

# **Canadian Philosophical Reviews**

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# *Journal of Business Ethics*

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*Journal of Business Ethics* is a quarterly journal publishing articles from a wide variety of methodological and disciplinary perspectives concerning ethical issues related to business. It is the intention of the editor to encourage the broadest possible scope: the term 'business' is understood in a wide sense to include all systems involved in the exchange of goods and services, while 'ethics' is circumscribed as all human action aimed at securing a good life.

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JONATHAN BARNES, *Aristotle*. Don Mills, Ont. and New York: Oxford University Press 1982. Pp. 101. Cdn\$25.95; US\$13.95 (cloth: ISBN 0-19-287582-5); Cdn\$3.50; US\$3.95 (paper: ISBN 0-19-287581-7).

R.M. HARE, *Plato*. Don Mills, Ont. and New York: Oxford University Press 1982. Pp. vi+ 82. Cdn\$25.95; US\$13.95 (cloth: ISBN 0-19-287586-8); Cdn\$3.50; US\$3.95 (paper: ISBN 0-19-287585-X).

R.M. Hare and Jonathan Barnes have given us literary portraits of Plato and Aristotle as engaging as Raphael's frescoed ones in the central archway of 'The School of Athens.' And, like them, they invite comparison.

Hare's mature Plato represents a 'pupal stage' between 'the Socratic/early-Platonic caterpillar and the Aristotelian butterfly' (15), and with this assessment Barnes would no doubt concur. That persons in later and more sophisticated times would intentionally ally themselves with Plato as over against Aristotle would thus seem to betray some sort of philosophical naiveté. The mature Plato marks 'progress ... towards a much tougher, more precise logical and metaphysical theory, a moral philosophy and a philosophy of language; these were not entirely new, but, through discussion and criticism of them, they engendered the lasting achievements of Aristotle in those fields, and thus shaped the entire future of philosophy' (69).

Hare's ten-chapter *Plato* is prefaced with a disclaimer to scholarship. The work's more modest aim is to serve 'as an encouragement and help to ordinary people who wish to make Plato's acquaintance' (v). The Plato whose acquaintance they make is largely 'Lato.' Hare dramatizes two images of Plato that emerge from writers of contrasting philosophical bent by introducing two characters, 'Pato' and 'Lato,' representing those aspects of Plato emphasized by each. 'Pato is an advocate of what Aldous Huxley called "the perennial philosophy"' (26). 'Lato is a linguistic philosopher' (62). In the end (Chapter 10: 'Plato's achievement') 'it is difficult to think that the achievement of Pato was as great as that of Lato' (69), with the latter of whom Hare's sympathies so clearly lie. Given this open bias, the program of the book is carried out very well indeed. There is Hare-esy here, but very little heresy. Still, to be an orthodox linguistic philosopher is not quite the same thing as being comprehensively correct.

Raphael's Plato wears the face of Leonardo da Vinci and carries a copy of the *Timaeus*. The *Timaeus* contains 'the noblest image of the deity ever projected in classical antiquity,' as Gregory Vlastos has so well noted (*Plato's Universe*, 28). This fact was a matter of enormous consequence for western culture, and for Plato's place in it — a circumstance to which Raphael was seemingly more sensitive than Hare. For entirely different reasons, pioneering 20th century physicist Werner Heisenberg's autobiographical *Physics and Beyond* begins and ends with homage to Plato of the *Timaeus*. But Plato the Leonardo, Plato the theologian and physicist, is not one whose acquaintance we make in Hare's pages. Even Raphael's image is misconstrued (Hare refers to 'the stern and ascetic moralist portrayed in Raphael's Vatican fresco,' whom he identifies with 'Pato' [26]). Still, as a clear and engaging, genuinely illuminating introduction to 'Lato,' I know of nothing I would now rather put into the hands of students than Hare's *Plato*.

While Plato is praised for being Aristotle's antecedent, Aristotle is praised for being Aristotle. 'No man before him had contributed so much to learning. No man after him could hope to rival his achievements.' The words are those of Jonathan Barnes (1), but the judgment is one shared by many (Hare included, surely; and, for that matter, myself).

As Raphael's Plato carries his *Timaeus*, so Aristotle holds the *Ethics*, the most accessible and assimilable of The Philosopher's works in Raphael's time as in our own. Barnes rightly observes that 'it can be read as a contribution to current debate, and modern philosophers still treat Aristotle as a brilliant colleague' (87). He offers the same judgment regarding not only the *Metaphysics* (which is not so surprising), but also the *Physics* (which is). Indeed the *Physics*, he opines, 'is one of the best places to start reading Aristotle' (51). 'The essays in the *Physics*, the *Metaphysics* and the *Ethics* are less sure, less perfect, less scientific than the logic and the biology; but they are, paradoxically, more alive. For here Aristotle has not yet been overtaken' (87). He *has* been 'overtaken' in biology and logic, however, though these remain his greatest achievements. 'Few men have founded one science; Aristotle apart, none has founded more than one.'

Hare contrasts 'Patonic' and 'Latonic' perspectives on Plato. Barnes has no such catchy personifications, but does juxtapose aporetic (anti-systematic) and systematic views of Aristotle's 'Ideal and achievement' in the ninth of his twenty brisk chapters, settling in the end in favor of the latter. 'Systematisation is not achieved in the treatises; but it is an ideal, ever present in the background' (38).

Aristotle the biologist seems also ever present in the background, from hectocotylation in the male octopus ('Zoological researches' [10-11]) to penis size in men ('Teleology' [76]). Plato is frequently referred to as well, and Barnes' account of the Academy is actually fuller than Hare's. But there is a curious omission. While Barnes is explicit in spelling out Aristotle's indebtedness to Plato on the unity of the sciences, on logic, ontology, the search for 'causes' and epistemology (21-2), he omits any mention of influence in 'practical philosophy' (ethics, politics and what Hare avers that



'Plato himself thought of as his most important practical contribution: his educational theory' [74]). Hare, as we have seen, is more perceptive (or at least more insistent upon) Platonic precedent here.

Both books follow roughly the same topical sequence, starting with matters of historical and philosophical background, moving from biography to theory, and ending with philosophically practical concerns and a summary assessment of their subject's achievement and influence. Space does not permit a more detailed account. But both Hare and Barnes are lucid and lively writers who have earned the respect with which they are widely regarded. *Plato* and *Aristotle* are in keeping with those reputations.

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T. BEAUCHAMP, R. FADEN, R.J. WALLACE Jr., and L. WALTERS, eds., *Ethical Issues in Social Science Research*. Baltimore: Johns Hopkins University Press 1982. Pp. xii + 436. US\$25.00 (cloth: ISBN 0-8018-2655-1); US\$8.95 (paper: ISBN 0-8018-2656-X).

In recent years philosophers, social scientists, and granting agencies have raised issues concerning the rights and obligations both of research subjects and of investigators in the context of the various methods used in social science research. Members of various professions — the several social sciences, philosophy, law, government, public health — as well as organizations such as the American Association for the Advancement of Science, have become involved in discussions of the moral issues that arise in social science research. Granting agencies have insisted that proposals be subject to approval by Review Boards judging the ethical acceptability of the research. Decision and debate has often been controlled by biomedical analogies, where the constraints on biomedical research derive from debates arising out of the trials before the Nuremberg tribunal. These analogies, however, are often of dubious worth. For example, the issue of informed consent in the context of a patient about to be operated on is rather different from a psychology sophomore's first effort at experimental design not revealing to the subjects the real purpose the student has in mind, i.e., the hypothesis he is putting to the test, since knowledge of that hypothesis by the subjects might

affect the outcome. The present volume attempts a survey of ethical issues while at the same time advancing the discussions, if only to reveal complexity. Much of the treatment of the issues is in terms of concrete examples of controversial social science research. There are contributions by social scientists, philosophers, legal experts, and those involved in the bureaucracy of administration and regulation of social science research. The result is an illumination of the issues from a variety of disciplinary perspectives. The limitations of the biomedical model are clearly revealed. Yet in the end one is disappointed, for the sort of guidance in understanding how to resolve issues that only philosophers can give is lacking.

The volume consists of a series of essays by various authors. Though effort has been made to coordinate the contributions, the result still involves a fair amount of repetition, which is not helped by certain stock examples appearing and reappearing in essay after essay. Some of the discussion is flawed by elementary philosophical errors. For example, one that recurs is the idea typical of romantic anti-scientific thinkers from Hegel to Habermas that the social sciences are fundamentally different from the natural sciences because man is a subject and not an object, therefore deserving being treated as an end, not a means, and especially therefore not as a subject for experiment. (Sometimes the pun on 'subject' is sufficient to introduce the anti-scientific idea.) Again, one finds several times the old fallacy that social science is different from natural science because it is not value-free because it always occurs in, and is (partially, at least) determined by, a social context; not even the philosophers (e.g., MacIntyre) have avoided this. Most of the problems of the volume stem, however, from its not being clear on its purpose. Sometimes it proceeds as if it were a textbook, as in the elementary discussions of ethics. Sometimes it proceeds as a monograph discussing in depth a restricted range of issues (it restricts itself to discussions of Harm and Benefit as criteria for judging the ethical acceptability of research; Informed Consent and Deception; Privacy and Confidentiality; and Government Regulation). The elementary ethical distinctions often dictate the variety of approaches to the issues studies in depth.

There is real substance here. I might mention the discussion of statistical vs. legal approaches to resolving privacy problems. The discussion of the conflict between the right of free inquiry and regulation is not so good, however; it is not resolved by pointing out that if the research is supported by grants, the granting agencies since they provide the funds have a right to regulate inquiry — 'he who pays the piper picks the tune' is not a safely generalizable moral principle. There are often suggestions that deserve further work; e.g., that being the subject of an experiment is a *social role*, and that experiments should be looked at in those terms as well those of the canons of experimental research. And often, unfortunately, unsupported claims are tossed into the collection of reasons for making moral decisions. For example, one finds used to justify the restriction of deception in research the sort of suggestions beloved by utilitarians since Sidgwick to argue that breaking a moral rule is wrong even where it is apparently beneficial because



it somehow causes people to be less firm in their conformity to the generally useful rules. I find these claims about indirect effects usually implausible, nor is there much evidence to support them — what there is (e.g., in connection with Milgram's well-known obedience experiments) suggests that indirect harm is often not very great — so their regular invocation not only by philosophers but by social scientists, who ought to know a problem needing research when they see one, becomes at once boring and annoying.

A major gap in the volume is the lack of any discussion of economics. This one, of all the social sciences, has the most impact on us. Economists, through their recommendations to governments, are constantly performing experiments on us all. Why are these experiments, alone among those of social scientists, not subject to review by Review Boards prior to implementation? One suspects one knows the answers; but the ethics of the matter deserves discussion.

The major defect in the volume, however, lies in its philosophical inadequacy. Throughout one is presented with conflicting principles: utilitarian or cost-benefit on the one hand, and justice or radical autonomy on the other. Throughout it is noted that these can give different resolutions to ethical problems. The reasonable man — the man on the Clapham bus — who sits on Review Boards and juries sometimes uses one principle, sometimes the other. But unless he is a philosopher he has no principle for resolving cases where they conflict — and these are the only interesting cases. It is just such *philosophical reflection* that this volume lacks. One is presented with several principles, but nowhere with an argued case for any of them, nor with any indication that serious thinkers have proposed reasons why one or the other is morally superior. At best one is presented with moral intuitions, that for example (as with MacIntyre) justice is a principle that brooks no exceptions; but this is hardly persuasive unless one is an intuitionist (as defenders of the priority of a principle of justice all too often are) and an intuitionist of the relevant sort at that. As John Stuart Mill pointed out, intuition is not an argument but a sanctification of one's prejudices. What the volume sorely needs, then, is a philosopher *doing ethics*, developing and defending a position in moral theory that will permit him to adjudicate the disputes. Perhaps the editors confuse tolerance, which is a virtue, with neutrality, which is not, at least in philosophy texts.

However, even if the volume is not terribly deep philosophically, it does explore in some depth a number of cases of applying ethical rules. As an extended exercise in applied philosophy, or (as it used to be called before the term acquired unjustly pejorative connotations) casuistry, it is eminently useful.

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FRANZ BRENTANO, *Sensory and Noetic Consciousness*. Edited by Oskar Kraus. Trans. Linda L. McAlister and M. Schattle. New York: Humanities Press 1982. Pp. 139. US\$22.25. ISBN 0-391-01175-8.

Essays drawn from Brentano's *Nachlass*, collected eleven years after his death in 1918, are now made available to English readers. Aptly titled anew by Linda McAlister, their subject is 'descriptive psychology,' the analysis of mental phenomena, thought by Brentano an exact, a priori discipline to be distinguished from any study of causal origins. Most of the book dates from Brentano's dark last years, when despite two operations he was practically blind. Yet his legendary subtlety and analytic power still illuminate every topic he treats.

The topics are among those which most deeply and persistently absorbed Brentano both early and late: intentionality, the nature of our objects of consciousness and their modes of presentation, and the analysis of the more complex among them by means of the simpler. More specific questions concern the nature of our consciousness of time and of the self, and the distinction between clear and unclear conception. These questions have been much discussed since 1918, but they remain intriguing. And what Brentano has to say is remarkably pertinent and important. In what follows I present three sets of passages that introduce Brentano's doctrine on our three questions, hoping thus to move the reader back to the original source.

### 1. On Our Consciousness of Time

When we hear someone speak or sing, several sounds appear to us *simultaneously*, which are sung one after the other. (33)

[We] ... must say ... that the sensation caused in us initially is followed by another sensation, and the latter depicts, as belonging to the recent past, that which the former one depicted as present, and so on. We will call these successive sensations *proteraestheses*. (34)

If we now have an object in proteraesthesia which is just as real as in aesthesis, and one which corresponds in kind to the one we have in aesthesis, then it is not difficult to recognize that it also agrees with it in every specific determination. A tone, for example, which has become an object of proteraesthesia appears not only as a tone but as a tone of the same pitch, and, I daresay, of the same intensity. Otherwise an aesthesis would not always be followed by a proteraesthesia, because the decreased intensity would be a consequence of the partial diminution of the object of the aesthesis. Thus we can notice a decrescendo as well as a crescendo.

What then is the essential difference in the content of the proteraesthesia as compared to the aesthesis?

