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Aulis Aarnio
The Rational as Reasonable: A Treatise on Legal Justification.
Norwall, MA: D. Reidel Publishing Company 1987. Pp. xix+276. US$59.00. ISBN 90-277-2276-5.

The Nordic countries are a scene of almost feverish creative activity in the philosophy of law and Aulis Aarnio is a leading figure there. He is a professor of law at the University of Helsinki whose jurisprudential work is widely known in Europe and which deserves greater attention in North America. Although Aarnio writes from a legal perspective that is quite different from the common-law tradition of most Anglo-American theorists and legal philosophers, this book shows him to be well-read in much of their recent literature, as well as, of course, current Scandinavian and German jurisprudential sources. Moreover Aarnio is impressive in his references to, and use of, such writers as Thomas Kuhn, Chaim Perelman, Jürgen Habermas, and Ludwig Wittgenstein. The notions of paradigm, audience, dialogue, communication, language-games, and form of life contribute to his work.

Aarnio is concerned with the nature of justification in legal interpretation as it is and, especially, as it ought to be practised in legal dogmatics. The term 'legal dogmatics' is not widely used, or perhaps even known, among Anglophone lawyers and legal philosophers. It refers to the clarification and systematization, by (mainly academic) legal scholars, of the contents of the law of a given jurisdiction. Aarnio, here, is principally concerned with yet another of its aspects, namely, the elaboration or extension of the law to new cases through interpretation. His focus of attention is interpretation in a statutory law system; a statute is always an ingredient in a justificatory argument – and in fact this is what marks an interpretation as legal, for him. Perhaps because of this last point, Aarnio does not examine whether the theory he develops also could have application to common-law elaboration.

Interpretation, however, is not confined to technical statutory construction. Its most important occurrences obtain in areas of discretion, where legal questions are left open because of the ways in which statutes are formulated, because of gaps in the law, or because of conflicts between rules. Interpretation here involves a process of substantive argumentation that can contain empirical and moral elements, in addition to strictly formal, legal factors. In the Finnish context, and in Europe generally, legal dogmatics is an important field. For even where dogmatics has no official standing as a source of law, courts pay respect to it, if only silently. Aarnio maintains that the

task of legal dogmatics is more than the mere laying out of possible alternative interpretations from which a judge may select, as Kelsen, for instance, holds. Rather, the dogmatician, like the judge, works from an internal point of view, and adopts a 'standpoint,' a contention regarding values or norms, in offering an interpretation. Aside from the legal authoritativeness of a judge's decision, the main difference between dogmatics and adjudication is that the former is largely concerned with hypothetical rather than actual cases. There are, then, different kinds of legal interpretation and different contexts in which it occurs, and interpretation is conceived by Aarnio as a sum of language-games rooted in the form of life of Western culture.

Aarnio's point of departure is the cultural phenomenon of the expectation of legal certainty, understood in a broader sense than mere expectation of nonarbitrariness. For in addition to nonarbitrariness an interpretation must be in accord with the valid law, whose contents are matters of interpretation. And it also must be in accord with morals and social norms. The promotion of legal certainty is important because of the crisis of authority in which modern societies find themselves. Aarnio characterizes his approach to justification as 'weakly normative,' by which he means an inquiry into the conditions that have to be fulfilled in legal dogmatics for an interpretation to be 'rationally acceptable,' which he connects with legal certainty. The way to ensure the citizen that an interpretation has 'legitimacy' is by showing its rational acceptability. The formal validity and efficacy of a rule are not enough.

The methodology of interpretation is the subject of a one-hundred page chapter. Aarnio points out that Finland and Scandinavian countries, generally, have a liberal doctrine of the sources of law. By convention, these are arranged hierarchically, and they include among them moral principles and values. It is not clear to me, however, exactly where in the hierarchy of legal sources values and moral principles fit. At any rate, Aarnio's own position on values is one of 'moderate relativism.' In contrast to statements made in the empirical sciences, value statements, according to him, are not about an external reality, though they can be regarded as true relative to a particular value system. He does not regard his value relativism as implying that values are subjective; rather, they are intersubjective and rooted in a form of life. Because of the liberal doctrine of sources, and for reasons having to do with the structure of justification, Aarnio rejects the idea, associated with Ronald Dworkin, that there are uniquely right answers to questions of law in the discretionary area. He also allies himself with a hermeneutic approach to interpretation and therefore maintains that interpretation is nondeductive in form. Apparently, Aarnio does not go along with those who hold that hermeneutics breaks down the fact-value distinction.

The important part of Aarnio's theory of justification is concerned with 'external' justification, the justification of the premises of an argument designed to show the rational acceptability of an interpretation. Justification is, first of all, a discursive procedure that follows the rules of rational practical discourse, which Aarnio, drawing on but also modifying the views of Chaim Perelman, conceives as a dialogue, with its final point fixed in an audience. The dialogue has two aspects, procedural and substantive. The former concerns an interpretation's rationality and the latter its acceptability. In characterizing rational dialogue, Aarnio draws upon Habermas and Robert Alexy: the dialogue must be open to all, and coercion and appeals to authority are excluded. The rules governing the dialogue, e.g., burden of proof rules, are expounded in some detail. But why be rational? To this question, says Aarnio, there is no direct answer; rationality is, again, part of our form of life and is intersubjective in our culture.

The concept of acceptability is specifically connected to the material content of an interpretation. In order to be acceptable, an interpretation must correspond to the knowledge and value systems of the legal community (audience). This means that the interlocutors have to bind themselves to the same values in the area under discussion. Then, not only will the result be a standpoint to which the dogmatician is committed but it will also be seen as rationally acceptable to the audience. Aarnio concedes, however, that commitment to the same values does not entail agreement on the result. According to him, this concession follows from his (moderate) value relativism. It seems to me, though, that a nonrelativist could also make this admission, given the nature of practical discourse. Aarnio himself maintains that rational practical discourse establishes a plausible but nondeductive connection between an interpretive standpoint and its justifying materials, a claim that is also related to the hermeneutic nature of interpretation. In fact, it is possible that more than one interpretation could be shown to be rationally acceptable. If this is the case, no participant in a dialogue is rationally forced to accept any given interpretation.

These last remarks have a bearing on Aarnio's project, which is motivated by the connection he sees between legal certainty and rational acceptability in legal dogmatics. Although the treatment of rational acceptability is enlightening, I do not think its connection to legal certainty is anywhere firmly established. Aarnio admits that ultimate expectations regarding legal certainty cannot be fulfilled. But the main problem, as I see it, is that the concept of legal certainty is not sufficiently analyzed, and it is not demonstrated that rational acceptability promotes legal certainty. In a discussion that shows the deficiency of a predictive theory of legal norms, Aarnio also shows how difficult it is to formulate what it is that is supposed to be pre-

dicted. I think he might well have examined whether this discussion doesn't also suggest that one should be more cautious with claims about legal certainty.

And there is a further problem. Aarnio lays down a regulative principle for legal dogmatics: It ought to attempt to reach legal interpretations that could secure the support of the majority in a rationally reasoning legal community. One feature of our era and the crisis of modernity, however, is that our communities are so fragmented that majorities are based less on value commitments than on momentary and unstable coalitions of interest groups. So Aarnio's principle might not provide a feasible goal for dogmatics. Perhaps I exaggerate. Finland may be different from the United States, and the legal profession, generally, may be more unified than other groups

Finally, a word to the editors of the Law and Philosophy Library in which series this book appears. Although the book is readable, its English is highly unidiomatic and there are many awkward sentences. All of this should have been caught by the editors and corrected by them. It is not too much to ask with such an expensive book. So as not to end on a negative note, however, let me say that this book contains many interesting discussions on numerous issues in the philosophy of law that have not been touched upon in this review. I would quibble and sometimes take more serious issue with Aarnio on various points. But I do recommend it to anyone who wishes to discover a creative voice in the field.

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Robert John Ackerman
Wittgenstein's City.
Amherst, MA: University of Massachusetts Press 1988. Pp. xiii+267.
US$25.00 (cloth: ISBN 0-87023-589-3);
US$12.95 (paper: ISBN 0-87023-590-7).

Wittgenstein's City is an unusual and original interpretation of Wittgenstein's philosophy. Ackerman rejects the standard view on which there are two Wittgensteins, early and late. He argues that this construal is largely due to the way in which the critical spotlight has been directed toward the *Tractatus* and the *Philosophical Investiga-*

tions. Most of Wittgenstein's interpreters have read the two books as if they contained diametrically opposed philosophical theories, ignoring his unequivocal repudiation of philosophical theories. This secondary literature has led to the extremely influential image of two Wittgensteins 'who cannot allegedly be understood apart from an enormous critical literature that is accessible only to experts' (8).

Ackermann has responded to this impasse by developing a unified interpretation of Wittgenstein's thought, inspired by Wittgenstein's remark in the *Investigations* that

> our language can be seen as an ancient city: a maze of little streets and squares, of old and new houses, and of houses with additions from various periods; and this surrounded by a multitude of new boroughs with straight rectangular streets and uniform houses. (§ 18)

According to Ackermann

> Wittgenstein had first surveyed the City while standing in a borough or suburb, the severely regular Levittown [a suburb of economical, 'standardized' homes] of the *Tractatus*, in which the total plan could easily be grasped. The later image ... recognizes that the *Tractatus* explores only one borough of language. (13)

Thus, Ackermann construes the later work as an extension and broadening of the terrain covered in the earlier. Perhaps he is overreacting to the 'two Wittgensteins' view, for there are substantial points of disagreement between the early and the late philosophy; certainly his defence of the claim that the picture theory survives in the *Investigations* is far too brief to be convincing (36-7). But it is a strength of this book that the author limits himself to sketching out a radical alternative and does not try to arm himself at every point against opposing views. Indeed, in the Preface he describes the book as a 'caricature of Wittgenstein's development, a caricature forced by a desire to survey his development on a scale allowing for comprehensible orientation' (xi). As a result, his strategy in reinterpreting Wittgenstein 'is to summarize the large-scale features of Wittgenstein's City and to propose reading Wittgenstein more and interpreting him less' (36). So, while he does give brief coverage to standard issues such as the ontology of the *Tractatus*, criteria, rule-following and the 'private language argument,' he argues that the traditionally circumscribed preoccupation with these issues has been misleading (86-92; 212; 129-32; 199-201). Thus, Ackermann concentrates on describing the diversity and originality of Wittgenstein's philosophical interests in matters such as mathematics, seeing and colour, feeling and psychology, each of which is given a chapter of

its own. He is particularly good at emphasizing the importance both of Wittgenstein's insistence that we cannot get outside language, and his recognition of bedrock – a natural understanding which is prior to interpretation. But most of this material is a matter of a rapid survey of Wittgenstein's treatment of specific issues, such as the distinction between mathematical proof and scientific experiment, his aversion to axiomatic systems, his refusal to be terrorized by contradiction, Cantor's diagonal proof, the relationship between the colour octahedron and colour space, the distinction between opaque and transparent colours, the phenomenology of looking at a person's face, seeing-as, the grammar of talk about pain, the asymmetry between first and third person reports of sensation, and the description of imagery, to name but a few.

