



# Department of Justice

PS  
668  
.L45

ADVANCE FOR RELEASE AT 9:30 P.M., E.D.T.  
FRIDAY, OCTOBER 8, 1976

ADDRESS

OF

THE HONORABLE EDWARD H. LEVI  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE CONFERENCE  
ON  
THE PLACE OF PHILOSOPHY IN THE LIFE OF THE AMERICAN NATION

SPONSORED

BY

THE GRADUATE SCHOOL OF THE CITY UNIVERSITY OF NEW YORK

9:30 P.M.  
THE BILTMORE HOTEL  
MUSIC ROOM  
FRIDAY, OCTOBER 8, 1976  
NEW YORK, NEW YORK



In inviting me to speak at this dinner, Peter Caws assigned no subject. His letter did state a general concern about the failure of government to benefit from the collective wisdom of the academy. He spoke of a kind of uncoupling between the intellect -- "at any rate in its institutionalized form" -- and many of the processes of government. Then he referred to this banquet as a celebratory occasion.

While I think it is a matter of choice whether you wish to celebrate the coupling or the uncoupling, since in different ways both are desirable, I put to one side the thought that I have been chosen to exhibit the separation. Rather I take this as an opportunity to speak lightly, briefly and seriously about a subject which concerns us all.

The points I would make are these: First, like it or not, the academy contributes greatly to the processes and quality of our government. The responsibility is enormous. To say this is not to forget in any way that a certain humility is appropriate in talking about either the academy or government. There are many other forces at work, and there are limitations on what is possible or desirable. Second, the posing of the subject -- the academy on the one side, the government on the other -- of course oversimplifies the complex structure of our community. It does so in many ways. To put the subject this way not only minimizes the

interrelationships and mutual influences but it suggests certain assumptions about the government and the academy which we know to be unrealistic.

Looking at this second point for the moment, I mean in part only to make the observation that the ways of influence, the uses of knowledge, the judgment as to choices within a large organizational structure are frequently difficult. This is most certainly true if one speaks of the government or the academy. Richard Crossman's Diaries of a Cabinet Minister describes how he sat "insulated from the world, with things and people presented to me in the way the Ministry of Housing and Local Government" wished to present them. There was a "tremendous esprit de corps in the Ministry" and the whole hierarchy was "determined to preserve its own policy." He had to come to terms with the permanent secretary who rejected most of his ideas about persons he would like to consult. On a more substantive level he found that his main program for housing during the next twelve months depended on factors all beyond his control. Absent those factors, with which he had nothing to do, the houses would "get themselves built." A long-term program might have been different, but such a policy decision -- in truth a series of policy decisions -- would take eighteen months to have any serious effect. And long-term programs usually require long-term prior planning.

If I may be allowed a personal reference, not long ago I outlined a talk which I proposed to give on certain serious matters involving the administration of justice. The proposed draft was written for me somewhat differently than I had intended. A comment by the writer, which was perhaps left attached by mistake, explained the reason for the difference. It read in part: "You will . . . note that I did not incorporate all of the Attorney General's suggestions into the draft . . . I am afraid that unless current departmental policy is changed we can say only 'no'." The commentator was sympathetic and offered to do a larger, objective study. As to one other suggestion I wished to make, his response was that I was committed by departmental policy to an opposite view. Perhaps I should add, so as not to be misunderstood, I do not believe this kind of anecdote simply describes bureaucratic resistance to be put down by managerial skills, although I know that is a popular view. Rather it tells something about an inevitable process, a process which goes on whether the idea which is being pushed arises within the agency or comes from outside.

If we look at the other side of the relationship between the academy and the government -- namely at the academy -- we will see organizational structures and processes which are quite similar to those in the government. Certainly the management of academies is a mysterious affair; no doubt

it should be so because the individuality of the scholar is the most important element. But this means that the channels for communication of the wisdom are going to be varied; there will be proper resistance to too much conformity. Undoubtedly, however, the idea of the collective wisdom transcends organizational matters. The collective wisdom of the academy -- and we should be grateful for this -- has a life of its own. We are challenged to make good use of this collective wisdom in the determination of policy. But how shall we describe the academy and its wisdom for this purpose? I suppose we would have to define it in terms of whatever would be useful and enlightening on the policy side. We are met in any event with an enormous variety of activities and disciplines. And these are seen differently when viewed from different perspectives. What would be helpful on the policy side in the short run might be harmful to the academy in the long view. We have to keep in mind the possible effects upon the academy.

I do not mean to plough this familiar ground except in a suggestive way. I do not believe we can reject entirely Swift's satire for the Grand Academy of Lagado with its projects for extracting sunbeams out of cucumbers, its attempt to capture for use the cycle of human consumption, its ideas for building houses by beginning at the roof and working downwards. We can't reject this picture not only

because does the satire have some truth, but also because the projects themselves may have more validity than Swift imagined. Recently Mr. C. Truesdell in a talk-essay in the current issue of Critical Inquiry on "The Scholar: A Species Threatened by Professions" ends his article with a desperate endorsement of the ideal of a University as a madhouse inhabited by sequestered scholars. This does indeed sound like Swift's satire, but the point Truesdell was making was the familiar one of the need to escape from the over-organization, specialization and professionalization of careers, disciplines and academic institutions, including the spectacle of the reach of Big Brother. Yet Truesdell remarks: "One thing is certain: among goldsmiths and physicians we are not to expect great discoverers and deep thinkers. To heal our loved ones, we do not seek a physician who indulges in speculative research. . . ." The formation and implementation of policy requires both kinds of minds and abilities.