The way to the only possible answer is clearly indicated. Sensing is mental reference to an object. Such relations may differ either because of a difference in objects, or because of a difference in the nature of the relation to the same object. So a judgment is different with respect to its content not only in those cases where it has a

different object, but also in those cases where the relation to the same object differs, e.g. one judgment denies it while another affirms it.

Thus we can say that proteraesthesia indeed has the same object as aesthesis, but that it relates to it in a different way, and the manner of relating varies continually from the aesthesis to the most remote element of the proteraesthesia. (35-6)

[He] ... who is omniscient knows all truth. If the truth changes, i.e. if something is true in one instance and false in another, and vice versa, then the knowledge of the omniscient being must change as well and it must change infinitesimally. The reason of this is that this being, after having recognized itself as a being earlier than a certain event, gradually and continually recognizes itself as a being coming closer and closer to this event, then existing simultaneously with it, and then recognizing itself as later and moving further and further away from it. In other words, he must recognize that the event will take place, that it will happen soon, that it is happening now and that it has happened a short time, and then a longer time, ago. What kind of God would he be if he knew the whole course of the world, but did not know what level of development it had reached? To such a God a holy penitent would be just as much sinner as saint. (89)

## *2. On Our Consciousness of the Self*

[We] think of ourselves in general concepts, without having individually determined intuitions. (63)

[One] thing seems certain, that no one is able to indicate what it is that individuates him as a thinking being. What he sees, hears, tastes, believes, denies, wishes, wants, enjoys, feels sad about, etc., could very well, with no contradiction whatsoever, be the objects of any number of other people. Thus nothing can be regarded as more certain than the fact that in no case is self-knowledge completely determined knowledge which includes the individuating determination. We are, thus, dealing here with a general presentation which is given without reference to individual intuitions. (66)

If I perceive myself inwardly, I do not perceive anything which could not also be characteristic of many other thinking beings. Everything that I perceive here could also be perceived by another being. That which individuates me does not appear in my inner perception. As far as substance is concerned, I recognize myself only as a thing. (82)

## *3. Clear and Unclear Presentation*

We can say ... that something is in a person's consciousness in two senses: (1) explicitly and distinctly, and (2) implicitly and indistinctly. A person who hears a chord and distinguishes every single note that it contains is conscious of the fact that he hears them. But a person who does not distinguish the various notes is only indistinctly conscious of them, since he hears them all together, and is conscious of hearing the whole, which includes hearing every individual note. His consciousness, however, does not distinguish every part of the whole, i.e., the hearing of each individual note which is contained therein. (25)

I do not think we could say that when something is presented confusedly or clearly, the object of the confused presentation does not include everything that is contained in the object of the clear presentation. For all relations that are noticeable in the latter are already present in the confused presentation, but were not noticeable in the same manner as in the clear presentation. It is true, however, that the person who intuit



something clearly, also intuits something which a person with an unclear intuition does not intuit. This, however, is something that belongs to inner intuition, since every clear act of presenting involves objects of intuition which do not exist at all in the case of a confused act of presenting. (56)

And if a confused presentation becomes a clear one, then one must recognize that an important role will be ascribed to negative judgments in the differentiation of the parts, where every part is recognized as something different. (58)

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RICHARD N. BRONAUGH, C. BARRY HOFFMASTER, and STEPHEN SHARZER, *Readings in the Philosophy of Constitutional Law*. Dubuque, IA: Kendall/Hunt Publishing Company 1983. Pp. viii + 272. U.S.\$19.50. ISBN 0-8403-2887-7.

In the early seventies a former student who was then in first year at a major Canadian law school wrote me about his frustration with trying to interest his teachers and fellow students in the sorts of normative discussions that we had had in the previous year in philosophy of law. He offered a rather cynical comparison. 'The law,' he said, 'has as much to do with justice, as the university with education.' Not only does the observation accurately reflect the widespread anti-institutionalism of the period, but it also unfortunately captures the general level of Canadian legal discussion, particularly of constitutional matters. Indeed, for the most part controversies in constitutional law have centred on jurisdictional rather than substantive issues.

The 1982 Canada Act may well have changed that; for with the imbedded Charter of Rights and Freedoms, it seems scarcely possible that judges and lawyers will be able to avoid a searching examination of the fundamental values that underlie our legal system. Nevertheless, it must be admitted that our courts have shown remarkable ingenuity in doing just that. Witness the way in which they gutted the 1960 Diefenbaker Bill of Rights! Perhaps even more importantly, it should be remembered that our political masters — the Prime Minister and the ten provincial Premiers — have not exactly been enthusiastic about the introduction of a wide-ranging bill of individual rights and freedoms that will inevitably limit their powers. And there is yet to be seen the reaction of the general public, who after all have for the most part

(with some notable exceptions like Jehovah Witnesses, Hutterites, and native peoples) been fairly comfortable with governments that have a degree of power and authority that would make our republican neighbours to the south blush. All this of course makes one wonder about the political wisdom of using alien models to shape domestic institutions, but nonetheless it will be fascinating to see whether or not the Charter will take root in our frigid legal climate.

This book offers an interesting and well-informed selection of readings on the past and current state of Canadian law along with salient American comparisons (though few English and no other Commonwealth ones). It is divided into two parts: 'Canadian Constitutional Materials' and 'Philosophical Issues.' The latter half of the former — sections on the 1960 Bill of Rights and the 1982 Constitution Act — provide a nice bridge between the two parts.

The first part commences with a useful overview of Canadian constitutional law from Confederation up to the adoption of the new constitution. The authors rely too heavily, in my opinion, on Hogg's readable *Constitutional Law of Canada* (1977) and not enough on case materials, though one could of course supplement it with Peter Russell's *Leading Constitutional Decisions*, 3rd. edn. And, as one can say of any anthology, there are points where one wishes other materials had been included. In particular, I would like to have seen *Lavell* and *Bédard* rather than *Burnshine* cited after the *Drybones*' case. Similarly, in the final section of Part I, which raises specific legal questions that are likely to arise out of the Charter, I would like to have seen more on group rights — linguistic and aboriginal — and non-discrimination, in particular the affirmative action clauses in s. 15(2) and s. 6(4); for here I would hope to see significant departures from American practices. But selecting materials for an anthology is always a difficult business that is not made easier by the fact that the ink is scarcely dry on the new constitution, so that at the time of writing we have not had a ruling by the Supreme Court of Canada on a major case under the new constitution though several interesting cases are working their way through the lower courts, e.g., *Deschênes*' fascinating, but I think mistaken, dismissal of group rights in *Wong-Walia et alii v Québec Minister of Education* (CCRF-82-123).

In the second part of the anthology, 'Philosophical Issues,' there is a good selection of general readings on the nature of law. The selection of Thomas Grey's 'Constitutionalism' seems to me particularly apt. Moreover, a good sized chunk of the historic and 'brilliantly muddled' (!) Supreme Court Reference is reprinted, though I wish that the editors had provided some historical background to the whole Patriation debate. The latter part of this section is taken up with an examination of some of the major philosophical issues that are likely to arise out of our adoption of an entrenched bill of rights; there are useful readings from Dworkin, Feinberg, Becker, Bentham and others. Some leading American cases, such as *Roe v Wade*, are also included. The book concludes very nicely with Paul Weiler's 'Two Models of Judicial Decision-Making.'

All in all, this book should be ideal for first courses in the philosophy of



law or jurisprudence. It will of course have to be supplemented by new materials as the courts work out the implications of our rather cobbled together 1982 Constitution Act. Indeed, I would encourage the editors to do this when enough of these decisions become available. In any case, it is refreshing to have a Canadian anthology on the market, especially one as intelligently selected as this one.

The new Constitution whatever its shortcomings does invite serious philosophical reflexion. And this text provides for a new generation of students a useful antidote to what Weiler described as 'our traditional, inarticulate, legal positivism.'

MICHAEL McDONALD  
University of Waterloo

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MARIO BUNGE, *Epistémologie*. Traduit de l'espagnol par Hélène Donadieu. Paris: Maloine S.A. Editeur, Collection 'Recherches interdisciplinaires' dirigée par Pierre Delattre, 1983. 285 p. ISBN 2-224-00900-3.

Présenté comme un complément du traité systématique *Scientific Research* (New York: Springer Verlag 1967, 2 vols.) l'ouvrage est issu de leçons et/ou conférences faites en 1975-1976 à Mexico à l'Université Autonome, à l'Université Autonome Métropolitaine ainsi qu'au Collège National. Il se veut ouvertement une introduction à la philosophie des sciences contemporaine, et c'est donc par rapport aux ouvrages partageant la même ambition qu'il peut le mieux être évalué. Donnons d'abord une idée de son contenu. Après une partie d'introduction destinée à présenter le propos général de l'épistémologie comme discipline philosophique (Chap. 1: *Qu'est-ce que l'épistémologie et à quoi sert-elle?* et chap. 2: *Qu'est-ce que la méthode scientifique et à quoi peut-elle s'appliquer?*), la seconde partie de l'ouvrage développe une philosophie des sciences formelles où sont successivement abordées la question de la nature des objets conceptuels en général (chap. 3) puis celle de la nature des propositions (chap. 4). L'explication de termes comme *concept*, *proposition*, *théorie*, *phrase*, *énonciation* y est effectuée avec un appareil formel minimal auquel l'éditeur ne fait malheureusement pas toujours justice (cf. 63) et dont un usage plus extensif eut permis d'éviter des formulations inélégantes ('La probabilité du complément d'un ensemble A est égale au complément à l'unité de la probabilité de A,' 59). La troisième partie

concerne la philosophie de la physique où un premier chapitre (chap. 5: *Référence et contenu d'une théorie physique*) permet de dénoncer l'illégitimité de l'assimilation du système de référence à l'observateur pour ainsi asseoir une position épistémologique réaliste, et où un second (chap. 6: *Problèmes physiques de la mécanique quantique*) vise à montrer que même en théorie des quanta 'le formalisme mathématique ne tolère pas l'intromission d'observateurs ni celle d'appareils' (92). La quatrième partie de l'ouvrage traite de philosophie de la biologie, l'analyse portant d'abord sur *Le concept d'organisme* (chap. 7) et présentant ensuite divers enjeux épistémologiques de la *Biophilosophie* (chap. 8) liés aux concepts de *fonction* et de *plan* pour ce qui a trait à la thèse néofinaliste à laquelle M.B. s'en prend vigoureusement, et aux concepts de *niveau* et de *hiérarchie* pour ce qui concerne la thèse émergentiste que M.B. réélabore à nouveaux frais à l'aide de concepts tirés de la méréologie et de la théorie des systèmes. En cinquième partie, l'A. s'attache à présenter l'esquisse d'une philosophie de la psychologie, d'abord en contrastant le mentalisme et le behaviorisme d'une part avec, d'autre part, l'approche qu'il affectionne personnellement et qui est psychobiologique (chap. 9), puis en ébauchant à l'aide de cette approche le programme d'un monisme matérialiste opposé aussi bien au dualisme paralléliste qu'au dualisme interactionniste (chap. 10). La sixième partie de l'ouvrage est consacrée aux questions de philosophie des sciences sociales, en commençant par *L'examen philosophique du vocabulaire sociologique* (chap. 11), c'est-à-dire à l'analyse conceptuelle la plus *exacte* possible de termes comme 'dépendance (économique)', 'exploitation', 'groupe social', 'idéologie', 'infrastructure et superstructure', etc., pour ensuite présenter *Trois conceptions de la société* (chap. 12), à savoir l'*individualisme*, le *globalisme* (ou collectivisme théorique), c'est-à-dire ce que nous avons plutôt pris l'habitude d'appeler le holisme, et enfin le *systémisme*, conception mise en avant par M.B. lui-même et permettant d'élaborer une représentation formelle des institutions comme ensembles de sociosystèmes. On me permettra cependant de douter du bien-fondé qu'il y a, dans une telle perspective, à considérer que les marginaux d'une société donnée ne font pas partie de cette même société (208) ou encore que 'si les délinquants n'existaient pas, tout au moins en puissance, nous n'aurions pas besoin de système juridique' (210): car non seulement 'l'occasion crée le larçon,' comme on dit, mais peut-être y a-t-il avantage à considérer qu'en général, l'existence du criminel est fonction du code qui le sanctionne (à moins d'en faire une sorte naturelle d'entités). L'A. pousse l'originalité jusqu'à développer, en septième partie, une philosophie de la technologie (qu'il aurait pu désigner par 'technophilosophie'), en montrant d'abord quelles devraient et pourraient être les principales problématiques d'un tel secteur (le chap. 13 traite de questions gnoséologiques et ontologiques liées à l'existence de la technologie mais présente aussi globalement les questions de *technoaxiologie*, de *technoéthique* et de *technopraxéologie*), puis en initiant le lecteur à la *Iatrophilosophie* (chap. 14), c'est-à-dire aux questions épistémologiques inhérentes à la médecine. Les conclusions de l'ouvrage forment une huitième et dernière partie, où, après avoir présenté *Trois politiques de développement*



scientifique (chap. 15), à savoir le *dirigisme*, le *mécénat* et le *systémisme* (favorisant le développement intégral de toutes les disciplines et s'opposant à une politique de priorités), M.B. adresse une *Lettre à une apprentie épistémologue* (chap. 16) dans laquelle l'A. nous livre sa 'recette ... pour former des épistémologues' (275).

Signalons en terminant que la traduction de Mme Hélène Donadieu, même révisée par Pierre Delattre (cf. 9), tout comme le travail d'édition lui-même, ne sont pas sans maladresses. Des phrases comme 'Malheureusement cet éloignement de la science des empiristes logiques, loin de diminuer avec le temps, s'accrut ...' (16) n'y sont qu'occasionnelles, mais certains choix de traduction sont douteux ('vraisemblance' au lieu de vérisimilitude, p. 19; 'logique intuitive' au lieu de logique intuitionniste, p. 23; 'hypothèse subsidiaire' plutôt qu'hypothèse auxiliaire, p. 34, etc.). L'idée d'adjoindre à la fin de chacun des quinze premiers chapitres (mais le quatorzième a fait l'objet d'un malencontreux oubli: 257) une courte série de références bibliographiques est bonne en elle-même, mais l'utilité amoindrie du fait que les ouvrages cités sont trop souvent les mêmes d'un chapitre à l'autre. L'omission d'un index, pratique d'édition inacceptable mais courante en France, est encore plus regrettable lorsqu'il s'agit d'un manuel d'introduction à un secteur de la philosophie contemporaine aussi largement méconnu au pays de Descartes.

