

Pseudo-intellectual

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A FEW years ago, a distinguished American art critic was asked whether he would agree with the assertion that in America today there is more poetry being published than is being read. No, the critic answered, that misstated the problem. It would be more precise to say that there is more poetry being published than is being *written*. A similar observation is likely to force itself upon the reader who slogs through the pages of *Public Intellectuals: A Study of Decline*,[†] Judge Richard Posner's sprawling and disheveled *livre du jour*, an extrusion of words so incoherent and exasperatingly flawed that one hardly knows where to begin the process of criticizing it, or whether it is even worth the trouble. Posner is nothing if not prolific, producing books at the same rate that polygamous sultans produce heirs, all the while carrying on a career as a federal appellate judge. There cannot help but be something important lost in the process.

Indeed, the book is so egregiously self-contradictory—would you believe, a slapdash book by a prominent public intellectual that accuses American public intellectuals of producing shoddy goods?—that one begins to suspect that its defects were part of the author's plot all along. If it was Posner's strategy to elevate his public visibility by producing a book that would tick off everyone in sight, he has succeeded admirably. Public reactions to the book have been plentiful, and Posner has even gained the celebrity status inherent in having *Slate* post his "diary" for a week. What years of patient work in the field of "law and economics," and more recent incursions into the analysis of current events failed to accomplish, a notorious book has achieved in a jiffy. Perhaps Posner really is that much cleverer than his critics, having drawn them into his trap by producing (with the help of an army of research assistants)

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a book that is both highly provocative and an inviting target.

PUBLIC *Intellectuals* is so exasperating in part because one expects better from such a manifestly smart, learned man with such broad interests and a proven capacity for shrewd and independent judgments. This book contains numerous examples of these traits—usually tossed off *en passant*—and the reader who is willing to splash through the book's many eddies, streams, and mud puddles can find wonderful pebbles of insight at every turn. Most notably, Posner's treatment of the public behavior of academic intellectuals, particularly historians and law professors, during the recent conflicts over President Clinton's impeachment and the presidential election of 2000 is so good—even when one does not entirely agree with it—that one is almost prepared to forgive him all his other sins.

Nor can one fault his choice of topic, even though the term "public intellectual" itself is becoming a tiresome bore, and may, on the evidence of its amorphous use in this book, be ready for a long vacation, if not retirement. A term that is made to encompass everyone from Socrates to Sontag wouldn't seem to have much probative value left in it. Still, the issues behind our use of the phrase are genuine and deeply important. The historian Russell Jacoby, who introduced the idea of the public intellectual in his valuable 1987 book *The Last Intellectuals*, argued that the comforts of academia had undermined the independence of an earlier generation of non-academic writers and thinkers who addressed an educated general public. Posner's thesis is nearly the opposite: that the lures of celebrity and the heady pleasures of broader public recognition have undermined the intellectual integrity and perspicacity of the current generation of public intellectuals. In their lust for public exposure, these men and women have left behind the more rigorous standards of pure academia.

There is undoubtedly truth in both assertions. Taken together they serve to underscore a more general question: How can American democracy achieve the best possible relationship between a disciplined intellectual life and a vibrant popular culture? This is a subject that deserves to be revisited. How can we best use the work of intellectuals to enrich our civic life? And in turn, how can this common life serve as a stimulus to, and corrective upon, the work of those intellectuals? Alternatively, when is it essential to protect intellectual activity from such influences? How, in short, can ideas be transmit-

ted and diffused in a mass democracy, in a way that generates popular understanding and public consent, while protecting the sources of such ideas?

POSNER has not defined the problem cogently here, and his analyses and prescriptions—such as the idea of comprehensively restructuring the “market” for the goods of intellectuals, a strange goal for a libertarian—are completely unpersuasive. The best-known feature of the book is its infamous “lists” of the top public intellectuals. Compiled by Posner and his research assistants, it is the most splendid example of “garbage-in-garbage-out” quantitative data to come along in many years. Pulling this parade-float of “objective” facts is a little engine of resentment. It is evident that, despite his heavy work schedule, Posner has spent too much time watching too many blathering heads on cable television, and he has let that dismal experience influence him unduly. There is an air of massive annoyance about his book, as if Posner is putting the world on notice that he’s *had* it with watching his intellectual inferiors get all the attention and air time.

