supplying any foundation of morality or knowledge. In politics, they are also anti-foundationalists and advocate, in addition, a radical moral skepticism.<sup>4</sup>

What is the appropriate response of those committed to the principles of human rights, democracy, and rational discourse to the onslaught engineered by postmodernists? Thomas Pangle, a professor of political science at the University of Toronto, attempts such a response in this book.<sup>5</sup> For him, the postmodernist challenge must be answered with a return to the neglected principles of classical republicanism, as modernized by the American experience of human rights and democracy. For Pangle, this American experience owes much more to classical republicanism than we might at first suppose.<sup>6</sup> Pangle sketches answers to a host of social and political issues from this perspective. Perhaps the most conspicuous of these is his suggestion, defended by others before him, that in higher education we must return to the "Great Books" tradition in order to rescue "classic-American" civic republicanism, which has unfortunately been replaced by the fragmented, morally unconnected, and hopelessly relativistic outlook so characteristic of modern intellectual life in America—the saddest, though not the only, expressions of which are found in our modern universities.<sup>7</sup>

This is a valuable, though mistaken, book. Professor Pangle has very important things to say, and many of his critical observations ring convincing. His reading of some authors (notably Plato, Hobbes, and

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4. I make the distinction between anti-foundationalism and moral skepticism because the latter does not necessarily follow from the former. Ronald Dworkin, for example, is anti-foundationalist in the epistemological sense, but decidedly not a moral skeptic: he can be seen more as a "coherentist" in legal and political morality. See generally RONALD DWORKIN, *LAW'S EMPIRE* (1986). I am grateful to my colleague J.G. Murphy for having called my attention to this point.

5. THOMAS L. PANGLE, *THE ENNOBLING OF DEMOCRACY: THE CHALLENGE OF THE POSTMODERN AGE* (1992).

6. See *id.* at 117–19, 150.

7. *Id.* at 195–218.

Kant) is somewhat idiosyncratic,<sup>8</sup> yet his scholarship and erudition are remarkable. In particular, he does a good job of exposing the dangers and fallacies of post-modernism (although in my view he takes it too seriously). On the other hand, Professor Pangle's style is a bit difficult to follow, because he overuses the rhetorical question device. This impairs the tightness of the argument at crucial parts in the book, but this writing style is surely deliberate, given his passionate defense of the art of rhetoric.<sup>9</sup> Yet the main objection to this book is substantive: I have grave reservations about Professor Pangle's answer to the radical skepticism put forth by postmodernist thinkers. In particular, I am not convinced that liberalism can or should be defended by a return to classical republicanism. Indeed, I do not think that one can successfully defend freedom by merely relying on *any* one tradition. Liberalism, like any other belief, must be defended by rational argument; yet appeal *only* to tradition is irrational because it is an appeal to authority. A rational person will not defer to *moral* authority.<sup>10</sup>

I will examine Professor Pangle's discussion of postmodernism and his own defense of a renewed form of classical republicanism as a reply to the postmodernist challenge. I will then offer some conclusions.

## I. THE DISCUSSION OF POST-MODERNISM

Pangle begins by discussing postmodernist thinking, mostly as represented by the work of Jean-Francois Lyotard in Europe. Here the reader is faced with the laborious task of deciphering the prose of modern Continental thinkers.<sup>11</sup> Indeed, there is a real difference in philosophical method between those trained in the analytical tradition and those

8. Pangle endorses Milton's view that Plato's advocacy of a totalitarian society in *The Republic* was not meant seriously. *Id.* at 124-25. He regards Hobbes as a believer in the fundamental importance of human rights. *Id.* at 93-94. Furthermore, he views Kant's moral and political philosophy as being closer to a "virtue" classical republicanism than to liberalism. *Id.* at 10-13. I need not take a position on the accuracy of these views since they are not critical to Pangle's argument. But they are questionable, to say the least.

9. *Id.* at 128-30.

10. There are, of course, situations in which deferring to authority is not irrational, as when we justify taking medication because the doctor prescribed it. In these cases, we regard doctors as experts. But there is no such thing as a *moral* expert.