But Ackermann's tour of some of the less well-known parts of Wittgenstein's City is a welcome alternative to the standard itinerary. However, in view of his emphasis on the importance of taking Wittgenstein at his word, and his insistence that 'Wittgenstein's philosophical survey invokes no special terms' (9), it is puzzling that his exposition depends on a few key technical terms which Wittgenstein never used. For instance, immediately after the remark I have just quoted, he goes on to give an account of the core of Wittgenstein's method which in terms of 'horizons,' a term which probably receives its fullest exposition in the following passages:

> Wittgenstein's key to philosophical analysis was to discover a network of clear horizons of understanding that are implicit in our language but that are typically not respected when language becomes confused. (9)

> The meaning of a sentence, if it is a meaningful sentence, can be completely determined by reference to some appropriate fixed horizon of meaning, and the oscillations of hermeneutical theory are then short-circuited. (18)

In other words, Ackermann holds that whenever we are faced by a puzzle which calls for philosophical treatment, the problem can be resolved by appealing to our knowledge of ordinary usage, a method which he calls 'one-step hermeneutics.' While this account is surely on the right lines, it calls for further elucidation of Wittgenstein's conception of how philosophical problems arise and how they can be resolved, an issue which is only obscured by the talk of 'horizons.' Ackermann does touch on Wittgenstein's treatment of a good number of particular problems, recognizing that Wittgenstein found them tormenting, but he never pauses long enough to go into a single problem in detail and explore its sources. While he hints that Wittgenstein conceives of philosophical confusion as a 'linguistic illness' (29),

this idea is only mentioned briefly. As a result, Wittgenstein's long and complex struggle against grammatical deception, his struggle with the pictures which threaten to bewitch us when we do philosophy, is reduced to the simple formula of 'one-step hermeneutics.' So while Ackermann's caricature captures much of the physiognomy of Wittgenstein's thought which interpreters usually ignore, it barely hints at the motives which impelled Wittgenstein to write. I hope this talented caricaturist will turn to portraiture on another occasion.

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Jeffrey Andrew Barash
Martin Heidegger and the Problem of Historical Meaning.
Phaenomenologica 102. Norwall, MA: Martinus Nijhoff 1988. Pp. xviii+322. US$69.00. ISBN 90-247-3493-2.

Paul Ricœur's Preface effectively summarizes the unique contribution of this book to the ever-growing Heidegger literature: 1) 'the reconstruction of the philosophical landscape at the beginning of the century, and then in the period between the two wars,' 2) in part on the basis of unpublished correspondence and Oskar Becker's transcripts of two of the Early Heidegger's lecture courses, 3) to which Jeffrey Barash brings the training, approach and questions of an intellectual historian as well as of a philosopher. Against this historico-philosophical landscape, the two mountains of Heidegger's work, *Sein und Zeit* and the consequence of the *Kehre*, are to be followed in their 'subterranean continuities' with his particular intellectual milieu. The guiding question chosen in this study of a century of 'intellectual combat' is that of historical meaning, i.e., its coherence: What makes history at its different levels (its course and the discourse about it, our own historicity and the interrelated epochal history of Being) 'hold together'? For the initial responses to the 'dilemma of historicism' in the ahistorical unity e.g. of a Providential Will (Ranke) or transcendent values (neo-Kantianism) find their counterpart in the very different unities of temporal ecstasis and Being's withdrawal in Heidegger's transposition of the problem. This for Ricœur is the most audacious thesis of the book: Even the Later Heidegger, after the Turn, is still responding to the very same pre-World War problem situation from

which he started. 'As you began, so will you remain.' Which of course makes it all the more important that we understand that beginning out of its historical roots in 19th-century German thought.

Barash makes a brave beginning at satisfying this long-felt need of rooting the Early Heidegger in the specific currents of his times, despite the continuing dearth of the documents of those early years from the now almost infamous 'hand' of Heidegger. In view of this shortage, one might even say 'brash,' for he dares to venture into the prior century of thought that led to Heidegger's problem situation without the guidance of a complete and detailed overview of what was of special interest to Heidegger at the beginning of his career and how he took it over. Barash's book must now endure the fortune of appearing concurrently with the two 'Ausgaben letzter Hand' that frame the largely unknown Early Freiburg Period (1919-1923) of Heidegger's lecture courses. But Barash's detailed history of the problem from Herder to Rickert holds up fairly well under the comparison, sufficiently guided by clues gleaned from published courses like SS 1925 with its account of the historical emergence of phenomenology out of the 19th century, as well as by the unpublished transcripts of WS 1920-21 and SS 1921, the two 'religion' courses. Accordingly, the first chapter, the longest in the book, aspiring to an 'independent perspective' on the historical 'horizon of assumptions and systematic concerns' out of which the pivotal problem of historicism first emerged, will serve the Heidegger scholar well as a useful starting point into the pre-war background prompting Heidegger's dissertations. But in these student works, the problem is more the meaning of 'meaning,' which Barash does not treat as fully as he might have, given his chosen title. After a sterling capsule-summary of Husserl's and Dilthey's ideas on the immanent meaning already in experience (56-65), contrary to the neo-Kantian doctrine of the irrationality of the empirical, Barash does not follow through to Emil Lask's doctrine of the 'material determination' of meaning, so crucial in Heidegger's habilitation, even though he touches on this key to the Young Heidegger's development (127, n. 74). He therefore does not even mention, let alone trace its upshot and significance for his problem, the final task for philosophy expressed in its conclusion, that the 'matter' or 'robust reality' of history 'must become a *meaning-determining* element for the problem of the categories.'

But the role played by the 'matter' of psychology and especially history in Heidegger's developing theory of meaning as facticity did not begin to take center stage until Heidegger's critique and self-divestiture of neo-Kantianism in the 'war-emergency semester' of early 1919, when Heidegger first found his own voice and truly became *Heidegger*. Although he did not yet have access to this course, Barash as intellectual historian stresses the need for linking phil-

osophy with the 'events' of those dark months (indeed years) of the German 'collapse' to understand better what it was about Heidegger's courses that addressed the times, and so found an immediate response among returning war veterans like Karl Löwith. A detailed analysis of the then sensational theses of Spengler's *The Decline of the West* as a 'symbol of the times' gives philosophical substance to this link, and paraphrases from Heidegger's (mostly unpublished) correspondence with Löwith and Jaspers give it further historical substance. The repeated concern for German university reform expressed by Heidegger in these early contexts moreover suggests that such an approach might also add to our understanding of that related later event, which readily comes to mind as one reads this in-depth philosophical 'documentary,' namely, Heidegger's rectoral address under Hitler. And the importance of the Spengler connection is corroborated by the detailed treatment he receives in SS 1923, the most recent course to appear in the Heidegger-Gesamtausgabe.

The chapter on 'The Theological Roots of Heidegger's Notion of Historical Meaning' provides not only a detailed glimpse into the unpublished 'religion' courses of 1920-21, but also useful capsule-summaries of some of the Protestant theologians on Heidegger's reading list at the time: Ritschl, Troeltsch, Harnack, Herrmann, Barth, Gogarten, Overbeck. We are also first introduced to the actualizing history, more original than objective history, which constitutes the deep structure of historical meaning in *Being and Time*. But no attempt is made to smooth the transition to that magnum opus by way of the intervening courses, mostly unavailable at the time of composition: the declaration of the independence of philosophy from theology because of its inherent 'atheism' (Overbeck's influence alone?), the ontologizing of the problematic of factic life through intensive exegeses of Aristotle's reflections on the kinetics of life in its relation to the *dynamis* of the pursuit of *sophia*, which pave the way for both prongs of the program of *Being and Time*: analyzing Dasein in its temporality/historicity and destroying the entire history of ontology. The account of the master work itself is remarkably free of jargon, suggesting a thorough familiarity of the text. But it may perhaps be too 'decisionistic' to stress that historical coherence is now rooted in Dasein's active choice of how to temporalize its past possibilities, without at once invoking its receptivity and responsiveness to the demands of its crisis situation (i.e., 'listening to the call of conscience'), which suggest a more hermeneutic kind of objectivity (*Sachlichkeit*) other than scientific *Objektivität* for the historian's art. These receptive tones are sounded only in the concluding lengthy chapter on the Turn. In its very last pages, the modern's inability to listen is correlated to the muteness and opacity coursing through the history of Being. Here, as in earlier instances in his analysis of the *Kehre*,

Barash flushes out recurrences of the themes of Heidegger's beginnings: The promise of the Sacred's return latent in the eschatology of Being is but the fruit and extreme expression of Overbeck's theme of our straying from the eschatological promise given to the primitive Christian community.

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William Desmond
Desire, Dialectic, and Otherness: An Essay on Origins.
New Haven, CT: Yale University Press 1987. Pp. x+259.
US$26.50. ISBN 0-300-03789-9.

Desmond here develops a new approach to some classical philosophical problems. One school, as instanced by the logical empiricists, has been concerned to pin-point each entity and to identify it with a single univocal term. In reaction others, like the later Wittgenstein, affirm a disparate plurality. Hegel, as the representative of a third option, dialectically affirms plurality but in the end integrates it into a unity. In opposition to all of these, Desmond recognizes difference as of equal importance to identity, and situates philosophical discourse in its midst. To express this perspective he coins the term: *metaxological*, derived from the Greek adverb *metaxu*: 'betwixt' or 'between.'

This requires a new kind of philosophic discourse: an appeal to metaphysical metaphor. For both univocal and equivocal speech fail to do justice to the dynamic of being in the midst, and speculative sentences do not allow difference and otherness to persist. One could, therefore, summarize this book by listing the metaphysical metaphors Desmond uses: original selfness, intentional infinite, intermediation, original image, agapeic otherness, absolute original, double affirmation, post-Romantic symbol. But each metaphor needs elaboration and discussion. And this Desmond provides.

He starts with desire. By recognizing that desire situates the self between its own lack and the object desired, he can show that neither complete satisfaction (in what he calls the absorbing God) nor complete dissatisfaction (by virtue of an infinite lack) allows desire to develop its inherent richness. Expanding on this discussion, he describes the self as an original power that intends both to stretch

beyond itself in an infinite, and also to collect itself into an integrated whole. The beauty of great art captures this metaxological nature of the self – between wholeness and infinity.

In the second part of the book, Desmond turns to the world. Once again he identifies the middle – in the dynamic of becoming. Becoming is always between something and other, always generating differentiation. This basic metaphysics opens a perspective on epistemology. Knowing takes place between two metaxological entities: between original self and becoming other. And so, in its turn, knowing happens in the middle, with both self and other mediating the relationship between them. The appropriate term is *intermediation.* Desmond then goes on to identify the centredness of beings in the world neither in nominalistic particularity, nor in the plurality of forces, but in an original power of self-shaping activity, analogous to the self's desire, and like it a whole that both integrates and differentiates. Once again art represents this unity of wholeness and infinity, but this time by its exploration of the sublime, the aesthetic presentation of being as unlimited. But the recognition of otherness in community also finds expression in goodwill, in that respect for others, whether selves or not, which Desmond calls *agapeic otherness.*

This leads to a final chapter on what he calls the absolute original. For agapeic otherness presents a middle between self and world – a middle that in some sense precedes them. At this point Desmond finally surrenders any attempt to be descriptive and resorts to periphrasis – round-about expressions. At times he waxes poetic; at other times he appropriates metaphors: that which gives the givens; the resrved yet overdetermined power of being; double affirmation; and double action (both centrifugal and centripetal). For the absolute original, he says, 'creative freedom is its necessary nature.'

To attempt a translation into conventional language would betray Desmond's purpose. But we can illustrate his thesis with reference, once again, to aesthetics. Drawing on an earlier work about Hegel's philosophy of art, Desmond recalls Hegel's claim that Romantic art has a discontinuity between image and meaning. In Greek sculpture and drama those two had found an integrated expression. In the Romantic world, the image can only suggest; its role is to be taken up into the more comprehensive framework of meaning. Desmond, however, claims that not only is the image to be taken up into meaning, but the image is also to be constituted as independent of the meaning. The difference is not simply 'sublated' but equally created. By being in the middle between affirming its own power of being and creating the difference of genuine others, the absolute original exercises its freedom.

