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# Willmoore Kendall's 'McCarthyite' Socrates in conservative free speech debates of the 1950s and 1960s

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During the 1950s and 1960s the American conservative movement began to assume the form, and adopt the positions, that it still largely holds today: a 'muscular' foreign policy, free market economics and a forthright Christian ethics. However, its birth pangs were neither simple nor painless, and especially deep divisions existed between the traditionalist and classical liberal elements (henceforth called libertarians to distinguish them more clearly from the 'big government' liberals of the Left). These groups eventually joined together during the 1950s and 1960s to form the modern conservative movement. Their unification was assisted by both groups' shared anti-communism abroad and anti-statism at home. However, since the very beginning, disagreements over the 'right' amount of freedom have tended to bring their mutual antagonism into the open.<sup>1</sup> One such flashpoint was over the legacy of Republican senator Joseph McCarthy (1908–1957), who led a high profile campaign to unmask and root out communists from positions of influence in the 1950s.

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<sup>1</sup> P. Allitt, *The Conservatives: Ideas and Personalities Throughout American History*, London, 2009; G. H. Nash, *The Conservative Movement in America since 1945*, Wilmington, DE, 1996; G. L. Schneider, *The Conservative Century: From Reaction to Revolution*, Plymouth, 2009.

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John Bloxham has recently completed an AHRC-funded PhD looking at the appropriations of Greek thought in American political discourse. His research explored how contemporary concerns have moulded the reception of ancient texts and how these interpretations have fortified and invigorated critiques of modernity in debates over social policy, education, culture and international relations.

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This paper examines the case of Willmoore Kendall (1909–1968), a conservative intellectual who used Plato's depiction of the ancient Athenian philosopher Socrates's trial to mount a defence of McCarthyism. It begins by contextualizing Kendall's position within the intellectual debates on the Right surrounding McCarthyism, before examining the liberal portrayal of Socrates as primarily a fighter for freedom of expression, showing how this perspective came to be accepted by many on the Right. I will then assess Kendall's counter-narrative, which used Socrates to argue for state control of ideological conformity. Kendall saw himself as a populist – fighting against the dominant liberal elite on behalf of a naturally conservative, but politically inactive, majority (pre-figuring Nixon's idea of the 'silent majority' of Americans appalled by the anti-Vietnam demonstrations and race protests of the late 1960s). This paper will look in particular at 'The People Versus Socrates Revisited'<sup>2</sup> and 'The "Open Society" and Its Fallacies'.<sup>3</sup> Kendall used a close reading of two Platonic texts to argue against the dominant portrayal of Socrates's trial as an argument for freedom of speech, influentially expressed by John Stuart Mill (1806–1873) but given fresh impetus in this period by Karl Popper (1902–1994).

By better understanding Kendall and his place in these debates, we can gain a better understanding of this foundational period in American conservatism. It is also hoped that this paper can help to spur further reception studies of under-examined political groups. Finally, it will enrich our understanding of the reception history of Plato by complementing other works which have examined his political reception in this period. In particular, whereas Lane and Monoson have focused upon liberal and Left appropriations,<sup>4</sup> this paper will fill in some of the blanks which exist in our knowledge of Plato's reception on the Right.

In engaging with Plato, Kendall drew upon the work of Leo Strauss (1899–1973), whose disciple Kendall became in the 1950s. Kendall's existing populism fitted surprisingly well with the Strauss's elitism, and Kendall, drawing upon Strauss's work in support of the ancients against the moderns, used the persecution of Socrates by the Athenians, and Socrates's response to this persecution, to argue in favour of contemporary American persecution of communists. Strauss had argued, most notably in *Persecution and the Art of Writing*,<sup>5</sup> that philosophers need to keep their dangerous scepticism a secret from the masses: partly to protect society from falling into chaos if people began to question traditional dogma, and partly to protect philosophers from being persecuted if society defended itself against their subversive ideas. This paper suggests that Kendall adopted Strauss's model and took

<sup>2</sup> W. Kendall, 'The People Versus Socrates Revisited', *Modern Age*, Winter 1958/1959, 1958, pp. 98–111.

<sup>3</sup> W. Kendall, 'The "Open Society" and Its Fallacies', *The American Political Science Review*, 54, 1960, pp. 972–9.

<sup>4</sup> M. Lane, *Plato's Progeny: How Plato and Socrates Still Captivate the Modern Mind*, London, 2001; M. Lane, ' "Gadfly in God's Own Country": Socrates in twentieth-century America', in *Socrates in the Nineteenth and Twentieth Centuries*, ed. by M. Trapp, Abingdon, 2007, pp. 205–26; S. S. Monoson, 'The Making of a Democratic Symbol: The Case of Socrates in North-American Popular Media, 1941–1956', *Classical Receptions Journal*, 3, 2011, pp. 46–76.

<sup>5</sup> L. Strauss, *Persecution and the Art of Writing*, London, 1952/1988.

it a stage further, arguing against Popper that society therefore had the right to silence the proponents of dangerous ideas. Furthermore, Kendall offered a corrective to Popper's anachronistic portrayal of Socrates. Nonetheless, he went too far, drifting almost imperceptibly from providing a 'correct' interpretation of Athenian behaviour, to arguing that Athenian behaviour was itself correct.

## Willmoore Kendall

Kendall was born in Oklahoma, graduated with an MA in Romance languages in 1928 and won a Rhodes scholarship to Oxford in the 1930s, where he pursued a further BA in economics. In England, he came under the influence of Collingwood, the historian and philosopher, and Keynes, the economist<sup>6</sup> – and he never fully embraced the *laissez-faire* economics of contemporary conservative libertarians. His early political beliefs were communistic and he worked as a Trotskyite journalist in Republican Spain during the Spanish Civil War.<sup>7</sup> However, he became disillusioned with communism and gradually drifted to the Right where, like many former and future Trotskyites who later became conservatives, he became a militant anti-communist, who actually argued that the United States should launch a first strike nuclear attack against the USSR.<sup>8</sup> He returned to America in 1940 to complete his Political Science PhD at the University of Illinois on Locke<sup>9</sup> and then worked as a political science academic at Yale University from 1947 until 1961.