11. Consider this sample:

The *modern* aesthetic is an aesthetic of the sublime, but nostalgic; it permits the adducing of the unrepresentable only as an absent content, while permitting the form to continue to offer to the reader or viewer matter for consolation and pleasure, thanks to its recognizable consistency . . . . The *postmodern* would be that which in the modern adduces the unrepresentable in the presentation itself . . . .

PANGLE, *supra* note 5, at 24 (quoting JEAN-FRANCOIS LYOTARD, *LE POSTMODERNE EXPLIQUÉ AUX ENFANTS* 32-33 (1986)).

informed by Continental philosophical thinking. It seems that the latter are committed, not to rational argument, but to a philosophy consisting of *ex-cathedra* utterances and of insights which need not be supported by careful reasoning. I am not sure how to settle this difference in any conclusive way, except by saying that rational ways of argument seem more likely than oracular pronouncements to advance knowledge, tolerance, and human welfare.

Thus, postmodernist writers rarely offer rational arguments to support their conclusions, *et pour cause*, since one of their tenets is the rejection of rationality. Rather, postmodernists are concerned with the aesthetics of propositions and, as Wittgenstein once said, might feel that supplying arguments ruins the beauty of the insight. Postmodernists thus attempt to convey a mood or a feeling, rather than to persuade. The conveyance of the mood of chaos, of the "postmodernist morass," is more important than defending any set of coherent doctrines. Postmodernists invite us to reflect upon our angst, upon the fragility of our most cherished beliefs, and upon how relative and ephemeral everything really is.

A far-reaching effect of this introspection is the impossibility of any form of ethical or political truth. We cannot possibly start to fathom justice. Here we may turn to another leading postmodernist thinker, Jacques Derrida, for whom justice is at the same time absolute and unknowable.<sup>12</sup> For Derrida, Kant was right that acting justly meant acting out of a categorical principle, that is, a principle not conditioned by circumstance and history. But Kant was wrong in believing that there is any way of *knowing* the *content* of justice. Thus for Derrida, justice is a blind search, and the moment that we dare say "this is just," we know we are wrong.

In a similar although less humane vein, Lyotard asks himself what we are going to put in place of the "now-discredited Kantian moral law and the universal rights of man." As Pangle correctly points out, not much: just "a vague and nostalgic evocation of . . . a bankrupt Marxist notion of world proletarian revolution . . ."<sup>13</sup> In Lyotard's words:

Capitalism pretends to universality. The wrong that capitalism inflicts on speech would then be a universal wrong. But if the wrong is not universal, the silent sentiment that signals a diversity [*un différend*] remains to be heard . . . . It is thus that Marxism has not finished, as sentiment of the diversity.<sup>14</sup>

12. Jacques Derrida, answer to questions at a seminar, Cardozo School of Law, New York (Nov. 23, 1992) (conducted by Professor Drucilla Cornell).

13. PANGLE, *supra* note 5, at 27.

14. *Id.* (quoting JEAN-FRANCOIS LYOTARD, *LE DIFFÉREND* 246 (1983)).

If the reader still has problems understanding the import of these statements, he can turn to a book addressed to the young, where Lyotard calls for a "war against everything."<sup>15</sup> The morality that results from these thoughts is a mixture of sentimental Marxism, dogmatic nihilism, and, as Pangle points out, simple-minded paganism: Lyotard's attack against Judaism and Christianity borders on hysteria. Not only that. Pangle observes that, in fact, "Lyotard's postmodernist paganism is antirational and antiphilosophic feminism," because, in Lyotard's own words, "[t]he philosopher is as such a secret accomplice of the phalocrat . . . . [Philosophy] is the mental illness of the West . . . . [T]he language of philosophy . . . is *from the beginning* the language of masculinity in the Western sense . . . ."<sup>16</sup> Pangle correctly unveils the doctrine behind these ruminations: "[W]omen do not philosophize, at least not like men, since reasoning does not suit them . . . . Lyotard means this as a compliment."<sup>17</sup> This sexist doctrine is, unfortunately, espoused by many present radical feminists.<sup>18</sup>

As Professor Pangle rightly points out, these ideas owe almost everything to Nietzsche and Heidegger.<sup>19</sup> Pangle persuasively shows the connection between Lyotard's ideas and Heidegger's work. Yet the most valuable insight here is not so much the conceptual connection between the two, but the fact that in each case, the theoretical assault against liberalism is *historically* connected with the actual infliction of unspeakable human suffering.<sup>20</sup> The link between Heidegger and Nazi repression is well known, but less has been said about the connection between nihilist neo-Marxist theory (of which postmodernism is, in my opinion, but an impoverished by-product) and Communist repression.<sup>21</sup>

15. *Id.* (quoting LYOTARD, *supra* note 11, at 33–34).