This 'essay on origins' is competently done. For all that Desmond surrenders the univocal demand for conceptual clarity, he is in control

both of the thesis he is developing and of the language he uses to express it. While the reader's mind may tire from coping with his neologisms and his complex, abstract sentences, careful reflection nonetheless reveals that they are not the products of a lazy mind, but of a disciplined, careful thinker.

In addition, the thesis itself is interesting and provokes both speculation and reflection. I have a sense, despite Desmond's dismissal, that Hegel anticipates him in arguing for the equal importance of both difference and identity. But, as Desmond says, Hegel's writing is notoriously ambiguous, and leaves itself open to the attacks made here. Where Hegel and Desmond disagree is in the kind of language one should use to develop metaxological discourse. Ultimately Hegel wants to get clear both the unity and the disunity, and this is to be done through careful conceptual thought. Desmond, however, appeals to an intuition beyond language, to the beauty, sublimity and symbolism of art, to the experience of community. And his essay becomes itself a post-Romantic symbol of the absolute original. But as a result there is here no argument to persuade; only a description to delight. He has not justified its claim to truth.

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James H. Fetzer, ed.
Probability and Causality: Essays in Honor of Wesley C. Salmon.
Norwall, MA: D. Reidel 1987. Pp. xii+353. US$79.00. ISBN 90-277-2607-8.

This book contains 13 essays on various aspects of probability and probabilistic causality. One essay is by Salmon, whom this volume honors; the remainder are by a dozen other authors. Salmon also provides an annotated bibliography of his work, with candid and interesting comments that make it more than a mere bibliography; as the editor observes, it approaches to being an intellectual autobiography. There is an editorial introduction to the volume, and a comprehensive index.

Salmon's essay investigates the interrelationships between personal probabilities, objective probabilities (identified with frequencies), and propensities. Salmon advocates a principle of 'dynamic rationality,' which asserts that, when the only available information

is relative frequencies, a personal probability distribution over objective probabilities ought to have its mode (maximum value) as near as possible to the observed relative frequency. But Salmon fails to note that this condition is inconsistent with two other principles he endorses, namely, the principles of Bayesian conditionalization (when new evidence is acquired, probabilities should be updated by conditioning on the evidence) and coherence (probabilities should satisfy the axioms of probability). The inconsistency is demonstrated in this example: A coin is known either to be fair, or else to be biased so that the propensity of heads is 0.1. If the coin is tossed 100 times and 29 heads are obtained, then the observed frequency is closer to 0.1 than 0.5, and so Salmon's principle of dynamic rationality requires that the posterior probability that the coin is biased be greater than ½. For this result to be obtained by conditioning on the evidence, the prior probability of bias must be greater than 0.99. On the other hand, if the coin is tossed three times and one head obtained, the observed frequency is closer to 0.5 than to 0.1, and so Salmon's principle requires that the posterior probability of bias be less than ½. A posterior satisfying the latter condition will be obtained by conditioning on the evidence only if the prior probability of bias is less than 0.61. (These facts are obtained using the binomial distribution and Bayes' theorem.) Thus for every coherent prior there is some possible evidence which, if one were to condition on it, would lead to a violation of Salmon's principle of dynamic rationality.

A paper by Brian Skyrms refines the subjectivist account of conditional chance which he gave in *Pragmatics and Empiricism*. In that account, each consistent proposition A is associated with a partition π_A, and the chance of B conditional on A is identified with the subjective probability of B given A and the true element of π_A. Skyrms now allows that an appropriate partition may not always exist, and hence that conditional chance will sometimes be undefined. Skyrms shows that this modification facilitates an account of certain properties of conditionals, including a solution to the problem of conditionals with disjunctive antecedents. He also discusses probabilistic causation, where his new position leads to endorsement of the view that statements of causal tendency should specify the alternative causes or effects envisaged. Thus Skyrms' approach is able to unify topics which are usually treated in isolation. A problem arises, however, when we ask what propositions form the partition π_A. For example, suppose B is an indeterministic event, and that we believe (on the basis of quantum mechanics, say) that the chance of B given A is either ¼ or ¾. We can suppose that our subjective probability for B given A is ½. If we took π_A to consist of hypotheses specifying the real propensity of A, then Skyrms' account would not be the subjectivist reduction of chance which it is intended to be. We might try

borrowing from the frequentists, and take π_A to be a partition of hypotheses specifying the relative frequency of B given A. But it is quite possible for the true relative frequency of B given A to be ½, say, in which case our subjective probability for B given A and the true element of π_A would continue to be ½ – and we *know* this is *not* the chance of B given A. Nor does there seem to be any other partition of hypotheses, available to subjectivists, which could do what Skyrms requires of π_A. Subjectivists would do better to follow de Finetti, and view chances as mathematical artifacts of a subjective probability distribution, without assuming that these artifacts can be identified with subjective probabilities conditioned on the true element of some partition.

Richard Jeffrey contributes a paper addressing a problem left unsolved in the second edition of *The Logic of Decision*. Jeffrey there introduced a ratifiability condition in order to deal with Newcomb problems, but noted that this condition yielded the wrong recommendation (viz., to not confess) in a version of the Prisoner's Dilemma problem due to van Fraassen. In the present paper, Jeffrey supposes that as the moment of decision approaches, the prisoners will become nearly certain of which option they will choose, and he shows that under certain not implausible assumptions about the prisoners' probabilities, confessing must maximize desirability in the Prisoner's Dilemma problem as the moment of decision approaches. That this can be so, even though confessing does not initially maximize desirability, is because the assumptions which Jeffrey makes entail that probabilities conditional on the options vary with the probability of those options. This result leads Jeffrey to now abandon ratifiability, and instead rely on a requirement that choices maximize desirability at the time they are made. But while this new approach is successful when the agents' probabilities are as Jeffrey postulates, it fails in other cases. For example, consider a variant of Newcomb's problem in which the information which is provided about the predictor's reliability is the chance of a correct prediction, conditional on one or two boxes being chosen. We may assume that this information serves to fix the corresponding subjective probabilities, in which case the probabilities conditional on the options will not alter as deliberation proceeds. Then if choosing one box has maximum desirability initially, it will continue to have maximum desirability as the moment of decision arrives, and Jeffrey's new approach will wrongly recommend taking one box. The bulge under the carpet of evidential decision theory has merely been shifted again, not removed.

The other papers in this volume are: William Edward Morris, 'Hume's Refutation of Inductive Probabilism'; Abner Shimony, 'An Adamite Derivation of the Principles of the Calculus of Probability'; Ilkka Niiniluoto, 'Probability, Possibility, and Plenitude'; James H.

Fetzer, 'Probabilistic Theories of Causation'; Nancy Cartwright, 'How to Tell a Common Cause: Generalizations of the Conjunctive Fork Criterion'; Ellery Eells, 'Probabilistic Causal Interaction and Disjunctive Causal Factors'; *Elliott Sober, 'The Principle of the Common* Cause'; D.H. Mellor, 'On Raising the Chances of Effects'; and Paul Humphreys, 'Non-Nietzschean Decision Making.' This is a diverse group of papers, and most students of probability or probabilistic causality should find something of interest in it.

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John Finnis, Joseph Boyle, jr., and Germain Grisez
Nuclear Deterrence, Morality and Realism.
Don Mills, ON and New York:
Oxford University Press 1987. Pp. xv+429.
Cdn$54.95: US$39.95
(cloth: ISBN 0-19-824792-3);
Cdn$28.95: US$18.95
(paper: ISBN 0-19-824791-5).

Deterrence, Morality and Realism is one of a recent succession of books challenging the prevailing mood of 'political realism' by subjecting diplomacy and war to moral critique. Paul Ramsey's 1968 book, *The Just War: Force and Political Responsibility*, was one of the first of these, but it stood by itself for nearly 10 years until the publication in 1977 of Michael Walzer's widely acclaimed *Just and Unjust Wars*. Both books challenged the prevailing 'realist' view that the modern conduct of war and diplomacy is beyond the scope of conventional morality, and attempted to bring the military conduct of nations, including their nuclear threats, under the scrutiny of the traditional doctrine of the 'just war.' Ramsey's book was viewed widely as a moral rationalization of American conduct, in so far as it approved most aspects of the Vietnam intervention and certain versions of the American nuclear deterrent (as pure counterforce or bluff). Walzer's application of the just war theory, on the other hand, was more critical of modern national conduct in war. It condemned the twentieth century's acquiescence to the mass slaughter of innocents. Yet in the matter of nuclear deterrence Walzer collapsed into the very realism he

sought to oppose. Walzer argued that nuclear deterrence could never meet the demands of the just war theory. Nevertheless, because the present international situation is one of 'supreme emergency' (due to the threat of domination or nuclear destruction from the other side), we are 'brought under the rule of necessity (and necessity knows no rules).' In other words, when it comes to nuclear weapons it is necessary to abandon morality altogether; hence the capitulation to realism.

Finnis, Boyle and Grisez reject the conclusions of both Ramsey and Walzer. Unlike the latter, they insist that nuclear deterrence must be held to the standards of just war theory regardless of the exigencies of the present situation. Unlike the former, they hold that there is no way nuclear deterrence, regardless of the strategy it employs, can be justified. Their conclusion is stark and uncompromising: morality demands the immediate, unilateral renunciation of nuclear weapons.

The authors are convinced that the consequences of such disarmament would be disastrous for the West. In the most likely course of events, it would be subjected to nuclear blackmail and political domination, leading to the destruction of the fundamental values underlying liberal democracy. Any moral argument for nuclear disarmament, whether unilateral or bilateral, that rests upon the denial of these disastrous consequences is for these authors hopelessly naive. Their 'realism' consists in their willingness to face squarely the dire consequences of disarmament while insisting upon the moral obligation to risk them.

In short, the argument of this book is that, although the *end* sought by the nuclear deterrent of the West is justifiable, the *means* by which nuclear deterrence accomplishes this goal are immoral. They are immoral because deterrence necessarily involves the conditional intent to slaughter innocent people.

The attempts of just war theorists like Ramsey, the French Catholic Bishops, and many others to reconcile the deterrent with the theory's requirement that the lives of innocent people not be threatened are subjected to a devastating critique. These attempts, as well as the 'provisional acceptance' of the deterrent (we should work for an alternative, but in the meantime it is acceptable) put forward by the American Catholic Bishops, rest upon a view of Western strategy which, according to Finnis, Boyle, and Grisez, is utterly naive. The American Bishops, for example, accepted uncritically the assurances of American military officials that they do not target civilian populations 'as such.' But the most valuable contribution of this book is the exhaustive documentation of American and NATO strategy laid out in Part One, which lays bare the sophistry of such assumptions. The threat of 'city swapping' and 'final retaliation' against the other

side's whole society is shown to be an essential aspect of nuclear deterrence, regardless of the strategic doctrine or targeting policy chosen. There is no way, the authors argue, that these aspects of deterrence can conform to the moral proscription against the intentional killing of the innocent.

Neither can the deterrent be salvaged through attempts to interpret these threats against the innocent as some kind of bluff. *Nuclear Deterrence* argues persuasively that not only is the deterrent not a bluff in practice, but that it is not possible for nations to make such bluffs if they are to be *deterrent* bluffs.

Nuclear Deterrence attacks consequentialist arguments both for and against nuclear deterrence. In the first place the authors argue that the consequentialist arguments are ambiguous – it just is not possible to judge whether nuclear holocaust or Soviet domination is the worse outcome! In the second place, they argue that consequentialism itself is an incoherent moral theory. In the latter part of the book the authors attempt to defend the principle of the immunity of the innocent in terms of an ethical theory they consider 'sounder than consequentialist theories, and more adequate than the Kantian-type theories.' It is a theory which takes the realization of human good (as individuals and in community) as the basic objective of human action, but does not reduce these goods to the consequences of eligible human options. The 'first principle' of this morality is that 'In voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with integral human fulfilment.'