By the early 1950s he was established as a prominent conservative intellectual. However, Kendall has not been as well remembered as other founding fathers of American conservatism such as William Buckley Jr (1925–2008) and Russell Kirk (1918–1994). Nash has suggested three reasons for this neglect: he died relatively young; he tended to write essays rather than books and his continued tendency to develop his ideology, even into middle-age (such as his conversion to Straussianism), slowed down his output.<sup>10</sup> Nevertheless, he was highly influential during the formative years of the modern American conservative movement. He had been the mentor of Buckley during his time at Yale in the late 1940s and was an important contributor to *National Review*, the main mouthpiece for conservative thought in the 1950s and 1960s. As a key figure in what was a very small group of conservative intellectuals in this period, he had an outsized impact on the direction in which the conservative movement would eventually move.

<sup>6</sup> G. H. Nash, 'The Place of Willmoore Kendall in American Conservatism', in *Willmoore Kendall: Maverick of American Conservatives*, ed. by J. A. Murley and J. E. Alvis, Oxford, 2002, pp. 3–15: 8.

<sup>7</sup> G. Wolfe, 'Introduction', in *The Conservative Affirmation in America*, ed. by W. Kendall, Chicago, 1985, pp. ix–xxi: xii.

<sup>8</sup> *Ibid.*, p. 10.

<sup>9</sup> J. A. Murley and J. E. Alvis, *Willmoore Kendall: Maverick of American Conservatives*, Oxford, 2002, pp. 1–2.

<sup>10</sup> Nash, 'The Place of Willmoore' (n. 6 above), pp. 4–6.

## The McCarthy Red Scare

Kendall's firm anti-communism was related to his outspoken support for Senator McCarthy. McCarthy had burst into the public consciousness in 1950 when he claimed to have a long list of communists working for the State Department. By this time, the initial optimism that had followed the defeat of the Axis powers had dissipated. The USSR had gone from ally to enemy, developed its own nuclear bomb (with some assistance from Western sympathizers) and had scored a series of victories in Central and Eastern Europe. At the same time, communist forces seemed to be taking over East Asia. The only way McCarthy could account for the relative decline in American power between 1945 and 1950, instead of recognizing that foreign nations might have been recovering from the ravages of war, was that it 'must be the product of a great conspiracy, a conspiracy on a scale so immense as to dwarf any previous such venture in the history of man'.<sup>11</sup>

It is important to remember that McCarthy was never alone in holding exaggerated fears about Communist infiltration and subversion of the American government, and such views were not confined to the Right. Roosevelt signed the Alien Registration Act of 1940, which made it a crime to advocate or help, or be associated with any organization that did so, in 'overthrowing or destroying any government in the United States by force or violence'.<sup>12</sup> President Truman, another Democrat, had enacted the Federal Employee Loyalty Program which limited the rights of federal employees and further empowered the FBI to pursue and neutralize dissidents.<sup>13</sup> Even a popular war hero like Eisenhower was criticized by Democrats in 1952 for saying in 1945 that the USSR had 'a desire for friendship with the United States.' Truman concurred that Eisenhower's comment had done 'a great deal of harm'.<sup>14</sup> Adlai Stevenson, the Democratic nominee and popular liberal, often made the argument for civil liberties, but also stated that 'the Communist conspiracy within the United States deserves the attention of every American citizen' and that 'of course' Communist teachers should be fired.<sup>15</sup> A number of right wing anti-communist organizations, with substantial levels of support, were also founded in this period. For example, 'Christian Crusade' was founded by Rev. Hargis in 1947 to fight the Communist threat within America, using publications and a radio show broadcast on over 270 local radio stations. Some went even further than McCarthy in their paranoia, with Hargis predicting that communists would rule America by 1974.<sup>16</sup>

<sup>11</sup> Cited in W. B. Hixson, *Search for the American Right Wing: An Analysis of the Social Science Record, 1955–1987*, Princeton, NJ, 1992, p. 5.

<sup>12</sup> Cited in A. Fried, *Mccarthyism: The Great American Red Scare, a Documentary History*, Oxford, 1997, p. 15.

<sup>13</sup> Hixson, *Search for the American* (n. 11 above), p. 24.

<sup>14</sup> T. C. Reeves, *The Life and Times of Joe Mccarthy: A Biography*, London, 1982, p. 452.

<sup>15</sup> *Ibid.*, pp. 452–3.

<sup>16</sup> D. Farber, *The Rise and Fall of Modern American Conservatism: A Short History*, Princeton, NJ, 2010, p. 82.

Even after McCarthy's fall, these groups continued to enjoy widespread support. The John Birch Society, which went so far as to accuse President Eisenhower of being a secret communist,<sup>17</sup> was actually founded shortly after McCarthy's death. These groups tended to be more extreme than the conservative intellectuals surrounding *National Review*, the mainstream magazine for conservative thought founded by Buckley in 1955, and Buckley helped to ensure that the John Birch Society was labelled extremist by the larger media institutions. Nonetheless, Buckley had himself called McCarthyism 'a movement around which men of goodwill can close ranks' and later Republican Presidential candidate Barry Goldwater said in a eulogy of McCarthy in 1957 that 'because Joe McCarthy lived we are a safer, freer, more vigilant nation today'.<sup>18</sup> Even with McCarthy a pariah in mainstream culture, fears about communist infiltration continued and the anti-communist investigations of the less well-known McCarran Committee endured until 1977.

Opposition, however, began to build as McCarthy's targets became less blameworthy and his methods more extreme. Eisenhower had turned against McCarthy when he accused Eisenhower's personal friend and wartime Chief of Staff, George C. Marshall, of being a communist.<sup>19</sup> But the tipping point occurred in 1954, when McCarthy accused the US army of not being vigilant against communism. The public's support for McCarthy dropped from 50% in January 1954 to 34% in June.<sup>20</sup> Later in 1954 the senate voted 67 to 22 to censure McCarthy – all Democrats (except for J.F. Kennedy, who was in hospital) voted to censure him and so did a majority of Republicans.<sup>21</sup> McCarthy's power was broken.

