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Theodor W. Adorno

Aesthetic Theory. Ed. and trans. Robert Hullot-Kentor. Theory and History of Literature, Volume 88. Minneapolis: University of Minnesota Press 1997. Pp. xxi + 383. US\$39.95. ISBN 0-8166-1799-6.

Adorno's *Aesthetic Theory* was written in the 1960s and published in German in 1970, shortly after the author's death. The first English translation appeared only in 1984. For over twenty-five years, the book has received a stormy reception in Europe and North America. The original was widely criticized by the German Left as disappointing, even as 'liberal', in part because this final book by one of the masters of the Frankfurt School appeared when many in Germany looked for a more materialist and politically engaged art theory than Adorno was prepared to offer. Most readers — whatever their concern for politics — have also found the book very difficult to read. It is densely written and fragmentary, both by design and because Adorno died in 1969 before completing his final revisions.

As Robert Hullot-Kentor explains in his introduction to the new translation, the first English version of the text sought to regularize the German text by introducing subject headings, paragraph breaks, and other traditional guides. He argues persuasively that these attempts were commercially driven, misguided, and highly detrimental to the force of this unusual book. By contrast, his new translation is much closer to the German original in both form and diction. It thus retains the qualities of its model: it is repetitious, difficult to read because of the terminology and concepts employed, and frequently gives one the sense of entering in upon a conversation already in progress. Yet we must believe that these traits were what Adorno was after. The translator describes the text's untraditional character as 'paratactical'. Now that we have such an excellent version of the *Aesthetic Theory* in English, we can rethink why Adorno felt the need to address his themes in this uncompromising manner.

Hullot-Kentor claims that 'nothing supports the text except the intensity with which it draws on and pushes against itself' (xvi). This is certainly true in a structural sense, but the *Aesthetic Theory* is manifestly supported by German 'idealist' aesthetics, especially by Kant and Hegel, with whom Adorno is in constant dialogue. Adorno is more sympathetic towards Hegel in that he insists — often with great eloquence — on the necessarily historical nature of art. 'History rules even those works that disavow it' (26) he writes. But Adorno is properly sceptical about the inevitable march of Spirit as it purports to transcend art. He has no heroes in this text, as his often acerbic comments attest. In the 'Paralipomena' to the book, the sometimes aphoristic comments that he had not yet integrated into the text when he died, Adorno writes, for example, that 'Hegel and Kant were the last who, to put it bluntly, were able to write major aesthetics without understanding anything about

art' (334). By contrast, Adorno is committed to the 'particularity' of artworks. At the same time, he sees a role for philosophical aesthetics in their interpretation. Indeed his struggle with the relationship between Philosophy and Art — often with reference to Kant and Hegel's very different negotiations of this terrain — continues to be relevant today.

Adorno is primarily concerned with the production of music, architecture, and the plastic arts, not with its reception. He asserts that 'the historical moment' is 'constitutive' of these works (182). The artist-producer cannot escape his society but in a paradoxical sense must oppose his work to social reality in order to maintain his all-important 'autonomy', the guarantee of art's social relevance. Adorno speaks here of 'immanence', a notion that he seems to develop from Kant. 'The immanence of society in the artwork is the essential social relation of art, not the immanence of art in society' (232). To be 'political', art for Adorno must distinguish itself from 'real' politics. Even in the 1960s, his paradigm remained the art of the international avant-garde in the early 20th century, a position that seemed bourgeois and even treasonous to orthodox Marxists when the *Aesthetic Theory* was published.

Just as art may provide a salutary mode of reflection on society — though it is not produced simply as a second-order copy of social concerns — philosophical aesthetics redeems the immediacy of artistic production through its own process of reflection. 'The truth content of an artwork requires philosophy', Adorno writes (341). Aesthetic experience is not for him only sensuous but also conceptual: 'Experience culminates in aesthetics: It makes coherent and conscious what transpires in artworks obscurely and unelucidated, and what insufficiently transpires in the particular artwork' (264). Adorno is not adumbrating another version of the 'dumb artist' thesis but rather trying to cancel the long tradition that would separate and rank material and conceptual activity. He projects a collaboration between the producer and theoretician. How this partnership would operate at the level of production, however, is not clear. It seems in Adorno's text that the completion of the artwork in aesthetics involves instead a process of reception. Just as Kant sought to make rigorous and thus universal the formerly empirical judgment of taste in the British tradition, Adorno too was nervous about the base empiricism of 'effect' aesthetics in his time. In this and in his insistence on a dialectical notion of artistic autonomy, he is indebted to Kant more than to Hegel. The *Aesthetic Theory* presents a rather abstract case for a sociology of art that begins with the art itself and does not see it as a mere effect of its society. Yet his fear of any reception theory also cuts the producer off from his society in an artificial way, reifying his works in the moment of their production in a way that is ultimately ahistorical. The theory of a social aesthetic initiated here by Adorno had to wait for the work of Pierre Bourdieu to find a sophisticated and satisfying elaboration.

Mark A. Cheetham

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Elsbeth Attwooll

*The Tapestry of the Law: Scotland,
Legal Culture and Legal Theory.*

Dordrecht: Kluwer Academic Publishers 1996.
Pp. 256.

US\$120.00. ISBN 0-7923-4310-7.

It is perhaps best to begin with what *The Tapestry of Law* is not. It is not an argument about what law, legal reasoning, or adjudication are or are not. Nor is it simply a textbook summarising a series of arguments about philosophical issues in the law. Rather, it is a comprehensive survey of trends in twentieth-century jurisprudence, and a commentary on the significance of those trends in the context of the legal system and legal culture of Scotland. It is worth noting also that despite initial appearances, this book is not aimed solely at scholars of Scottish jurisprudence. The context of the discussion is clearly Scottish, yet the issues it tackles are universal, and Attwooll's discussion of the identity and place of Scottish law and legal culture within the United Kingdom and the European Union is especially relevant to Canadian scholars concerned with the identity and place of Quebec within Canada. *The Tapestry of Law* will be of use to anyone interested in the flow of ideas in twentieth-century jurisprudence, and especially useful in graduate and senior undergraduate courses.