16. *Id.* at 31 (quoting JEAN-FRANCOIS LYOTARD, *RUDIMENTS PAIENS* (1977)) (emphasis in the original).

17. *Id.*

18. See Fernando R. Tesón, *Feminism and International Law: A Reply* (1992) (unpublished manuscript, on file with the *Michigan Journal of International Law*). The substance of this manuscript will be published as a chapter in my book *The Philosophy of International Law* (Westview Press, forthcoming).

19. See PANGLE, *supra* note 5, 35–47.

20. On the undisputed link between Heidegger and Nazi theory and practice, see *id.* at 41–47.

21. After the collapse of communism, one can legitimately raise the issue of the moral complicity of the academic West—the leftist *avant-garde*. The same people that from their professorial chairs today proclaim the theoretical bankruptcy of liberalism and democracy are the ones that for decades made excuses for the Gulags, the secret police, the massacres, and the violations of basic human rights in the former Soviet Union and its satellite countries. These people consistently blamed the West for all the world evils: the Cold War, world hunger, and even oppression, notwithstanding the fact that Western nations for several

Yet not all is negative about postmodernism. In theory at least, postmodernists differ from radical Marxists and Hegelians in one important respect: they reject *any* attempt at providing a foundation of knowledge or ethics. For them, it is just as false to believe dogmatically in the empire of reason and the rule of law, as it is to believe dogmatically in the proletarian revolution or historical materialism.<sup>22</sup> As Pangle puts it:

[Postmodernists] remain morally committed to a vaguely anarchistic democratism, simultaneously warning us of the exclusivistic tendencies of moral dogmatism, of the danger that standards can lead to oppressive hierarchies, of the ease with which devotion to causes, even beautiful causes, can obfuscate the elemental fellowship of human beings as human beings.<sup>23</sup>

Pangle acknowledges the usefulness of this position when it is directed against the totalitarian temptations represented by left-wing Hegelianism and Marxism and against the "scientism and neo-Darwinism that have marked and marred so much of American philosophy," including here the philosophy of Jürgen Habermas, which Pangle dismisses as a "dangerously vague philosophic abstraction" guilty of a "politically naive indifference to constitutionalism and legalism" and of "remarkable self-righteousness."<sup>24</sup>

In summary, postmodernism poses a skeptical frontal challenge to the previously self-confident liberal belief in moral and scientific truth and progress. This includes, but is not limited to, a rejection of the possibility of rationally defending our beliefs in democracy and human rights. Postmodernists are skeptical, not only of any form of dogma (which is a healthy attitude), but, more radically, of any attempt at moral and political objectivity. This radical skepticism also covers, at least in theory, *alternatives* to liberalism such as Marxism.

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decades bravely kept the human rights banner alive against a hostile alliance of dictators in the United Nations. Of course, members of the academic left are wholly within their rights to express these opinions, and liberals ought to join them in the defense of those rights. Yet they are guilty, at the very least, of unforgivable moral irresponsibility. They deserve scorn of the same kind, although perhaps not to the same extent (given the degree of collaboration) as was rightly visited on apologists of fascism, such as Heidegger, Charles Lindbergh, and Ezra Pound.

22. I am grateful to Dr. Claudia Ferman of the University of Richmond for having called my attention to this point. I say "in theory" because in fact most people who hold these views are also morally indignant against Western society. They frequently characterize democracy as a myth invented with the purpose of "disenfranchising" vast numbers of people.