The book concludes that, since arms control agreements and other 'gradualist' attempts to achieve bilateral disarmament hold little promise of success, immediate, unilateral nuclear disarmament is the only morally acceptable alternative. A very interesting concluding section attempts to spell out the individual responsibilities of citizens in a nuclear democracy, arguing that they differ substantially, depending upon whether one accepts the morality of the deterrent or rejects it.

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Manfred S. Frings
Philosophy of Prediction and Capitalism.
Norwall, MA: Martinus Nijhoff 1987.
Pp. 147. US$39.00. ISBN 90-247-3542-4.

Philosophy of Prediction and Capitalism by Manfred S. Frings, Professor of Philosophy at DePaul University and well-known internationally as a leading interpreter of the philosophies of Max Scheler and Martin Heidegger, is a significant work for several reasons. First, it draws extensively from Scheler's last manuscripts, written between 1926 and his death in 1928 but only published recently as *Metaphysik und Erkenntnislehre* and *Philosophische Anthropologie*, volumes 11 and 12 of the *Gesammelte Werke*, both of which Frings edited. The book thereby brings to light important but little known aspects of Scheler's later philosophy. Second, the work provides creative and exciting applications of Schelerian and Heideggerian thought to the philosophy of science generally and to the philosophy of economics in particular. Third, it shows Frings as an original thinker, moving beyond Scheler and Heidegger.

What does it mean to predict? How is prediction possible? The main thrust of the work is to elucidate the metaphysical and anthropological foundations of modern predictive science, focusing, in the first three parts, upon three key concepts: time, life, and spirit. In the fourth and final part Frings brings this analysis to bear on capitalism, as one particular expression of such assumptions, and he unpacks the 'essence of capitalism' as a system of 'possession and profit.'

Frings contrasts, in Part I, the objective, clock-time, which is foundational to Newtonian mechanics and the modern notion of prediction stemming from it, to what he terms 'absolute time.' a) In absolute time there is a coincidence of act-phases and meaning: life temporalizes and spatializes itself, while mechanical motion can only be placed in objectified time by the mind. b) Absolute time is rooted in the pure self-*becoming/unbecoming* of life, in contrast to what *comes-to-be* – what is brought into being – in the objective time of mechanical motion. And c) absolute time is pure 'transition,' such that beginning and end points are arbitrary and secondary, while within the framework of objective time, transitions are viewed not as primary but as connections between logically polar, static states. Absolute time is articulated only through verbs; objective time, primarily through nouns. Although Frings does not say so, his account of absolute time, borrowing from Scheler, bears striking resemblance to Jacques Derrida's account of the timing and spacing of différance.

In Part II Frings elaborates on the nature of 'the impulsion of life,' Frings' new translation of '*Lebensdrang*,' which he and others following him had translated previously as 'life-urge.' Predictions, he ex-

plains, are of two sorts: those 'with respect to what may or may not happen "in" human life itself' or what may more properly be termed 'prophecy,' and those with regard to what will or will not happen 'to' human life: they 'are either intrinsic or extrinsic to human life' (41). The latter are the *causal* predictions of Newtonian mechanics, placed within clock-time, while the former are rooted in the absolute time of life's 'entelechy' and include the *probability* predictions of quantum physics. (Frings also notes interesting connections between Scheler's theory of '*Lebensdrang*' and the evolutionary theories of Nobel Laureate Max Delbrueck.) Here seems to lie the heart of Frings' analysis of the nature of prediction: prediction is possible precisely because of *Lebensdrang*'s capacity to project the multitude of its own possibilities ahead of itself as phantasmic images, and any notion of prediction, along with all its metaphysical presuppositions, is thus relative to some particular image.

Prediction, though, requires also bringing life's self-projection to articulated self-consciousness, which, in turn, requires spirit, the subject of Part III. The relationship between life-urge and spirit is no dualism, for either Frings or Scheler, but one of 'functional interpenetration' of image and idea (75). The American pragmatists, Scheler claimed, first successfully articulated this relationship. Ideas of the mind are impotent in history unless they are empowered by vital drives, with their phantasmic imagings, or, as Frings puts it, 'mind's ideas can exist only if they are conjoined with the blood of life' (77). Reciprocally, such imagings require spirit's guidance and direction to effective realization, without which drives are chaotic and capricious. The possibility of (accurate) prediction, then, lies at the very point of this 'functional interpenetration' of drives and spirit: prediction is precisely 1) the human mind's selection from amongst the multiplicity of projected imagings of the drives' own possibilities and 2) expression of that selection in practical activity. Such expression Frings terms an unfinished 'sketch' of human self-understanding, in relationship to world, and it constitutes 'the essence of the human person': the person 'is that X which sketches himself' (95).

Capitalism, as one particular expression of modern predictive science, must, therefore, be understood primarily as one particular 'sketch' of human self-understanding, and only secondarily as an economic system rooted in such a sketch. That self-understanding is one of the human as absolute master of the cosmos in the pursuit of profit, whereby 'all entities, i.e., all things and states of affairs, present themselves to the mind in terms of their possible or actual capitalizability. Things settle around us, telling us, as it were: "See what you can do with us so that you can get something out of us," or "See what my usefulness is to you and if there is none, then discard me" ' (102). Such a sketch Frings contrasts sharply to Eastern (viz., Buddhist and

Taoist) and pre-Socratic Western sketches which portray 'a total solidarity [of the human] with all nature' (118).

Understanding capitalism primarily as an 'attitude,' 'mind-set,' or 'spirit' means not seeing it in logical opposition to 'socialism,' for one finds the attitude of world-domination also in many socialist systems. Moreover, because 'capitalism is primarily a phenomenon to be seen in the light of ethics, rather than of economics or politics' (101), Frings warns us that his analysis 'is not intended to speak either for or against capitalism' (100) as an economic system. Rather, what he, with Scheler, does attack is the human 'sketch' that present-day capitalist systems embody. Frings writes: 'It is the idea that man has of himself, as homo capitalisticus ... that contains morally unacceptable traits. ... [M]achinery, technology as a whole, fascinates man to the extent that the value of the individual person – despite all the talk about preserving it – is being threatened in a relentless struggle for technical progress, success, and advancement. ... *It is ... the misplacing of the person "under" the value of what is useful and productive that is unethical*' (108; emphasis added). At a time when so much of our world seems so enamored with the sheer quantity of unfettered capitalist production, Frings' reminder is a welcomed one.

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Alvin I. Goldman
Epistemology and Cognition.
Cambridge, MA: Harvard University Press 1986. Pp. viii+437.
US$27.50. ISBN 0-674-25895-9.

With this book, Alvin Goldman aims to 'redirect and restructure the field of epistemology' (1). That redirection is to be effected, primarily, through drawing upon cognitive science for what it reveals about the nature of human knowledge-acquiring capacities. Echoes of Locke's and Hume's inquiries into the nature and powers of 'the human understanding' are apparent – and acknowledged – here. But Goldman believes his appeal to 'scientifically grounded analysis of mental operations' (378) gives his inquiry explanatory possibilities not available in previous centuries. Purely formal epistemologies which take no account of such 'naturalistic' issues risk postulating normative requirements which are inaccessible to human rational

processes. Goldman's endeavour should, therefore, result in a more realistic alignment between epistemological expectations, and the achievements that human reasoning powers allow. A second volume will focus upon social matters: upon intersubjectivity and social practices. Goldman calls this multidisciplinary approach 'epistemics' to differentiate it from more traditional, autonomous conceptions of the field.

Goldman's is a reliabilist epistemology: it places the onus of justification upon reasons why a belief is held, and especially upon the psychological processes that cause or sustain it. 'The greater the reliability of one's methods, the smaller one's proportion of errors,' he observes (26). Connections with psychology are established through the claim that if a 'belief-producing process is reliable, that helps to qualify the belief for knowledge' (43). Cognitive science can provide instructive information about the reliability of human perception, memory, and other cognitive processes. His reliabilism is, at the same time, a breed of realism, in its contention that a proposition's truth value depends upon the way the world is (17). 'Reality' is intended, in a robust sense, to refer to 'an object or property that is invariant under multiple modes of detection' (149).

Beliefs are to be evaluated, then, according to the true-belief-producing reliability – both local and global – of the processes through which they are acquired. Goldman proposes a 'rule framework' approach to justification (ch. 4), whose rules (=J-rules) can pick out doxastic attitudes 'to which the cognizer has an epistemic right or entitlement' (59). He uses ethical language to indicate the parallels he sees between epistemic evaluation, and moral and social evaluation. The possibility of drawing such parallels promotes his goal of discerning nonepistemic conditions for justifiedness (61). Reliability is not the only such standard to which Goldman appeals. The *power* of a process to produce quantities of true beliefs, and its *speed* in so doing are salient standards, as is particularly clear from the experiments in cognitive psychology he discusses in the second half of the book. The importance Goldman accords to problem-solving as a cognitive operation is apparent in his choice of these particular standards. As he puts it: 'Success in cognitive matters is ... measured mainly by solving the problems one is *trying* to solve' (124). Evaluation in terms of problem-solving proficiency will be pertinent in the social epistemology Goldman proposes to develop in his next book (cf. 136-8).

Part II of the book is devoted to detailed discussions of psychological experiments on perception, memory, deductive reasoning, and probability judgements; and of findings about constraints that operate on human representational capacities, about the revision of beliefs, about codification and acceptance. On the basis of experiments on perception, for example, Goldman suggests that a J-rule system

of the strong foundationalist variety has limited plausibility. Perceptual processes appeal to other (non-perceptual) doxastic states; hence they are not self-justifying. Yet such appeals are not all-encompassing; hence their discovery does not yield an endorsement of holistic coherentism (198). Goldman's analysis of experiments on memory reveal connections between 'recall power,' and the reliability of a cognitive system or set of J-rules (214); and experimental evidence about constraints on representation recommends a 'resource relative' conception of justifiedness which appeals to 'processes that are as reliable as can be expected, given the native endowments of human cognizers' (251). This conception would, for instance, legitimate the claim that corpuscular biology was justified in its time, according to the resources available, and in view of the difficulty – indeed the conceptual impossibility – for its proponents of 'thinking up' molecular biology as a rival hypothesis (cf. 250).

The principal value of this experimental approach is in its concentration upon actual human 'cognitive architecture' – hence in its departure from the tradition of studying ideal forms of knowledge and modes of belief-acquisition rarely (if ever) realizable by human beings. The 'resource-relative' proposal is a case in point, as is his study of 'acceptance mechanisms' (ch. 15). 'The very *standards* of rationality cannot be specified without recourse to psychological facts,' Goldman writes (279). Examination of such facts enables him to assume a human capacity to be active in belief formation, and to be equally active in playing with and drawing conclusions from mental imagery, to mention just two points of long-standing epistemological contention.

For all its innovative intentions, the book is not without problems. One of these connects with the role Goldman sees for cognitive science in amplifying his conception of knowledge. Goldman reserves judgement about whether we actually *have* knowledge, insisting rather that we know only if we have reliable cognitive processes (56-7). Psychology's ability to tell us about the reliability of our cognitive processes may make it possible for us to know *that* we know. Yet Goldman nowhere queries psychology's conformity to the best epistemic standards. Indeed, cognitive science is presented as legitimacy-conferring, so that it appears to escape the need for J-rule evaluation. We are given no reason to judge its findings more definitive, say, than the deliverances of phlogiston theory. Providing such reasons would not be beyond the range of the analysis.