Sur le marché francophone du livre, très peu d'ouvrages ont pour objectif d'introduire, avec un souci pédagogique manifeste, à l'épistémologie d'aujourd'hui. Et parce qu'il développe une approche personnelle, l'ouvrage dont il a ici été question complète admirablement celui de R. Blanché (*L'épistémologie* [Paris: P.U.F. 1972], 'Que sais-je?' No. 1475), de C.G. Hempel (*Eléments d'épistémologie* [Paris: A. Colin 1972]) maintenant épuisé en traduction française depuis plusieurs années, de R. Carnap (*Les fondements philosophiques de la physique* [Paris: A. Colin 1973]) et de S. Toulmin (*L'explication scientifique* [Paris: A. Colin 1973]).

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DAVID CARROLL, *The Subject in Question. The Languages of Theory and the Strategies of Fiction*. Chicago: University of Chicago Press 1982. Pp. vii + 231. US\$26.00 (cloth: ISBN 0-226-09493-6); US\$12.95 (paper: ISBN 0-226-09494-4).

Peut-on soulever la question du sujet sans remettre le sujet en question, voire, sans le soumettre à la question? David Carroll aborde ce problème par le biais

de l'opposition entre théorie et fiction, opposition dont il conteste la radicalité en inscrivant sa propre position *entre* la première et la seconde, chacune lui permettant d'indiquer les limites de l'autre: ses prémisses, ses intérêts et ce qu'elle implique. Cette dualité des 'sujets' se reflète en six des sept chapitres de l'ouvrage, qui portent d'une part sur une théorie qui occupe une place importante dans la pensée critique contemporaine, d'autre part sur l'œuvre du romancier Claude Simon: 'Rather than accept the limitations theory imposes on itself when it defines itself as an area cut off from all others, as an autonomous, self-sufficient, and self-generating discourse dominating from above its "objects" which it constitutes, situates and defines, I have attempted in this book to situate my analyses *between* theory and one of these "objects" — fiction — and *in* neither one. This book is not, then, simply a reading of the novels of Claude Simon either, for the same things could be said about the limitations of fiction ... The subjects of theory and fiction are thus doubly in question, each in terms of itself and the other' (3).

Dans le but de comprendre les implications de la transformation récente du roman et de sa théorie, le premier chapitre examine les approches phénoménologique et structuraliste du Nouveau Roman. Il montre que la première, en dépit de sa prétention à 'l'objectivité,' 'appears to most critics today to resemble the old [theory] in many ways, to reconstitute its metaphysics, and to participate in its ideology' (12). Dans le second cas, 'the structuralists who assume the absence of any influence of the subject (and thus of philosophy-ideology) on their theory and practice misunderstand the fundamental oppositions at work within their own position and, what is more serious, ultimately reinforce in a simplistic way the very concept of the subject they hoped to have eliminated from or situated in their theory' (25). La contestation du sujet ne peut s'accommoder de son simple rejet, parce que celui-ci continue à assumer certains de ses présupposés.

L'inquisition se tourne ensuite vers la psychanalyse dans ses rapports avec la littérature. La démarche freudienne, ainsi que celle de Lacan, sont interrogées dans leurs fondements, puis mises à l'épreuve d'un roman de Claude Simon: *Le sacre du printemps*. Dans l'un et l'autre cas, la tentative psychanalytique de dominer le texte littéraire au nom d'une certaine 'vérité' est contestée de façon à rendre évidente 'the limited, restrained and therefore partisan nature of any reading, even one which in the name of economics, whether in terms of ideology, politics, or even desire ..., might propose (either implicitly or explicitly) to explain everything, to dominate or transcend the conflicts and contradictions of theory and fiction, to put forth its own truth as the origin of fiction, or its fiction as the origin or truth' (49). En tentant de faire de la littérature un exemple de sa vérité, la psychanalyse oublie qu'elle se constitue ainsi elle-même en exemple de la fiction. Or vérité et fiction ne peuvent que se situer réciproquement, sans que l'une parvienne à dominer l'autre: leur conflit est indéfini.

Le troisième chapitre explore les présupposés de la notion de point de vue. Pour Henry James, cette notion constitue le cœur de la théorie du roman,



elle pose un centre occupé par la conscience d'un sujet et permettant au roman de prendre forme. Cette conscience n'est pas seulement celle d'un personnage ou d'un narrateur (sujets fictifs) mais, plus radicalement, celle de l'auteur en tant qu'origine réelle de l'œuvre. Une origine, toutefois, qui finit par s'oublier elle-même: le germe dissémine, la création prolifère en dépit des intentions arrêtées de l'auteur. Pourtant, comme en témoigne l'analyse de deux romans de Claude Simon (*Le vent* et *L'herbe*), glisser de la créativité de l'auteur à celle du langage en magnifiant le rôle du langage et de la forme, cela inverse les données du problème sans remettre en cause la problématique: 'Positing form as a self-engendered, productive, "living," linguistic entity does not resolve the problems or overcome the limitations of voice and point of view — on the contrary it simply repeats them by rooting consciousness in a "formal" rather than a "human" subject' (87).

La question de la représentation est ensuite abordée à partir de la théorie lukacsienne du roman. La définition dialectique du réalisme que propose Lukacs implique, selon l'A., une origine idéale et une fin de l'histoire, ainsi que l'existence d'un sujet idéal à l'extérieur et au-dessus des conflits historiques. A l'opposé, *Le palais* de Claude Simon thématise la caractère indéfini de toute représentation, l'absence d'origine simple et de fin absolue, l'impossibilité de surmonter le conflit des représentations. Laquelle de ces deux positions reflète le mieux le sens de l'histoire? En l'absence d'un lieu de réponse étranger au conflit qu'il prétendrait dominer, peut-on aboutir à autre chose qu'à une re-présentation de la question?

Le chapitre suivant aborde donc à nouveau le problème de l'histoire. Si l'histoire a pu servir de modèle au roman du XIX<sup>e</sup> siècle, quel sera le discours historique contemporain du Nouveau Roman? La 'Nouvelle Histoire,' celle de Braudel et de Foucault, conteste les présupposés de l'histoire traditionnelle: la primauté du sujet, la temporalité unique, continue et progressive ainsi que la possibilité de constituer un ordre clos. Mais récuser ces présupposés ne suffit pas: 'though the so-called "New History" and "New Novel" have made it possible to ask these "new questions," neither have provided satisfactory answers to them. Each in turn provides or imposes order on history and fiction — no matter how plural or discontinuous these "new orders" may be — and these discontinuous orders need to be questioned and put into question as much as the traditional orders that have already been rejected' (126). Or les romans de Claude Simon, et en particulier *La route des Flandres*, effectuent cette remise en question et incitent l'histoire à se questionner elle-même en tant que stratégie narrative.

Cette stratégie, qu'elle affecte l'histoire ou la fiction, met cependant en cause les concepts de synchronie et de diachronie, auxquels est consacré le sixième chapitre. Or tenter de résoudre les problèmes soulevés par l'opposition de ces concepts en privilégiant l'un d'eux, cela ne peut se faire qu'au prix d'une mutilation de la véritable complexité du temps ou de l'espace, mutilation que semble endosser Claude Simon dans ses écrits théoriques mais que sa fiction récuse: 'In spite of what Simon argues in his theoretical statements, a critical reading of *Histoire* reveals that neither in history nor in the novel are

the parentheses ever really closed, and that the illusion of a closing off, of an arrival at or movement toward an end, may be a necessary moment of both history and fiction ... , but it is nothing more than that, a momentary illusion. Something always escapes repression; something always remains to interfere with the pure presence of form and with the historical identity desired' (159). La structure et l'histoire sont interdépendantes.

Le dernier chapitre prend à partie 'l'ultratextualité' et le dogmatisme de la forme. Après avoir souligné les problèmes que pose la notion de bricolage empruntée par la théorie littéraire à l'anthropologie structurale de Lévi-Strauss, l'A. dénonce les présupposés de la théorie du récit proposée par Jean Ricardou et sa prétention à évacuer 'l'idéologie de la représentation' au profit d'un texte auto-suffisant qui s'engendrerait lui-même. Bien que Claude Simon soit théoriquement d'accord avec Ricardou et ait expressément eu recours aux techniques qu'il décrit pour produire certains de ses romans, ceux-ci permettent à l'A. de démontrer que l'idéal du texte auto-représentatif n'est jamais atteint, qu'il perdure en toute représentation textuelle de la textualité des contradictions nécessaires et que le problème de la forme de la fiction ne peut se résoudre dans la fiction même. Bien plus: 'The "science of the text," the study of its so-called material existence, is then as idealistic as the idealisms attacked by Ricardou in the name of science' (186). 'The theory of fiction as *bricolage* which demands that the project of the writer be sacrificed so that the ideal visibility of language, the truth of the text, will be all that is visible in the text reencloses fiction within a frame that is as restrictive as that imposed on fiction by the so-called "ideologies of representation and expression." The conflicts and contradictions between theory and fiction are not resolved when fiction takes on the project to be its own theory of itself, to be only "pure," visible textuality. No blindness is blind enough, no in-sight perceptible enough, to ensure the realization of such a project. The project of *bricolage* is really the ultimate project, the project which pretends to do away with all other projects by blinding itself and us to its interests as it moves insightfully toward the realization of its ideal goals. The conflictual interplay between theory and fiction, however, continues despite all attempts to resolve the conflicts between them on behalf of either of the terms' (199-200).

Il s'agirait donc de se maintenir dans l'entre (l'antre?) de l'opposition, là où théorie et fiction interagissent sans se dominer l'une l'autre ni s'annuler. Cette position est d'autant moins confortable qu'elle risque de devenir la cible des apôtres de chacun des termes opposés. Mais s'il n'y a pas de hors-lieu permettant de dominer ce débat, de quel autre lieu pourrait-on questionner à la fois, et l'une par l'autre, la théorie et la fiction? Il faut savoir gré à David Carroll d'avoir affronté lucidement les discours dominants de notre époque, d'avoir montré combien fragiles sont en réalité leurs dogmatismes, et de l'avoir montré sans s'enfermer lui-même dans une certitude non moins aléatoire. Ce livre mérite de devenir à son tour le sujet en question.

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DESMOND M. CLARKE, *Descartes' philosophy of science*. University Park, PA: Pennsylvania State University Press 1982. Pp. xii + 249. US\$17.95. ISBN 0-271-00325-1.

Clarke's book on Descartes is the first in *Studies in Intellectual History*. This series, edited by M.A. Stewart, seeks to avoid the narrowness of an approach to past philosophers which proceeds on the principle that 'the philosophical elements in their work can be studied and understood independently of the intellectual context of the works discussed'; it aims to present an alternative to 'the narrowly combative and unhistorical study of philosophers of the past' (ix). If the various volumes to be published succeed in implementing the editor's goal, the series is bound to be an extremely valuable addition to philosophical literature.

*Descartes' philosophy of science* is primarily about Cartesian methodology. That no mention is made of methodology in the book's title is to emphasize the point that Descartes' method is not easily understood if we merely confine our attention to his works on method, but can be grasped quite readily if we examine how he actually proceeded as a scientist and then read the methodological works with these procedures firmly in mind. Clarke focuses on Descartes as a practicing scientist, and on what Descartes said about this practice particularly in his correspondence (which was often an exchange of ideas with practicing scientists). It is only in the seventh chapter (which is the last but one) that Clarke proceeds to relate Descartes' practice to his systematic writings on method, and that he provides an interpretation of these writings. Clearly, this approach fits the editor's intent. That it is largely successful makes Clarke's book a worthy opener of the series.

The central part of this book (chapters two through five) is the most successful. Its chapters are the source of the book's very considerable value. They present a convincingly argued, well-documented account of the indispensable roles which sensation, observation and experimentation play for Descartes. The first chapter suffers from overstatement, and the important seventh chapter is marred to some extent by misinterpretation. It seems likely that the first defect is at least in part responsible for the second.

The overstatement concerns the *Rules for the Direction of the Mind* and the *Discourse on Method*, the two works in which Descartes articulated the precepts of his method. Clarke calls these works 'unusually opaque' and 'close to being unintelligible apart from the scientific work which they intended to explicate' (6). (One wonders which 'scientific work' the *Rules* was 'intended to explicate'; it was written in 1628, five years before Descartes composed his first 'scientific work,' the treatise *Le Monde*.) Clarke describes them as 'unusually opaque even by Descartes' standards' (13). When he turns to these works in the seventh chapter, it becomes clear that this strong language of the first is to be taken seriously: he discusses the method of the *Rules* 'in so far as it can be understood at all' (169); and of both the first book of the *Rules* and the second part of the *Discourse* he writes that 'as a commen-

tary on method in physical science' they are 'too vague to be either plausible or implausible!' (185). These statements do injustice to both Descartes and at least some recent work on Cartesian methodology. They betray both a lack of understanding of these Cartesian writings (one is, consequently, hardly surprised to find the seventh chapter marred by misinterpretation) and an exaggeration of the originality of *Descartes' philosophy of science*.

Nevertheless, the central chapters are extremely useful. It is beyond dispute that very many commentators undervalue, often even dismiss entirely, the role of experience in Descartes' thought. Many generations of such commentators have perpetuated the myth of Descartes as the extreme rationalist who had no use for sense experience. Clarke's careful work in these chapters ought to explode that myth once and for all.

The argument in these chapters demonstrates conclusively the importance of both ordinary sense experience and scientific experiment for the Cartesian programme. In a nuanced discussion of Descartes' 'innatism' (in which Clarke makes a helpful distinction between two kinds of 'innateness') it becomes quite clear that this doctrine itself needs, rather than obviates, the concept of sense experience. This discussion helps to provide the grounds for the conclusion that, for Descartes, 'pure reason, i.e. the use of intellectual faculties without any sensory input, is useless for a science of physical nature' (73). It also becomes abundantly clear that Descartes' use of 'deduction' is entirely consistent with thorough reliance on empirical evidence so that, when Descartes writes of his physics as 'deduced' from his metaphysics, he does not have in mind an 'exclusively logical relation' between the two (78). This creates room for the use of imagination in the advancement of hypotheses, and of the imagination and sensation combined in the conducting of experiments and the construction of models. It leads Clarke into an illuminating discussion of Descartes' logic of discovery.

