Plato invented philosophy because he wanted to rise above politics. He yearned for a neutral, permanent, unchanging, basis for political judgments. In his utopia, the philosopher-kings would look up to something he called “the Idea of the Good”, and then back down to the transient and messy political situation in Greece. A comparison of the ideal and the actual would tell them just what needed to be done.

The ink was barely dry on Plato’s parchment, however, when his brightest student began to mock the very idea of such an Idea. Aristotle thought that Plato had been seduced by the example of the axioms of geometry into thinking that politics could be made into something like applied philosophy, in the same way that engineering is (in part) applied geometry. But politics, Aristotle said, were inherently messy—always a matter of muddling through. We should not, he archly said, “seek more certainty that the subject-matter admits”.

David Hume agreed with Aristotle, and summed up his opposition to Platonism, somewhat hyperbolically, by saying that “reason is, and should be, the slave of the passions”. Immanuel Kant, horrified by Hume, agreed with Plato. He too thought that philosophy could formulate principles that would give you neutral principles, free of emotion or political bias, which would tell you what to do.

Kant’s candidates for such principles were his various formulations of the what he called “the categorical imperative”—e.g., “So act as to treat every rational being as an end in himself [Kant doubted that women were rational beings], and not as a means only”. This principle, he said, was given by “pure practical reason”. It was just the sort of thing Plato had in mind: unchanging, fixed, and self-evident to all who cared to think things through.

The best philosopher in the first generation of Kant’s readers—Hegel—promptly debunked Kant, just as Aristotle had debunked Plato. He pointed out that whenever do anything you are going to treat somebody as a means, simply because you are going to be choosing between the conflicting interests of various people. You can condemn the robber for using the shopkeeper as a means. Or you can condemn the storekeeper for using his underpaid employees as means, and see the robber’s act of redistribution as a morally justified restoration of the proper order of things. A purportedly neutral principle such as those Kant offered can be interpreted in opposite senses., and always will be. So its very abstractness and generality makes it useless.

Stanley Fish, one of the cleverest philosophers around nowadays, is on the Aristotle-Hume-Hegel side of this ancient dispute. The trouble with principle, the says, is that principles are either so abstract and
contentless that all the work I is done filling in the details, or else sufficiently concrete as to be thoroughly controversial. Thus it is safe, but pointless, to say that killing is wrong—pointless because then you have to add “except for soldiers in just wars, mercy-killers, prison wardens carrying out the instructions of the court, and maybe abortionists”. There is a point to saying “It isn’t killing if you abort early enough”, but this is hardly uncontroversial. The price of rising above politics is vacuity, and the price of descending to politics is compromise and muddle.

Many of the essays in THE TROUBLE WITH PRINCIPLE make this point in connection with the law. Judges are supposed not to decide cases on the basis of the beneficial consequences of their decision, but on the basis of “the law” or “legal principles” or, in the case of American appellate courts, “constitutional principles”. But of course they take consequences into account all the time, and relevant principles are invoked to reach opposite conclusions whenever a panel of judges issues a split decision. Can a university use tax money to help pay for the? Certainly not, say one set of judges, because the Constitution builds a wall between church and state. Obviously, say their brethren, because to sponsor one newletter and not another would be unconstitutional “viewpoint discrimination.” And so it goes.

Some American judges have rebelled against the pretense that you can look up to the Constitution in the way that the Platonic philosopher looks up to the Idea of the Good, and get unambiguous directions from on high about the right thing to do. Thus Judge Richard Posner, of the Seventh Circuit Court of Appeals (in the news lately for his book on President Clinton’s impeachment and for being named mediator in the Microsoft case) has written a series of books arguing for what he calls “legal pragmatism” Though Fish and Posner have their disagreements, the two men agree in being what Kantians sneeringly call “consequentialists”—people who think that judges, like everybody else, should look ahead to results rather than upward toward immutable standards.

Posner and Fish, hwoev