## Socrates as Freedom Fighter

America's most powerful rhetorical weapon in its battle against communism was what had eventually backfired against McCarthy. President Truman had played up the Communist threat to America in order to 'scare the hell' out of the public and thereby gain support for a more activist foreign policy. The clarion call for the new policy abroad was the fight for freedom.<sup>22</sup> Essentially, McCarthyite repression looked ever more incongruous and indefensible against the backdrop of the official narrative that 'America equals freedom.'

An important symbol and component of that narrative was the figure of Socrates. Socrates had been put on trial in 399 BC for 'corrupting the young' and 'not acknowledging the gods of the city'.<sup>23</sup> He was found guilty and sentenced to death. After his death, several of Socrates's supporters wrote works defending his memory

<sup>17</sup> Hixson, *Search for the American* (n. 11 above), p. 55.

<sup>18</sup> Quoted in *ibid*: 56.

<sup>19</sup> Farber, *The Rise and Fall of Modern* (n. 16 above), p. 63.

<sup>20</sup> *Ibid*.

<sup>21</sup> *Ibid*, p. 64.

<sup>22</sup> E. Foner, *The Story of American Freedom*, New York, 1998, p. 253.

<sup>23</sup> Plato, 'Apology', in *The Last Days of Socrates*, London, 2003, pp. 24b–c.

and presenting him as the virtuous, principled victim of an outrageous miscarriage of justice on the part of his city. We have not only the two speeches by Plato and Xenophon (their *Apologies*), that purport to report his defence speech from the trial, but also Plato's dialogue the *Crito*, set in his final days in prison, in which Socrates defends his decision not to escape his execution on the basis of an imagined discussion with a personification of the laws of Athens. The *Crito* is especially important in outlining Socrates's reported feelings of obligation as a citizen of his state, because in it the laws point out that Socrates had remained in Athens, benefitting from the laws' protection, for his entire life without trying to change the laws. They argue, and Socrates agrees, that this is an implicit acceptance of the laws and, therefore, Socrates would be acting unjustly if he broke the laws merely to avoid his legally sanctioned execution.<sup>24</sup>

In his re-readings of the Socrates of the *Apology* and the *Crito*, Kendall took particular aim at two influential depictions of a 'liberal' Socrates, by John Stuart Mill and Karl Popper. Mill had engaged closely with Socrates in writings throughout his life, and he modelled his own political activity on Socrates's free-thinking example.<sup>25</sup> For Mill, Socrates was first and foremost a critic of authority<sup>26</sup> and his execution was a warning against the dire consequences that followed restrictions on freedom of expression. Popper, in *The Open Society and Its Enemies*, had discussed Plato and Socrates during his analysis of 'closed' and 'open' societies. The modern west had undergone 'a transition from the tribal or "closed society"', with its submission to magical forces, to the "open society" which sets free the critical powers of man.' However, there are still 'reactionary movements' which attempt to 'overthrow civilization and to return to tribalism'.<sup>27</sup> To Popper, Plato was the leading theorist of the closed society. But although Popper was highly critical of what he labelled the 'totalitarian tendency of Plato's philosophy',<sup>28</sup> he shared Mill's view of Socrates as a proto-liberal. To Popper, Socrates had been a friend of the open Athenian democracy and he had spent his life trying to support it with his philosophy. The trial and execution of Socrates, who died 'for the freedom of critical thought' were an egregious example of what happens when the freedom to espouse challenging ideas is curtailed. For Popper, Socrates's execution by the first 'open society' was an unfortunate accident. His accusers had only wanted to stop him teaching, and they only took that step because so many of Socrates's students had been involved in recent, bloody attempts to overthrow the democracy. Popper had Socrates explain that his decision not to escape before his execution by hemlock was his final attempt to 'put beyond doubt my loyalty to the state, with its democratic laws'.<sup>29</sup> After Socrates's death, Plato betrayed Socrates with his

<sup>24</sup> Plato, 'Crito', in *The Last Days of Socrates*, London, 2003.

<sup>25</sup> K. N. Demetriou and A. Loizides (ed.), *John Stuart Mill: A British Socrates*, London, 2013.

<sup>26</sup> A. Lianeri, 'Effacing Socratic Irony', in *Socrates in the Nineteenth and Twentieth Centuries*, ed. by M. Trapp, Abingdon, 2007, pp. 167–86.

<sup>27</sup> K. R. Popper, *The Open Society and Its Enemies: Volume I, the Spell of Plato*, London, 1945/1966, p. 1.

<sup>28</sup> *Ibid.* § 34.

<sup>29</sup> *Ibid.*, pp. 193–4.

preference for a ‘closed society’, and in developing a blueprint for such a society Plato ‘was led to defend lying, political miracles, taboistic superstition, the suppression of truth, and ultimately, brutal violence’.<sup>30</sup>

The use of Socrates as a symbol of democratic freedom went beyond works of academic philosophy like Popper’s. As Monoson has shown, by the early 1950s Socrates had become ‘a democratic symbol in popular discourse’ too.<sup>31</sup> In the final chapter of John Steinbeck’s wartime anti-Nazi propaganda novel, *The Moon is Down*, which sold 500,000 copies in 1942 and was adapted into a popular play and film, the hero discussed the democratic courage of Socrates as a precursor to modern stands against tyranny.<sup>32</sup> Monoson lists a number of other plays, films, television and radio programmes and popular books in the early 1950s which portrayed Socrates’s death as a response to the red scare and McCarthy hearings.<sup>33</sup> Socrates was a potent symbol of democracy and freedom (sometimes as an anti-communist, sometimes as an anti-McCarthyite). In 1953, a CBS television history programme, which used McCarthy-blacklisted Hollywood scriptwriters, aired a thinly veiled attack on McCarthyism in an episode on Socrates which used him to argue for free speech.<sup>34</sup> Lane has agreed with Monoson that ‘Socrates was virtually always cast on a single side’ – that of the ‘resister of McCarthyism’.<sup>35</sup> Whilst different appropriators focused on and sometimes exaggerated different facets of Socrates’s image, they tended to share ‘the motive to return Socrates as the name for some kind of commitment to argument and inquiry’.<sup>36</sup>