There are some minor problems in these central chapters. Although he deals persuasively with the role of models, the discussion of their relation to the general method is inadequate. (This is a gap which remains unfilled in the seventh chapter.) Occasionally, Clarke confuses model and method — as on p. 122, where reflections on the construction of models (i.e. on particular procedures which are in part dictated by the general method) are without qualification presented as 'reflections on method.'

The argument about the relationship between certainty and truth in the sixth chapter leaves me unconvinced. It is based primarily on a particular interpretation of a single problematic and controversial passage from Descartes' Second Replies to objections made to the *Meditations*. (The passage in question is that on p. 134.)

Clarke's study is excellent on the central importance which Descartes attached to observation, hypotheses, experiments and models. However, he does not know precisely how to relate these to Descartes' general method. That is the chief problem of the seventh chapter. This problem is compounded or perhaps caused by Clarke's misreading of important parts of the *Rules* and the *Discourse*. Whereas Descartes' method contains two distinct and



separate parts, analysis or reduction and synthesis or deduction, Clarke in effect allows analysis to incorporate all the important aspects of deduction. He writes that analysis '... involves deductions ... from assumptions and models among other things. A synthesis would merely consist in re-ordering the various pieces of the puzzle which have been unearthed here to provide a continuous argument from basic assumptions to the description of the *explanandum*' (176). This conflation of analysis and synthesis leads Clarke to confuse what is the *basis* and what is the *source* for scientific knowledge. Ordinary experience is indeed 'the paramount source' of the scientist's 'explanatory concepts' (205) but, contrary to what Clarke says, it is not 'the basis for scientific knowledge' (204). Only through analysis of ordinary experience do 'explanatory concepts' become available. 'Experience' may be called the 'source,' as long as the product of the *analysis of experience* is called the 'basis.' Once these 'basic' concepts have been obtained, synthesis or deduction can begin. Experience remains of prime importance also for synthesis because it is in synthesis (and not, as Clarke holds, in analysis) that Descartes locates the work of the imagination in proposing hypotheses, and of the imagination and sensation combined in conducting the experiments and constructing the models which are to provide the 'empirical warrent' which makes hypotheses into 'scientific explanations' (205).

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BENEDETTO CROCE, *La philosophie comme histoire de la liberté*. Textes choisis et présentés par Sergio Romano, Paris: Éditions du Seuil 1983. 289 p. ISBN 2-02-006370-0.

Ce recueil de textes, à travers la diversité des sujets traités, constitue une illustration du rôle que Croce assigne à la pensée: 'la perfection de ce que l'on appelle philosopher réside dans le fait d'avoir pu surpasser la forme provisoire de l'abstraite "théorie" et de penser la philosophie dans les faits particuliers en racontant l'histoire, l'histoire pensée' (20). Et cette histoire n'est nulle autre que celle de la liberté.

Sur la notion de liberté, ainsi que sur son rôle historique, Croce se dissocie de Hegel. Pour lui, elle ne réside pas dans le déploiement et la réalisation nécessaires des diverses déterminations d'un concept qui contient déjà implicitement toutes ses différences; au contraire, elle consiste dans un 'idéal moral,' elle est 'la matrice éternelle d'où naît l'histoire, le sujet même de toute histoire' (206). Elle n'est point un concept dont le développement interne

détermine rigoureusement le cours de l'histoire; elle est un idéal auquel aspire la vie humaine, une forme qu'investiront d'un contenu les activités mêmes de l'homme, et c'est à ce titre qu'elle sera efficace. Cet idéal est donc indéterminé, mais il se particularise sous la poussée des événements, qui, quels qu'ils soient, affectent toujours la liberté: tantôt ils favorisent immédiatement son règne; tantôt ils semblent le contrecarrer, mais alors ils éveillent l'intérêt émancipatoire qui le rétablit sous un jour nouveau.

Voici encore un Napoléon: la liberté qu'il détruit n'avait de la liberté que l'apparence et que le nom; ce n'est que ce nom et cette apparence qu'il lui enlève, il rend tous les peuples égaux sous son gouvernement absolu, mais il laisse, après sa chute, ces mêmes peuples avides de liberté, il leur a donné plus nette conscience de ce que cette liberté est effectivement; voyez-les, après lui, prompts à implanter, comme ils ne vont point tarder à le faire, dans toute l'Europe, les institutions de la liberté (208).

D'ailleurs pour Croce cet idéal est et a toujours été présent dans l'histoire.

En effet, il s'était développé de concert avec toute la pensée et tout le mouvement de la civilisation, il était dans les temps modernes passé de la liberté comme ensemble de privilèges à la liberté comme droit de nature, et de ce droit naturel abstrait à la liberté spirituelle de la personnalité historiquement concrète: puis il s'était fait progressivement plus cohérent et plus solide, mis en valeur par la philosophie correspondante, pour laquelle ce qui est loi de l'être est loi du devoir être! (196)

Ensemble de privilèges, droit de nature, droit naturel abstrait, liberté spirituelle, moralité subjective, tels sont les divers contenus qu'a successivement revêtus la liberté comme idéal formel.

Avec cette conception de la liberté se manifeste l'historicisme de Croce. En effet, les diverses manifestations mentionnées comme caractéristiques de la liberté ne découlent pas logiquement d'un concept, elles sont pour ainsi dire posées par la vie même d'une époque et sont propres à cette phase de l'histoire.

Mais en quoi cet idéal est-il moral? Le sens de ce dernier terme poind dans l'article intitulé: 'L'Etat et l'Ethique.' Croce rejette la séparation que les fondateurs de la philosophie sociale moderne, entre autres Machiavel, More et Hobbes, introduisent entre l'éthique et la politique.

Il n'existe pas, dans la réalité, une sphère autonome de l'activité politique et économique, isolée et close; il n'existe que le processus de l'activité spirituelle, dans lequel le moment dialectique de l'Utile, toujours recommencé, se résoud indéfiniment dans l'éthique (240).

Mais il n'en revient pas pour autant au point de vue aristotélicien suivant lequel l'éthique et la politique s'identifient.

Or l'éthique trouve dans la politique à la fois sa condition préalable et son instrument, tel un corps auquel elle insufflerait une âme nouvelle et qu'elle utiliserait à ses fins (240).



La politique est un moyen par lequel la liberté se réalise, et à ce titre elle lui est subordonnée. Ainsi un homme politique ne peut être 'entièrement dénué de sens moral.'

Ici, il importe de s'interroger sur ce que Croce entend par moral.

L'homme moral est le *vir honus agendi peritus*; son éducation morale exige à la fois l'éducation politique et le culte, ainsi que l'exercice des vertus plus pratiques comme la prudence, la perspicacité, la patience et le courage (241).

Cette définition, plutôt descriptive, rapproche Croce d'Aristote pour qui l'aspect moral est une caractéristique de l'agir humain comme tel. Dès lors, ce qui se déploie à travers l'histoire, c'est la vie vertueuse, la vie spirituelle, qui au fond anime toutes les activités de l'homme, quelles qu'elles soient.

Cette priorité accordée à la vie éthique n'est certes pas étrangères aux démêlés de Croce avec Labriola ainsi qu'à sa rupture avec le marxisme. D'ailleurs le jugement que Croce porte sur le marxisme corrobore cette interprétation et se situe tout à fait dans la logique de sa pensée.

J'estimais que le matérialisme pouvait être d'un grand bénéfice s'il était envisagé non comme une philosophie de l'histoire ou une philosophie tout court, mais comme un critère d'interprétation empirique, une recommandation faite aux historiens de prêter attention, ce qui n'était généralement pas le cas jusqu'alors, à l'activité économique dans la vie des peuples et aux idées naïves ou élaborées qui trouvent là leur origine (103).

Dans la même foulée Croce prête à Labriola les propos suivants à son égard: '... tu débats avec toi-même pour savoir quel usage tu dois faire du marxisme mais non pour savoir ce qu'il est' (108).

En somme Croce rejette toute affiliation à l'un ou l'autre des grands courants de pensée de son temps; il se considère comme un philosophe de la conjoncture historique, mais peut-être à son insu, établit-il, par le rôle historique qu'il assigne à l'idéal moral, les fondements d'une voie qui serait une sorte de compromis entre sa conscience, demeurée religieuse au fond, et la philosophie hégélienne qui imprègnait l'air du temps.

Tel qu'il apparaît à travers les articles de ce livre, car je ne voudrais pas préjuger de l'ensemble de l'œuvre, Croce se révèle comme un philosophe qui ne propose pas vraiment un nouveau système de pensée, mais qui adopte une attitude critique, quasi prudentielle, face aux diverses théories invoquées pour cerner l'esprit de son époque.

Je conseillerais ce livre à tous ceux qui, sans être convaincus, au moins soupçonnent que l'agir humain, avec son caractère éthique, malgré les assauts d'une pensée de plus en plus marquée au coin de la rationalité technique, assume de fait et doit revendiquer un rôle plus important dans le cours des événements.

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JOHN WILLIAM DIENHART, *A Cognitive Approach to the Ethics of Counselling Psychology*. Lanham, MD: University Press of America, Inc. 1983. Pp. 152. US\$18.75 (paper: ISBN 0-8191-2817-1); US\$8.50 (cloth: ISBN 0-8191-2818-X).

The advent of psychoanalysis initiated a growing concern about the effects of therapy on client beliefs. A system of moral and non-moral beliefs, or values, describing or determining a way of life is of special interest because one of the things that goes on in therapy, from strict analysis to informal counselling, is an alteration of client beliefs. The question is, what role should therapy play in this alteration? Should a therapist actively reconstruct the values of a client? Should a client be left alone in his decisions about value? Should some middle ground be sought?

By way of striving for a therapeutically functional answer, Dienhart contrasts cognitive approaches to morality with non-cognitive ones. He quickly dismisses the utopian notion that therapists, no matter what their theoretical stripe, can prevent values from entering into the therapeutic process: ethically enjoined from indoctrinating their clients, therapists nevertheless cannot escape the assumption that moral and non-moral principles about the best life for a human being are at the foundations of every counselling theory. The very fact of therapy implies therapeutic influence, and given that therapeutic influence involves values, it follows that counselling must include values.

Much of Dienhart's discussion is given over to the fundamental issue of how values are acquired. He challenges, and refutes, the 'non-cognitive' theories — social learning, psychoanalysis and behaviour modification — because they cannot account for 'the continuity of values in an orderly fashion ... (across) different cultures,' nor can they 'account for the difference in how individuals understand rules they find in society.' Instead, Dienhart settles on cognitive-developmental theory as more competent in explaining moral acquisition. He deals at length with Kohlberg's stage theory of moral development, particularly because of its ability in pointing to qualitative individual differences in moral development. Injunctions against lying, for instance, though understood and largely followed, will evoke qualitatively different responses on the part of an individual developmentally arrested at Kohlberg's stage One (to whom the matter is merely that of being punished or not), contrasted with a more highly developed individual at state Five (to whom punishment is irrelevant and who would, indeed, reject lying on the grounds that it violates the rights of other persons.) This latter is a cognitive function and shows that 'a person's morality is not merely a function of content, but of how that content is structured.'

Therapy, therefore, in helping effect changes in a client's reasoning, has an effect on the client's moral behaviour as well. This fact makes it evident that therapists should try to understand the process of moral development and, further, that they should have a general idea of the nature of morality and the many aspects of our lives which morality influences. The advantage of the cognitive model over the irrational or learning ones is that it enables us



to understand the different kinds of moral problems that a person can have, as well as the different ways a therapist can effect a client's moral system.

This is no handbook for a therapist — it is a former philosophy dissertation — and the reader will find few examples to illustrate the argument. Further, the extensive use of psychoanalysis and behaviour modification as therapeutic interventions hypothesized throughout the discussion does not accurately reflect the current state of the clinical arts. Moral issues in therapy, however, is a topic only skimpily clad by the curricula of most training schools, and this well-referenced little book provides a good cover for its argument.

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CATHERINE Z. ELGIN, *With Reference to Reference*. Indianapolis: Hackett 1983. Pp. viii + 208. US\$27.50 (cloth: ISBN 0-915145-52-9); US\$12.75 (paper: ISBN 0-915145-53-7).

It is not surprising that in his foreword to this book, Nelson Goodman claims that it is a 'consequential' work, since the ideas in it are all of his own making. Catherine Elgin has gone through the Goodman corpus and extracted from it a theory of reference, each of her chapters corresponding to a different issue, denotation, exemplification, metaphor, quotation, etc. This is not a book about Goodman, however, so much as a book which reads as if it were ghost-written by Goodman himself. If you have read *Languages of Art* (L.A.), *Ways of Worldmaking* and a few other short pieces by Goodman, you are already familiar with all the ideas in the book. Indeed you are even familiar with its style, since Elgin has appropriated that too from Goodman. It is a disconcerting experience to read a philosophy book by a philosopher whose subject is another philosopher and in which there is not one word of criticism about that subject.

Elgin writes in a clear and elegant way, knows Goodman backwards and forwards and clearly has a good grasp of the theory. In many ways this is a fine book. But one is struck most by its oddity. The biggest question it raises is why it was written in the first place. I suppose it could be argued that Goodman has an interesting and important theory of reference, which needs to be made more accessible, since a large part of it is tucked away in *Languages of*

*Art*, read only by ignorant aestheticians. But this is hardly sufficient reason for a book which merely duplicates the theory. Any book about Goodman on reference would surely perform a more useful function if it set the theory in a wider context and subjected it to critical appraisal. Since Goodman's views are hardly standard this would seem to be particularly compelling in his case. Elgin, however, sticks very closely to the texts she expounds, so closely that when one of her chapter topics corresponds to a particular paper or chapter by Goodman, there is no good reason to prefer her version to Goodman's or vice-versa. This is true, for example, in the chapter called 'The Structure of Systems' which rehashes Chapter IV of *Languages of Art* and the chapter on 'About' which exactly parallels Goodman's papers on that topic, merely using different examples and a slightly different order of exposition.

In rare places Elgin makes some slight additions to Goodman's view, as when she tentatively suggests an analogy between musical quotation and onomatopoeia. Moreover, she does sometimes set Goodman's views against those of some of his contemporaries. What this means, however, is that in a few short paragraphs she gives the Goodman position on, say, the Putnam-Kuhn controversy about theory change (40-1), or the Kripke-Putnam theory of naming (11-15), or the Davidson theory of metaphor (67-8). None of these discussions amounts to a critical appraisal of Goodman's own position.