23. PANGLE, *supra* note 5, at 53.

24. *Id.*

## II. THE RESPONSE: COMMUNITARIAN OR LIBERAL?

At the risk of oversimplifying, one can say that postmodernism attacks rationalism *and* tradition. Pangle comes resolutely to the defense of tradition, but partly joins postmodernists in their distrust of the modern rationalism embodied in the Enlightenment. He wants to defend tradition *even where* it seems to conflict with claims to follow the path of our free intellect, wherever it can lead us. Hence the dilemma, as I see it, is this: there are two possible responses to the postmodernist assault against liberal values. The first is the *liberal* response, as articulated by neo-Kantians such as Rawls and their followers: we can and must rationally (i.e., critically) defend our beliefs in the ethical-political values of human rights and democracy.<sup>25</sup> The second is the *communitarian* (or conservative) response: we cannot rationally defend those values; we must instead appeal to our *traditions* and go further and further back in history (starting in Ancient Greece) in order to clarify and advocate, with awe and reverence, the principles, values, and reasons articulated by our forefathers.<sup>26</sup>

Professor Pangle unequivocally places himself in the second group. This is most evident when he discusses education. He forcefully argues for inculcating our traditions in the young, because a relativistic education does not foster in students a "passionate concern for deciphering what can be learned from the text or from the work of art," nor a moral sense, a sense of good and evil.<sup>27</sup> What relativism fosters instead in the young is a "*pensiero debole*, a weak thinking, characterized by a superficial sense of satisfaction that masks a fundamental emptiness of the spirit."<sup>28</sup>

It is hard to disagree with Professor Pangle on the need to teach liberal values to the young. Here is where communitarians are at their best, because even free-thinking liberals would have to make room for some appeal to authority in the field of education. We must teach

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25. This characterization is correct, I believe, of Rawls' philosophy as expounded in *A Theory of Justice*. See RAWLS, *supra* note 1. I am less sure about his more recent writings, which seem to have moved toward a more communitarian or relativist position.

26. It would be a mistake, however, to identify traditionalists with communitarians. All communitarians are traditionalists, but not the other way around. There are people who follow traditions that are not the ones of the community (e.g., a religious tradition). A communitarian is one who appeals to the traditions *of the political community to which he belongs*. It would also be a mistake to accuse communitarians of endorsing whatever the majority decides; they appeal to the values embedded in the tradition of the community, which may or may not be reflected in what the group decides at any given time.

27. PANGLE, *supra* note 5, at 55.

28. *Id.*



children the importance of human rights and democracy and a reverence for liberal values, the Constitution and tolerance *well before* they have fully developed their capacities for autonomous rational choices. This is a position that many liberals would embrace, I think, on the grounds that pupils need some paternalistic guidance while they are still vulnerable to moral corruption and are psychologically incapable of resisting that corruption.

The problem with the kind of communitarianism defended by Pangle is that it views *everybody* in civil society (not just children) as needing this uncritical appeal to authority in order to reflect upon the grounds of their moral and civic behavior. This the liberal cannot accept. The mistake that Pangle and other civic republicans make is to believe that liberalism is prepared to honor *any* preference, no matter how immoral or idiotic. Nothing could be farther from the spirit of liberal philosophy, at least the one grounded in the Kantian tradition. Autonomy-based liberals honor *rational* preferences, not just any preferences. Consequently, true liberals are perfectly willing to join communitarians in their resistance against the radical assault on freedom and against the mindless, spineless, and amoral relativism that permeates so much of contemporary education, culture, and everyday life. Liberals and communitarians are at one in defending decency, freedom, and democratic principles against the modern smug nihilist attitude, based on a spurious "tolerance," according to which we should not attempt to distinguish between right and wrong lest we be accused of "insensitivity" toward "diversity" of views. Thus, Professor Pangle is right on target when he identifies the deleterious effect of this type of thinking on our commitment to human rights:

[T]he American commitment to human rights has become more and more blurred and ambiguous. Undermined at home by demands for reverse discrimination and assaulted in the United Nations and abroad by Third World tyrants' self-serving perversions of the meaning of human rights, the original American understanding of a small granite core of inalienable rights inhering equally in every individual . . . threatens to become obscured.<sup>29</sup>

Except for the blanket condemnation of reverse discrimination (which on liberal principles is a complicated issue) and the reference to the "original American understanding," these are words liberals should endorse.