I would like to suggest, however, that we know less about where the great ideas or most useful help will come from than we sometimes pretend. In arguing for the formation of the University of London, and therefore discussing the disciplines in terms of whether they should pay for themselves, Macaulay distinguished between the speculative knowledge of mathematics, where the understanding of the nature of reasoning would prove to be helpful on general matters, and that knowledge more narrowly possessed by a mathematician. As to the latter he wrote, "No people walk so ill as dancing masters; and no people reason so ill as mere mathematicians. They are accustomed to look only for one species of evidence; a species of evidence of which the transactions of life do not admit....Hence on questions of religion, policy or common life, we perpetually see these boasted demonstrators either extravagantly credulous or extravagantly skeptical." The passage is not so different from that which occurs in the Apology, discussing politicians, poets and artisans. To know one thing does not mean one knows another, although it gives rise to pretensions. Moreover, important ideas are born out of the inevitable distortion of the disciplines, and some of the distortion remains. There can be no ultimate certification of an idea because of its origin. Professor Morrison reminds us that John Locke aided in the drafting of the constitution for the Carolinas -- "the longest, most

fantastic and reactionary of all colonial forms of government." There has to be some marketplace for the testing of ideas -- the collective wisdom of the academy presumably reflects this -- but the academy cannot preempt or own the market, and the market itself must be a continuing and open process.

It is not surprising that there should always be a problem of the coupling of collective wisdom and the making and implementation of policy. Policy is determined by many reactions but against the background and with the thrust of many ideas afloat in the society. Our form of government makes this inevitable and I assume desirable. One has to keep in mind the range of decisions and where and how they are made. Senator Aiken records in his diary the apparent basis for one kind of decision. "An amendment by Senator Pell of Rhode Island, which I supported," he writes, " would also provide for care of the eyes, ears and teeth under the Medicare Law. I have maintained that for many years that the condition of these organs has a great deal to do with the happiness of a person." While this has an Aristotlean ring to it, such a decision could involve, whether it did or not, determinations based on many disciplines. I do not doubt there were many studies in and out of government and by academicians in and out of universities and institutes.

Some things, I believe, can be said. The process should not be one of formulating questions by policy-makers for expert answers. The most important step is the realization

of a problem and the formulation of the question. Thus, one would hope an interchange would take place at that point. Again it must be considered reputable to ask questions and to consider seriously competing formulations and answers. We have to overcome the babbitt-like notion that such consideration shows fatal indecision. Then, somewhere in the coupling attention has to be paid to alternative consequences. An ideology by itself is quite insufficient, which does not mean that it is not important. And public discussion itself is most desirable, even though in some cases it may not be possible to the extent one would like. The main burden policy-makers in government carry is that they have little time in which to reflect. A healthy interchange with the academic world, which can be arranged at many levels, can be of the utmost importance. Mill once wrote that the absorption of all the principal ability of the country in the governing body would be fatal. So we can rejoice that we have escaped that danger.

I said when I began that the academy contributes greatly to the processes and quality of our government and that the responsibility is enormous. I do not mean to speak now of the influence of great discoveries or inventions, some of which, although not all, come from the academy or the development of intermediate skills for application. Rather I wish to stress an obvious fundamental. Our country was founded with a belief in education. Reason was to break the bonds which held mankind back; the sharing of education would make real

the participation of the citizenry essential to a republic or a democracy. The country did not stand alone. It was to gain from and renew ancient wisdom, but it was to add to that wisdom because fundamental new discoveries and insights were possible and indeed had recently been attained. It was recognized that education brings its own perils, its own form of ignorance and half truths; that it could be urged -- as it was -- that "corruption of morals and character by the progress of knowledge and art was almost a law of history," and our statesmen did express their worries and doubts. So we find John Adams, who had the vision that America was the opening of a "grand scene and design in Providence for the illumination of the ignorant and the emancipation of the slavish part of mankind all over the earth," later wondering whether learned academies, not under the immediate inspection and control of government, had not disorganized the world and were incompatible with social order. But the dominant theme remained that the answer to education was more education, and the faith was that a government by discussion would break the bonds of ages and set free man's originality.

There was no doubt then, as I hope there is no doubt now, that this was a matter of faith and morality. There have been many questions concerning how the academic community goes about teaching or exemplifying morality, but no society has ever doubted this primary influence. And certainly not our society. The frequent criticism of democracy was that it would lack the exemplification of ideals and the

vision of excellence. Education was to be the answer -- an education which was imbued with and would inculcate a respect for the individual and a conception of higher truths widely shared. The academy inevitably shares this function with other institutions, with religious orders, the press, the family, associations of all kinds, and with the government itself, which teaches by example and display. But if one thinks of the organized wisdom of the academy then I do not think one can neglect the fact of this primary role. The greatest influence of this collective wisdom on policy in government may be the demonstration of how inquiry proceeds, the patience which can be exercised to find the truth, the willingness to admit error, the ability to hold strong views and yet to exercise what Martin Buber in speaking of the requirements for a community of communities called "a great spiritual tact."

The founders of our republic were concerned by the enormous swings and latent hostility in factions which could destroy a government by discussion. On the political side they created a system of checks and balances to recognize these cycles but to curb their corrosiveness. But they also look forward to a period of enlightenment where the recognition of the dignity among men would make possible that tact and cohesiveness essential for a learning society. No one can speak for the collective wisdom of the academy -- not even the philosophers -- but if one is to speak of the impact upon policy and government, then this contribution to the quality of life, if I may speak as one of you, is upon us all.