

The Intelligence of the Wicked

by Vincent Boyer

Is it rational to act justly? Contemporary moral philosophy would appear to think so, but there is room for doubt: reason often urges us to serve our own interests first and foremost, even if that means being unjust. And much more is therefore required to convince the wicked than the mere force of reason.

Reviewed: Céline Spector, [Éloges de l'injustice, La philosophie face à la déraison](#), Paris, Le Seuil, "L'ordre philosophique", 2016, 232 pp., €22.

Why should we *refrain from doing to others what we would not want them to do to us*? On what authority can this rule – said to be “golden” – prevail over us if we have no desire, or see no reason, to follow it? And what if, sadistically, the thing that makes us happy is precisely *doing to others everything that we would not want them to do to us*? If I can hurt others – or, more trivially, not do them as much good as I might – while ensuring I am not hurt in return, is it not irrational to deprive myself of such an action? Prudent reason indeed seems to point us in the direction of selfish and unjust action. These are the reflections that occur to the “Immoralist”, also known as the “Fool”, who provides the common thread in Céline Spector’s book *Éloges de l'injustice, La philosophie face à la déraison*, and who outright refuses to abide by the standards of justice when these are proven to go against his interests or against other standards he considers superior (p. 12) – thereby laying down a real challenge to the philosophical enterprise based on the rational foundation of morality.

However, if the call for reciprocity cannot be a basis for moral action, then Spector believes that all of “rational morality” (p. 128), i.e. modern natural law and contemporary contractualism, is therefore rendered invalid. The impossibility of philosophically demonstrating the rationality of just conduct – “The rationality of what is just cannot be proven” (p. 154) – then renders necessary the existence of a political sovereign capable of somehow *forcing* individuals to act justly, through a fear of penalties, through education, through rhetoric and the manipulation of feelings, even through the creation of a new natural

or civil religion,¹ i.e. making people obey the law and respect their contracts for the good of the community.

A reflection on the history of philosophy

In this book, the philosophical theory of the indemonstrable rationality of what is just, understood as the *raison d'être* of a political order (p. 215), is coupled with a theory on *the history of political philosophy* that is equally important. Indeed, according to Céline Spector, the traditional philosophers – from Plato to Sade² through Hobbes, Diderot, Hume and Rousseau – did not shy away from the Immoralist but all recognised with reason and lucidity that they could not “overcome” him (p. 24) on argumentative grounds, given that philosophy conceived as a purely argumentative discipline reaches its limits here. By creating their own opponents – be they Callicles and Thrasymachus in Plato, or “the independent man” in Rousseau – these philosophers thus showed philosophy’s powerlessness to convince people to adopt a just conduct if they did not already wish to do so.

This provides Spector with an opportunity to make good use of the Deleuzian concept of the “conceptual persona” who, as his inventor emphasised, was not merely a “character of dialogue” or the philosopher’s representative, but who, by opposing philosophical discourse, “play a part in the very creation of the author’s concepts”.³ According to Spector, conceptual creation therefore takes place primarily in a “body-to-body” (p. 99 and p. 154) or even eristic dialogue with the one who embodies this ambiguous figure, given that he is both the philosopher’s double – thus the “violent reasoner” invented by Diderot in his article on “Natural right” shared his materialist and determinist position (see pp. 95-110) – and an anti-philosopher.

However, contemporary or so-called “analytic” Anglo-Saxon political philosophy went beyond these limits and, from the 1950s, made the fatal mistake of believing that justice could be imposed by force of reason alone. For Spector, its support of such a theory made contemporary political philosophy blind to the unavoidable truth of the political evil that experience and history nonetheless place before our very eyes – and which would today be

¹ “[...] in order to avoid the Prisoner’s Dilemma (in which no one cooperates for fear of others’ defection, leaving everyone in a worse situation than if the joint action had occurred,) it is necessary to *force men to be just* by threatening punishment if they violate the rules of cooperation,” (p. 142) writes Spector in reference to David Hume, whose theory she appears to endorse and assimilate with the Rousseauist imperative to “force men to be free” (see p. 135 and p. 140 for an enlightening commentary of this commonly misunderstood notion.)

² “Despite his inconsistencies, without doubt Sade must be taken seriously,” writes Spector, who thus decides to consider Sade as a philosopher in his own right (p. 171). On the subject of Sadian immoralism and the need to consider Sade as a serious (and dangerous) philosopher, see the essay by Pierre-Henri Castel, “Sade à Rome” in *Pervers, Analyse d’un concept*, Ithaque, 2014, pp. 79-139.

³ Gilles Deleuze and Félix Guattari, *What is Philosophy?*, translated by Hugh Tomlinson and Graham Burchell, Columbia University Press, 1994, p. 63.

illustrated perfectly by the fanatical terrorist whom no argument could ever persuade to act differently (the book in fact devotes several pages to this contemporary figure: pp. 24-27 and pp. 228-231, and p. 11 begins by recalling September 11th 2001.)