There are internal problems, too. Consider, first, two problems of omission. (i) The chapter on deductive reasoning is meant to reveal something about people's 'natural' or 'intuitive' logical abilities. Jean Piaget's extensive and well-known experimental work on the nature and growth of logicality makes it curious that Goldman should as-

sume that the only place where these abilities can be studied is in adult cognition. Piaget himself saw a wealth of resources for epistemology in his work; and Goldman's omission is the more curious in light of the approval with which he cites Johnson-Laird's belief that 'a good theory of reasoning should explain children's ability at reasoning' (291-2). (ii) It is odd, too, that Goldman's study of cognitive processes omits serious consideration of the role of affect in structuring those processes. This, admittedly, is a common criticism of the cognitive-psychological enterprise. But Goldman's expressed reservations about the value of reductivism make it surprising that he should implicitly endorse this aspect of psychological reductivism without attempting to offset it, perhaps with appeals to phenomenological, or other, theories. His section on 'vividness' and 'pallidness,' for example, seems to call explicitly for such amplification (273-7).

Space permits mention of only one further problem: one that concerns starting points, emphasis, and general orientation. I have noted Goldman's promise of a second volume devoted to social epistemology. Now, it is clear that the range of issues he means to deal with could not have been broached all at once. But it is by no means a theory-neutral step to begin from the individual and move to the social, rather than working in the opposite direction, or treating the two concurrently. The book is informed, then, by an implicit metaphysical assumption about the relative independence of individual selves from their social circumstances, and hence about the extent to which knowledge is or can be the property of individual minds. The contention, taken very seriously in much present-day philosophy, that individuality is, through and through, socially (= culturally, materially, historically) constituted, is not entertained. The psychological experiments and models selected for analysis, and the conceptions of reliability and of knowledge central to the theory, are shaped by this assumption. My point is not to criticize Goldman for developing the argument in this way, but to claim that an epistemology based – commendably – on appeals to *natural* cognitive processes needs to be explicitly aware of the assumptions about 'naturalism' built into its own structure.

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Jürgen Habermas
The Philosophical Discourse of Modernity.
Translated by Frederick Lawrence.
Studies in Contemporary German Social Thought.
Cambridge, MA: MIT Press 1987. Pp. 430.
US$27.50. ISBN 0-262-08163-6.

It may seem obscure that the name of an epoch also names a philosophical problem. Indeed, if one believes that philosophical problems are as such ahistorical, it may seem a contradiction in terms. But that belief exists only where philosophers successfully insulate themselves from the most significant developments in German philosophy since the beginning of the nineteenth century.

For Hegel modernity signified a time in which family, labor, society and government had lost their pre-modern unity, and this 'sundered harmony of life' was for him 'the practical challenge to, and the need for, philosophy' (20). Why philosophy, why not rather politics? The reason has to do with the events responsible for the sundered state: Protestant Reformation, Renaissance Humanism, Capitalism, Enlightenment and the revolution in France. Around these consolidated what Habermas calls the *normative content of modernity*, which he summarizes under three headings: *fallibilism, universalism* and *subjectivity* (365). By fallibilism he means our culture's ideal of criticism continuously renewed against the certainties of each status quo. Universalism refers to the project of re-establishing ethical life (family, labor, society, government) on principles ideally valid for all, while subjectivity is the ideal of self-determination, according to which each member of the social body ought to be free for a self-directed development of individuality.

These ideals, which profoundly differentiate modern Western culture, hold out a promise and constitute a problem. The promise: 'the prospect of a self-conscious practice in which the solidary self-determination of all was to be joined with the self-realization of each' (337-8). Habermas apparently agrees with Hegel that the social solidarity this presupposes would be an irrational, groundless commitment unless philosophy shows otherwise. Moreover, the very ideals to be grounded demand that its argumentation appeal to nothing but what is implicit in the normative content of modernity itself. No free and lucid modern would commit herself to ideals with nothing more to be said for them than that they were idealized in the past. (Tom Paine to Edmund Burke: 'The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies.') So besides the promise, a problem: 'Modernity can and will no longer borrow criteria by which it takes its orientation from the

models supplied by another epoch; *it has to create its normativity out of itself* (7).

Hegel saw the corrosive power of modern subjective freedom first-hand. In France it had recently destroyed social bonds religion had sublimated for centuries. That subjectivity has no equal power to unify a modern social formation was not obvious in the early years of the nineteenth century, and Hegel bet the rent on it. He modeled modern ethical life on self-consciousness, as if the whole were striving for the lucidity and freedom modern subjectivity idealizes in the individual. This led him to concentrate the entire sphere of ethical life in the state and preeminently in the monarchy. Dieter Henrich calls this Hegel's emphatic institutionalism: 'The individual will ... is totally bound to the institutional order and only justified at all to the extent that the institutions are one with it.' This is worse than reactionary. Given the original problem, it is something like a reductio. The problem was to find within modernity the ground of its normative content, yet that content includes the ideal of self-renewing criticism, and this Hegel's political metaphysics excludes. So 'Hegel has ultimately to deny to ... modernity the possibility of a critique of modernity' (22); his 'philosophy satisfies the need of modernity for self-grounding only at the cost of devaluing present-day reality and blunting critique. In the end, philosophy ... deprives [its time] of the calling to self-critical renewal' (42).

To Habermas 'we remain contemporaries of the Young Hegelians' (53) – radicals who picked up the discourse of modernity where Hegel left it, always scoffing at his idealism. Habermas sees the European philosophical situation since Hegel as an *Auseinandersetzung* between these Left Hegelians (the party of revolution), the Right Hegelians (the party of reaction), and Nietzsche. The latter he plausibly estimates the most important reference for contemporary European philosophy.

Nietzsche does not aim to reassure modernity. It does *not* have the resources to ground its normative content. As this becomes more obvious the momentum of nihilism just might (Nietzsche dared hope) destroy modern culture. Speculating about what would replace it was less important than engagement with the task of finishing it off. Habermas finds him to oscillate between two approaches, and from these flow two currents of contemporary European philosophy. In Nietzsche's heterogeneous writing he discerns a 'scholar-skeptic' and an 'initiate-critic.' In the latter texts he sees an 'aesthetically renewed mythology,' which he calls 'Dionysian messianism.' This is the Nietzsche that Heidegger and Derrida are supposed to refer to. In his scholarly-skeptical texts Nietzsche 'unmasks' cultural presuppositions. For example, in *The Genealogy of Morals* he represents the ideal of truth's unconditional value, which any modern, scientific

atheism proudly presupposes, as a seductive disguise for the very otherworldliness and wanton dissemination of illusion that was supposed to make science and religion mutually exclusive terms. Here is the Nietzsche referred to in Bataille, then more profoundly in Foucault.

The Philosophical Discourse of Modernity necessarily concentrates on the work of others. It includes chapters on Hegel, Nietzsche, Horkheimer-Adorno, Heidegger, Derrida, Bataille, and two on Foucault. In addition, there are substantial discussions of Benjamin, Luhmann and Castoriadis. A chapter on philosophy and literature discusses Rorty, De Man, Hartman and Culler. This is all intelligent, penetrating discussion, yet occasionally weak reading. I found the discussion of Hegel the most interesting, that of Heidegger the most convincingly damaging. Sadly though, when Habermas looks at Derrida he sees 'an orthodox Heideggerian' (165), whatever that is. The skepticism, nominalism, irony and argumentative wiliness that distinguish Derrida's work disappear in this undiscerning assimilation. A predominant but invariably unconvincing strategy is to clobber Nietzsche's scholarly-skeptics with a 'self-referential paradox,' while unmasking the initiate-critics' secret complicity with the philosophy of subjectivity they would deconstruct. Late in 55 pages on Foucault, Habermas plausibly complains of history that 'filters out' liberal developments in law. This may be the germ of important criticism but Habermas does not develop it. (Michael Walzer does more. See 'Foucault's Politics,' in D. Hoy, ed., *Foucault: A Critical Reader* [New York: Blackwell 1986].) Yet he asserts that this 'hinders Foucault from perceiving the phenomenon actually in need of explanation':

> In the welfare-state democracies of the West, the spread of legal regulation has the structure of a dilemma, because it is the legal means for securing freedom that themselves endanger the freedom of their presumptive beneficiaries. Under the premisses of his theory of power, Foucault so levels down the complexity of societal modernization that the disturbing paradoxes of this process cannot even become apparent to him. (290-1).

True, Foucault does not see this *as the problem* it seems to Habermas, who may believe law can make us free, but I would say the structure of dilemma or paradox is quite evident to Foucault.

Habermas regards that 'postmodernism' one hears about as a new bottle for the old and bitter wine of Counter-Enlightenment. Disdaining its fashionable seductions, he would renew Hegel's project of grounding modern ideals. Two final chapters outline his approach. Philosophy must cease to idealize the knowing subject in its analysis of rationality and look instead to the rationality characteristic of

communication. The hope is that a 'theory of communicative action can reconstruct Hegel's concept of the ethical context of life independently of the premisses of the philosophy of consciousness' (316). With Hegel, Habermas represents political subjects as 'the *products* of the traditions in which they stand, of the solidary groups to which they belong, and of the socialization processes within which they grow up' (299). But against the idealism Hegel shares with Descartes and Kant, Habermas acknowledges that philosophy 'cannot make transparent the *totality*,' that 'it can never completely illuminate the implicit, the prepredicative, the not focally present background of the lifeworld' (300).

Habermas appears to believe that free and rational solidarity with liberal ideals demands a philosophical theory of their unity and ground. A current of English-speaking liberalism (in which one discerns Hume, Acton, Oakeshott and Rorty) regards freedom as the absence of chains, and may doubt that Habermas' envisioned philosophical reassurance would contribute practically to preserve or enlarge modern freedoms. Would Habermas assimilate their skepticism to the party of reaction?

I'm unsure whether 'postmodernism' is Counter-Enlightenment with a *différance* or just a novelty to give otherwise heterogeneous intellectuals a word in common. But amid this burgeoning discourse there can be no doubt that *The Philosophical Discourse of Modernity* is a basic text. Habermas' intelligence, learning and commitment make this book indispensable.

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Oliver Letwin
Ethics, Emotion and the Unity of the Self.
New York: Routledge, Chapman and Hall (for Croom Helm) 1987. Pp. x+132.
US$42.50. ISBN 0-7099-4110-2.

Oliver Letwin is concerned to defend the 'unity of the self.' He takes such a concern to be paradigmatic of what he identifies as 'philosophical classicism,' and to require defence against 'the myth which lies at the heart of [philosophical] romanticism: the myth that there is, within us, a higher, purer, nobler, truer self disjoined from (and inevitably battling for pride of place against) a lower, less pure, meaner,

less true self' (8). He believes that this myth is manifest in the literature in many versions, but in the present discussion he wishes to tackle three specific 'variants' (8):

> (1) 'the thesis that there is a hierarchy of activities, ranging from "high" activities like poetry and philosophy (which a higher self within us pursues) to "low" activities like football and sex (which a lower self within us pursues)' (8)
>
> (2) 'the thesis that there is within us a moral self, subscribing to and maintaining moral values, necessarily disjoined from and in tension with an amoral self that subscribes to worldly, non-moral values' (8)
>
> (3) 'the thesis that there is within us a purely rational self, necessarily disjoined from and in tension with a passionate self' (8).

Arguments directed against each of these theses, followed by arguments designed to establish the preferred 'integrated' alternative, constitute the three central chapters of his book.

In his Preface, Letwin claims, 'the arguments are made as briefly, as simply and as directly as I could manage, and are in ordinary English. Any reader should be able to tell quickly and easily whether or not he agrees with them' (ix). This, astonishingly enough, is true and represents the book's greatest strength. If readability were the sole criterion, I would have no hesitation in recommending it for use in undergraduate – even freshman – philosophy courses. However, one of my worries is that the arguments are frequently made *too* simply. For example (I choose at random from eight possibilities in the first chapter alone), Letwin asserts that it is 'wrong to argue that poetry is made "higher" than football because of being more complex' (19). The first of his two arguments for this claim consists of the observations that the song of a nightingale 'may be' less complex than the gas ovens of Auschwitz, and that a Stradivarius violin 'is certainly' less complex than a modern high-fi system. Therefore – ? – 'a world in which the complex was valued more highly than the simple would be unattractive, uncomfortable and morally corrupt' (19). If we find the speed here dizzying, Letwin's second argument will do nothing to alleviate our sense of vertigo.