It is part of the purpose of this sort of book to offer a sweeping, thematic approach to a subject, and Attwooll does so thoroughly yet gracefully in a series of seamlessly joined chapters. Attwooll opens her discussion with a survey of enduring problems in the philosophy of law: questions of the nature of law, the idea of a legal system, the role of justification, and so forth. Answers and insights from Aquinas, John Austin, Llewellyn, Kelsen, von Savigny, Ferguson, Marx, Finnis, Fuller, Hart and others are brought into a general discussion of fundamental issues in legal philosophy. These issues are given deeper consideration in immediately subsequent chapters which investigate the notion of a unitary legal system and apply various strategies to Scottish legal culture in an attempt to isolate and describe a constitution of Scotland. Attwooll is at her best in her exploration of connections between legal society and private society, offering a range of clearly articulated insights linking thinkers as diverse as Bentham, von Gierke, Weber and Durkheim. Attwooll moves easily from the history of Scottish society and its legal culture to a discussion of sources of legal doctrine in Scottish thought, and the place of sources in wider legal thinking. A great deal of valuable work is done in the sixth chapter, where Attwooll comments on the role of political ideology in judicial assessment of legal sources as binding. Attwooll works through a variety of problems of ideology, and in turn jurisdiction, reaching from the Union of 1707 through the acceptance by the United Kingdom of European Union law as binding, and rendering null and void certain conflicting UK law. As Attwooll rightly points out, English and Scots courts have differed in their assessments of the extent to which European law displaces

domestic law; and in the difference between England and Scotland, there are important lessons to be learned about interpretation, its operation within a legal culture, and the ways in which legal cultures may maintain separate identities through the operation of different ideological commitments and modes of interpretation.

In the second half of the book Attwooll shifts to an exploration of the nature of law and its interpretation in chapters which introduce and evaluate a variety of approaches, including the autopoietic theory advanced by Niklas Luhmann and Gunther Teubner. Attwooll also traces the history of twentieth-century philosophy of language and its interaction with legal theory, noting the contributions of Russell, Hart, Saussure, the Scandinavian Legal Realists, Greimas and Unger. The main body of the book concludes with a discussion of recent debates over the objectivity of legal reasoning, and the range of influences on legal reasoning. Attwooll treats feminist critiques of reason, Lyotard's conception of the post-modern, and the views of Habermas and Gadamer. In the final chapter, 'Weaving the Threads', Attwooll revisits her opening aim to pull apart, examine, and 'reconstruct' the interaction between law and legal theory. In this way Attwooll returns to the questions with which the book began, and leaves open the question of the best theories of law and adjudication.

The Tapestry of Law is clearly intended for a general audience, and on that level it deserves great success. This is an ideal book to offer to anyone curious about the current concerns of English-speaking philosophers of law. It traces broad themes in a clear and accessible manner, and it does so non-dogmatically, while remaining critical in its evaluation of various views. If there is anything substantially objectionable about this book, it is perhaps that it is too light-handed in its evaluation of the views it examines. Attwooll's metatheoretical approach to legal theory, examining its varieties and changing battles, provides a coherent overview of legal theory at the cost of holding definite views on the substantial issues surveyed. Those just finding their feet in legal philosophy may find this detached approach rather frustrating as they try to arrive at their own views about the issues Attwooll explores. Overall, however, the risks Attwooll has taken by writing this sort of book have been fairly taken, and the result is an enjoyable read with plenty of substance.

Keith Culver

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Bertrand Binoche

*Les trois sources de la philosophie de
l'histoire (1764-1798).*

Paris: Presses Universitaires de France 1994.
Pp. 256.

197FF. ISBN 2-13-045135-7.

Cet excellent livre de Bertrand Binoche propose une lecture comparative de la naissance, presque simultanée, de la philosophie de l'histoire dans trois traditions philosophiques différentes: le *Scottish Enlightenment*, l'*Aufklärung* et la philosophie françaises des Lumières. Il s'ouvre par une réflexion au sujet du contractualisme de Hobbes et de Rousseau. Car l'idéal du contrat, nous dit l'auteur, constitue l'arrière plan philosophique contre lequel les philosophies de l'histoire auront à lutter afin de se constituer. La doctrine du contrat social préfère, en effet, au temps de l'histoire celui de la genèse. C'est-à-dire que, Hobbes par exemple, plutôt que de faire remonter l'origine de l'association politique à un passé, réel ou mythique, la tire d'une fiction logique destinée à mettre en évidence les lois, ou les caractéristiques immuables de la nature humaine dont le déploiement, dans un temps neutre semblable à celui de la physique, explique et légitime l'ordre social. Selon Binoche, Rousseau à la fois radicalise et sape cette démarche. Ce dernier, on le sait, commence par écarter tous les faits, pour rechercher derrière eux, dans la nature humaine, les causes universelles de la réalité qu'il perçoit, 'l'homme est né libre et partout il est dans les fers'. Mais la radicalité même de son approche l'amène à réintroduire au sein de la nature humaine un temps producteur d'événements qui explique l'abandon du premier état de nature et qui rend possible la perfectibilité humaine. Du coup, l'auteur du *Contrat Social* ruine la possibilité d'une genèse intemporelle de l'état social, en ancrant dans des faits ou du moins dans un accident historique le processus qui conduit à la vie en société et à son complément étatique.