A book putting Goodman's theory of reference in critical perspective would have been a welcome addition to the literature, especially now, perhaps, when one of Goodman's targets, metaphysical realism, is coming under attack from other quarters. But this book seems almost wilfully to ignore the difficulties in Goodman's theory, of which I will briefly mention two.

In *Languages of Art* Goodman introduces the concept of exemplification, which is such that a symbol exemplifies a label if and only if the label denotes (applies to) the symbol and the symbol refers to the label. For example, a tailor's swatch exemplifies 'vermilion' and 'silky' if and only if the swatch both refers to and is denoted by those predicates. (In property language, the swatch exemplifies being vermilion and silky if it both is vermilion and silky and refers to those properties.) Goodman then proceeds to talk as if symbols refer to the labels which apply to them in many contexts where it is quite unclear why this should be so. Why, for example, does a centaur-picture *exemplify* being a centaur-picture (*L.A.*, 66) rather than merely being a centaur-picture? And why does a performance of a musical work *exemplify* the score, rather than merely satisfying it (*L.A.*, 236)? The notion of reference here is either so weak as to be scarcely reference at all, or else it has some as yet unexplained significance. On this matter Elgin is silent. All she does is multiply puzzling examples, as when she claims that 'gorilla' exemplifies 'brutal-label' (148).

A second and more important problem is truth. On Goodman's view there is no one truth of the matter, since there is no one 'matter' for there to be truth about: truth is always relative to the system within which we are operating and there is no one system which is prior to, or more fundamental



than, all the others. Rembrandt's version of the world is right and so is that of quantum physics; they are merely different versions or visions, which result from different aims and interests. Goodman also claims, however, that not all versions are true. If, however, there is no reality out there which is independent of any version, against which to test the truth of our versions, then Goodman owes us an account of how to determine rightness or truth. In general he seems to have a pragmatic view: if your version brings enlightenment (of whatever sort you're interested in) then it is right. But what *is* 'enlightenment' and how can we give an account of it which does not in turn require a definition of truth? These are difficult, fundamental matters and urgent for Goodman's theory of reference.

We look in vain to Elgin, however, for any critical discussion of these issues or indeed for any sense that there might be difficulties or problems in Goodman's view. On the contrary, she seems to be convinced that among the multiplicity of versions envisaged by Goodman's philosophy, she and Goodman have got hold of a right one.

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GEORGES-A. LEGAULT et LUC BÉGIN, *Le Québec face à la formation morale*. Sherbrooke: Faculté des Arts, Cahiers de philosophie, numéro 1, Service à l'édition et à la recherche 1983. 186 p.

Dans le but de tracer des voies de dialogue permettant d'éviter la réduction de la question de l'éducation morale à sa seule dimension psychologique, les auteurs se proposent d'étudier les composantes individualisée et structurale de l'éducation morale (l'action, c'est-à-dire les comportements, les valeurs, c'est-à-dire l'importance relative des choses et le raisonnement moral, c'est-à-dire les critères à partir desquels certaines choses sont dites plus importantes que d'autres) en posant l'expérience personnelle comme point de départ des recherches.

L'expérience personnelle, présentée ici comme une constante de trois lieux de dialogue de l'analyse, à savoir l'individu, les pairs et les éducateurs, autorise une analyse permettant d'éliminer une partie des confusions fréquentes entourant les discussions sur l'éducation morale et notamment la présentation des positions éthiques comme des absolus. En privilégiant la

composante structurale de l'éducation morale, c'est-à-dire la mise à jour de la structure sous-jacente de la morale, les auteurs sont amenés à centrer leur analyse sur l'axe scolaire de la formation morale, lequel pose clairement le problème des rapports hiérarchiques entre les éléments de base de la morale, à savoir les comportements, les valeurs et le raisonnement moral.

Après une première partie évoquant les contextes sociaux, juridiques et pédagogiques du problème de la formation morale dans les écoles québécoises à la lumière de l'expérience récente vécue par le personnel et les parents de l'école Notre-Dame-des-Neiges, les auteurs reprennent le problème à sa source: L'éducation morale pose à la société québécoise l'épineuse question du pluralisme des valeurs. Face à ce problème, ils distinguent la solution visant à instaurer une nouvelle majorité et celle du relativisme, en faisant le pari que l'enjeu réside ici dans la conception théorique que l'on se fait de la morale, conception elle-même multiforme puisque la recherche en formation morale évolue elle aussi dans un climat de pluralisme scientifique.

Dans ce contexte, les auteurs proposent une analyse dialectique fort avancée des trois perspectives structurales les plus fréquemment discutées au Québec et en Amérique du Nord, à savoir le modèle de *formation morale chrétienne* comme résultante d'une synthèse pratique des vérités, croyances et valeurs acquises et partagées lors de l'enseignement religieux (modèle couramment désigné comme 'endoctrinement' dans la documentation américaine), le modèle de la *clarification des valeurs*, intervention pédagogique visant à une appropriation personnelle des valeurs, constatant l'existence du pluralisme en laissant ouverte la question de sa validité éthique et le modèle du *développement moral*, dont Lawrence Kohlberg est le fondateur, qui partage avec la clarification des valeurs un souci d'évolution personnelle des individus, mais qui préconise des questions ayant trait aux justifications de la décision morale, par rapport aux questions de clarification.

En procédant à leur analyse des multiples formes de ressemblances, oppositions, relations entre ces trois modèles de formation morale, les auteurs structurent leur enquête autour des trois axes majeurs de l'éducation morale, à savoir l'axe structural (les éléments de base qui structurent les discours moraux, la morale sous-jacente, la finalité de l'intervention morale), l'axe institutionnel (l'enseignement, l'aspect académique et le projet éducatif implicite) et l'axe pédagogique (techniques, méthodes d'enseignement, compétence et formation des enseignants).

Ceci donne lieu à un ensemble de comparaisons entre les trois approches. L'endoctrinement, entendu ici dans un sens non-péjoratif d'initiation visant à faire adhérer l'élève à une doctrine, suppose qu'il soit possible de définir des valeurs et de les unifier en un univers moral cohérent, alors que les mouvements de clarification des valeurs et du développement moral doutent de la nécessité de rattacher l'éducation morale à des contenus spécifiques. Pour les défenseurs de la clarification des valeurs, en revanche, le relativisme moral absolutise le pluralisme de fait et rend toutes les valeurs équivalentes dans un 'laisser-faire' axiologique dénaturant les enjeux positifs de la liberté de conscience. Bien que chacun définisse ses valeurs et décide de ses com-



portements, le procès des valeurs, c'est-à-dire la manière dont les valeurs procèdent de l'expérience personnelle, est naturel, invariable et il est mû par la raison: indépendamment des valeurs prônées, il existe des personnes qui sont morales et d'autres pas. A son tour, la perspective de Kohlberg, dite de 'développement moral,' favorise elle aussi la tolérance; elle considère cependant que le raisonnement moral a pour fonction essentielle de résoudre les conflits moraux qui se présentent à l'individu, plutôt qu'une fonction de clarification suite aux actions posées. Les six stades de développement du raisonnement moral (obéissance simple, instrumentalisme, concordance interpersonnelle, loi et ordre, contrat social, principes éthiques) indiquent que la moralité tient à la manière dont une personne résout les conflits moraux, plutôt qu'aux valeurs données comme primordiales dans un raisonnement moral.

Ce premier *Cahiers de philosophie* consacré à la formation morale est de bon augure. Dans un style sobre et clair, les auteurs parviennent à mettre en lumière les enjeux complexes et multiples de la formation morale. Leur analyse des trois principales approches en formation morale a un caractère incarné, tout en offrant, pour la première fois peut-être au Québec, une mise en perspective philosophique de leurs aires de compatibilité et d'incompatibilité théoriques. Visiblement plus à l'aise dans l'analyse structurale que dans le commentaire pédagogique, les auteurs réussissent bien à dépasser les carcans et les dualismes qui confinent trop souvent les débats en cette matière aux allégeances confessionnelles ou anti-confessionnelles des intervenants. Certains douteront peut-être de l'adéquation des libellés qui rattachent la formation morale chrétienne à l'endoctrinement (est-il possible d'éviter la connotation péjorative de ce terme?), mais il demeure certain, ainsi que le montrent les auteurs, que les personnes intéressées à la formation morale ne sauraient désormais faire l'économie des enjeux théoriques redoutables que recèle le pluralisme de fait. Le choix entre les perspectives possibles dépasse largement la question de la cohérence telle qu'elle peut être envisagée par chacune des perspectives. Il rejoint les questions les plus fondamentales de la décision éthique elle-même. Il faut savoir gré aux auteurs d'avoir proposé une étude qui, pour la première fois, tente de baliser les avenues théoriques possibles d'un pareil choix.

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RUTH MACKLIN, *Man, Mind, and Morality: The Ethics of Behavior Control*. Scarborough, Ont. and Englewood Cliffs, NJ: Prentice-Hall 1982. Pp. x + 130. Cdn\$9.75: US\$9.95. ISBN 0-13-551127-5.

'Who may do what to whom, and with what justification?' (25) This is the basic question raised by Macklin in a volume which surveys the ethical and philosophical issues raised by behavior control, particularly as practiced in institutions — prisons and mental hospitals primarily, although other contexts, such as schools and the military, receive attention as well. The volume appears in a Prentice-Hall series on the philosophy of medicine, edited by Samuel Gorovitz, designed to explore unexamined issues, both philosophical and ethical, in a manner understandable to a general readership.

The basic question raised by Macklin is likely to not only persist but to intensify. Recently, the wild and wonderful state of California has treated us to the spectacle of a city (Berkeley) adopting an ordinance forbidding the practice, therapeutic or otherwise, of electric shock treatment (ECT) within city limits. Charges persist that Montreal psychiatrists and neurologists collaborated with the CIA in research on 'psychic driving' perpetrated upon mental patients. In the course of her book, Macklin manages to touch on these and most of the other major issues which behavior control raises. On the side of theory, she describes: conceptual and technological continua over which range choices in behavior control; psychological determinism and concepts of freedom; paternalism and coercion; Kantianism and utilitarian theories; three variations on the medical model; and much else. From the practical side, she discusses everything from the insanity defense to the use of Ritalin to treat hyperactive children.

Clearly, in a book of this length, there will be topics missed, as well as some superficial discussion. These faults may be necessary, and may not be too serious — depending upon the readership in question. But although these constraints explain some of Macklin's lapses, the problems go deeper than that. What we would expect from a writer of Macklin's background (philosophy) is conceptual clarity and insight, and, above all, a reasonable treatment of the theoretical issues raised in behavior control. But it is in just these areas that Macklin's book is weakest.

It is by now traditional for writers on bioethics to preface their real work — the discussion of issues — with a brief discussion of traditional alternatives in ethical theory: almost always, consequentialism and formalism. Nuances aside, the broad outline of the disagreement — formalist theories include at least some non-consequentialist principles within moral evaluation — is important enough, and not hard to state. Macklin's version goes differently: 'What binds formalist theories together ... is that they deny that the consequences of human actions are important for making ethical judgments' (29). Nor is this a lapse; the claim is repeated on the following page. There is a world of difference between saying that consequences aren't *anything*, and saying they are *everything*. As is often the case, fortunately, we hear little about the theories once the first three chapters have cleared the ground.

More serious is the way in which Macklin treats theories, ethical, scientific, and legal. Conscription to military service in time of war, compulsory vaccination, and rationing of goods in times of emergency are described on p. 47, in discussing justifications for limiting liberty. All of these instances, says



Macklin, 'are supported by the utilitarians.' But utilitarianism does not, of course, commit an adherent to any particular *result* in cases of ethical controversy. Rather, it commits one to a *form of speech and argument*, in which consequences are all that count. The view that in controversy X, utilitarians say yea and formalists say nay, mistakes form for content in ethical theory. This trap catches Macklin time and again. On p. 47, we are told that the basis for rationing 'is the utilitarian calculation,' as though non-consequentialists are debarred from finding their own justifications. Similarly, on p. 98, the deinstitutionalization carried out upon residents of Willowbrook Developmental Center has 'Kantian moral roots,' while the fear that they will serve as vectors for an epidemic of hepatitis relates to a 'utilitarian justification.'

The one-problem, one-theory, one-answer model is representative of a wider propensity to polarize choices in terms of either/or. *If* we adopt the medical model with respect to mental illness, *then* the disturbed must submit to the authority of physicians, in an effort to be cured (62-4). *If* there is no such thing as mental illness ... *then* it is a mistake to employ medical specialists' (70; (emphasis added). The simple view of the consequences of theories applies across categories as well, so that psychological or metaphysical theories would force legal and ethical conclusions: e.g., *if* mind-body physicalism were established *then* it would follow that psychosurgery 'destroys or deforms' people (17). *If* there were a 'generally accepted, overall theory in psychology or psychiatry on which to base judgments about an individual's rationality (50),' *then* the legal quandaries about determining competency would be solved, and perhaps the issues surrounding the insanity defense as well (86-7).

In none of these cases, though, will scientific clarification solve the ethical, legal and policy quandaries (as Macklin recognizes elsewhere in discussing facts and values — e.g., p. 84). Physicalists might hold that psychosurgery *improves* 'people' rather than deforming them. Psychiatric identification of rationality — whatever that might mean — may tell us very little about whether to respect a prisoner's request for surgical castration. Issues about the insanity defense predate psychiatry, and rest on divergent ethical as well as factual premises.

Some of the argument seems to have gotten away from the author. Repetitions abound: by the time Macklin tells us that the inclusion of mental disturbance under the medical model has practical as well as semantic significance (70), she has already made the point on pp. 61, 64 and 66, and will repeat it yet again, on p. 71. An early discussion of coercion gets no play in a section on prison experimentation, and a review of concepts of freedom (24 ff.) fails to arise when discussing the criminal's responsibility for actions and the choice between jail and the asylum (72 ff.). (The structure of the book, which has some chapters on theory (e.g., 'Freedom vs. Coercion') and others on practice ('Institutions and Alternatives') is one of the culprits here.) The intended 'general readership' of the volume would, I think, be left hanging in a number of places, as oblique references to a point substitute for detailed ex-

planation. For example, five tests of competency proposed by Roth, Meisel and Lidz are mentioned without any examples or explanation which would elucidate the points at issue between them (51; other oblique references are found at 11, 66 and 87).

The book deals with many important issues which have appeared in the literature, and introduces some new approaches and questions of its own. Macklin is well-prepared, as she has demonstrated in other work, to make an important contribution to the theory of behavior control. But she will need more space, structure, and a more sophisticated approach to theory than this volume afforded.