As early as 1954, in a book written by two of Kendall’s Yale protégés to defend McCarthy, the tendency of liberals to use Socrates against McCarthy was already a stale cliché:

The President of college A, having been invited by the President of college B to strike a blow for freedom of the mind at B’s commencement exercises, can be counted on to deliver a good solid talk about Socrates and how the Athenian witch-hunters did him in for merely disagreeing with them. The modern parallel springs quickly to mind...<sup>37</sup>

Certain conservatives, as well as Cold War warrior liberals like Truman, had also embraced the freedom narrative. Whilst traditionalist and libertarian conservatives could agree on the need to combat communism abroad and to limit the growth of government spending at home, they still disagreed on basic philosophical issues which expressed themselves in arguments over ‘freedom’. Conservative acceptance of Popper’s analysis could be problematic for conservatism for two reasons. The

<sup>30</sup> Ibid, p. 200.

<sup>31</sup> Monoson, ‘The Making of a Democratic Symbol’ (n. 4 above), p. 47.

<sup>32</sup> Ibid, pp. 51–2.

<sup>33</sup> Ibid, pp. 54–5.

<sup>34</sup> Ibid, p. 70.

<sup>35</sup> Lane, ‘“Gadfly in God’s Own Country”’ (n. 4 above), pp. 205–26: 207.

<sup>36</sup> Ibid, p. 223.

<sup>37</sup> L. Brent Bozell and W. F. Buckley Jr., *McCarthy and His Enemies: The Record and Its Meaning*, Chicago, 1954, p. 308.



straightforward reason is that Socrates held a position of high esteem as the reputed founder of philosophy at the dawn of western civilization. If Socrates argued for absolute freedom of speech then his authority would automatically lend respect for that position, undermining the traditionalist conservative emphasis on orthodoxy.

The less obvious point relates to the other half of Popper's analysis: in idealizing Socrates as a symbol for freedom, Popper had denigrated Plato as a totalitarian. But Plato was the standard bearer in the conservative movement for absolute moral values versus liberal relativism.<sup>38</sup> If Plato was knocked off his pedestal, the danger would be that his philosophical defence of moral certainties would be knocked off too. To those libertarians who often resisted the conservative label, this was a real possibility. They tended to be socially as well as economically liberal, which created tensions with traditionalist, religious conservatives. The libertarian Friedrich von Hayek, a hero to conservatives for his *The Road to Serfdom*,<sup>39</sup> even wrote an essay titled 'Why I am not a Conservative', contending that liberals were forced to ally with conservatives to protect liberty, but that classical liberalism 'differs as much from true conservatism as from socialism'.<sup>40</sup> Though Hayek did not wish to be labelled as a conservative, many libertarians did gravitate to the conservative movement, and their liberal distrust of state authority influenced their approach to Plato. Hayek himself, in the only mention of Plato in *The Road to Serfdom*, compared Plato's 'noble lies' to the 'blood and soil' propaganda of the Nazis, and even before the publication of Popper's *The Open Society and Its Enemies* he had referred to Plato as one of the 'theoreticians of the totalitarian system'.<sup>41</sup>

Inevitably, even some self-described 'New Right' conservatives adopted liberal positions. Robert Nisbet's *The Quest for Community* used Greece to lend authority to his positions, but the influence of Popper was evident in his discussion of Plato. Nisbet argued that the growth of the state came at the expense of mediating institutions, such as church, professions, local communities and families, which exercised their influence through 'persuasion and guidance.' As state power increases, individuals give up real freedoms in return for promises of 'freedom from want, insecurity and minority tyranny'.<sup>42</sup> Nisbet's ideal state was one that 'seeks to diversify and decentralize its own administrative operations' and to support, rather than replace, existing bonds and institutions below the state level. Plato's ideas were depicted as a reaction to an excessive individualism which had taken hold in Athens during the Peloponnesian War. **But Nisbet seemed to echo Popper when he criticized Plato for going too far towards authoritarianism in wanting the state to be 'unified and absolute, capable of resolving both the external and internal conflicts of**

<sup>38</sup> Expressed most forcefully in R. M. Weaver's, *Ideas Have Consequences*, London, 1948/1984. Upon the book's publication, Kendall had heralded Weaver as the 'captain of the anti-liberal team' in W. Kendall, 'Review: Ideas Have Consequences', *The Journal of Politics*, 11, 1949, pp. 259–61: 261.

<sup>39</sup> F. A. Hayek, *The Road to Serfdom*, London, 1944/1962.

<sup>40</sup> F. A. Hayek, *The Constitution of Liberty*, Chicago, 1960, p. 519.

<sup>41</sup> Hayek, *The Road to Serfdom* (n. 39 above), pp. 116–17.

<sup>42</sup> R. Nisbet, *The Quest for Community: A Study in the Ethics of Order and Freedom*, San Francisco, 1953/1990, pp. 249–250.

man'.<sup>43</sup> He referred to Plato's *Republic* as a state 'founded upon the highest principle of virtue', a less than ringing endorsement in context, coming as it did in the middle of a discussion about the originally noble reasons given to justify totalitarian regimes.<sup>44</sup> Nisbet was in agreement with Popper's depiction of Athens' fifth century successes being the result of her individualism and openness. He also decried not only the 'absolute scepticism' commonly attacked as a liberal vice by 1950s conservatives, but also the 'absolute certainty' which he associated with Plato and Augustine.<sup>45</sup> Nisbet did attempt to rescue Plato from Popper's depiction of him as a totalitarian and he did caution against 'labelling Plato an anti-individualist, for there is clearly a sense in which the *Republic* may be regarded as a profound plea for the individual – his justice, his security, and his freedom from want, uncertainty and ignorance.' But he still depicted Plato as an enemy of the 'plurality and diversity' which Nisbet favoured.<sup>46</sup> Nisbet quoted the *Laws*, where Plato wrote that 'no one shall possess shrines of the gods in private houses, and he who performs any sacred rites not publicly authorized, shall be informed against to the guardians of the law', which showed that Plato thought that 'spiritual faith and the state must be as one, else there will be incessant conflict between the two'.<sup>47</sup>

Frank Meyer, eventually the leading exponent of 'fusionism' (the attempt to unify the traditionalist and libertarian wings of the conservative movement) but then still firmly on the libertarian wing, also criticized Plato's overemphasis on the state. In an essay originally published in 1955, Meyer attacked the traditionalist conservatives as statist ('Collectivism Reborn'), whose works were filled with words like 'authority' and 'obedience', but which rarely mentioned 'freedom' or 'the individual.' Consequently, Kendall was predominantly attacking the 'open society' consensus because it had even 'infected' the conservative movement, through its proponents' use of Socrates. His response to Popper and Mill was aimed at those libertarian leaning conservatives sympathetic to Popper's liberal analysis.

