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*Philosophy Is What
Philosophers Do*

"What Are Philosophers For?" by Richard Rorty, in *The Center Magazine* (Sept.-Oct. 1983), Center for the Study of Democratic Institutions, P.O. Box 4068, Santa Barbara, Cal. 93103.

Few contemporary philosophers grapple with political and social issues in the way that Plato, John Locke, or Jean-Jacques Rousseau did. Where, one might ask, have all the sages gone?

"Only a Philistine would ask such a question," asserts Rorty, a professor of humanities at the University of Virginia. The purpose of philosophy is not to solve social problems, he argues, but simply to produce philosophy, however that might be defined. The leading philosophers of the 20th century have followed radically different paths. Germany's Martin Heidegger (1889-1976) was concerned with the individual's "spiritual heroism," and cared little for politics. American John Dewey (1859-1952) was primarily a "theorist of social change." Bertrand Russell (1872-1970) pioneered in analytic philosophy.

Most British and American university philosophers today work in Russell's analytic tradition. They are easy targets for critics, Rorty writes, because they are preoccupied with abstract problems couched in technical jargon whose solutions are interesting only to other philosophers. Theirs is an arcane world. But that is no argument against it, Rorty maintains. The discipline still attracts first-rate minds and sustains vigorous debate—a sure sign of health. Its critics forget that an equally recondite scholasticism in 13th-century Europe (whose practitioners included St. Thomas Aquinas) revived Greek and Roman classical thought and shaped the intellectual course of the Renaissance.

Rorty adds that it is unreasonable to expect philosophers to possess the wisdom necessary to cure social ills. The truly great mind needed for that comes along "about once in a century." Nor do philosophers have any special grip on the kind of humanistic knowledge that can be usefully applied to public affairs. Historians, classicists, and literary specialists have as much to say as philosophers.

Rorty's advice to today's philosophers is simple: Ignore demands for "relevance" and continue to scrutinize whatever you find interesting.

*Martin Luther's
Legacy*

"The Enduring Relevance of Martin Luther 500 Years After His Birth" by Jaroslav Pelikan, in *The New York Times Magazine* (Sept. 18, 1983), 229 West 43rd St., New York, N.Y. 10036.

On November 10, 1983, Christians of all denominations marked the 500th anniversary of Martin Luther's birth. Even the Communist government of his native East Germany spent millions to refurbish the surviving churches and monasteries of his day.

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Luther was an obscure Catholic monk and university teacher in Wittenberg, Germany, until October 31, 1517, the day he made public his revolutionary "95 theses." Legend has it that Luther, in a dramatic gesture, nailed his theses on the door of a local Catholic church, but historians have their doubts. The tract, recalls Pelikan, a Yale historian, attacked Rome's practice of raising revenue through the sale of "indulgences" releasing believers from the pains of purgatory. Four years later, Luther was excommunicated for his attack on the Church's authority.

Continuing to preach and write, Luther developed his doctrine of "justification by faith," in which he argued that continued faith in God, not church-prescribed penances, was the key to achieving forgiveness for sins. Thus, the sinner was both "righteous and a sinner at the same time." In Luther's "universal priesthood of believers," all believers, not just priests, had a direct relation to God. That meant that the faithful would have to be able to read the Old and New Testaments for themselves. Luther hastened the trend toward wider translation of the Bible from Latin into Europe's "vulgar" tongues, and even contributed his own German version.

Luther's ideas caught on first in the principalities of then-fragmented Germany. Today, there are 69 million Lutherans in 92 countries, including 8.5 million in the United States. Rome "has begun to treat Lu-

Hans Holbein the Younger (ca. 1497–1543) depicted Martin Luther as "the German Hercules," vanquishing officials of the Catholic Church. Luther's reputation for heroic individualism survives to the present day.



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ther more as an alumnus than an apostate," reports Pelikan. The Second Vatican Council (1962–1965) accepted a number of Luther's theological points, and Pope John Paul II prays daily for a Catholic-Lutheran reunification.

Luther's continuing appeal, even to nonbelievers, says Pelikan, stems from his "spirited defense of the sanctity of the individual" in matters of conscience and from the sharp line he drew between religion and politics. Luther had little sympathy for challenges to the civil status quo and thought it a mistake to inject religion into affairs of state. He would have viewed with "exquisite scorn," Pelikan says, the "20th-century theocrats" of the Left or Right who invoke the will of God to further their own political causes.

Debating What Judges Decide

"Law without Law" by Shirley Robin Letwin, in *Policy Review* (Fall 1983), The Heritage Foundation, 214 Massachusetts Ave. N.E., Washington, D.C. 20002.

"Courts are mere instruments of the law," declared Chief Justice John Marshall in 1824, "and can will nothing." After a long allegiance to judicial activism, Anglo-American legal theorists appear to be returning to something like Marshall's traditional "rule of law" jurisprudence. But appearances, warns Letwin, a British legal theorist, are deceptive.

Under the "rule of law" model, laws handed down by the legislature were absolute; judges simply applied them to individual cases, exercising discretion only when points of law conflicted. In the United States, support for that system began to fade early in the 20th century, spurred by two activist Supreme Court Justices, Oliver Wendell Holmes, Jr., and Benjamin Cardozo. By the 1930s, writes Letwin, America's Legal Realists' argument that "the idea of law as a system of fixed rules should be dismissed as a utopian fantasy or a willful deception" had prevailed. What actually happens, the Realists said, is that different judges faced with one case often reach different decisions. The law is ultimately just what judges say it is.

Some contemporary legal philosophers, uncomfortable with potential abuses of unfettered judicial discretion, yet loath to revert to the rigid jurisprudence of old, have attempted to develop a new set of objective standards of law.

Oxford's Ronald Dworkin, the most prominent of the new theorists, argues that judges should apply political principles, unwritten but implicit in the law, in deciding cases. [See *WQ*, Winter 1982, p. 28.] He believes, for example, that Northern judges before the Civil War who upheld the letter of the law in returning escaped slaves to their Southern masters should have relied instead on "principles of justice and fairness" to free them. Dworkin contends that applying such principles would yield only one "objective" answer in each case; judges' discretion would thus be eliminated.