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LOUISE MARCIL-LACOSTE, *Claude Buffier and Thomas Reid: Two Common-sense Philosophers*. Toronto and Buffalo: McGill-Queen's University Press 1982. Pp. vi + 227. \$27.50. ISBN 0-7735-1003-6.

Professor Marcil-Lacoste suggests that common-sense philosophy has, often and mistakenly, not been taken seriously enough — as by Kant it has been supposed to stop naively where philosophy proper should begin: 'To appeal to common sense ... is one of the subtle discoveries of modern times, by means of which the most superficial ranter can safely enter the lists with the most thorough thinker and hold his own.' Marcil-Lacoste believes, however, that a detailed look at particular cases will show common-sense philosophy to be far from simplistic and far from being just one thing. It will show that the appeal to common sense does not go unjustified and undefended and has received a variety of explanations and analyses.

The two common-sense philosophies she takes are those of Claude Buffier (1661-1737) and Thomas Reid (1710-96). First these two are considered separately, at length and in detail. Then they are compared and contrasted. Though the main aim is simply to exhibit that the appeal to 'common sense' has been defended and developed in diverse ways, the pairing of Buffier and Reid is not arbitrary. In 1780 Reid was energetically attacked by an anonymous translator of Buffier for 'plagiarism, concealment and ingratitude.' Indeed, down to the present day Reid has been seen as dependent



on Buffier. The assumption seems to have been, says Marcil-Lacoste, that because both appeal to 'common sense' their doctrines must be similar. So the particular historical judgements made on Reid vis à vis Buffier illustrate the general attitude to common-sense philosophy.

For Buffier, 'common sense' is a natural disposition to accept certain propositions, such as that 'there are other beings and other men in the world beside me.' Besides their having a general acceptance, and one which manifests itself in our conduct, one feature of these propositions is their being clearer and more certain than any which might be used to defend or attack them. But for Buffier, as Marcil-Lacoste expounds him, the best justification of the acceptance of common-sense propositions does not depend on this.

We must first acknowledge that such propositions go beyond the Cartesian Cogito (what Buffier calls 'internal sentiment'). Indeed, if anything can be validly based on the 'internal sentiment' of our own existence and thought it is not 'common sense' propositions about things other than ourselves. It is, on the contrary, a sceptical metaphysical solipsism. Nevertheless, if we compare the dispositions of common sense and of the internal sentiment we find they have resemblances and relations which show them *both* to be equally good sources of truth and certainty. Despite the carefulness of exposition in this useful and interesting account of a little-known philosopher I found that this last move in Buffier's thinking remained rather obscure.

'Common sense,' for Reid, is that 'degree of understanding which makes a man capable of acting with common prudence in the conduct of life, [and which] makes him capable of discovering what is true and what is false in matters that are self-evident.' Philosophers have disagreed over what is self-evident because they have not attempted to investigate and discover to which propositions people *in fact* immediately give assent. They have instead appealed to a priori theories about which these must be. Observation of people's verbal and non-verbal behaviour shows them assenting to particular propositions, as that the sun will rise tomorrow. These particular assents are, for Reid, the effects of assent to general propositions, as that there is regularity in natural phenomena. When reason and experience are eliminated as alternative explanations of these general assents the conclusion can be drawn that they are simply facts about the basic constitution of the human mind.

It was not clear exactly where, on Marcil-Lacoste's account, the *justification* for Reid's appeal to common sense lies. She repeatedly stresses that there are connexions between Reid's commitment to an inductive, introspective procedure in philosophy and his doctrine of common sense. One connexion consists in the use of observation to discover the propositions which structure our common sense. But it is supposed also that the need to use induction in this way provides a justification for common sense. 'Reid's systematic argument justifying an appeal to common sense is grounded on the view that there is no possibility of giving a philosophical account of our intellectual powers except by use of the experimental method' (120; see also 84, 145, 161). What was clear, however, is how Marcil-Lacoste could go on finally to

the desired conclusion that because both Buffier and Reid justify common sense and justify it differently we must abandon the caricature of common-sense philosophy (as also the idea that Reid plagiarized Buffier).

The courses the discussion was taking (particularly with Reid) were not always easy to discern, and the not infrequent programmes and summaries did not clarify as much as one might have hoped. Nevertheless, and despite frequent but minor misquotations, the book is a careful piece of work. Wherever possible reference is made to items in an extensive secondary literature, and agreements and disagreements are recorded and documented. There is as an appendix a transcript, edited and annotated by David Fate Norton, of Reid's previously unpublished *curâ primâ* (of about 1768) on common sense.

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BRIAN MCGUINNESS, ed., *Wittgenstein and his Times*. Chicago: University of Chicago Press 1982. Pp. 122. Us\$15.00. ISBN 0-226-55881-9.

Working in Philosophy — like work in architecture in many respects — is really more a working on oneself. On one's way of seeing things. And what one expects of them. (Wittgenstein, *Culture and Value*, 16c.)

The essays in this collection are meant to illustrate the agreement and difference between Wittgenstein's thought and the thought of some of his contemporaries.

In 'Wittgenstein on the Nature of Philosophy' Anthony Kenny seeks to reconcile Wittgenstein's apparently contradictory views on the nature of philosophy. On the one hand, Wittgenstein thought of philosophy as a set of therapies designed to cure the philosophically troubled person. This is 'the therapeutic' view. Here the influence of Freud is evident and acknowledged. Like psychotherapy or medicine, philosophy has a purely destructive function: to remove diseases of the understanding, to destroy idols. On the other hand, Wittgenstein also thinks that philosophy can give an overall understanding and a clear view of the world. According to this 'overview' picture, philosophy has a positive role: to give us 'a sort of *Weltanschauung*.' These pictures of philosophy seem to be in conflict. For how can the mere removal of philosophical problems give an overall understanding of the world? Ken-



ny's resolution is this: Wittgenstein thought that the main sources of our failure to understand are the primitive myths embedded in our language and the myopic theories of misguided philosophers. The task of philosophical criticism is to destroy these myths by showing how they are the result of our misunderstanding of how language works. Now the constructive role of philosophy consists in the project of establishing an order in our knowledge of the use of language. Our aim: to achieve 'complete clarity.'

This is likely to strike one as a rather austere conception of philosophy. Wittgenstein, like Goethe, thinks that 'wisdom is grey. Life and religion are full of colour' (*Culture and Value*, 62e). So I sat up in surprise when I read that Wittgenstein viewed philosophy as 'a matter of will and not of the intellect.' Each person must do it for himself. It is a form of the pursuit of self-knowledge and the avoidance of self-deception. 'Nothing is so difficult as not deceiving oneself' (*Culture and Value*, 34e). This is a deeply Socratic conception of philosophy.

In 'Freud and Wittgenstein,' Brian McGuinness wants to account for Wittgenstein's paradoxical attitude to Freud. On the one hand, Wittgenstein would speak of himself as 'a disciple of Freud,' as 'a follower of Freud.' He spoke of Freud as one of the few authors worth reading. On the other hand, Wittgenstein wrote: 'Freud has done a disservice through his fantastic pseudo-explanations precisely because they are so ingenious.' Again, 'analysis is likely to do harm' because of the powerful mythology that is imposed on one. Well, with friends like that who needs any enemies! McGuinness argues that Wittgenstein's attitude should not really surprise us. For Wittgenstein accepted and rejected Freud in equal measure, rather healthily. He accepted Freud in the sense that in Freud he had an example of how a new and deeper, but often less flattering interpretation, could be substituted for the apparent meaning. He also learned from Freud how a mythology could captivate. But he rejected Freud's mythology and his pseudo-explanations.

In a mainly historical essay entitled 'Wittgenstein's Later Work in Relation to Conservatism,' J.C. Nyíri argues that Wittgenstein was really an arch-conservative philosopher. He was a conservative not only in the sense that conservative attitudes were strongly characteristic of Wittgenstein; but, more importantly, Spengler and the neo-conservative movement in Germany and Austria influenced Wittgenstein to such an extent that his work is correctly construed as an attempt to save conservatism from theoretical collapse by providing carefully argued analyses of its fundamental concepts.

In 'Wittgenstein on Language and Ritual' Rush Rhees explores Wittgenstein's fascination with Frazer's *The Golden Bough*, with the language of gesture and the meaning of ritual, with mythology and symbolism.

The last essay is entitled 'Wittgenstein in Relation to his Times.' In it Georg von Wright depicts Wittgenstein's alienation from his epoch and his repudiations of his own influence. Wittgenstein repudiated Logical Empiricism of which he was a spiritual father; he repudiated, somewhat prematurely, his own influence as that was going to be spread by his own students. He had no desire to be imitated. His attitude toward his times and its

culture was one of disgust and censure. This culture is dominated by science and industry; and he thought that

It isn't absurd to believe that the age of science and technology is the beginning of the end for humanity; that the idea of progress is a delusion, along with it the idea that the truth will ultimately be known; that there is nothing good or desirable about scientific knowledge and that mankind in seeking it, is falling into a trap. It is by no means obvious that this is not how things are. (*Culture and Value*, 56e)

This is strikingly similar to a Spenglerian outlook. Wittgenstein lived the decline of the West in his disgust for contemporary western civilization and in his deep awe and understanding of this civilization's great past. Von Wright also quotes and endorses Wittgenstein's own list of authors who influenced him: 'Boltzmann, Hertz, Schopenhauer, Frege, Russell, Kraus, Loos, Weininger, Spengler, Sraffa.' This was written in 1931 and, von Wright assures us, Wittgenstein would not have added to it later in his life.

These essays are of the highest quality. But I have some sporadic reflections to offer to the reader.

(a) On Wittgenstein's list of the authors who influenced him: his own pronouncements, as well as the essays by Kenny and McGuinness show that he was influenced by Freud. However, Freud's name is conspicuously absent from Wittgenstein's list! If we learned not to take Rousseau's autobiographical remarks at face value, why should we do so in Wittgenstein's case?

(b) How does Kenny's essay fit into 'the common theme' that is supposed to run through the collection? Kenny is not concerned with the agreement and difference between Wittgenstein's thought and the thought of his contemporaries! He tries to render consistent Wittgenstein's seemingly rival conceptions of philosophy.

(c) Can philosophy be simply a matter of will and not of the intellect as well? Granted that we must strive against some of our own intellectual temptations. But surely it takes wits, observation, and lucid thinking to sort out those inclinations which lead one to do bad philosophy from those that lead one to do good philosophy. Recall this remark from *Zettel*: 'Philosophical problems in a sense can not be treated too carefully — there is so much truth in them.' So one needs to weed out the false from the true — unlike in a monkish abrogation of one's will. And this weeding plainly involves the intellect too.

(d) McGuinness quotes with approval: 'A philosopher has temptations which an ordinary person does not have ... ordinary people have no temptations to misunderstand language.' But this is at odds with the sentiment that every one of us is trapped in philosophical errors. Recall: 'Philosophy is a tool which is useful against philosophers *and the philosopher in us*' (my italics).

(e) Was Wittgenstein really a 'conservative philosopher'? Nyíri's assessment sounds alien to those of us who abide by the spirit of the remark 'A



philosopher is not a citizen of a community of ideas — that is why he is a philosopher' (*Zettel*). Wittgenstein's charge that Ramsey was a bourgeois thinker because Ramsey was quite happy to take mathematics as it was practiced and presented by the mathematicians is hardly the remark of a conservative. Nor is it clear how the attribution of conservatism squares with Wittgenstein's conviction that a revolution is required in our thinking — something like the Russian Revolution. Nothing was to be hoped from Western culture: 'the only hope lay in Russia where everything was destroyed.' Is this the voice of someone who is a conservative character? Is this the voice of someone who 'holds on to that which obtains, ... who is sceptical of promises in regard to the future'?

In *Culture and Value* I read: 'This is how philosophers should salute each other: 'Take your time'! Well, take your time! I hope you have plenty of it.

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DAVID FATE NORTON, *David Hume: Common-Sense Moralist, Sceptical Metaphysician*. Princeton, NJ: Princeton University Press 1982. Pp. xii + 329. US\$25.00. ISBN 0-691-07265-5.

The distinguished author of this controversial study says that Hutcheson and Hume believe virtue and vice to be 'objective' and 'real.' But if Hume is a moral realist, Norton thinks, he is also a metaphysical sceptic. For Hume there is 'one criterion (of truth) in morals ... and another in metaphysics' because for him 'there are two different kinds of philosophy, a kind which relies on sentiment and a kind which relies on reason. Morals or ethics is of the first sort, metaphysics of the second' (210).

Norton makes sharp criticisms of the Kemp-Smith school of interpretation which, he says, is distorting and superficial: it over-emphasizes Hume's naturalism and underplays his scepticism. Norton thinks Hume never subordinates reason to natural belief and does allow reason a sceptical role in metaphysics, contrary to what Kemp-Smith says.

He makes the following four main claims: — (1) Hume and Hutcheson say that virtue and vice are objective; (2) Hume thinks that moral philosophy is different from metaphysics, the two having different standards of truth which preclude moral scepticism but allow metaphysical scepticism; (3)

Hume never subordinates reason to natural belief; (4) because of (2) and (3) the Kemp-Smith interpretation is wrong.

There is more, however, to this stimulating and learned work, including a useful chapter on Turnbull and Kames and a good discussion of several historical varieties of scepticism.

In considering the first of the above claims, it would surely be agreed that 'objective' has two standard meanings: a judgment, or a person, is objective in being impartial or faithful to the facts; a quality is objective only if it exists independently of mind. In this latter *ontological* sense the term does not apply to pleasantness because pleasantness is mind-dependent. Now Hutcheson and Hume compare virtue with the pleasantness of music; both virtue and the beauty of harmony, they say, are sensed as pleasure. Virtue, for Hutcheson, is benevolence insofar as it pleases the disinterested spectator; for Hume it is any useful or agreeable quality of mind insofar as it pleases the disinterested spectator. Both consider pleasantness to be a defining property of virtue, while differing over its other properties. Hence, they do not think that virtue is ontologically objective. Norton's reason for interpreting them otherwise is that both insist that virtue and vice are 'publicly accessible' and 'external to any observer.' But this does not imply ontological objectivity as the pleasantness of music shows. So Norton exaggerates the extent to which Hume and Hutcheson recognise the independent reality of virtue and vice which in their view is independent of any particular observer, but not of observers.