### **Kendall *Contra Mundum***

Whereas many conservatives eventually turned against McCarthy, Kendall remained unapologetic even after McCarthy's fall from influence. His attempt to provide a revised interpretation of Socrates was part of an effort to win back wavering conservatives to McCarthyism. For Kendall, the fundamental battles between conservatives and their opponents were orthodoxy versus the open society, truth versus relativism and representative democracy, reflecting the piety of the nation, versus manipulation by unaccountable elitists.<sup>48</sup>

<sup>43</sup> Ibid, p. 103.

<sup>44</sup> Ibid, p. 251.

<sup>45</sup> Ibid, p. 42.

<sup>46</sup> Ibid, p. 103.

<sup>47</sup> Ibid, p. 138.

<sup>48</sup> Ibid, pp. 10–13.

Kendall was one of the most intellectually accomplished of McCarthy's defenders.<sup>49</sup> He was a hyperdemocratic believer in majority rule, which was why he felt that individual rights could be suspended when communists disagreed with the majority.<sup>50</sup> A story told by Kendall to William Buckley provides some insight into his attitude to McCarthyite populism. McCarthy was being criticized by Kendall's fellow academics during a long faculty meeting at Yale. After listening for a while, Kendall told his colleagues about a conversation he had had that morning with one of the Yale janitors:

'Is it true, professor, dat' dere's people in New York City who want to... destroy the guvamint of the United States?' 'Yes, Oliver, that is true', Willmoore had replied, 'Then why don't we lock em' up?'<sup>51</sup>

Kendall then announced to his colleagues that he had 'heard more wisdom from that negro janitor' on the subject of McCarthy than from the entire Yale faculty. As well as offering a clue as to why Kendall tended not to get along with anybody he ever worked alongside (including, eventually, his fellow conservatives at *National Review*), the anecdote also offers an insight into Kendall's attitudes towards elitism and freedom. He portrayed himself as another Socrates, willing to listen to and learn from people of all walks of life. And to Kendall, McCarthyism represented the values of the majority of ordinary, orthodox Americans, whose opinions government should listen to.

During the 1950s, as Kendall became profoundly influenced by Strauss,<sup>52</sup> he gained another support for his belief that restraints on freedom were a necessary response to the Soviet threat: the Straussian emphasis on the importance of intellectuals maintaining the public orthodoxy.<sup>53</sup> For Strauss, heavily influenced by his experiences in Weimar Germany, intellectual scepticism weakened social bonds which led to anarchy and then extremism. Hence thinkers need to hide their meanings (i.e., write esoterically) when those meanings could undermine public opinions. Strauss himself never explicitly argued in favour of state censorship; however, Kendall seems to have believed that if the uncensored ideas of philosophers were so damaging, then state censorship was a logical response. Strauss also argued that open societies were inferior to closed societies, even when they did not lead immediately to anarchy. Strauss seemed to be talking about America and referring to Popper when he wrote of ideal societies as closed in *Natural Right and History*: 'political freedom... always requires the highest degree of vigilance', whereas 'an open or all-comprehensive society would consist of many societies which are on vastly different levels of political maturity, and the chances

<sup>49</sup> Nash, *The Conservative Movement* (n. 1 above), p. 213.

<sup>50</sup> H. Lewis, 'The Conservative Capture of Anti-Relativist Discourse in Postwar America', *Canadian Journal of History*, XLIII, 2008, pp. 451–75: 467.

<sup>51</sup> W. F. Buckley Jr., 'Foreword', in *Willmoore Kendall: Maverick of American Conservatives*, ed. by J. A. Murley and J. E. Alvis, Oxford, 2002, pp. i–xxii: x.

<sup>52</sup> J. E. Alvis, 'The Evolution of Willmoore Kendall's Political Thought', in *Willmoore Kendall: Maverick of American Conservatives*, ed. by J. E. Alvis and J. A. Murley, Oxford, 2002, pp. 47–70: 54.

<sup>53</sup> N. Bjerre-Poulsen, *Right Face: Organizing the American Conservative Movement 1945–65*, Copenhagen, 2002, p. 64.

are overwhelming that the lower societies would drag down the higher ones.’ Thus, for Strauss, Popper’s open society would have to ‘exist on a lower level of humanity than a closed society, which, through generations, has made a supreme effort toward human perfection.’ As man can only achieve perfection by restraining his lower impulses, and as such restraint must sometimes ‘be forcible restraint in order to be effective’, a society that uses coercion to achieve perfection is not contrary to nature.<sup>54</sup> Thus Strauss, besides offering an argument in support of public orthodoxy, offered no argument against using force to ensure that non-esoteric thinkers could be silenced. In the Straussian interpretation, Socrates had been ‘modern’ in his younger days, which had led to the largely accurate depiction of Socrates by Aristophanes in *Clouds*. He had later recognized the dangers of such open scepticism but by then it was too late, and so it fell to Plato and Xenophon to continue Socrates’s teaching in the more ‘moderate’ (i.e., secret, esoteric) manner. In this sense, Mill’s and Popper’s depiction of Socrates as a symbol of liberalism went against some of the key tenets in the work of Leo Strauss.