Le 17^e siècle peut-on dire a désespéré de l'histoire. Incapable de reconnaître dans le chaos des événements d'autre lien rationnel que la récurrence d'un processus intemporel, il n'a pas su donner sens à leur suite. Or Rousseau, avance Binoche, parce qu'il a été amené à retemporaliser la nature humaine au sein de la genèse s'est trouvé à redonner aux faits historiques une signification qu'on leur avait jusqu'alors déniée. Ce retour aux faits, caractéristique du 18^e siècle français, chez Voltaire se présente essentiellement comme un outil critique pour récuser les spéculations métaphysiques ou théologiques des philosophes. Il suscite bientôt cependant un problème qu'on voit apparaître en toute clarté dans *Le discours préliminaire* de d'Alembert. Comment relier la genèse intemporelle des connaissances, selon Locke ou Condillac par exemple, à la renaissance récente des lettres qui marque le début d'une histoire du progrès et de la raison à laquelle l'auteur invite ses lecteurs à se rallier? Il faudra attendre Condorcet pour que la difficulté soit résolue. En rédigeant *l'Esquisse des progrès historiques de l'esprit humain* celui-ci se donne la possibilité de présenter la découverte de la genèse

intemporelle à l'intérieur d'une histoire du progrès de la connaissance et d'historiciser du même coup le contrat qui fonde l'État révolutionnaire. Mais comment dès lors éviter que celui-ci ne devienne un simple accident historique sauf en dotant l'histoire d'une valeur normative universelle?

C'est ce même problème selon Binoche, celui 'de penser philosophiquement l'histoire autrement que par opposition à la genèse et autrement que par intégration à une théodicée finaliste' (p. 81), qu'on retrouve au coeur de la tradition écossaise. Hume critique la fiction du contrat social au nom de l'histoire, mais il n'empêche que le contrat selon lui garde sa légitimité: c'est du consentement des citoyens que la propriété et l'ordre politique actuel tirent leur légitimité. La genèse ici n'est plus antérieure ni extérieure à l'histoire, mais au contraire elle se dégage d'elle. La conséquence en est qu'elle risque alors de perdre sa fonction de légitimation. A cette question Adam Ferguson est probablement celui qui apportera la réponse la plus originale. En concevant l'histoire humaine comme une histoire naturelle, c'est-à-dire sous le signe du développement d'un organisme, il s'autorise de la penser comme orientée sans qu'elle ne soit pour autant guidée par une fin normative. Mais naturelle signifie ici, aussi, non politique. Les hommes selon lui font leur histoire, mais leurs actions volontaires ont des conséquences inattendues, aussi le sens ultime de cette histoire où eux seuls agissent leur échappe néanmoins. C'est pourquoi tout volontarisme politique est alors refusé. L'histoire naturelle de l'humanité permet de concevoir un progrès indéfini, celui de civilisation et de la division du travail, mais ce progrès en définitive n'est pas un progrès moral et ne peut se reconnaître dans aucun événement politique.

Le dernier exemple, celui des pays de langue germaniques, semble à première vue passablement différent puisque Binoche définit la philosophie de l'histoire d'Iselin ou de Herder comme la tentative d'historiciser la théodicée de Leibniz et qu'il conçoit l'apport de Kant comme un effort pour résoudre les difficultés inhérentes à cette entreprise. Il s'agit donc d'innocenter Dieu de la responsabilité du mal en concevant le procès historique comme conduisant l'humanité à un état de bonheur et de sagesse. Or en 1784 Kant oppose à cette démarche une critique à laquelle sa philosophie morale le rend particulièrement sensible : toutes les générations de la terre auraient participé à la construction d'un édifice que seule la dernière habitera. Privées de jouir du fruit de leur labeur celles-ci seraient réduites à de purs moyens. Cette difficulté est d'autant plus grande que selon Kant la raison nous enseigne à voir l'homme comme fin de la nature, l'homme raisonnable comme fin de l'homme et l'état moral comme fin de l'humanité. Dès lors la solution kantienne consistera à poser cette fin non comme guidant l'histoire, mais comme régulatrice à la fois de la connaissance historique et de notre action morale dans le monde. Il en résultera une tension bien connue, puisque pour agir moralement nous ne devons viser aucune autre fin que la loi elle-même et que celle-ci nous impose alors l'accomplissement de l'état moral de l'humanité. Cette tension ne sera jamais résolue.

L'intérêt du livre de Bertrand Binoche selon moi ne réside pas tant dans les interprétations particulières de Kant, de Rousseau, de Ferguson ou de Condorcet qu'il propose que dans l'approche comparative qu'il développe. Il est aussi et surtout dans la thèse fondamentale de l'auteur selon laquelle ces trois traditions de la philosophie de l'histoire, française, écossaise et allemande, constituent trois façons différentes d'aborder un même problème, celui des rapports entre la genèse et l'histoire, entre des lois universelles qui légitiment et une suite d'événements dont le sens ne peut se réduire ni à des accidents, ni à la répétition du même. C'est un livre qui a aussi l'avantage de rassembler en peu d'espace, 240 pages, une foule énorme d'informations que l'on ne trouve généralement que de façon dispersée. Ne serait-ce que pour cette raison il s'avérera utile dans des séminaires avancées. Enfin, Bertrand Binoche poursuit dans ce livre, discrètement et en parallèle, une autre thèse, plus contestable, mais non moins intéressante : celle de l'influence des circonstances historiques sur les choix théoriques. Celle-ci trahit sa propre philosophie de l'histoire.

Paul Dumouchel

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David Bordwell and Noël Carroll, eds.

Post-Theory: Reconstructing Film Studies.

Madison: University of Wisconsin Press 1996.

Pp. xvii + 564.

US\$45.00 (cloth: ISBN 0-299-14940-4);

US\$17.95 (paper: ISBN 0-299-14944-7).

This is an anthology with a point of view. All of the contributions adhere to the principle that there is something wrong with the discipline of film studies or, more specifically, Film Theory, as it has come to be practiced. Although there is less unanimity among the contributors about the shape of the alternative that should replace it, the majority of contributions support cognitive film theory as a clearer, less global, more accurate mode of theorizing about film. The strength of this anthology is that it gives us a wide selection of essays written more or less from this point of view, thereby providing its readers with a good sense of what is distinctive about the cognitive approach to film.

The book is divided into four sections. The first consists of essays by each of the two editors that attempt to explain why they see a need for a different approach to writing about film than that prevalent in the academy today.

These essays are quite useful, for they provide convenient summaries of the types of film theorizing that the contributors to this volume are trying to counter as well as an understanding of cognitive film theory itself.