It must be noted, in regard to the second claim, that in the early part of the book 'scepticism' refers to total disbelief: a moral sceptic is someone who thinks that there are no such qualities as virtue and vice. But in the later stage of Norton's argument, whose conclusion is that Hume is a metaphysical sceptic, 'scepticism' has quite a different sense, meaning critical examination of reasons for claims, not entailing disbelief. Hence, in saying that Hume is not morally sceptical but is metaphysically so, Norton uses 'sceptical' in contrary senses, meaning (correctly) that Hume does not disbelieve that there are moral qualities but does believe that one should consider reasons for metaphysical claims. Is it true, however, that in one and the same sense of 'sceptical' Hume is not morally but is metaphysically sceptical?

No! He is not morally or metaphysically sceptical in the sense of disbelieving totally. He admits to belief in persons, in the external world, causes, virtue and vice, and has positive theories about the causes of these beliefs. Then, in the sense of rationally examining reasons for belief, he is both morally and metaphysically sceptical. He critically examines philosophical theories of morals and of perception, doing so, he thinks, in the light of experience, admitting that he makes assumptions about the continuity of mind and the externality of the world which he cannot possibly justify. One of his theories, of the 'indirect' passions, is about the causality of moral perceptions and is proved, in his opinion, by experience. It is 'metaphysical' in the sense in which he uses the term in his Introduction to the *Treatise* and in the first section of the first *Enquiry*. It is hard to understand how Norton can possibly think that



Hume's moral theory is not metaphysical, particularly as he compares virtue and vice with sensory qualities which, he says, exist 'in the mind.' You can't get more metaphysical than that.

Norton argues for his third claim by asking if Hume ever says that what man unavoidably believes is for that reason true. Answering correctly that he does not, Norton draws the false conclusion that Hume 'remains diffident about those beliefs' (202) because 'he does not insist upon their truth or reliability.' Is Hume diffident about them? At times he is, he admits; philosophy can shake one's confidence. This extreme scepticism admits of no refutation. But, he says, there is no need of one because we cannot maintain disbelief; we cannot doubt the existence of the world, ourselves and causes. Nature triumphs over reason because sentiment has psychological, not rational, primacy.

Norton points out that Hume must think that in philosophy at least reason prevails over sentiment. He says that Hume thinks that for the philosopher 'it is reason, not sentiment, that is the standard of truth in speculative philosophy' (307). And surely Hume would agree that reason has immediate jurisdiction over philosophy. But this does not mean that reason and philosophy are entirely beyond the control of nature which *must prevail* where certain beliefs are concerned. He could not possibly agree that reason is the *standard* of truth; for him this can only be experience, which includes unjustifiable but inevitable beliefs. It is only by reason that philosophical truth, or any kind of truth, is discovered, reason guided by nature. The third claim, then, seems quite at odds with Hume and Kemp-Smith's interpretation still appears correct.

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ROBERT B. PIPPIN, *Kant's Theory of Form*. New Haven, CT: Yale University Press 1982. Pp. xiii + 247. US\$25.00. ISBN 0-300-02659-5.

This book offers us yet another study of the first part of Kant's First Critique as though it can be taken as a self-contained work even while it is aborted from the bulk of Kant's text. This persistence of the tradition of 19th-century Marburg Kantianism is hard to understand and certainly needs explicit justification.

What is particularly strange is that this book, written by an obviously intelligent and patient scholar, professes to be a study of (i) Kantian

epistemology — but ignores the entire 'Systematic Representation of All Synthetic Principles,' a chapter of some sixty pages in the *Analytic* which spells out the principles of knowledge which Kant saw as the consequence of the preceding 200 pages; (ii) Kantian methodology — but does not even allude to the concluding section entitled 'Transcendental Doctrine of Method'; (iii) Kant's notion of 'form' — but neglects to offer any definition of the term, generally uses it in a quasi-logical sense without explaining (or even acknowledging) how this squares with Kant's explicit subordination of formal (or 'general') logic to the new transcendental logic Kant was concerned to forge — and ignores the doctrine of the *Aesthetic*, which provides the thread through the rest, that Time is the prime and all-encompassing form of intuition framing the possibility of human knowledge.

Rather than accept Kant's organization of the *Critique*, 'architectonic' considerations are dismissed; the Schematism (which introduces the *Analytic of Principles*) is then treated as preparatory to the Deduction (which concludes the preceding *Analytic of Concepts*) — without any explanation; indeed, he ends his discussion of the Schematism with the statement that 'many of the problems so far found in his account will also reappear [sic] in his ... "Transcendental Deduction"' (150). Only so is he able to say that 'Of course, it remains unclear how a schema is really supposed to differ from the concept' (136). Of course it will be unclear *if* one consistently declines to define one's terms, ignores the place of the Schematism as introducing the problematic of a theory of actual knowledge, how abstract pure concepts, justified in principle in the Deduction, can have applicability to sensory experiences always, on Kant's argument, in temporal form; Kant's point in the Schematism (cf. A145 = B184) that categories must be temporalized if they are to have cognitive applicability to temporally formed presentations is totally ignored.

This observation points up one fundamental fallacy of the whole treatment: nowhere in the book is any notice taken, much less any attempt to come to terms with the priority of Time before Space (which Kant took from Leibniz) and which underlines not only one major departure from Cartesianism but the central problematic of the entire *Doctrine of Elements*. The *Aesthetic*, in which Kant set up the problem and made spatiality subordinate to the one all-encompassing form of Time (cf. Sec. 6 [c]), is discussed solely in terms of space. And the chapter on the Schematism concerned to argue for the necessity of conceptual temporalization is devoid of any notice of the temporal.

It is then small wonder that the concluding discussions of what Kant could have meant by cognitive objectivity — whether it referred to insight into the nature of the world as it might be in itself or rather to systematization of the world as it may appear to our peculiar ways of seeing and understanding it — is completely confused. Although Kant's view clearly seems to have been that the first is impossible and that we are always confined to such aspects of the world as may appear to the peculiarities of the human perspective (cf., e.g., A19 = B33), no principle of perspectivity is acknowledged. Even



some of the citations are erroneous; for example, the decisive qualification 'for us' is excised from a quotation from B138 (p. 221)!

Consideration of this question might have been helped if cognizance had been taken of the seriousness accorded by Kant to his *two* concepts of *der transcendente Gegenstand* and *das transcendente Objekt* — collapsed by English translators into 'transcendental object.' Kant was fairly consistent in keeping them apart — the first roughly analogous to the Cartesian 'formal reality' and the second to 'objective reality' — and the distinction, which ties into his 'Highest Principle of Synthetic Judgements' (also ignored in this book) is crucial to any intelligible discussion of the problem of cognitive objectivity in the Critical philosophy.

On the way to this discussion, the book treats of the two Deductions without facing the question of why Kant felt it necessary to rewrite that section (along with the Paralogisms) nor what difference there is between them. Although the so-called 'Metaphysical Deduction' acknowledges Kant's use of the word 'clue' in its title (along with many other crucial entries only noting a few of their uses in the sloppily prepared index), no real use is made of this significant term; it is treated as though it justified the Table of the Categories, even if their only specific justification, on Kantian grounds, could have been in the largely ignored Analytic of Principles.

Pippin is better than most in acknowledging Kant's indebtedness to Descartes and Leibniz but Kant's own testimony notwithstanding (cf. e.g., A201 = B246 and relevant remarks in the polemic against Eberhard), he denies Kant's belief that he was filling out the Leibnizian Principle of Sufficient Reason (224).

The problem with this book is that it is a prematurely rewriting of a dissertation (cf. xi). It reflects the orientation of too many current dissertations — a focus not on the text with which it claims to be concerned but with a random selection of contemporary articles, written from diverse points of view, for the most part by authors who will be forgotten while Kant's Critique, for example, will still be read. Although completely ignoring the philosophic traditions that built out of Kant (e.g., idealism, pragmatism, phenomenology), although occasionally acknowledging their presence, the book is constructed as a series of comments on a disparate variety of issues (not coherent with each other) by some ten or twelve contemporaries. Thus we are told at the outset that this is to be an 'internal critique' (6) but no principle, perspective or orientation for conducting it is even suggested. The author shows signs of real promise and he would have been better served by being encouraged to face Kant, either in Kant's own terms or from the vantage point of some school that had claimed to develop from his work. But this current fashion of forcing obeisance before a miscellany of contemporary commentators does not serve graduate students well and questions can be raised as to what it is doing to the fruitful development of philosophic thought.

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POLYVIOS G. POLYVIU, *Search & Seizure: Constitutional and Common Law*. White Plains. NY: Sheridan House (for Geo. Duckworth) 1982. Pp. viii + 391. US\$55.00. ISBN 0-7156-1592-0.

Polyviou attempts in this volume both to set out in some detail the law on search and seizure, and to compare American constitutional protection against state intrusion into privacy with the common law protections found in the law of England and the Commonwealth. As such, the book is both a discussion of one of the more heavily litigated areas in criminal procedure as well as a critical assessment of the advantages and disadvantages of a 'constitutionalized' right. As a summary of American law, *Search & Seizure* covers most of the topics a lawyer would expect to find: what is a 'search,' a 'seizure,' what are the requirements of a reasonable or legal search, when may searches be reasonable yet warrantless, and what remedies are available to one whose rights have been infringed. Although Polyviou spends many pages outlining the law on these topics, as a textbook on search and seizure, the book is simply not in the same league as the massive, three volume LaFave *Treatise on Search and Seizure*. But Polyviou is clearly not aiming at a complete, practitioner-oriented treatise. Not only is his study a comparative one, and as such essentially an essay in constitutional law, it is also sensitive to the array of philosophical and political theoretical issues which are typically of little concern to the practising lawyer. The value of this book thus lies in the exploration of abstract issues in light of an adequate survey of the law of the United States, England and the Commonwealth.

Historically, rights to the privacy of one's home and to the security and integrity of one's person and property were understood as incidents of Lockeian property rights. Every invasion of private property, Lord Camden in 1765 declared, be it ever so minute, is a trespass. The King may search one's home and seize what is found there only if he does so legally. The Americans established in their Fourth Amendment the basis for this lawful authority, namely a judicially-ordered warrant, based on probable cause and particularized as to place and person to be searched, and things to be seized. This reflected the English law in the 1770's. Over the next two hundred years the warrant requirement remained, but the theory underwriting the nature of the invasion involved in a search changed drastically, but only in the United States. No longer is the basis for the right against unreasonable search found in the evil of unwarranted trespass; now a search, in the constitutional sense, is an invasion into a sphere over which one has a reasonable expectation of privacy, constituting a loss of private information about oneself.

For the lawyer, the shift from the language of property to that of privacy was often no more than a change in terminology: where before counsel might attempt to argue that his client had a proprietary interest in the words he uttered over his tapped phone, now he would argue that his client had a reasonable expectation that his conversation would not be overheard. But, the shift in theory, as Polyviou clearly shows, constituted nothing less than



the development, in the face of more clearly defined, and more urgent, countervailing social interests, of what might amount to a very different kind of right. For the privacy which the Fourth Amendment now protects is not simply the privacy which the victim of an intrusion thought he had under the circumstances; it is also the privacy which he reasonably ought to have expected in the light of broader social interests. The shift in background theory thus reflects an increase in the range of state activities which are *prima facie* intrusive, but which, we increasingly tend to believe, are inherently legitimate and justifiable: surveillance techniques to combat organized crime, border searches, magnetometer airport searches, administrative and regulatory searches pursuant to health and safety legislation, and others.

To be sure, on occasion the judicial determination that privacy could not have been reasonably expected is no more than a conclusory labelling designed to short-circuit the constitutional challenge. Yet, in an not insubstantial number of cases, the court's reasoning reveals attempts to develop or refine theories about the relationship between the individual and the state along the way to deciding concrete cases. One testing ground for a theoretical account of the state and the rights of its members is obviously at the level of the particular cases where actual conflict arises; and it is at this level where the law speaks. The value of Polyviou's treatment of the various issues and sub-issues involved in search and seizure law is that more abstract considerations are never far in the background of his discussion of the details of particular cases and judicial theories. There is much for the political philosopher to learn here.

But Polyviou's stated aim in the book is to juxtapose the American constitutional approach to search and seizure with the English, common law approach. Polyviou is impressed by both the similarities and the differences. Both schemes put great emphasis on the importance of an independent, typically judicial, intermediary between the police and the citizen, an intermediary whose job it is to ascertain whether a search warrant ought properly be issued. And both schemes try to balance the competing concerns of the right of citizens not to be subjected to unjustified invasions of privacy, and the state's interest to prevent crime or apprehend criminals.

The differences between the two approaches are, however, more interesting. American search and seizure law is an elegant, coherent and well-worked out body of doctrine whereas in England and the Commonwealth what law there is must be extracted from a 'cacophonous multiplicity' of judicial decisions and statutory provisions. There are many reasons for this, but the most significant is that, in the United States, the right to be free from unreasonable search and seizure is a discrete legal right which arises separately in the course of the trial where the fruits of the search and seizure will be tendered as evidence. In common law jurisdictions lacking written constitutions, the question arises, if at all, only in a civil action for trespass or false imprisonment, after evidence which may have been illegally obtained has been used against the accused. These actions are rare. As a consequence, English law on the right to be secure against unreasonable search and seizure rests on

a handful of disjointed, and ancient, dicta. For the English judge, the citizen's right to privacy can best be protected by legislation specifying the conditions under which the police, or other agency of the Crown, may conduct a search or a seizure. If those statutory safeguards are inadequate, the citizen typically has no legal recourse.

Because of the undeveloped state of English search and seizure law, many of the central doctrines of American law — including the doctrine that the right is one to a reasonable expectation of privacy — are absent. Polyviou, an English lawyer himself, for the most part frankly prefers American law. Yet he is cautious. In particular, he doubts the value of the American 'exclusionary rule' as a remedy for the violation of the Fourth Amendment.

Although not necessitated by a constitutional protection against unreasonable search and seizure, the exclusionary rule fits so neatly into the American approach that it is likely that something like the rule follows from the constitutional entrenchment of the right. The exclusionary rule holds that all evidence, direct or derivative, which was acquired illegally — for example, by means of an illegal search — must be excluded from the trial. The consequence of the rule is simply that an accused who would easily be convicted of an offence could, absent evidence illegally obtained and therefore excluded, be found innocent. Nonetheless, American courts have repeatedly held that without such a remedy for the violation of a constitutional right, the Fourth Amendment would be an empty sham. This is taking the right to be free from unreasonable search and seizure seriously, but, as far as Polyviou is concerned, it is doing so at great social cost. Although he would not favour the standard English rule that all evidence which is relevant and probative is included however it was obtained, Polyviou sees the correct response to lie somewhere between the two extremes.