Kendall thought that the depiction of Socrates as a victim of the closed society was at the heart of Mill’s and Popper’s argument, and thus at the heart of the liberal rejection of McCarthyism. Consequently, he set out in 1958 to provide his own interpretation of Socrates’s trial and execution in the conservative periodical *Modern Age*.<sup>55</sup> In this article, Kendall interpreted Socrates’s trial to show that the Athenians had three options: to accept Socrates’s teachings and completely change their way of life (adopt a new public orthodoxy); to reject Socrates’s teachings but allow him to continue teaching (allowing the two competing orthodoxies to fatally undermine the city) or to reject Socrates’s teachings and silence him (reaffirm their existing orthodoxy). For Kendall, Athens killing Socrates was the second best option (after following Socrates’s teachings).<sup>56</sup> The essence of the argument comes back to conservative criticism of liberals for their supposed moral relativism: if no beliefs are more ‘right’ than others, it makes sense to treat all beliefs equally, but in the Straussian model society needs to believe that its own beliefs are true in order to function (i.e., to prevent anarchy). Hence society’s orthodoxy must be beyond question in the public sphere.

After engaging with the issue of Socrates’s trial and execution, Kendall moved on, two years later, to contest Popper’s arguments directly. In ‘The “Open Society” and Its Fallacies’,<sup>57</sup> he attacked Popper head-on. The influence of Strauss’s writings on the importance of maintaining a public orthodoxy is clear. Kendall argued that Mill’s freedom of speech, on which Popper’s argument depended, is the same as moral relativism:

The basic position, in fine, is not that society must have no public truth, no orthodoxy, no preferred doctrines, because it must have freedom of speech;

<sup>54</sup> L. Strauss, *Natural Right and History*, London, 1953, pp. 131–2.

<sup>55</sup> Founded in 1957 by Russell Kirk, *Modern Age* is a quarterly magazine devoted to traditionalist conservatism (in contrast to *National Review*, which includes writing from the full spectrum of conservative thought).

<sup>56</sup> Kendall, ‘The People Versus’ (n. 2 above), pp. 98–111: 110.

<sup>57</sup> Kendall, ‘The “Open Society” ’ (n. 3 above), pp. 972–9.

but that it must not have them for the same reason that it must have freedom of speech, namely: because, in any given situation, no supposed truth has any proper claim to special treatment, and this in turn because it may turn out to be incorrect—nay, will turn out to be at least partially incorrect, since each competing idea is at most a partial truth. Nor is that all: Mill's freedom of speech doctrine is not merely derivative from a preliminary assault upon truth itself; it is inseparable from that assault and cannot, I contend, be defended on any other ground. It is incompatible with religious, or any other, belief.<sup>58</sup>

Both Mill and Popper apparently gave the reader 'a series of false dilemmas: unlimited freedom of speech or all-out thought-control; the open society or the closed society.' However, 'all our knowledge of politics bids us not to fall into that trap. Nobody wants all-out thought-control or the closed society'.<sup>59</sup> Following Strauss, Kendall asserted that pluralistic societies 'descend ineluctably into ever deepening differences of opinion, into progressive breakdown of those common premises upon which alone a society can conduct its affairs by discussion, and so into the abandonment of the discussion process and the arbitrament of public questions by violence and civil war.' Kendall cited the same example as his teacher in suggesting where pluralism inevitably leads: 'moreover, the extremes of opinion will – as they did in Weimar – grow further and further apart, so that... their bearers can less and less tolerate even the thought of one another, still less one another's presence in society'.<sup>60</sup> For Kendall, the solution was a little early repression in support of orthodoxy before the extremes of opinion became too great.

Kendall's 1963 collection of essays, *The Conservative Affirmation in America*, contained a further essay on Popper. In it, Kendall reiterated that question of the 'open society' was 'the crucial issue' and one on which conservatives were also 'least likely to be sure of the case for their position'.<sup>61</sup> On this issue, the conservative division between libertarians and traditionalists was strikingly evident. In the 1950s, even when conservatives from the libertarian wing utilized Plato to attack relativism, they still tended to either side with Popper's depiction of Plato as a totalitarian or felt it necessary to apologize for Plato's authoritarian tendencies. Clearly, a disreputable, totalitarian Plato was a weak foundation on which to build a convincing defence of moral certainties, so it was important that both sides of the Popperian position be overturned.

In this essay, Kendall argued that freedom of speech was a 'weapon' used by liberals like Mill and Popper to 'turn upon the traditional society' they wished to overthrow.<sup>62</sup> According to Kendall, Popper had posited a false dilemma between 'unlimited freedom of speech and all-out thought control', rather than the reality which is a spectrum of choices striking different balances between freedom and

<sup>58</sup> Ibid, p. 975.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid, p. 978.

<sup>61</sup> W. Kendall, *The Conservative Affirmation in America*, Chicago, 1963/1985, pp. xxix–xxx.

<sup>62</sup> Ibid, p. 110.

order.<sup>63</sup> As usual, the closest any society had ever come to Popper's all-out freedom was apparently Weimar Germany, which both reminds us of Strauss and also suggests to the common reader the chapter that followed Weimar in German history.<sup>64</sup> But in 1950s America, the threat to order came from Communists rather than Nazis.

## Freedom on Trial

Kendall's approach differed from those of other critics of Popper, who tended to either argue that Plato was not an opponent of the open society, or that his work was irrelevant to it or that he should be forgiven because he was writing before totalitarianism was in existence. Instead, Kendall argued that the real message of Socrates's trial, and Plato's presentation of it, was that the open society was itself a faulty ideal. He summarized the essence of Mill's argument as a request to the reader to 'keep yourself reminded of Socrates, and what happened to him as a result of limitations imposed upon freedom of thought and speech.' The moral of Socrates's execution, in Mill's own words, was that 'there ought to exist the fullest liberty of professing and discussing, as a matter of ethical conviction, any doctrine, however immoral it may be considered'.<sup>65</sup> Mill's interpretation seemed to Kendall to have been so widely accepted that,

we are forever being reminded and by men who, like Mill, spend their lives opposing Plato's teaching on all other problems (and do not, by ordinary, light candles at the altars of the ancients) that there was once a man named Socrates and a court named the Assembly, that Plato set down a record of the transaction between them in order to warn all future societies of the danger and wickedness of all such interferences with freedom of expression.<sup>66</sup>

At this point, Kendall turned to his own, alternative readings of the *Apology* and the *Crito*. He accepted that 'there is in the *Apology* and the *Crito* a teaching that bears directly upon the problem of freedom of thought and expression.' However, once they are correctly interpreted, 'the appeal of "open society" doctrines like Mill's and, in our own day, Karl Popper's' is radically diminished. Kendall argued instead that the real moral was 'infinitely more complex, and points us along toward a deeper meaning, oceans apart from the teaching of Mill's *Essay*'.<sup>67</sup> In Kendall's presentation of the *Crito*,

the Laws do offer the citizen an opportunity to obey or convince them, and this does constitute a further point in favour of obeying them, as also a further reason for loving Athens. Which is to say: that 'amount?' of freedom of

<sup>63</sup> Ibid, p. 111.