Based on a history of political and moral philosophy from antiquity to today, which inevitably leaves out important figures such as Aristotle and Kant,⁴ to name but two, the accusation made by Céline Spector is extremely serious: wrongly considering that just conduct is rational conduct *par excellence* on the one hand, and that anyone may be convinced of it on the other hand, quite simply means the death of politics and its *raison d'être* marked by what might be referred to as the “*philosophist* trend”⁵ of contemporary Anglo-Saxon political philosophy. However, we believe this observation needs to be qualified.

Who forgets about evil?

In Céline Spector’s view, a remarkable shift took place in the 1950s: political philosophy ceased to take charge of the immoralist and fell into a damaging irenicism. Unfortunately, of the six chapters that make up the book, only the last one is explicitly devoted to an analysis and radical critique of analytical political philosophy (“Le passager clandestin,” (The free rider) pp. 195-217.) The first five chapters of the book, meanwhile, offer a fascinating series of portraits “of objectors who, in the history of philosophy, have opposed the proposal that it is rational to be just” (p. 14.) Spector indeed makes a brilliant analysis of traditional authors, for example of the well-known chapter 15 of Hobbes’ *Leviathan* in which the regicide figure of the Fool is considered in its historical context, that is, the English civil wars (pp. 72-79.) The reader would have welcomed an equally in-depth study of contemporary political philosophy, which the author obviously cannot achieve in the 20 pages she devotes to it at the end of the book.

Indeed, any reader of the final chapter of the *Éloges de l’injustice* is usually forced to settle for references to *mainstream* science or political theory (pp. 213, 226, 235) as if all political philosophy since the 1950s spoke with one voice. In reality, in the area of contemporary political philosophy, Spector’s book most frequently critiques John Rawls’ *Theory of Justice* (1971) which is famous for having revived political reflection in the Anglo-Saxon world but to which it cannot be reduced without doing an injustice.

⁴ The infrequent references to Kant in the book are indeed a little hasty. For example the author writes, “Other than by escaping into the clouds of Kantian moral law by shielding the noumenal influence from all perceptible depravity, [the philosopher] will not win the case [against the immoralist]” (p. 24.) Further on, in reference to Kant, she also mentions the “weight of transcendental idealism” (p. 210.) If the only solution for “beating the immoralist” is to pass through such “transcendental burdens,” why not try to evaluate that situation in greater detail and show why it does not work?

⁵ Rousseau’s handwritten note in *Émile* against “the reasoning and philosophical mind” or the “philosophist bias” that literally *exploits* philosophy, is cited by C. Spector on p. 156.

While Spector is entirely convincing in showing, as others have,⁶ that the principles of justice in Rawls are chosen by disembodied partners whose “sense of justice” seems rather utopian, she is somewhat less persuasive when she states that for Rawls all the figures of evil may be reduced to the benign figure of the free rider who uses institutions while failing to pull his own weight. Spector thus wonders:

How could [Rawls] simply assimilate the intolerant with the free rider and overlook the desire to exclude, humiliate, dominate, intimidate or even impose oneself through cruelty? Obsessed with the architecture of his cathedral (The Theory of Justice,) could Rawls have simply *forgotten about evil*? The intolerant person is perceived [by Rawls] as a free rider who has little inclination to gratitude and refuses to pay his share to free institutions (pp. 199 and 212.)

However, it cannot easily be claimed that Rawls equates the intolerant, such as the fanatic member of a sect, with the ungrateful free rider. Indeed, with regard to intolerance, Rawls does not reduce moral failings to mere fraud but simply specifies, in the passage mentioned by Spector, that the intolerant effectively behave like free riders if they complain that they are not tolerated. In that text, Rawls asks if in a liberal society it is possible for an intolerant individual or group to legitimately complain about not being tolerated. Such a complaint indeed seems inconsistent: how can we demand that others adopt an attitude that we do not adopt ourselves? The intolerant person who makes this type of complaint is then behaving like a free rider⁷. In Rawls, therefore, the analysis of free riding is made not to characterise the phenomenon of intolerance – which, for him, might also include the “desire to exclude, humiliate, dominate, intimidate” – but rather as part of a response to the question of knowing whether the intolerant should be tolerated, which is not exactly the same thing. It is therefore not entirely certain that contemporary political philosophy forgot about evil; in any case, the Rawlsian analysis of intolerance is not proof enough.