Philosophers will be most interested in Part Two of this volume. It is comprised of essays by many of the central cognitivist theorists of film. Using a cognitive approach, these essays focus on questions of film spectatorship, the conventionality of cinematic representation, avant-garde cinema, characterization and empathy in film, feminist approaches to film, film music, non-fiction film, and film realism. In addition to essays by the editors, this section includes contributions from such theorists as Alex Neill, Carl Plantinga, Flo Leibowitz, and Gregory Currie. These essays demonstrate the real strengths of cognitivist film theorizing. They show that it allows theorists to provide clear but insightful accounts of a wide-range of issues that have bedeviled film theorists. The range of issues discussed in this section provide a sense of how the cognitive approach to film purports to be an alternative to more traditional Film Theory. The quality of the contributions is uniformly high.

The third part of this volume consists of three essays by psychologists that apply a more empirical approach to writing about film. What's interesting here is that psychologists who are committed to a cognitivist account of film present very different theorizations that are compatible with this theoretical commitment. The fourth and final section of this anthology consists of eight essays that are loosely bound together by the title 'History and Analysis'. This group of essays is less unified than the preceding three, and includes, among other things, studies of specific national cinemas and detailed analyses of the film industry as well as a critical study of a film theorist.

The cognitive approach to film is an important alternative to other approaches to film and this volume provides an immeasurable service by bringing together such diverse contributions to this rapidly growing field. This will be a useful volume for advanced courses on the philosophy of film and film theory, precisely because so many different issues are discussed within it. However, the essays in this volume are quite difficult, so that it is not suitable for beginning courses. They presuppose a certain amount of philosophic sophistication as well as some knowledge of the field of film studies itself.

What precisely makes the cognitive approach to film distinctive and why is it necessary? These questions are taken up by many of the contributors to this volume who express a general consensus that the field of Film Theory as developed within the Anglo-American academy is in need of serious repair. For most of the theorists, the problem is that Film Theory is beset by unwieldy theoretical commitments that render the process of film viewing unintelligible. They see post-structuralist film analysis as deeply problematic because it claims to be an all encompassing theory of cinema and its reliance on Lacanian Psychoanalysis and Marxist theory. In its place, the cognitivist claims to be developing only a 'piecemeal theory' (29), one that treats the viewer as having a more conscious and cognitive relationship to

films than the unconscious attitude of identification so emphasized by Film Theorists. In the age that the editors hope will someday be designated as that of post-theory, individual theorists are supposed to be developing more limited accounts of film that are more sensitive to empirical support and less inclined to posit film as a monolithic enterprise.

One of the defects of this otherwise outstanding collection of essays is that there is a certain amount of repetition among the various contributions. Too many of them go over the same theoretical turf, making very similar claims about the totalizing nature of previous Film Theory. Although some of the contributions — those by Bordwell and Cynthia Freeland, for example — do provide more nuanced interpretations of Film Theory and their discontents with it, one tires of seeing the same general claims repeated at the outset of a number of these contributions.

Although there is good reason to be unhappy with narrowness of a Lacanian-Marxist approach to films, there are alternative approaches to film that maintain a political perspective but deny the all-encompassing approach of Film Theory. Unfortunately, most of the authors in this volume are silent about their attitudes towards such approaches. For example, what about the social analysis of representation developed within the discipline of Cultural Studies? How would a cognitivist account for the differing reactions of, say, black women and white men to a film like *Jungle Fever*? Film Theory has called our attention to question the role that film has played and continues to play within culture as a whole. While there undoubtedly have been excesses in its theoretical commitments, the questions that it has raised need to be answered. Impressive as cognitive film theory is, the question remains of whether it will be able to develop a framework for addressing many of the important issues upon which Film Theory has concentrated.

Thomas E. Wartenberg
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Roderick M. Chisholm

A Realistic Theory of Categories:

An Essay on Ontology.

New York: Cambridge University Press 1996.

Pp. ix + 146.

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US\$14.95 (paper: ISBN 0-521-55616-3).

This is an exciting book of sketches of work on various aspects of Chisholm's system as it has progressed since his *On Metaphysics* (1989). The realistic (Platonistic and critical commonsensist) essentials of the system remain unchanged, as does the uncluttered style of its presentation, and as does the method of its elaboration from the smallest possible basis. But the sixteen chapters, ranging in length from three to fifteen pages, make clear the dynamic character of Chisholm's thought, as he therein makes small and large modifications to his system, raises questions only to leave many of them unanswered, and candidly allows in the end that 'There is considerably more to be said' (130).

Whereas Chisholm previously allowed himself 'to speak of *places* and *times*' (*Person and Object*, 1976, 22), he now holds that times are 'dispensable' and that places are 'reducible' (*Categories*, 4). The longest three chapters of the present book are devoted to elaborating accounts of time in terms of an ineliminably tensed language (ch. 9), of events as states (property exemplifications) of certain kinds (ch. 10), and of space as relational (ch. 11). Chisholm clearly associates material substances with spatial (extended) substances, and explicitly considers only 'thinking substances that are *monads*' as 'an example of a nonspatial substance' (93). Nevertheless, Boscovichian material *puncta* — contingent substances at once unthinking and unextended — seem not to be ruled out by Chisholm's explicit definitions and principles here.

Now ruled in is God. In *On Metaphysics*, Chisholm defined a notion of necessary substance, but deferred consideration of 'the question whether there *is* such a being or whether, *if* there is such a being, we may characterize it in positive terms' (168). Explicitly taking up that question in the last chapter of the present book, Chisholm now asserts on the basis of 'the scheme of concepts' he elaborates that, if there is a necessary substance, it is eternal though temporal and, hence, subject to change. (127-8) Moreover, he accepts the traditional argument from design as establishing 'that the proposition that God exists is *not unreasonable*' (130).