<sup>64</sup> Ibid, p. 114.

<sup>65</sup> Kendall, 'The People Versus' (n. 2 above), pp. 98–111: 98.

<sup>66</sup> Ibid, p. 99.

<sup>67</sup> Ibid, pp. 98–9.

speech which will enable the Laws to say, 'We do not rudely impose ourselves; rather, we give each citizen a reasonable opportunity to convince us of any alleged injustice on our part' – that amount of freedom of speech, but by no means necessarily any greater amount, is one (but only one) of the goods the good society values, as maintenance of the right of emigration is another. And, in the context of any ethic that requires the performance of contracts, the State that vouchsafes to its citizens that amount of freedom of speech has a better claim to obedience than it would have if it denied them that amount.<sup>68</sup>

He concluded that the teaching of the *Crito* was that the good state allows a certain 'amount' of freedom, but not the complete freedom which 'Mill demands'.<sup>69</sup> It should be noted here that Mill did not quite demand absolute freedom. His essay gave 'one very simple principle' that liberty can be curtailed to 'prevent harm to others'.<sup>70</sup> No doubt Kendall would have disagreed with Mill about their definitions of 'harm', but their underlying principles were not as far apart as Kendall suggested. **For Kendall, dissidents harmed the fabric of society if they continued uninterrupted.** For him, the implication of the *Crito* was therefore that they should be allowed to criticize the state for a period, but not 'indefinitely and with impunity, no matter how deeply convinced their neighbors may be that they ought to be silenced, or punished'.<sup>71</sup> To tolerate but disagree with Socrates would be to renounce their responsibilities, because it would run the risk that Socrates's students would eventually embark on a revolution and because Socrates would 'not let the Athenians merely tolerate him' but would 'seize upon his toleration as a lever for bringing about his revolution'.<sup>72</sup>

What Kendall was really again talking about were the communists in America. 'The Athenians are running a society, which is the embodiment of a way of life, which in turn is the embodiment of the goods they cherish and the beliefs to which they stand committed.' To ask a society to tolerate a potential threat to this existence 'is to demand that they shall deliberately do that which they can only regard as irresponsible and immoral – something, moreover, that they will seriously consider doing only to the extent that their society has ceased, or is about to cease, to be a society'.<sup>73</sup> Thus, the state has the right to strike back at dissidents if it finds their ideas dangerous. He explicitly compared this good state to contemporary America's dealings with communists. This good state is one 'like our own when it takes action against the Communists', letting its citizens know that 'they can embrace and communicate certain doctrines only at their own very considerable risk'.<sup>74</sup> When Kendall wrote then that the Athenians had to refuse to tolerate Socrates, he was

<sup>68</sup> Ibid, pp. 103–4.

<sup>69</sup> Ibid, p. 104.

<sup>70</sup> J. S. Mill, 'On Liberty', in *On Liberty and Other Writings*, ed. by S. Collini, Cambridge, 1859/2009, pp. 1–115: 13.

<sup>71</sup> Kendall, 'The People Versus' (n. 2 above), pp. 98–111: 105.

<sup>72</sup> Ibid, p. 110.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid, p. 104.

arguing that Americans should refuse to tolerate Communists. They cannot tolerate Socrates (and America cannot tolerate Communists),

...because the very question at issue, whether their way of life is worth preserving, is for them a closed question, and became a closed question the moment the Athenians became a society... For them to let Socrates go on talking, given his ability to fascinate youngsters who know no better than to be convinced by him, is to court that danger, and that is no less irresponsible and immoral than to 'carry out Socrates' revolution themselves.<sup>75</sup>

Kendall did not assert that the Athenians' existing way of life was superior to the one Socrates recommended, though he did describe Socrates's way of life as an unrealistic possibility. Accordingly, Kendall was not necessarily arguing that America's existing system was superior to Communism, though no doubt many readers assumed that for themselves. Using Kendall's logic, any society is within its rights to silence anybody who refuses to stop recommending that the society be changed. This does not really seem at all different from the relativistic conservatism that Kendall castigated Kirk for. Athens cannot tolerate Socrates and America cannot tolerate Communists because to do so would be to irresponsibly risk the end of Athens and America as societies.

## Conclusion

With hindsight, we may say that America was not seriously threatened by an internal communist threat. According to Foner, the 'tiny Communist Party hardly posed a threat to American security and many of the victims of the Red Scare had little or nothing to do with communism'.<sup>76</sup> In fact, Mill's liberal argument for freedom of speech, that allowing the free expression of ideas allows the good ones to defeat the bad ones, may look to have been vindicated. However, for many in the 1950s the threat seemed real and the USSR appeared to be a viable alternative.

Kendall's engagement with Socrates reflects aspects of the eclectic nature of post-war American conservatism. In focusing his Socratic engagement as criticism of Mill and Popper we might expect Kendall to have been focusing here on liberals, which is true, but we need to be more clear that the liberals in question were now usually considered conservatives. Conservatism in the 1950s and 1960s was not a monolithic ideology but an amalgamation of different worldviews and traditions. During this period, these differing conceptions of what the Right should be were beginning to formulate combined positions on key issues and one such was over the freedom of speech that should be allowed to critics of America on the left. Buckley, the founder of *National Review*, had combined a strong attachment to free market principles in the economy with traditionalist Christian perspectives in other areas. His controversial *God and Man at Yale* was an attack on Yale's faculty for not

<sup>75</sup> Ibid, pp. 110–11.