But my difficulties with *Emotion, Ethics and the Unity of the Self* do not end with the construction of its individual arguments. Although I am sympathetic to Letwin's general enterprise of 'moral unification,' and indeed sympathetic to many of the specific claims he wishes to make about human personality, I find that at virtually every point in his program I must take issue: from his definition of romanticism and a certain slipperiness in its application, to his impoverished account of emotion, his failure to consider the possibility

that historical or cultural factors might be conditioning some of the views he advocates and opposes, and the oppressively right-wing odour rising from the cumulative weight of his examples.

The second central chapter, 'Moral and Non-moral Value,' opens with a restatement of thesis (2), which reappears in the same paragraph as the claim that 'ethical romantics' contend that 'moral and non-moral values are utterly disjoined from one another' (30) – with no further argument. The difficulty becomes apparent when one considers that Plato might conceivably be made out to be a candidate for thesis (2); but certainly not for its re-wording. And, although Plato is identified by Letwin as 'the archetypal philosophical romantic' (2), his moral theory makes no appearance in the book. For good reason: Plato also fails to qualify as a candidate for thesis (3), believing, as he did (*pace* Letwin, p. 85), that the essential tension in the *tri*-partite soul is between noble *passions*, on the one hand, and base *passions* on the other. Intolerance of the material and intolerance of the human body are two distinct, and, arguably distinctively romantic, elements in philosophical thought; but each is also distinct from the contention that morality is essentially other-regarding and the idea that moral value is divorced from aesthetic value, from pleasure, and from expertise. Letwin is insufficiently clear about what he takes the conceptual relations among these claims to be.

One element missing from Letwin's definition of romanticism is the romantic's preference for emotional intensity over calm achieved through compromise or excision. Its absence allows Letwin to assume the position – no less implausible for being relatively common – that the utilitarians were romantics. After arguing against their, and Kant's, conception of the moral self, he proposes a more or less unreconstructed version of Aristotelian virtue to take its place: 'the fundamental belief underlying our morality is that a person should engage in intelligent, purposive activity to the highest possible non-moral standard, and should promote such standards in others' (62). As the subsequent discussion on pages 65, 77, and 83 soon makes clear, Letwin must intend us to read 'not knowingly disadvantage the pursuit of' in place of 'promote,' on pain of self-contradiction. There is no discussion of the relation between Letwin's virtue-centred account and MacIntyre's – the most current reference cited in the chapter is Warnock's *The Object of Morality* (1971).

The third central chapter attacks the notion that passion is irrational, ostensibly by distinguishing two forms of rationality – the cognitive and the instrumental – and arguing that emotion *is* cognitive, and therefore, rational. It is cognitive, Letwin maintains, because it is a judgement ('favourable' or 'unfavourable' [103] – these exhaust the range); but it is not an instrumental judgement because it is 'useless' (104ff.): that is, my 'unfavourable' emotional judgement

(e.g., my bitterness over a colleague's impending promotion) issues in behaviour ('making bitter remarks and addressing him in a hostile voice') which does nothing intelligent or purposive to change my situation (in contrast to 'working harder or marrying the boss's daughter') (110). The tension between Letwin's further claim that these 'useless,' 'passive' (109) expressions of judgement are open to moral judgement and his earlier definition of morality as dependent on 'intelligent, purposive activity' is resolved, he believes, by the statement that 'the presence of judgement is enough to give the emotional state moral significance' (112). Letwin's explanation for our cultural prejudice in favour of the view that emotions are 'disruptive' is that, occasionally, they do result in the breakdown of 'the normal instrumentality of business-like existence' (104). Not surprisingly, although he grants that we do, as a matter of fact, have a preference for 'the qualification of monolithic instrumentality' that 'some propensity towards what we call emotion' allows, he appears to think that this preference has no explanation (116). At its most dessicated, Letwin's theory parodies the cultural stereotype of the analytic pedant: 'If I teach myself over the course of many years to attend to and act in relief of the pain and misery of others, I am likely, when I see the child run over by the bus, to find myself regarding the situation as one contrary to my preferences; and this unfavourable judgement, if it is manifested in any emotion, will be manifest in sorrow rather than in joy' (113).

The failings of Letwin's account of emotion are not unconnected to the diagnostic problems he has with utilitarianism.

> Thomas Gradgrind, sir. A man of realities. A man of fact and calculations. A man who proceeds upon the principle that two and two are four, and nothing over, and who is not to be talked into allowing for anything over. Thomas Gradgrind, sir – peremptorily Thomas – Thomas Gradgrind. With a rule and a pair of scales, and the multiplication table always in his pocket, sir, ready to weigh and measure any parcel of human nature, and tell you exactly what it comes to. It is a mere question of figures, a case of simple arithmetic. You might hope to get some other nonsensical belief into the head of George Gradgrind, or Augustus Gradgrind, or John Gradgrind, or Joseph Gradgrind (all suppositious, non-existent persons), but into the head of Thomas Gradgrind – no, sir! (Charles Dickens, *Hard Times*, Book I, Chapter 2.)

This, surely, is the problem with utilitarianism: not that it valorizes a picture of the soul as a battleground between moral and non-moral desires, but that it valorizes a picture of the soul which is incapable of feeling such pulls. And it is precisely this worry which I have about the hero of Letwin's book: the 'business-like' (male) industrialist who

has so successfully 'acquired certain habits of conduct' (120) that his passions no longer 'disrupt' the smooth functioning of his instrumental reason. It is one thing to claim that there is a model of human personality which allows us to believe that such moulding can be accomplished, and quite another to argue that *because* we can develop such a model, it somehow represents the truth about how it is (or ought to be) with humans. What is most noticeably missing from Letwin's defence is an awareness of the long-term social purposes that might be served by conditioning of the sort he advocates. It is a naïve reader of Hobbes or Freud who supposes either would have taken Letwin's 'integrated industrialist' to be a *fictional* type. And a naïve reader of Aristotle who believes the development of his moral theory to have had nothing to do with his politics.

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Richard D. Mohr
Gays/Justice.
A Study in Society, Ethics, and Law.
New York: Columbia University
Press 1988. Pp. x+357.
US$30.00. ISBN 0-231-06734-8.

What Mohr finds in his social, legal and moral study of gay men and lesbians is appalling. Gay men and lesbians are the objects of violence not because of what they do but because they have been morally and culturally legitimized as objects of degradation. Mohr believes conscious, heterosexist choices direct this degradation. It is his task to show that moral consistency does not support the validity of heterosexism, the presumption of the moral superiority of heterosexuality, and that there ought consequently be an end to the degradation of gay people. In short, this is a book which defines the evils of heterosexism and suggests ways to make amends.

Mohr works through legal, social, medical, and educational issues as they pertain to gay men and lesbians. He spends a considerable amount of time discussing court cases prejudicial to gay people, arguing that it is only ad hoc suspensions of legal principle that have permitted courts to draw the decisions they have in, for example, *Bowers v Hardwick*. Underlying this discussion is an interest-based moral theory. Mohr shows how legislatures and courts, in constructing

obstacles to personal dignity and fulfillment, have robbed an entire class of persons of the means of constructing, preserving and enlarging any sense of worth. There are other ways to argue for equal protection under the law, but Mohr makes a convincing case that in its invidious consequences alone heterosexist prejudices of the law ought to be resisted, even in their symbolic dimensions.

Mohr sees AIDS, too, as another pretext by which the degradation of gay people continues. He rejects as immoral any mandatory AIDS-related testing as a condition of military eligibility, insurability, marriage, or naturalization. The arguments for these conclusions are various. First, as such requirements ostensibly protect the interests of heterosexist society, they continue the degradation of gay people by symbolically asserting their worthlessness. Secondly, the empirical dangers advanced as justification for these policies are not satisfactorily compelling. For example, the American military claims that its soldiers need to be walking blood banks. Yet Mohr cites a study which shows that the kind of emergency field transfusion which could transmit AIDS was apparently never required during the entirety of the Vietnam War. Some of the various policy proposals are rejected because they enforce selectively, which is to say that by both permitting *and* forbidding they do not form a rational policy. Mohr's conclusions in this section are cast over with hopelessness since he believes that, because both institutions and education will fail, in the end nothing will stop AIDS as an incentive to the defamation and degradation of gay people.

It is hard to know how seriously to take these admittedly cynical conclusions. It is easier to see where Mohr has not finished the discussion. Even if there are not ultimate solutions in the AIDS epidemic, still there are proximate answers. There is, for example, a case to be made that voluntary, anonymous testing is desirable for certain individuals. Even if there is no justification for general mandatory testing, still, there are justifications for some mandatory testing: diminished or absent competence is a traditional test for paternalistic interventions and there is no reason to think that testing of this kind inherently implies the worthlessness of gay people. It is surprising too that Mohr thinks that it is mostly preventive medical measures that government/society owes gay people. Given the nature and epidemiology of AIDS, it is probably too much to hope for a universally effective, universally available vaccine soon. It is instructive to remember that only once in the history of the planet has any disease ever been fully eliminated through a vaccine. It seems wise to argue therefore that, along with a preventive vaccine, curative AIDS treatments deserve equal medical priority, not only the hospice deathbeds Mohr prepares. As Mohr believes the epidemic is inevita-

bly hopeless it is not surprising that he does not flesh out AIDS discussions in the fullness they require.

Two chapters discuss issues in education. The first, a narrative of Mohr's experience inaugurating a course in gay studies is interesting as a study in educational tactics. The second, a diatribe against the university, belongs least to the mission of the book. It is, I think, caustic without any evident reward of that emotional indulgence: 'I hate students.' 'They are bad for universities.' 'They may look like people but in general they are not, for they are incapable of respecting others as creatures with ends of their own.' 'I hate universities too.' Mohr sees education as essentially adversarial in nature, but whether or not this is true the discussion does little to advance the central thesis of the book. He would have done better to consider the heterosexism of educational institutions as a whole rather than focussing on certain aspects of a collegiate elite, for it is certainly true that primary and secondary institutions are more significant vehicles of heterosexism than colleges (not only because of the numbers involved but because of the power of early influence).

In the final section Mohr discusses practical strategies for advancing gay causes. In the absence of either significant court or legislative success, he suggests civil disobedience, since this wilful strategy preserves human dignity, other strategies proceeding only under the thrall of heterosexism. I don't know that Mohr's are the only practical conclusions that can be drawn from his general principles. Courage of conviction takes many forms, and it advances sometimes slowly and not only in leaps and bounds. It may be that many strategies are needed, not only those that show up in media headlines.

Certainly this wide-ranging book is the most significant, sustained discussion of gay rights yet. It is a brave book. Mohr defends the right of gay people to lives of self-determination free from prejudicial constraints. He appeals to no recondite principles to ground these views. He appeals only to the common moral logic that sustains American political and ethical ideals. Thus armed, he finds no convincing theoretical foundation for the kinds of degradations visited upon gay people. And his practical discussions are of a piece with the view of André Gide: the gay cause has had victims enough, what it needs is martyrs. This is a timely book, written with verve, from which everyone has something to learn.

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Christine Pierce and
Donald VanDeVeer, eds.
AIDS: Ethics and Public Policy.
Scarborough, ON: Nelson Canada; Belmont, CA: Wadsworth 1988. Pp. 241.
Cdn$19.95; US$13.50. ISBN 0-534-08286-6.