Nevertheless, Posner is right in proposing that there may be something amiss in the structure of American intellectual life, and that we are not well served by our increasingly visible and influential celebrity intellectuals, who pontificate about subjects for which they can claim no special competence—and sometimes no competence whatsoever. He deserves credit for his willingness to be candid about this, and to name names.

Not unrelated to this virtue is another: Posner is fearless. There is no hint of kowtowing to anyone or anything in the book, nor any sparing of targets that come within its range. This is refreshing, even when it is one’s own oxen that are occasionally strafed. Despite all the failings with which one can rightly task Posner—carelessness, haste, arrogant superficiality, turgidity, economic reductionism, dismissiveness, repetition, academicism, self-promotion, pseudo-precision, and expository incoherence—one has to grant that he evinces a certain rough-and-ready independence of mind. He tosses out criticisms left and right without regard to the consequences. In that narrow sense, he clearly has a judicial temperament, if not a judicious one.

And yet even that praise has to be qualified. How, one is entitled to wonder, does Posner come by this unusual independence of mind? Is it merely a question of admirable character? Or could it have something to do with the fact that he

has spent the bulk of his professional life enjoying the protections of what are arguably the two most insulated venues in American life: academia and the federal bench? These are venues notable for their insulation from both political pressures and the pressures of the marketplace. One might think that Posner would be eager to acknowledge and praise these institutions' protection from such forces, and recommend that this feature be preserved. But, of course, nothing could be further from the case, for Posner believes that public intellectuals need not insulation from the market but a better functioning market.

POSNER is known principally as a relentless exponent of an approach to legal reasoning that places economic efficiency above all other considerations, and of market-based solutions to every conceivable social and political problem, from the distribution of adoptive children to the termination of life in the elderly. Given that provenance, his disdain for public intellectuals who introduce considerations of morality into their analyses should come as no surprise. For Posner, claims of moral authority are nearly always hypocritical, coercive, or both. "Moralism" is a greater enemy than any of the sins it proposes to suppress, and discussions of morality never settle anything, nor change anyone's mind.

That is how Posner sees it, anyway. Following in the legal-realist footsteps of his hero Oliver Wendell Holmes, Jr., he yearns to divest discussions of the law of their ancient associations with "moral philosophy." (Posner has been quoted as saying that he "hates the moral philosophy stuff," because it is nothing but "theology without God," a "preachy ... solemn ... dull" business, equaled in its perniciousness only by "theology with God.") In that sense, his outlook represents the most recent incarnation of one of American social thought's recurrent tendencies—its quest to overcome the inherently divisive and coercive considerations of moral judgment (particularly when such judgments are based upon religious conviction) by reducing social conflicts to neutral, value-free problems.

Certainly, many of the world's problems, particularly those relating to poverty and wealth, are inadequately understood when they are cast in exclusively moralistic or theological terms. It is also safe to say that every one of us has experienced moralism being used as a battering ram, an instrument to intimidate, to thwart, to disarm, even humiliate. As something of a red-diaper baby, his mother having moved in politically

radical circles during the 1940s and 1950s, Posner is perhaps unusual in having first experienced oppressive moralism as a left-wing phenomenon, a fact which may help to explain his equal-opportunity animus toward moralizers of all stripes.

The use of moral reasoning as a weapon, however, is not a sufficient argument against its existence. Moral lobotomy is not the cure for bad moral reasoning. More to the point, Posner fails to understand that an effective public intellectual is *inevitably* a moralist of sorts, and even a bit of a preacher besides. This is particularly the case in a modern democracy, where the education of public opinion is central to the regime. Thus in order to be taken seriously, the public intellectual must be fully conversant in the language of political life. What sounds interesting in the seminar room may often sound ridiculous in public. Try to imagine the president of the United States addressing a joint session of Congress this past September in the language of "law and economics" and one grasps its potential for sheer ludicrousness.

At their best, public intellectuals are honest brokers, mediating between the world of ideas and the public world, using each to keep the other honest. Moral reasoning is indispensable to that task, because one cannot make an effective appeal to the American public without making an appeal to Americans' shared understanding of the good life. Since Posner has no use for moral reasoning and understands neither the American public nor its shared aspirations, he also has little idea of what public intellectuals are really for, or whether they are doing their job well or poorly. Certainly, no one can seriously dispute the claim that our public intellectuals could be performing better than they are. But we hardly needed Posner's book to tell us that.