<sup>76</sup> Foner, *The Story of American Freedom* (n. 22 above), p. 255.



inculcating both free market principles and Christianity.<sup>77</sup> But others did not combine an attachment to the free market and traditionalism so effortlessly. Some, like Weaver and Kirk, came down on the traditionalist side and attacked libertarians for their exaltation of freedom, whereas libertarians like Hayek and Meyer posited freedom as the highest good and viewed the traditionalists as reactionaries. Accordingly Kendall, despite his idiosyncrasies, needs to be read in the context of these intra-conservative debates.

In terms of success, Kendall only partially persuaded his fellow *National Review* editor Frank Meyer. Meyer accepted Kendall's argument that 'even the most casual unprejudiced reading of the *Apology* and the *Crito* – to say nothing of the *Republic* – will show that he stood not as champion of the person but of the righteous *polis* against the bad *polis*'. However, for Meyer this was a drawback in Greek philosophy, not something to be copied in modern America. To Meyer, the 'inability of the Greeks to free themselves from the polis experienced as an organic being, of which individual men are but cells, was an omnipresent limit upon the genius of the Greeks in political-theoretical speculation'.<sup>78</sup> In a telling indication of his attitude to Plato, he described the society envisioned by traditionalists as 'Plato's *Republic* with the philosopher-king replaced by the squire and the vicar'.<sup>79</sup> Likewise, Meyer credited Plato as the founder of the political belief that freedom had to be 'subordinated to the ends designated as good by the theorist', shared by traditionalist conservatives and socialists.<sup>80</sup>

Kendall is better remembered today by traditionalist conservative thinkers. But perhaps his key significance, and the significance of his use of Socrates, is that Kendall foreshadowed the neoconservatives of the following generation. His intellectual journey – youthful Trotskyite to mature conservative and follower of Leo Strauss – mirrored that of the influential neoconservative Irving Kristol. More than this, the combination of an elitist intellectualism with the populist religious right was the key innovation of the neoconservative movement and has been integral to the Republicans' electoral success over the past three decades.

Kendall's critique of the then dominant liberal interpretation of Socrates's trial made some sound points. Nowhere in the *Apology* or the *Crito* did Plato argue that freedom of speech should be a human right or that its absence in Athens was lamentable. It might be argued that the pathos of Socrates's execution leads the reader to such a conclusion implicitly, but this would ignore the more likely possibility – that the sadness comes from Socrates being right. The jury made a mistake because Socrates spoke the truth, and was not therefore guilty of corrupting anybody, but they had a right to silence genuine corrupters of the youth. If he had been a corruptive influence, there is no indication in these dialogues that he should still have been spared. Popper's 'rights'-based interpretation was anachronistic. Fundamental human rights as understood today developed from the natural rights thinking of the Middle Ages, and there is little evidence that the ancient Greeks

<sup>77</sup> W. F. Buckley Jr., *God and Man at Yale*, Chicago, 1951/1977.

<sup>78</sup> F. S. Meyer, *In Defense of Freedom and Related Essays*, Indianapolis, IN, 1996, p. 92.

<sup>79</sup> *Ibid.*, p. 11.

<sup>80</sup> *Ibid.*, p. 79.

conceived of justice in this way.<sup>81</sup> Likewise Popper's emphasis on Socrates's loyalty to Athens and its 'democratic laws' implies that it was the democratic aspect of the laws that especially demanded Socrates's loyalty, and that therefore he was a full-hearted supporter of democracy. This perspective is at odds with the picture painted in the sources (though Popper would blame the anti-democratic bias of Plato for distorting the 'real' Socrates), in which, for example, democracy is compared to letting the least qualified navigate a ship at sea.<sup>82</sup> It is interesting that Kendall's interpretation of the trial, coming from the right, reached a similar conclusion as that of I.F. Stone in *The Trial of Socrates*, coming from the political left. For Stone, 'Socrates would have found it repugnant to plead a principle [freedom of speech] in which he did not believe'.<sup>83</sup> And in both cases the Athenian *demos* were partially justified in turning on Socrates.

But there were flaws too in Kendall's interpretation of Socrates's example as a justification for contemporary McCarthyism. Although Popper may have romanticized Socrates in demarcating him so radically from Plato, Kendall went too far in the opposite direction. He not only accepted without question Plato's description of the facts, which is problematic in itself, but he also accepted Plato's attitude. For Kendall, what Socrates said in the dialogues is what the historical Socrates said too, ignoring Plato's role as the author and interpreter of the events he describes. A second problem is that, even if Kendall was correct in writing that the dialogues make no explicit arguments for absolute freedom of speech, this does not mean that we must reach the same conclusion as Plato. It is quite possible to come to the conclusion that freedom of speech is a good thing, and would have saved Socrates, and still accept that Plato (and possibly even Socrates) reached a different conclusion. Kendall also went too far in his attempts to justify the execution. Socrates (or Plato) did say that it was better to obey even unjust laws, but that in itself means that he/they thought the verdict was wrong. Socrates did say that getting a 'faulty judgment' at his trial was not reason enough to break the law. Essentially, the *Crito* says that you should, under certain circumstances, follow even unjust laws, not that the laws should be unjust – it says nothing about how laws on freedom of speech should really be. Finally, even if we were to admit Kendall's argument that Plato justifies Athens' silencing societal critics, that does not then justify America doing the same thing. The foundation of Kendall's argument was that societies must have unquestionable ideals or they will crumble into anarchy. America's continued survival after repudiating McCarthyism would seem to refute that argument.

<sup>81</sup> For a fuller discussion of the notion of individual rights in ancient Greece, see M. Edge, 'Athens and the Spectrum of Liberty', *History of Political Thought*, 30, 2009, pp. 1–45.

<sup>82</sup> Plato, *Republic*, London, 2003, pp. 488a–e.

<sup>83</sup> I. F. Stone, *The Trial of Socrates*, London, 1988, 230.