Acquired Immune Deficiency Syndrome (AIDS) may provide the single greatest challenge offered by disease to contemporary political and professional systems. For while scientists struggle to find vaccines and effective modes of treatment, the state and private sector establish policies addressing the threats posed by the disease. Analyses of these responses reveal our hope and commitment and deep-seated fears and failures. Thus, the social climate evoked by AIDS is one of endeavor, dread and uncertainty. In this climate the most useful tool is one that pragmatically addresses the facts, fears and issues associated with AIDS.

Pierce and VanDeVeer's anthology is just such a tool. The authors do not focus on the history of AIDS or the psycho-emotive profile of persons coping with AIDS. While they provide helpful information on the nature, effects and modes of transmission of the virus they commit themselves to an unflinching consideration of the question of the day, 'What should we do about AIDS?' (ix) Their introduction to the text is distinguished for its non-euphemistic discussion of high-risk sexual behaviors and its clear and concise treatment of basic concepts of ethics. Its careful tone and insistence that AIDS is not a gay phenomenon is a welcome relief from homophobic homilies. The authors are also to be commended for their attention to the politics and controversy associated with the designation 'homosexual.' While only passing reference is made to the problems and entitlements of intravenous drug users, the glimpse they permit into the activities of a New York 'shooting gallery' is riveting.

The first part of the four-part anthology provides a conceptual overview of AIDS. In 'AIDS in Historical Perspective,' Allan M. Brandt asks what the history of medicine and public health teach us about contemporary approaches to the problems of AIDS. He finds historical analogs to reactions to AIDS in early twentieth-century responses to venereal disease. While Brandt identifies many interesting points of similarity, most notably theories of casual transmission, his article is somewhat disappointing. Philosophers and others used to critical commentary will find the purely descriptive approach unsatisfying. However, Brandt provides an admirable foundation for subsequent thought and development. The reader can compare the Progressive Era treatment of sexuality with the conservative renaissance of the 1980s or consider the legacy of early 20th-century fears of urban life and growth.

Judith Wilson Ross' article 'Ethics and the Language of AIDS' illustrates metaphors used to describe AIDS including: personified death; punishment; crime; war, and otherness. She notes that the metaphor of AIDS as death allows us to forget those who have the syndrome. Their status as the 'already dead' makes it easier for us to withhold aggressive treatment and financial or social support (38). Ross shows how language reflects social reality. Her discussions of AIDS as: punishment for sin, the scourge of 'innocent victims' and as a war metaphor are striking. However, one could wish that more attention had been paid to ways that language *constructs* social reality. One wonders how concepts of guilt and innocence are applied in the treatment of various AIDS patients. Ross' brief discussion of AIDS as a time or atomic bomb provides more questions than answers. One is left to ponder the nature of the analogy. One might assert that the fear of the bomb reveals our fears of personal death and social annihilation. It redescribes death in terms of catastrophe and disaster. The bomb is a potent symbol of both denial and madness. Can AIDS be similarly described?

Part II examines moral arguments marshalled in support of restrictions of liberty. In the Preview, the authors provide a concise and accessible introduction to the five central principles discussed in excerpted articles by Lord Patrick Devlin, Gerald Dworkin and Joel Feinberg. These principles are: legal moralism, harm, paternalism, utility, and offense. The contributions in Part II represent the weakest section of the text. While the articles sustain dialogue on a level of abstract principles, they never participate directly in the debate on AIDS.

The third portion of the anthology addresses legal, social and moral issues raised by various AIDS policies. David Mayo analyzes three quarantine proposals: all AIDS and ARC patients; all persons presumed infectious on the basis of HIV sero-positivity, and 'noncompliant positives.' He argues that mass quarantine defeats efforts to limit the spread of AIDS and discourages the establishment of trust and cooperative efforts essential to research. He advocates use of escalating standards of restriction for noncompliant positives. Donald Chambers and Richard Mohr incite discussion with their opposing views on the use of AIDS screening in the insurance industry. Ronald Bayer and Gerald Oppenheimer's article, 'AIDS in the Work Place: The Ethical Ramifications,' provides a balanced analysis of the rights and obligations of employers. Kenneth R. Howe draws on technical limitations of the ELISA and Western Blot tests to illustrate the defects of mandatory, general screening programs. Carol Tauer's excellent discussion of the bases of divergent American, British and French policies on AIDS concludes the section.

Pierce and VanDeVeer's Preview to Part IV represents their strongest contribution to the anthology. It offers careful philosophic discussion of the difficult issues surrounding sexual autonomy. Their treatment of relevant case law, particularly *Bowers v. Hardwick*, is superb. They draw on the histories of philosophy and ideas to illustrate inconsistencies. Their final plea for reason is moving. They correctly note that education and intellect are the only tools we have in the work against the disease and its irrational fear (180). It is unfortunate that the authors chose to follow this impassioned account with excerpts from Susan Nicholson's article discussing the Roman Catholic condemnation of abortion. The piece, 'Sinful Sex,' is an interesting account of the Church's ethic of sex. While it is undoubtedly relevant to discussions of gay sexuality, the reader is left to establish the connections. Happily, Richard Mohr addresses the issues directly in his excellent work, 'Gay Basics: Some Questions, Facts, and Values.' He provides a much needed discussion of stereotypes of gays and carefully explains the social work such stereotyping accomplishes. He also highlights the full range of discriminatory practices that gays suffer. He forces us to realize that these practices violate the 'equitable rule of law' that is the soul of an orderly society (197). The section concludes with excerpts from the majority and minority opinions in *Bowers* and the *amici* brief filed by the American Psychological Association and the American Public Health Association.

While this anthology offers no proposals so satisfying or effective as to end discussion on appropriate AIDS policies, it is thought provoking and provides an excellent foundation for discussion. Its accessible treatment of central ethical principles makes it suitable for use in undergraduate courses. It would also serve as a fine introduction for health care providers or others who wish to study the central moral issues in the AIDS debate. If the authors are to be faulted it is for their 'first world' perspective on the disease and their inclusion of articles that address the theme indirectly. Philosophers might also wish for more analysis and critical discussion of issues. While the text lacks an index and has only a limited offering of additional reading on AIDS, it does contain a helpful glossary that allows non-experts to successfully manage relevant technical concepts.

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Jonathan Rée
Philosophical Tales.
New York: Routledge, Chapman and Hall 1987. Pp. viii+162.
US$11.95. ISBN 0-416-42620-4.

If, as Jonathan Rée contends, the texts of philosophy and its history are to be judged by their literary structure, then it is (prosaic) justice that his *Philosophical Tales* should itself turn out to be a 'good read': engagingly written, bearing a considerable learning lightly, deftly ironical in the development of its own characters and plot. To be sure, Rée's irony has a special, reflexive cast; discarding its more usual sober and literal-minded appearance, philosophy emerges now as whimsical, fictive, and itself ironical. Thus Rée elides his own 'tale' with philosophy's many others. *His* irony is to reveal the individual texts of philosophy and their collective history as ironical; even their apparent commitments to truth and knowledge are also, it turns out, part of a story.

The leading characters of Rée's tale are a number of the canonical philosophers: Descartes, Hume, Kant, Hegel – and then a larger corporate persona which goes under the name of The History of Philosophy. Rée's assertion of a significant connection between the latter and the former is itself worth noting. The acknowledgement of a literary presence in individual philosophical works would not necessarily assure the same presence in the *histories* of those works; Rée, however, shows that this parallel holds, and argues also that it is more than accidental, that there is an intrinsic and thus unavoidable connection between the act of 'doing' philosophy and a conception of its history. This view, long under siege by analytic philosophy, has recently also been attacked from the opposite direction, in the philosophical versions of deconstruction and postmodernism; the account given here is an enlightened counter-balance to them both.

Rée's opening chapter, on 'Descartes' Comedy,' serves as a preface to his general thesis of the literary status of philosophical writing. It is as if this first 'tale' were to be a test case: If Descartes – him of Foundationalist origins, of such clear and distinct ideas, of *the* method – if *he* can be shown to have formulated these doctrines in a medium whose literary sub-structure is evident, this must be prima facie evidence for a literary presence in philosophers who came after him (and who are 'modern' because of that) and even in those who preceded and were made obsolete by him because of the sparer, more rigorous (and non-literary) method by which he supposedly advanced beyond them. So, Rée cites the *Discourse on Method* as exemplifying the genre of autobiography, and the *Meditations*, the genre of the diary: in them both, Descartes 'favored a time-conscious style

governed by norms of educational effectiveness ... rather than by those of deductive or "synthetic" logic' (27).

Rée's account here is more persuasive in its general thesis than in some of its specific referrals. Why, for example, associate the *Meditations* with the genre of the diary when the literary genre of the meditation is so immediately at hand – and when the latter's conception of an 'implied reader' as *also* meditating is closer to Descartes' stated intention than is the role of the implied reader in the diary? Also the question of what Descartes' 'Comedy' *is* – unless we are meant simply to equate comedy with irony – never becomes quite clear. But the evidence Rée cites from and around Descartes' texts for their literary status – for the literary artifice of the character 'I' (even in the 'Cogito'), for the conscious adaptation of literary genres to philosophical ends – is both compelling and important to have said.

In the larger part of his book, Rée goes on to examine the relation between the literary status of the individual philosophical text and the conception of the history of philosophy in which the individual text is set. Three patterns of historiography emerge here. The first of these is the medieval opposition between Christian and the earlier, 'pagan' philosophy; this model of supercession, Rée suggests, was resolved by the secularization of the Renaissance. The two other models have been more durable. The first of these is a progressivist model according to which philosophers view their own work as correcting, and then as advancing beyond, the errors of their predecessors. In addition to Descartes, Rée cites as proponents of this view Berkeley and Reid; he could as easily have jumped ahead to the 20th-century scientism of the phenomenologists and analytic philosophers. The third model is also where Rée's own commitment lies; this is the view of the history of philosophy as formally similar to a history of art or fiction in which change or development is accretive. On this account, the past of philosophy is not only 'large with' the present, but continues to remain alive in it, mainly because its sources in the imagination always give philosophy a measure of independence from history.

The origin of this third model Rée traces to Kant's critique of the 'transcendental illusion' and its relation to the Ideas of Pure Reason. The latter are not mere fictions, but neither are they objects of experience; they shape Pure Reason, and thus they also – here Rée achieves something of a tour de force – shape the work and texts of philosophy. Rée does not attempt to show how 'Ideas' analogous to Kant's recur in other philosophers, but he does what may be the next best thing by turning to Hegel for a general, but substantive schema. Rée's account of 'Hegel's Vision' (mainly of the *Phenomenology*) in Chapter 3 is quite remarkable not only in its conceptualization of Hegel's view of the history of philosophy that Rée finds there, but

in its reading of the *Phenomenology* as a literary text. Other readers have also seen the *Phenomenology* as a *Bildungsroman* in which Geist overcomes adversity on its way to 'self'-realization. But Rée, in addition, shows the connection between these conventions and the genres of the travel journal and the religious allegory; he discovers in the 'address' of the *Phenomenology* a sustained example of the linguistic form, 'free indirect speech' – as close as a text can come to speaking by itself. He thus makes the literary features of *Hegel's* text speak more directly for themselves; in doing this he illuminates and also shows the inevitability of such features.

To be sure, the narrative as a whole does not end with Hegel. Bentham's theory of fictions is met subsequently; there is also a forced nod to John Stuart Mill and brief but more pertinent ones to Kierkegaard and Nietzsche. That Rée finds a place in his closing comments for Hans Vaihinger's philosophy of 'As-if' and for C.K. Ogden suggests how earnest is the tale he tells.