The most startling chapter, though, is one of the shortest. In chapter 13 (4 pp.), Chisholm abandons the adverbial account of appearing that previously was a stable feature of his system (*Perceiving*, 1957; *Theory of Knowledge*, 3rd edn, 1987), and adopts what appears to be a sense-datum account of the sort that previously he rejected. He now says that 'The locution "*a* senses *b*" ... implies: "There exists an *x* and there exists a *y*, such that *x* senses *y*"' (6-7). Moreover, 'the objects of visual sensing are *surfaces* within the subject's own body' (110). So, when someone senses 'an appearance that

consists of a triangular red thing being to the left of a circular blue thing ... We may say that what the subject is sensing contains a red triangle being to the left of a blue circle. What is being sensed is a constituent of one of the body's surfaces' (110). Chisholm considers the jibe that 'you are telling us that whenever we sense an appearance, we are appeared to by our own brains. So what we perceive is always our own insides!' (110), and avoids the inference to its conclusion by distinguishing sensing and perceiving. Nevertheless, he seems to accept its premise, which is incredible enough. As Chisholm himself formerly said, 'it is ... absurd to suppose that an appearance, like a tablecloth, may be rectangular, or pink, or white' (*On Metaphysics*, 122). Yet he now seems to suppose that an appearance — a surface in a person's body — can literally contain something that is red and triangular and something that is blue and circular. The only alternative construal of Chisholm's words seems to be to take *a red triangle being to the left of a blue circle* as a property that is somehow 'contained' in a surface in a person's body, though not exemplified in that surface. But in what sense can a spatial thing 'contain' an abstract thing? No doubt Chisholm has considerably more to say.

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William E. Connolly
The Ethos of Pluralization.
Minneapolis: University of Minnesota Press
1995. Pp. xxx + 243.
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US\$19.95 (paper: ISBN 0-8166-2669-3).

Famously, Alexis de Tocqueville drew attention to the paradoxical origins of 'American democracy'. The New England colonists had established constitutions, which, in their respect for democratic principles and civil rights, were still 'very far in advance of the spirit of freedom of our own age' (*Democracy in America*, ed. J.P. Mayer and M. Lerner; trans. G. Lawrence, New York, Harper & Row, 1966, 43). The spirit of toleration, however, was less in evidence. The 1650 criminal code of Connecticut, for example, prescribed the death penalty for blasphemy, sorcery, adultery and offending one's parents, 'severe penalties' for sex out of wedlock, lying, idleness and drunkenness, compulsory attendance at church and banishment of Anabaptists and Quakers (41-3). More than 150 years after Tocqueville's remarks, William Con-

nolly suggests that 'the American pluralist imagination ... remains too stingy, cramped, and defensive for the world we now inhabit' (xii). The reason, ironically, is that it remains too close to the limited pluralism of Tocqueville, who regretted but did not condemn the genocide of American Indians as the 'inevitable destruction' of an 'ill-fated' and 'unfortunate people' (171). According to Tocqueville's 'arboreal' pluralism, the spreading branches of American democracy must grow from the uniting 'tree' of Christian belief. For 'how could society escape destruction, if, when political ties are relaxed, moral ties are not tightened? What can be done with a people master of itself, if it is not subject to God?' (172). Arboreal pluralism, in other words, harbours fundamentalism.

The stinginess of American pluralism is also, according to Connolly, a significant contributor to the rise of contending fundamentalisms. Religious fundamentalists, for example, are provoked by liberals, who fail to admit that they too bring 'a private and contestable secular faith into the public sphere while refusing to sanction the same privilege to nonsecular faiths' (130). The more straightforwardly stingy neglect of economic justice feeds the resentment of white working-class men, who have been either disillusioned or disadvantaged by factors as diverse as the Vietnam War, feminist and anti-racist affirmative action programmes, the unsettling of their gendered or ethnic dominance and the multiplying effects of globalisation and economic rationalism, making them likely recruits for a masculinist 'fundamentalism of gender, self, race, and nation' (113). The complex psychological economy of crime and punishment, vengeance and resentment, repressed from the liberal imagination, provides further impetus for the mutually reinforcing intolerances of those within and those outside the law. The territorial imaginary of the democratic nation state provides unpredictable and potentially dangerous relays between these internal insecurities and foreign rivalries with the ultimate risk of war.

The only alternative to this sclerotic 'fundamentalization' of late-modern societies, Connolly argues, is a more responsive, energetic and radical ethos of pluralization. The proliferating filaments of what, following Deleuze and Guattari, is here called 'rhizomatic' pluralism are traced by Connolly along most important dimensions of contemporary thought. Philosophical renunciation of the futile foundationalist 'search for a neutral, transparent mode of representation' (9) must be reinforced by frank recognition of the unavailability of always contestable and revisable 'ontopolitical assumptions'. For the always imminent petrification of moral norms is substituted an ethical 'cultivation of a critical responsiveness that can never be automatic, deducible, guaranteed, or commanded by some unquestionable authority' (27). Such an ethos of 'agonistic respect' implies openness or sensitivity to previously excluded identities without renouncing criticism or contestation. Analogously, in the political sphere democratic citizenship should combine 'warm' values of community and participation with a more sceptical distancing from the territoriality of the nation state and the fixity of included and excluded identities. The latter aim highlights the importance of both infra-

and cross-national social movements. Such pluralizing principles must also be underwritten, Connolly suggests, by a strong commitment to economic equality, which, in the aftermath of state socialism, is to be promoted not by the inevitably corruptible and despotic mechanisms of the command economy but through managed markets. Economic equality would help to ensure that all have access to the cultural life of society and so promote pluralizing interactions between identities and constituencies. Connolly even pursues the implications of a rhizomatic pluralism into the sphere of religion, proposing a redefined 'postsecularism' beyond the fundamentalist assumptions common to both traditional believers and their conventionally secularist opponents. In place of this further manifestation of a cramped liberal imagination, Connolly seeks to ground 'a positive ethos of critical diversity in appreciation of a world governed by no prior design or sufficient universal' and a 'nontheistic gratitude for the rich diversity of being' (190).