The book is extremely timely in Canada since section 8 of the *Canadian Charter of Rights and Freedoms* constitutionally entrenches the right to be secure against unreasonable search and seizure. Canadian law in this area, which heretofore has adopted uncritically the English approach, will inevitably shift to the American perspective, since that is the most obvious jurisdiction to look to for guidance. Polyviou's sensitivity to the differences between a constitutional and a common law treatment of the law in this area could assist the Canadian legal community to make the transition wisely: being careful to avoid previous American judicial deadends, while being conscious of the possible difficulties which could arise given Canada's unique position of having an English legal background and an American-type constitutional provision. *Search & Seizure* is, in short, a valuable contribution to an area of law which will become increasingly important to the Canadian jurist, and should have always been of concern to the political philosopher.

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MARSHALL SAHLINS, *Historical Metaphors and Mythical Realities: Structure in the Early History of the Sandwich Islands Kingdom*. Association for Social Anthropology in Oceania: Special Publications. Ann Arbor, MI: University of Michigan Press 1982, 89 p. ISBN 0-472-02721.

Ce livre traite de la transformation des structures de la culture à travers l'histoire, à travers la résistance même que ces structures pourraient opposer à l'histoire. Il fait la théorie de l'acculturation en montrant 1) que le contact avec l'étranger est toujours compris selon les termes de la culture indigène, et 2) que ces termes doivent s'adapter aux événements étranges afin de leur donner sens. Ainsi, une langue permet une parole novatrice mais celle-ci en retour transforme la langue, déplace et redistribue les significations. La démonstration est conduite à partir d'un exemple bien documenté: la rencontre entre la culture hawaïenne et les blancs de 1779 au début du 19<sup>e</sup> siècle.

Le Capitaine Cook arriva aux Hawaï en janvier 1779. Il fut immédiatement reconnu comme un dieu venant de l'au-delà des mers. Mais à ce titre, il était un rival du roi régnant, un usurpateur en puissance. Car le roi régnant était lui aussi, et selon les vues les plus traditionnelles, un dieu venant de l'au-delà des mers et un usurpateur. Dans un premier temps, Cook joua parfaitement le rôle attendu de lui. Il s'inséra, par une série de hasards, dans le temps et l'espace du rituel qui rendait un culte au dieu qu'il représentait. Dans un second temps, par hasard également, Cook ne se conduisit plus comme les indigènes l'attendaient. C'est ce qui explique qu'il ait été tué. Mais sa puissance (mana) fut célébrée et récupérée par le roi qui voyait en lui un rival. Désormais, les dirigeants hawaïens se distingueront du commun des mortels en s'assimilant aux blancs et de préférence aux dirigeants des blancs, le Capitaine Cook ou le roi d'Angleterre. Subrepticement, ils oublièrent leur culture alors même qu'ils voulaient garder leur statut traditionnel.

Lors des premiers contacts avec les marins anglais, le peuple hawaïen entama un commerce traditionnel avec ces êtres divins. Les femmes se donnèrent à eux et furent bien surprises de recevoir en retour des cadeaux qu'elles prisèrent: bracelets de verroterie, ustensiles de fer ... Elles découvrirent rapidement la valeur marchande des services qu'elles pouvaient offrir et firent monter les enchères. Elles n'attendaient plus seulement une faveur indéterminée des dieux (et un enfant de dieu) depuis que leur générosité et leur utilité s'étaient précisées. Les hommes offrirent aux Anglais des victuailles et du bois de santal. Ils apprirent rapidement les règles du marché.

Les Hawaïens commencèrent à commercer avec les blancs selon leurs présuppositions traditionnelles mais le commerce qu'ils poursuivirent avec les blancs les obligèrent à transformer leurs présuppositions: conçu d'abord comme échange avec les dieux, ce commerce entraîna une modification de l'idée que l'on se faisait des dieux et du commerce. En d'autres mots, la conjoncture fut d'abord évaluée selon les structures traditionnelles mais elle entraîna une réévaluation de ces structures. Celles-ci durent s'adapter de façon fonctionnelle à la conjoncture (35).

Ce n'est pas tous les jours qu'un événement aussi extraordinaire que la rencontre des Hawaïens et des Anglais se produit. Mais tous les jours un système d'interprétation et des structures culturelles se reproduisent en disposant d'événements inattendus auxquels il s'agit de donner sens. Et subrepticement, les événements font évoluer le cadre qui prétendait en rendre compte. De nouvelles valeurs, de nouvelles significations, de nouveaux comportements naissent à partir d'anciennes catégories (68). Evidemment ce phénomène est surtout apparent dans les situations de contact entre cultures étrangères.

Un système d'interprétation se reproduit en interprétant les circonstances mais il se transforme aussi afin de s'adapter à celles-ci. Il n'y a pas de continuité ni d'une langue ni d'une culture sans altération de celles-ci. Mais on peut distinguer le moment de la reproduction d'un système d'interprétation — les Hawaïens voient le dieu Lono dans le Capitaine Cook — et le moment de la transformation qu'il doit subir du fait des circonstances — Cook ne se conduit pas comme le dieu Lono. Du coup, il faut réévaluer l'idée que l'on se fait de celui-ci et du Capitaine Cook. Sahlins analyse les voies de cette transformation et je vais tenter de résumer son analyse.

Dans la poursuite de nos fins et dans l'exercice des moyens, nos fins se redéfinissent en fonction des possibles qui se présentent. Engagés dans une pratique, nous précisons ce qui nous intéresse en fonction des occasions et non seulement en fonction des valeurs et des significations prévues par la tradition culturelle. C'est dire que ces valeurs et significations ne sont pas figées. L'auteur oppose l'intérêt que revêt pour des sujets pratiques, tel fait particulier et la valeur ou la signification disponible dans la culture pour 'nommer' ce fait. Il oppose aussi la valeur intentionnelle (ou l'intérêt actuel) à la valeur conventionnelle pour montrer qu'elles réagissent l'une sur l'autre dans l'histoire (68-9).

On vit dans des circonstances, dans des conjonctures, selon une structure de signes. On ne vit donc pas seulement selon celle-ci: dans la pratique, les signes se trouvent appliqués aux objets et aux faits conjoncturels, grevés de tout ce à quoi ils s'appliquent. Du coup, ils subissent deux transformations: ils sont placés en relation avec des faits et des objets nouveaux qui entraînent un glissement de leur sens; ils sont placés en relation nouvelle avec d'autres signes, ce qui entraîne une redistribution des signes. Ceux-ci sont toujours polysémiques, ils peuvent donc s'adapter à différents contextes. Mais dans la pratique, ils sont référés à un contexte déterminé puis à un autre. Il en résulte une inflexion du signe, une sélection d'un sens parmi d'autres possibles. Il s'agit d'une réévaluation permanente du signe (70).

Il n'y a pas une vraie valeur, un sens objectif du signe. Les faits et les choses sont toujours déjà découpés, et distribués par des signes, par le découpage et la distribution des mots. Si l'expérience des faits et des choses révèle l'inadéquation des signes qu'on leur applique, ceux-ci seront redéfinis selon les possibilités mêmes du système qu'ils forment. La réévaluation des signes entraînera de nouvelles relations entre les signes. Si les dieux anglais transgressent des tabous, mangent avec les femmes, cela ne prouve pas qu'ils



ne sont pas dieux mais que ni les dieux ni les tabous ni les femmes ne sont ce qu'on avait cru. Quand les rois hawaïens veulent monopoliser le commerce rentable avec les Anglais, ils décident de déclarer tabou les biens que demandent les Anglais. Les gens du commun ne peuvent donc plus en faire commerce. Mais le tabou change de signification et aujourd'hui il signifie une banale interdiction (interdit de passer une barrière). Le mot a servi comme il a pu (71).

La réévaluation subjective des signes dépend non seulement des conjonctures neuves mais aussi de l'influence et du rôle de celui qui a un 'intérêt' pratique à cette réévaluation. D'autre part, il faut noter que cette réévaluation se fait à partir d'une structure et aboutit à une structure modifiée, à une nouvelle distribution des signes. 'The dialectics of history, then, are structural throughout. Powered by disconformities between conventional values and intentional values, between intersubjective meanings and subjective interests, between symbolic sense and symbolic reference, the historical process unfolds as a continuous and reciprocal movement between the practice of the structure and the structure of the practice' (72).

Voici un petit livre qui a le mérite de dire clairement ce que l'on savait déjà de manière confuse. Il apprend surtout aux philosophes que des notions fort abstraites ne sont vraiment comprises que dans leurs usages concrets.

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CARL WELLMAN, *Welfare Rights*. Totowa, NJ: Rowman and Littlefield 1982. Pp. vi + 221. US\$25.00. ISBN 0-8476-6759-6.

The expression 'welfare rights' readily suggests a number of important theoretical and practical questions. Do people have a moral right to welfare? All people? If so, on what grounds? Is such a right (or rights) a 'human right' or is it, rather, one possessed only by citizens — or only by certain citizens (e.g., are unborn children citizens)? What is the content of such a right? And against whom is such a right held? Or is there only a duty to be charitable to the less fortunate? Or perhaps only a supererogatory ideal? Unless we can provide a reasonable basis for answering such questions, we only can mumble or follow our instincts when it comes to justifying current systems, arguing for their elimination, or arguing for their reform. Careful thinking about such

matters is not easy to find; a common, alternative, tendency is to wave banners or invoke epithets such as 'racist,' 'fascist,' 'communist,' or 'capitalist' at selected opponents.

Against this background Carl Wellman's book is a significant contribution to a set of important questions. His general strategy is to develop, so far as he is able, a theory of rights and to trace its implications for questions, including quite specific ones (e.g., Should there be extension of AFDC payments to pregnant women by way of respecting the rights of unborn children?) about welfare rights and, ultimately, optimal welfare program policy.

One key dimension of Wellman's theory is his proposed view concerning what is *meant* by the assertions of the form that X has a right. His tact here is to construe moral rights on a model of legal rights, more specifically, Wesley Hohfeld's identification and classification of four legally significant statuses which may characterize someone: possession of a legal *claim*, a legal *liberty*, a legal *power*, or a legal *immunity* — with respect to the performance of some act and in regard to another person. What is called a legal right is one or all of these legal advantages, or a complex structure of these Hohfeldian elements. They function so as to determine whose will shall prevail in an actual or possible conflict of wills. To have a legal right in principle is to be in a position autonomously to exercise control over one's acts or those of others; more fully and generally, in Wellman's view, any (species of) right 'is a system of normative elements that, if respected, confers autonomy concerning the exercise or enjoyment of some specified core upon its possessor in face of one or more second parties whose wills are or might be opposed' (21). Omitting important details here, it appears that on Wellman's view to possess a right (in part) is to have a claim against others; to have a claim presupposes that one can make a claim, and the latter requires some ability to reason and decide. Thus, fetuses, infants and probably all animals lack (all or most?) rights. It does not follow that duties are not owed to such beings, but it is worth calling attention here to Wellman's rather strict conception of rights. Although certain categories of beings conceptually cannot possess rights on this view, it remains possible that adults and children can possess rights to some welfare benefits.

Wellman canvases various proposed *grounds* for justifying legal welfare rights, namely, appeals to justice, utility, and ethical welfare rights. He concludes, tentatively, that the most defensible justification appeals to ethical welfare rights. Given this assumption Wellmann considers the reasonableness of recognizing three specific ethical welfare rights: the human right to social security (the claim of a human against his or her society to be supplied with a minimal livelihood in the event he or she lacks the means of sustaining life because of circumstances beyond his or her control), the civic right to a fair share (the claim of a citizen to be provided with a fair share of goods and services distributed in the event he or she has been unjustly impoverished), the civic right to equitable welfare treatment (the claim of a citizen against the state not to receive worse treatment than others similarly situated without a justicizing difference).



These summary remarks fail to bring out the texture and interest of the discussions that move Wellman's work to this stage. Even if one had no quarrel with his conclusions to this point, Wellman in his penultimate chapter (Chapter 5) considers various proposed grounds for recognizing ethical welfare rights, specifically the (alleged) rights to social security and to a fair share. He argues that there is no general or universal right to state protection, but that there is a civic right to protection and, thus, a right to social security. If I read him correctly, part of his strategy is to insist that widely accepted rights such as a right to military defense or a right to protection against domestic violence are grounded in a civic right to protection, the core of a right to social security. Thus, extreme libertarians problematically accept 'rights against initial aggression' (my terminology) but reject welfare rights. Wellman considers a number of objections, e.g., worries about limitations on resources, duplication of duties, and the implications of assuming that a right to life includes a right to be supplied with whatever is necessary to sustain one's life (or prevent premature death). In short, he agrees that the right to social security cannot be derived from any plausible construal of a right to life; the other problems, he contends, are surmountable. Of considerable interest (although space precludes discussion here) are Wellman's rejection of appeals to meeting needs as such, to protecting interests (J. Nickel), to equal consideration (S.I. Benn), and to harm prevention (J. Feinberg) — as bases for a right to social security. The civic right to a fair share is grounded, Wellman contends, in legitimate considerations concerning the prevention or remediation of wrongful harm, and not, for example, in a Rawlsian hypothetical social contract. His main reason for rejecting the latter appeal is that such contracts only determine, at best, institutional rights, and moral rights are non-institutional (177, 180). This latter point, however, hardly seems self-evident.

It is clear that Wellman's position is not well-worn and that some of his results are perhaps surprising; e.g., ethical welfare rights are not grounded in need as such, their most reasonable defense is not to be found in utilitarian theory, contractarian theory, or even in a rights theory which treats welfare rights as categorically different from autonomy rights. For these reasons his study deserves attention from those with a theoretical and/or policy concern with the notion of welfare rights. My two general reservations are that it is often hard to tell when Wellman is exhaustively considering alternative views and, further, it is difficult to judge how much weight he thinks we can or should place on certain of his conclusions in the light of his occasional, most candid, switching to a confessional mode, i.e., 'I don't know how to deal with this problem or question.' But one shouldn't complain very long about a philosopher's careful and straightforward investigation of recalcitrant, socially important, issues.

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