Unavoidably, there is more to be said about certain facets of Rée's narrative than he himself says. The concept of irony which in his opening comments is proposed to hold center-stage in philosophical writing is hardly discussed further (is it a 'disciplinary' trope parallel to other tropes in other disciplines? Is *every* philosopher – Plotinus? Ockham, Carnap? – an ironist? Etc., etc.) The question of what claims (cognitive or otherwise) literature makes on its readers is not acknowledged and barely addressed, although that question obviously becomes crucial once an elision is attempted between philosophy and literature. But as on Rée's own account there will *always* be something more to be said, these hardly detract from the sequence of important, very suggestive connections between philosophy and literature which are both asserted and exhibited in *Philosophical Tales.*

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David Runia
Philo of Alexandria and the TIMAEUS of Plato.
Leiden: E.J. Brill 1986. Pp. xii+617.
US$98.25. ISBN 90-04-07477-5.

David Runia's massive, magisterial work was first published in 1983 as his doctoral thesis at the Free University of Amsterdam. It won wide admiration even in the original two-volume form that was a

photo-reproduction of his typewritten MS (with Footnotes and Bibliography in a separate volume from the text), and amply deserved the handsome form which E.J. Brill has now provided for it. This edition forms Volume XLIV of the series, *Philosophia Antiqua*. Elegantly and carefully typeset, with footnotes at page bottom, it incorporates minor revisions, adds a brief Appendix (556-9) on some major studies published since the first edition, and updates the Bibliography (to mid-1985). Full and precise indices make the book eminently usable by students of Philo, of hellenistic Judaism, and of Platonism. How useful it will prove to students of Plato's own thought, or of the *Timaeus*, seems a more debatable question (see below), but any shortcomings it may have along those lines are surely due rather to Philo than to Runia, whose book is a splendid personal achievement, as well as a credit to Dutch scholarship (and Dutch publishing!).

R.'s book has four main parts. (I) A 70-page 'Introduction' helpfully surveys both recent trends in Philo studies and ancient trends in interpretation of the *Timaeus*, making very clear the aims and methods of his own study. Then comes the core of the book (II), almost three hundred pages of 'Analysis,' as R. moves section-by-section through the pages of the *Timaeus* to show just how they were read and where they were used by Philo (if indeed they *were* ever used, but Philo bypassed many difficult and fascinating passages that did not happen to offer help in his primary exegetic project). Then (III) R. offers some 150 pages of 'Synthesis.' He begins, in a somewhat 'philological' vein (366-411), with the 'manner' of Philo's use of the *Timaeus*: the portions of it to which he gave priority, the contexts of Biblical exegesis in which he tended to resort to Plato for assistance, and, interestingly, the way that *Plato's* expository strategies influenced Philo's own larger exegetic strategies (what R. calls its 'macro-exegetic structure' [405]). At last (412-75), R. turns to matters of 'philosophical content' (365) – the way that Plato has influenced Philo's *doctrines*. Twelve areas of such 'influence' are canvassed, all-too-briefly covering such issues as the conception of creation, the doctrine of God, the Logos, the 'negativity of matter,' cosmology, and anthropology. A final chapter in this section develops a more finely-tuned comparison between Philo's use of the *Timaeus* and other earlier views of it, particularly with reference to so-called 'Middle Platonism' (485-97). R. is eager to argue (against Dillon, especially) that Philo *not* be labelled a 'Middle Platonist,' but for all his cautions, the mantle seems to me to be loose enough to fit (though like any loose mantle it is of course not tailored to fit *well*, and any writer whose entire thought and project are 'not Plato-centred but Moses-centred' [535] could scarcely be counted *simply* as a 'Middle Platonist').

In conclusion (IV), R. ventures a 30-page overview and assessment of 'Philo's Achievement' both as exegete and as philosopher. R. wants

to rescue Philo from what he sees as inflated speculative interpretations that would discover in him the building of a Philonic 'System' (Wolfson) or the workings of a mystical philosophy involving doctrines of eternal creation (Winston, and, more reservedly, the late V. Nikiprowetsky). Yet R. is not happy, either, with Philo as merely an eclectic compiler of Platonic parallels, and does not see his own project as a mere description of such parallels (as a kind of 'philately,' in Eric Osborn's image [65-7]). Somewhat caught between two stools, he remains eager to defend Philo 'as a *philosopher* in his own right' (543-5) – though, on R.'s own showing, I believe, Philo doesn't turn out to be *much* of one (see esp. below on R. 222).

R.'s picture of a rather conservative, non-speculative, non-mystical Philo is a reasonably plausible, if rather uninspiring, one. Like any other view, however, R.'s view is of course involved in a sort of hermeneutic circle and, for all R.'s sensitivity to methodological matters, it is not clear how fully aware he is of his own circle's parameters: the methodology that he adopts throughout his foundation-section of 'Analysis,' precisely by giving priority to the textual order of the *Timaeus* – following *that* text step-by-step and dealing with Philonic echoes and allusions as the *Timaeus* calls them up – tends to inhibit any more speculative, synthesizing reading of *Philo* from 'getting off the ground.' R.'s own later 'Synthesis,' incessantly cross-referenced to that earlier, *Timaeus*-based 'Analysis,' is thereby 'grounded' by it in *both* senses of that term. But if R.'s own analytical procedures thus tend to predetermine the limits of his portrait of Philo's thought, he is also faced with the further, really fundamental problem that for the *Timaeus* itself there can be a wide variety of readings, a variety that, unsurprisingly enough, tends to parallel the range of readings given Philo himself, extending from the literalist and straightforward, through the systematic, to the poetic and mystical. Had R. taken on *that* problem, to be sure, this would have had to be a book as much about the *Timaeus* as about Philo, but it should be clear that the proponents of 'another' Philo (if I may express it so) might well accept most if not all of R.'s observations, but ground *their* interpretation (of, let us say, a more speculative, mystical Philo) in the conviction that Philo was involved all along in working out the implications of a more speculative understanding of the *Timaeus* than the one that R. assumes! Though the *text* of the *Timaeus* does provide a firm-enough basis for R.'s very methodical 'Analysis,' the *meaning* of the dialogue cannot be said to provide any such firm foundation for R.'s portrait of Philo's mind and thought. It is scarcely surprising, given R.'s particular, painstaking, somewhat positivistic method, that he will have no truck with the kind of 'double esotericism' (433) that a more speculative reading of Philo must involve, but that stance of his, far from settling any issues of interpretation, only pushes them

back a level. (R. appears to believe, on p. 432, that he can confront such problems merely by reporting how 'profoundly implausible' some competing interpretation's readings of a certain text appear to him to be, but it is not so easy to put to rest the ghosts set free by his concession to the private criticism from Nikiprowetsky gracefully reported in p. 432, n. 118 – the very criticism that appears to have prompted his brief, revealing discussion in these fascinating, though inadequate, pages [432-3].)

For readers of this journal, a special interest will attach to R.'s discussion of Philo as 'a philosopher in his own right' (543). It is no doubt understandable that 'Philo's primary allegiance was not to Pythagoras and Plato, but to the lawgiver Moses' (22), as well as that the 'Mosaic commentator must, it appears, reserve his attention for more pressing subjects' (455) – 'more pressing,' that is, than sundry philosophical topics like the epistemological distinction between knowledge and belief (*Tim* 37A-C, 51D-E), ontological issues like the precise status or nature of 'matter' (*Tim* 49-52), or difficult metaphysical matters like Plato's odd and obscure account of the creation of, and nature of, the soul (*Tim* 34B-36C – as Runia [200] says, 'a notoriously difficult text [of Plato] scarcely used [by Philo]'). My own impression, I must say, is that with regard to any philosophical question in Plato's *Timaeus* that one might pursue, Philo has nothing innovative nor even very interesting to say. No doubt that fact in part results from the particular rhetorical, political or literary concerns of his treatises, but I suspect it is as much an accurate indicator of his generally dogmatic, non-aporetic cast of mind. A fuller comparison with St. Augustine's Biblical exegeses would be instructive here and it is regrettable, I think, that R.'s book shows such limited acquaintance with Augustine. He does cite the *Confessions* occasionally, but never cites the *De Genesi ad Litteram*, where Augustine confronts many more of the same Biblical texts as concerned Philo. (For a vivid example, compare R.'s recent paper on 'God and Man in Philo of Alexandria' [*Journal of Theological Studies* 39 (1988) 48-75] with Chapter 8 of R.J. O'Connell's recent book, *The Origin of the Soul in Augustine's Later Works* [New York 1987].) Augustine of course had the advantage over Philo of having access to a later, more mature and probing form of Platonism than the sort that Philo had available, but Augustine's exegeses are by no means merely a matter of culling convenient parallels from Neoplatonic sources. A large part of Augustine's writing toils through the process of considering and *rejecting* interpretations that, as he believes (and argues!), will *not* work, making him labor to bring forth a philosophically, as well as doctrinally, satisfying understanding. ('*Fides quaerens intellectum*' turns out to involve a lot of analytical and argumentative *work*.) Philo, by

contrast, seems content to present what he feels to be sufficiently parallel doctrines as the allegorical meaning of Scriptural texts, but shows very little of the Augustinian 'labor of thought.' That is a limitation R. might usefully have recognized, and his failure to do so shows some severe limitations in his own conception of 'philosophy' (for which, see also his remarks against Osborn on pp. 65-7). He notes on p. 222 that Philo never offers any 'substantial and penetrating discussions on the nature of time, nothing even remotely resembling Augustine's reflections in Book XI of the *Confessions*,' yet he feels unnecessarily compelled to go on and defend his subject author from any negative implication of this fact: 'On the other hand [R. continues], it is unwarranted to conclude that Philo has never taken the trouble to think through the question of what time is, for in that case the consistent views which emerged in our analysis could not be explained.' But they *could*, of course, be explained merely by Philo's having not-very-reflectively taken over his views on time from the established, and at least reasonably consistent, tradition of the *Timaeus*. Many minor or derivative philosophical minds work in just that manner and, for this reviewer, Runia's Philo emerges as just such a mind. It is no disgrace, after all, to be a lesser philosopher than the greatest ones in our history, but it is important, I believe, for those who write about them to recognize the difference: where one's subject-author suffers by comparison with some other, it seems more useful to explore that comparison so as to recognize a limitation or to define a difference than to defend against taking it seriously. Philo was no doubt a figure with enormous, even world-historical importance for the Alexandrian strategy of negotiating a rapprochement between pagan philosophy and the Judaic (or Judaeo-Christian) tradition. Surely that is enough. R.'s view that we should also see him as a 'philosopher in his own right' does not seem to me to be a defensible verdict.

There has very lately been a great deal of valuable work on Philo. An entire massive volume (II.21.1) of the *ANRW* series (*Aufstieg und Niedergang der römischen Welt*) has been devoted to Philo (Berlin 1984); T.H. Tobins, S.J., has produced *The Creation of Man: Philo and the History of Interpretation* (Washington 1983); and David Winston has further developed his view of a 'Philo philosophico-mysticus' in his *Logos and Mystical Theology in Philo of Alexandria* (Cincinnati 1985) (see pp. 22-5 and R.'s index p. 617 for his running battle with Winston's interpretation). R.'s book is a valuable contribution to this literature and makes his view of Philo a significant contender in the effort to develop a clearer grasp of this difficult, elusive, and important figure. But that effort is scarcely over; instead, the controversy about Philo seems ready to move into a newly refined and sophisti-

cated phase: far from being so settled as R. sometimes, at least, seems to believe, it is perhaps just getting ready to start anew at a higher level.

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Editors' Note

The anglophone editors of

Canadian Philosophical Reviews
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are pleased to announce the acquisition of an address for **electronic mail** on the University of Alberta's mainframe computer.

Correspondents and contributors are encouraged to use the address for replying to invitations, submissions of reviews and any other messages.

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