In the fabrication of his radically pluralist vision, Connolly constructively interweaves post-Nietzschean and post-structuralist themes, garnered principally from Foucault, Deleuze and Guattari, Girard and Derrida, with discussion of less 'continental' figures like Bernard Williams and C.B. Macpherson. Not surprisingly in a work of such synthetic scope, thinkers less congenial to Connolly's purposes, such as Michael Walzer, Charles Taylor and Jürgen Habermas, are given fairly short shrift. Their positions are characterized rather than seriously engaged or rebuffed. For example, Connolly's Foucauldian distrust of the Habermasian value of consensus leads him to the conclusion that although 'the absence of consent suggests that overt injuries need to be addressed', 'its presence suggests that there may be subterranean injuries in need of attention' (102). But this conclusion is surely quite compatible with the ideal of rational consensus, which Habermas conceives as a standard that is required just because it allows us to condemn the distortions of any existing, indeed any foreseeable consensus. Such carping aside, this book nonetheless achieves an impressive and original synthesis of metaphysical vision, philosophical critique, ethical sensitivity, political commentary and, above all, moral and political engagement. In that sense, too, Connolly's argument represents an important challenge to all those who, in the spirit of what threatens to become the ideological Cold War of our late modernity, dismiss poststructuralist and postmodernist approaches as apolitical and even amoral nihilism.

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W. Martin Davies

Experience and Content:

Consequences of Continuum Theory.

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1996. Pp. ix + 350.

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Davies presents a theory of experiential content he calls the 'continuum theory', a theory that occupies the middle ground between two opposed accounts of content. On one side, we have the *inferentialist* account, according to which inference from 'sophisticated high-level knowledge' is necessary (or, on a strong view, necessary and sufficient) for the having of experience (19). On the other side, is the *observational* account, according to which 'only the observational situation is relevant to how experiences originate' (20). However, although Davies introduces his account by contrasting it with both these accounts, his real target is the inferentialist account. Davies convincingly argues that something like this account lies behind most contemporary accounts of content. He finds it, for instance, in the work of Churchland, Armstrong and Harman. It is not clear, on the other hand, that anyone endorses the observational account. The observational account is important only as a device for staking out the theoretical territory.

Davies' own account tells us that, while sophisticated high-level factors very often do play a role in the having of an experience, they need not. According to Davies, content comes in various sorts ranging from high-level to low-level and inference becomes less important as the level of content concerned diminishes. At the low-level, inference is unnecessary for content. Most experiences combine various sorts of content from high-level to low and so require inferences to be made for the experience in question to occur. Nonetheless, it is possible to have experiences which consist of nothing but low-level content and so do not require any inferences from high-level factors to have been made.

All this talk of high-level and low-level factors probably seems quite mysterious. Davies is slow to make the distinction clear. At first, he uses the terms without explanation. Then, a little way into the book, he lists some of the factors he considers high-level: 'concepts, theories, background knowledge' (27). This seems helpful and these are surely factors that figure in inferences, but he soon muddies the waters again by revealing that there are also low-level versions of some of these factors (54-60). Some concepts, for instance, are not 'descriptive' (i.e., high-level), but 'sensational' (i.e., low-level). What marks the difference between these sorts of concepts? The answer has to do with language. High-level concepts are expressible in language, low-level concepts are not. Instead, low-level concepts are 'best characterised in sensational terms' (56). What exactly sensational concepts are then is not clear. If they are inexpressible in language it is difficult to know what they are and what Davies has to say about this is not particularly helpful. We are best off to forget about the different sorts of

concepts and instead focus on the connection between high-level factors and language, for this connection is at the heart of Davies' position. The core of his position is revealed in the claim that 'experiences are not exclusively language-like' (69). Davies claims that, to the extent that experience is language-like (i.e., expressible in language), high-level factors such as descriptive concepts are necessary for experience, but since experience is not entirely language-like, high-level 'linguistic' factors are not absolutely necessary for experience.

Since Davies presents the inferentialist account as the orthodox theory of content, an important task he faces is that of giving us reason to think the inferentialist account is wrong. His attempts to do so are the most frustrating part of the book. Davies' attacks on inferentialism often boil down to the claim that it is obvious his opponents are wrong, for instance, that it is clear 'high-level features ... are not always present in experiences of unsophisticated creatures like animals and infants' (59). If this is truly obvious then clearly the inferentialist account fails, for if so, unsophisticated animals sometimes have experiences without inference from high-level factors. But, it is unreasonable to think that such appeals to obviousness have any hope of establishing the inferentialist proposal is false. One not clearly false, although probably distasteful, response to Davies is the claim that Descartes was right, unsophisticated animals don't have experiences at all. Furthermore, even if this response is unappealing, we may respond that creatures have experiential capacity in proportion to their inferential capacity. If this is right, we are not forced into the view that animals have no experiences at all, they simply have more limited experiences. Davies is sometimes guilty of ignoring this option, attributing to the inferentialist the view that, since it is not terribly plausible that animals are as good at making inferences as we are, they must have no experiences at all. For instance, he suggests at one point that, on the inferentialist view, 'since unsophisticated animals are said to have few inferential mechanisms at their disposal, then they must have *no* experiences' (169, emphasis mine). Not so, they may just have more limited experiences.

I shouldn't, however, give the impression that Davies engages in sloppy arguments throughout his book. The book is filled with much close and careful argument. Davies only becomes careless when it comes to this fundamental point about whether experience can consist entirely of low-level non-inferential content. The problem is that, for any case in which an anti-inferentialist claims there is clearly experience without inference, it is always open to the inferentialist to respond that the case is actually one in which some sort of inference was made or in which no experience occurs. Decisive arguments against either of these responses have yet to be discovered. Davies' case for the continuum account is much stronger when he makes a positive case for it. He stresses, for instance, how well it meshes with the modularity of mind thesis and how well it allows us to tell an evolutionary

story about the emergence of consciousness. These are both good reasons for giving his view serious consideration.