Yet there remains a crucial difference between liberals and conservatives. Liberals, while resolutely defending freedom and democracy, are

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29. *Id.* at 74–75.

willing to live with the considerable degree of unpredictability entailed by a respect for autonomy. In contrast, conservatives are distrustful of rapid change, obsessed with the danger of anarchy, and, in their quest for stability, sometimes willing to curtail freedom. In the words of Friedrich von Hayek, "the conservative feels safe and content only if he is assured that some higher wisdom watches and supervises change, only if he knows that some authority is charged with keeping the change 'orderly.'"<sup>30</sup> Professor Pangle's inconsistency in following this appeal to authority and tradition is at odds with the fundamental premise of liberalism: the respect for individual liberty, even at the cost of some unpredictability of social outcomes.

An example of the dangers inherent in the conservative world view is Professor Pangle's endorsement of self-censorship.<sup>31</sup> Self-censorship ought to be distinguished from restraint. Self-censorship is the deliberate refusal to say what one believes to be the truth, solely for political reasons. Intellectual restraint has more to do both with honest self-doubt and with the manner in which truth is conveyed. In my view, Professor Pangle overlooks the dangers of self-censorship against the backdrop of state coercion. Self-censorship encourages rulers to abuse their power. And in an authoritarian regime, instances of direct state censorship or muzzling of dissidents are relatively rare; rather, citizens exercise self-censorship based on a vaguely felt yet ultimately rational fear.

To be sure, there is some truth to the conservative argument. This is the warning issued by Burke that we should be very slow in dismantling institutions that are the result of aggregative historical processes over long periods of time.<sup>32</sup> It seems to me that the correct view is some kind of Burkean liberalism: we believe, on independent philosophical grounds, that liberal institutions constitute the best arrangement of human affairs. Therefore, changes away from those institutions should be undertaken with great care and caution, and only after the gravest of reflections. To put this point more generally, our approach to received traditions ought to be sympathetic but always critical. We must be slow to abandon received doctrines; but if on reflection we believe they are morally indefensible, we must abandon them, no matter how long established,

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30. FRIEDRICH HAYEK, *WHY I AM NOT A CONSERVATIVE* (1960) (essay), cited in Philip D. Harvey, *The Soviet Conservative Is a Communist*, N.Y. TIMES, Oct. 8, 1990, at A16.

31. PANGLE, *supra* note 5, at 124-26.

32. See generally EDMUND BURKE, *REFLECTIONS ON THE REVOLUTION IN FRANCE* (Thomas H.D. Mahoney ed., Bobbs-Merrill 1955) (1790).

because they have turned out to be mere prejudices.<sup>33</sup>

To cite but one example, the classic republican tradition, as Pangle readily acknowledges, is unsympathetic or oblivious to human rights; rights are, after all, the children of the Enlightenment. The liberal has critical philosophical arguments, independent of tradition, to justify respect for human rights. Therefore, the classic republican tradition, no matter how admirable in some regards, is flawed in precisely that feature which we regard as central to the justification of modern political institutions. If, in spite of this, one wishes to cling to the idea that following tradition is important, one should be concerned with reconstructing and elaborating the *liberal* tradition derived from the Enlightenment (much in the way Rawls does it). Unfortunately, there is not much room for Plato and Aristotle in that task.

Even in the field of education, where appeal to tradition seems more in order, Professor Pangle's defense of the Great Books approach is unconvincing. To be sure, if my only choices were either the Great Books curriculum or the "multicultural" approach that currently dominates our universities' undergraduate curricula, that choice would be easy indeed. "Multiculturalism" in the sense advocated by those in charge of today's universities is hardly based on toleration and respect for other cultures: it is instead a thinly disguised political activism directed at destroying or demeaning liberal values and Western culture.<sup>34</sup> In Professor Pangle's own eloquent prose:

The watchwords of the more advanced intellectual life of the United States today are *empowerment* and *deconstruction*, terms signalling the fact that among academic elites, the pervasive relativism is neither open-minded and tolerant nor easy-going and dispassionate. What is characteristic . . . is not simply a loss of belief in . . . the faith and philosophy of the American republican founding. What is most characteristic of "politically correct thinking" is a morally indignant reaction against the lifeblood . . . of the nation.<sup>35</sup>

These are strong and accurate words (as anyone daring to oppose the

33. This is what I take to be the essence of John Rawls's "reflective equilibrium." See RAWLS, *supra* note 1, at 48–51.

34. The reaction against multiculturalism was once the province of conservatives. See, e.g., DINESH D'SOUZA, *ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS* (1991). Liberals, however, are increasingly expressing their concerns about its destructive effects. See, e.g., ARTHUR M. SCHLESINGER JR., *THE DISUNITING OF AMERICA: REFLECTIONS ON A MULTICULTURAL SOCIETY* (1991).