Symmetrically, could one not reproach other philosophers mentioned in other chapters for also being guilty of “forgetting evil” in the sense of not wanting to confront it? For example, Céline Spector’s proposed interpretation of the conclusion of David Hume’s *An Enquiry Concerning the Principles of Morals* (1751), stimulating though it may be, needs to be considered in perspective. In this work, Hume’s spokesman is a character to whom he refers as the “sensible knave” and who believes that while generally speaking “honesty is the best policy,” the “wisest person is the one who obeys the general rule except for taking advantage of all the exceptions,” when our “dishonest or treacherous act will make a considerable addition to [our] fortune without greatly weakening the bonds that hold society together.”⁸ According to Spector, Hume had absolutely no convincing *response* to make to such discourse, thereby acknowledging the indemonstrable rationality of just conduct. Once again this failure by a philosopher shows that the sensible knave must be forced to act justly, because it will not be possible to convince him of it.

⁶ See Michael Sandel, *Liberalism and the Limits of Justice*, Cambridge University Press, 1982 (cited p. 210).

⁷ See John Rawls, *A Theory of Justice*, Harvard University Press, 1971, §59, pp. 339-340.

⁸ David Hume, *An Enquiry Concerning the Principles of Morals*, Oxford University Press, 1998, p. 75.

Nevertheless, a slightly different interpretation is also possible. What Hume was perhaps trying to show in this challenging text is that private interest, even when tempered by an acknowledgement of the social use of rules of justice, cannot be the ultimate motive for carrying out truly – not only apparently – just actions. The ultimate motive must therefore lie in a true *disposition* towards justice, in other words the virtue of honesty that the individual living in society is supposed to acquire. Hume therefore does not expose philosophy's failure to convince the immoralist but simply insists on the *raisons d'être* of the virtue of justice: the sensible knave deserves no response and does not disturb the Humian philosophical system.

Rationality in politics

While Céline Spector's rather bold theory on the history of political philosophy perhaps needs to be further developed and qualified, her strictly philosophical theory in favour of the indemonstrable rationality of just conduct also requires further clarification. Indeed, there is some ambiguity regarding what Spector means exactly by "political rationality." Does she consider this to be solely the rationality of allegiance, i.e. the obedience of political subjects to laws and conventions, or does she also include the rationality of political decisions and judgements? If a political decision is a response to the question: "Regarding this issue, what should be done today and how?" and, once that decision is formulated as votes, legislative acts, decrees and even direct action, it affects the lives of all the citizens in a city or country, then is it possible to conceive that a radically evil figure may nonetheless be capable of taking political decisions that are rationally acceptable because they maximise his own interest? If this were the case then "political rationality" would be entirely separate from any regard for justice.

However, the author does not seem prepared to go that far and acknowledge the existence of "good Nazis" or "good terrorists," in the sense that these individuals are rational and develop the means to accomplish their horrific political aims.⁹ As she writes in her conclusion, terrorists are not out-and-out schemers whose effective "political action" serves merely to maximise their utility (p. 228.) However, her refusal to consider the terrorist enterprise as rational appears to go against the very definition that Spector gives to political rationality in her introduction:

⁹ On this matter, the reference made in the book to the case study of the so-called "rational Nazi" needs to be developed further. Incidentally, on page 26, note 2 of *Éloges de l'injustice* it states: "Following Hilary Putnam's lead, Elizabeth Anscombe and Vincent Descombes addressed the [rational Nazi] issue." We have to invert the first two names because it was in fact Elizabeth Anscombe (*Intention*, 1957) who preceded Hilary Putnam (*Reason, Truth and History*, 1981) and Vincent Descombes (*Philosophie du jugement politique*, 1994) in addressing the issue of the "good Nazi" (Anscombe) and the "rational Nazi" (Putnam).

[...] and the nature of rationality, in politics, remains obscure. On an individual level, is it simply a calculation of the profits and costs associated with one's acts? Is it an attempt to optimise and assess, on a case-by-case basis, the interest of following the rules? (p. 16)

As can be seen, in this passage Céline Spector defines rational conduct as being that which allows the interests of the individual agent to be met, and her hesitation only relates to the question of knowing whether that satisfaction should be direct or indirect. And yet, if this purely instrumental conception of rationality is correct – that which can obviously be debated – then why not acknowledge that there can be *rational* Nazis and terrorists? Why would Nazis and terrorists not have *aims* that they wish to achieve by implementing certain means? Moreover, recognition of the rationality of terrorist political action would render the theory of the indemonstrable rationality of the just even more coherent. A refusal to acknowledge the existence of rational terrorists must therefore go through a redefinition of rationality in politics – a redefinition that Céline Spector seems to be calling for (see in particular pp. 195-199 and the conclusion that points out the limitations of the economic theory of rational choice and game theory) but one that we would still like to know more about.

Despite these minor reservations, which are more akin to a call for clarification, the major interest of *Éloges de l'injustice*, one that makes the book a very stimulating read, is firstly the way in which it intertwines philosophical reflection with a reflection *on* philosophy and its history, and secondly the way it brilliantly shows that philosophical arguments alone cannot and will never be able to convince someone to choose the common good over his own interest if he is devoid of “love (of his homeland, laws and equality)” (p. 164).

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