Although Davies fails in one of his central aims, there is much to recommend about his book. It is extraordinarily ambitious. He uses his account to consider a far ranging array of topics including Kant on cognition, Kuhn on theory change, the philosophy of colour, property dualism, Fodor on the modularity of mind, Churchland on eliminative materialism, Sellars on the myth of the given and the scientific image, and Nagel on what it is like to be a bat. Much of this discussion is good and some of it, particularly the chapters on Fodor and Churchland, is excellent. He is sometimes not as clear as he might be, but much of the book rewards careful reading.

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Brian Fay

*Contemporary Philosophy of Social Science:
A Multicultural Approach.*

Cambridge, MA: Blackwell Publishers 1997.

Pp. xi + 266.

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This book is not only a lucid and engaging tour of recent debates in philosophy of social science; it is also an attempt to rehabilitate a once marginal sub-discipline in the wake of continuing philosophical and cultural transformations. According to Fay, the traditional philosophical concern with the scientific status of the social sciences should be supplanted by the more pressing question arising from our multicultural world; namely, 'whether understanding others ... is possible, and if so, what such understanding involves' (5). Fay's 'multicultural' approach, however, does not utterly abandon those older questions about causality, explanation and objectivity, but it does re-situate those issues within the context of more central questions about the epistemic problems that arise in a world of 'differences,' where all knowing is situated and perspectival. In the book's eleven chapters, consequently, Fay sets out to defend this approach, arguing persuasively that the 'perspectivism' he endorses can deliver us to safe resting spots beyond or between the pernicious dualisms of social scientific inquiry, including the false choice between positivism and relativism.

Fay's main strength is his ability to clearly reconstruct and analyze the numerous theoretical approaches — the meta-theories — of the social sci-

ences, including atomism and holism, narrative realism and narrative constructivism, nomologicalism and historicism, objectivism and fallibilism, etc. The book's argument generally proceeds by examining two opposing theoretical orientations, revealing the problems and limitations of each, and then showing how either a new or compromise position is best able to overcome these problems and limitations. As such, Fay's approach is dialectical; he sees social phenomena as processes, not as fixed, monadic identities. For example, in chapter seven, 'Is the Meaning of Others' Behavior What *They* Mean by It?', Fay stages a debate between 'intentionalism' and Gadamerian hermeneutics, and argues that because the 'meaning of others' behavior can refer either to its past intentionality or to its present significance' (153), *both* positions are potentially valuable for social scientific inquiry, depending on the sorts of questions we ask. On occasion, this dialectical approach can seem formulaic, and Fay at times smoothes over theoretical differences for the sake of achieving his goals of reconciliation. The advantage, of course, is that readers will quickly appreciate that *no* approach will ever provide us with access to a world of given 'facts', unmediated by our values, interests and conceptual frameworks.

In the final chapter, Fay articulates his own approach, 'interactionism', which he describes as 'a view of human history and culture, and an ethic recommending a certain attitude and response to multicultural exchange,' which 'denies that "at bottom" the self and the other are essentially distinct and fixed' (233). He concludes with twelve 'theses' which follow from this approach, including the injunctions to avoid dualisms, think processually, recognize the agency of others, seek ambiguity, ambivalence and contradiction everywhere, and actively engage others.

There are important lessons to be learned here, even if they are at times hasty. For an undergraduate class in philosophy of social science, this will prove to be an invaluable guide through the thickets of contemporary theory.

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Andrew Feenberg

Alternative Modernity.

Berkeley: University of California Press 1995.

Pp. xi + 251.

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Andrew Feenberg and

Alistair Hannay, eds.

Technology and The Politics of Knowledge.

Bloomington: Indiana University Press 1995.

Pp. 288.

US\$15.95. ISBN 0-253-20940-4.

In *Alternative Modernity*, Andrew Feenberg continues his efforts to produce a critical theory of technology which develops philosophical perspectives to help us understand the immense importance and impact of technology within the contemporary world. His studies undertake to explore the impact of technology on diverse regions of human life and culture, and to interrogate both major theories concerning technology and some other cultural responses to the development of Western technology, including science fiction, dystopic film, and Japanese culture. In particular, Feenberg uses a reconstructed version of the Frankfurt school critique of technology, building on his own earlier *Critical Theory of Technology* (1991). But he also draws on French postmodern theory, as well as Japanese theory and various cultural texts, to analyze Western modernity and to explore multicultural alternative modernities. His goal is to counter dystopic and technophobic visions of modernity, while showing some positive uses of technology to advance human emancipation and some alternative attitudes to and conceptions of technology and Western modernity.

Feenberg's major focus and distinctive position within current debates on technology is emphasis on democratic potential for the social reconstruction of technology. Feenberg rejects both neutralist positions which see technology as a mere instrument of human practice, amenable to any and all projects and uses, and determinist notions which see it as an instrument of domination in the hands of ruling elites whose very construction determines the uses, limits, and applications of technology. Instead he sees technology as a contested field where individuals and social groups can struggle to influence and change technological design such that the very construction of technology is subject to democratic debate and contestation.

Thus, Feenberg develops a dialectical approach to technology that perceives both negative and positive uses and effects, seeing technology as an always contested field that can be reconstructed to serve human needs and goals. Consequently, he develops a position that neither falls into a naive technological optimism, or prey to rigid technological determinism and technophobic attacks on technology. He also succeeds in combining the

articulation of theoretical and cultural perspectives on technology with concrete studies of the use of medical technologies to fight AIDS, French Minitel and Videotext systems, and Japanese critiques of technology and conceptions of alternative approaches to modernity.

Feenberg makes the interesting point that dystopic forms of media culture promoted a critical space to view technology with suspicion in the aftermath of World War Two and the unleashing of the atomic bomb in Japan at the end of the war (41ff.). Popular film, music, and discourses reflected public distrust and fear of big technology that was producing immense weapon systems, new forms of nuclear energy, and a technological society that was changing the very face of the social world while also, we were to learn later, threatening the integrity of the natural environment and even survival of the human species. This climate helped generate a serious and positive reception of critiques of technology by theorists such as Heidegger, Weber, and the Frankfurt School which went against the celebrations of technology in the dominant ideology of the day.