35. PANGLE, *supra* note 5, at 75. Pangle attacks, on the one hand, critical legal studies and radical feminism for portraying American law and society as "male chauvinist, racist, plutocratic, exploitative," and on the other hand, the law and economics movement for rejecting the idea of following the original intention of the founders of the republic. *Id.*

new campus orthodoxy can tell), but the answer is not to build the colleges' curricula around a predetermined and fixed list of Great Books. The books our students read must indeed be great, but the list ought always be ready for revision on the grounds of academic excellence, depth of insight, and other intellectual and aesthetic values (including diversity as *one* value). The critical requirement, however, is that these values in education ought to be pursued with the highest commitment to a disinterested pursuit of the truth, and not as part of a political agenda.

This is yet another example of the already noted difference between liberals and conservatives. Conservatives wrongly believe that the main reason for present decadence has been a departure from, and a loss of reverence for, the classical authors. Conservatives cling to the past. In contrast, liberals insist on critical examination of new and old books according to a standard of intellectual integrity. For example, we would be well advised to depart from the solutions advocated by Plato in *The Republic*. In doing so, we expect to educate the students about the kinds of arguments that show why Plato ought not be followed in his fierce opposition to democracy.<sup>36</sup> More generally, liberals believe in intellectual and moral progress, and are thus open to new ideas and challenges that may enrich our spirit. So the dilemma between an uncritical return to the Great Books and "multicultural" illiberal indoctrination is, for the liberal, a false dilemma. And, significantly, the liberal rejects them because both are equally inimical to the empire of reason.

Another more concrete and political, yet inescapable, problem with the kind of communitarianism defended by Pangle is that it does not sit well with a vindication of international human rights. For the premise behind the advocacy of international human rights is that they accrue to people regardless of history, culture, and tradition. Fundamental rights are universal.<sup>37</sup> Pangle rightly complains about the distortions of the meaning of human rights forced by the "Marxist-inspired" United Nations majorities of the recent past,<sup>38</sup> but he seems unaware that a mere appeal

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36. I am aware of the view, held by Professor Pangle, that Plato was not really an enemy of democracy. See *supra* note 8. Aside from the evidence to the contrary (see, e.g., POPPER, *supra* note 2, vol. 1), I believe that scholars ought to be taken at their word, and are therefore responsible for the doctrines they advocate, even if they did not really mean them seriously, so long as they were aware that those doctrines *could* be taken seriously by readers.

37. I have argued this at length in my published writings, the most recent of which is Fernando R. Tesón, *The Kantian Theory of International Law*, 92 COLUM. L. REV. 53 (1992).

38. PANGLE, *supra* note 5, at 142. I do not concur, however, with Pangle's dogmatic defense of a strong right of private property. For some reason, liberals are generally less indignant than conservatives about invasions of the right to property; and care less about

to Western tradition cannot justify the extension of basic human rights to every individual in the globe. This is true, *a fortiori*, of appeals to pre-modern classic republicanism. Governments ought to honor human rights because that is the right thing to do, not because so doing is consistent with this or that tradition.

#### CONCLUSION

In conclusion, while Professor Pangle's book is a passionate, intelligent, and erudite attempt to defend institutions that most of us cherish, I do not believe that philosophy ought be chained to tradition in the way he suggests, in particular to the classic republican tradition which, if undiluted, exhibits troubling authoritarian overtones. So Professor Pangle's response is, I believe, unpersuasive. Yet he deserves praise for having courageously joined his voice to the few that have so far raised theirs against the academic irrationalism of our times—a view of human nature, ethics, and politics that all freedom-loving people have the duty to resist with the best of our intellectual energies.

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property than about other human rights. But I cannot pursue this issue further.