Feenberg wants to develop what he calls 'interactive strategies of change' which involve the interaction between state and corporate interests, scientists and technical designers and engineering, and the public in a complex process of negotiation and contestation over the construction and design of technologies (34ff). He argues that conceiving of technology in this way opens it up as a field of negotiation, debate, and struggle over its design, effects, and ends that help democratize technology.

Rejecting dystopic positions that would simply reject and negate technology tout court, Feenberg argues that it is more productive to focus on the reconstruction of technology rather than its vilification. He claims that post-1960s struggles have put in question absolute faith in science and technology, and the individuals and institutions which develop and implement it. With a public questioning technology, demanding changes, and in some cases carrying them out, technology is thus more flexible, transformable, and amendable to democratic debate and reconstruction than previous theories had indicated.

The subtitle of Feenberg's book is 'The Technical Turn in Philosophy and Social Theory' and he best fleshes out this dimension of his project in a chapter that engages the 'technocracy thesis' (75ff) and throughout the book will attempt to reconstruct the Frankfurt School and blend its perspectives with other theoretical traditions such as French postmodern theory and Japanese multicultural theory. Given Rorty's successful marketing of the notion of the 'linguistic turn' in philosophy, the notion of the 'technical turn' may, however, be misleading as it suggests an increasing tendency toward more technical philosophy — a trend certainly evident today, but not one that Feenberg would endorse. Instead, he means a turn to see the fundamental importance of technology, technique, and the technical in the contemporary society and the need to develop critical and social interactionist perspectives toward this 'technical turn', drawing on the most advanced theory and philosophy.

Feenberg develops his perspectives on the technical turn by criticizing the classical positions of the Frankfurt School on technology as domination (in particular Adorno and Horkheimer and Marcuse), considering Habermas's critique of the earlier Frankfurt School positions and development of his own theories, and then engaging Axel Honneth's critique of Habermas and further development of the Frankfurt School, followed by Feenberg's moving beyond Honneth toward his own perspectives. The classical perspectives of the Frankfurt School toward technology, Feenberg believes, are too pessimistic and totalizing, seeing technology largely as an instrument of domination. Habermas in turn adopts a more instrumentalist view of technology, seeing it as an instrument of technologically rational action that serves instrumental ends. Yet Habermas also sees technological rationality colonizing the life-world, invading areas where communication and social interaction should prevail, and thus ultimately for Habermas, in Feenberg's reading, the pessimistic Frankfurt School perspectives on technological domination continue to prevail (76f).

Habermas wants to counter the hegemonic modes of technological rationality and instrumental reason with a notion of communicative rationality oriented toward an 'ideal speech situation' in which norms of rational debate and consensus would govern concerns about technology as well as other issues of public importance (78f). Feenberg believes that this is a step in the right direction, but takes up Axel Honneth's critique that Habermas's conception of consensus and the ideal speech situation is too much of an ideal-type social myth that does not adequately take into account the issue of power and constraints on rational consensus in the contemporary world. Honneth in turn proposes that 'social struggle' is the form of action taken in contests over social norms, institutions, and power, and thus develops syntheses of Habermas and Foucault that would combine analysis of power, resistance, and rational debate in adjudicating social and political issues and conflicts.

Feenberg is also sympathetic to Honneth's critique of Habermas's notion of 'system,' which following Parsons, Luhmann, and systems theory presents social systems as reified and depersonalized (81). Feenberg, by contrast, wants to operate with a richer notion of the social and of organization which sees institutions as complex conglomerates of rules and regulations, bureaucratic procedures and interests, technical imperatives, and norms and practices, all subject to contestation, debate, and reconstruction. While Feenberg is sympathetic to Bruno Latour and social constructionists who see technology and institutions as constructions imposed upon the public which dictate thought and behavior (84), and himself introduces a notion of 'implementation bias' that dictates how technology is constructed and used, he wants to make these biases and constructions subject to debate, struggle, and reconstruction, thus opening up society and technology to social transformation.

Indeed, one of the most valuable elements of Feenberg's work is precisely the way he links social transformation with technical transformation, theorizing both society and technology as contested fields open to social contest-

ation and change. He also makes clear that there can be no meaningful talk of social reconstruction unless there is consideration of changing technology, of transforming its design, uses, and practices, thus linking social change with the reconstruction of technology. Feenberg is keenly aware of the central role of technology in contemporary society and that to understand and change society requires understanding and transforming technology.

While I am highly sympathetic to Feenberg's project and find his writings extremely useful for philosophy and social theory today, I worry that he underestimates the power of technology as a force of domination and veers too far toward an overly optimistic stance. While he rightly criticizes the classical Frankfurt School for being too pessimistic and frequently totalizing in their assault on technology and seeing it largely as a force of domination, he perhaps downplays the extent to which technology does serve as instruments of domination by societal elites. My own view is that in today's world we should see technology as both a force of emancipation and domination, holding onto the most negative critiques that we play off against the most utopian possibilities. From this perspective, it appears that Feenberg plays down too much the negative aspects of technology and is too optimistic concerning positive uses and the possibility of reconstruction.

Feenberg counters pessimistic and dystopic perspectives that technology cannot be changed, that it is the fate of the modern world to live in an 'iron cage' of technological domination (Heidegger and Max Weber), with some case studies that indicate that technology *can* be reconstructed to fulfill human needs and is subject to democratic debate and transformation. As examples, Feenberg indicates how AIDS patients struggled for experimental drugs, the change of government and medical AIDS policies, and (96ff) successfully challenged and transformed medical and government policy and practice. This case also provides for Feenberg examples of how the functional imperatives of medicine treat patients as mere objects, suppressing the 'caring' treatment of medicine with emphasis on 'curing'. AIDS patients, however, forced the medical system to address their concerns and to modify their practices accordingly.

Feenberg also devotes two chapters to the French Minitel/Videotext experiment to show how individuals have creatively appropriated existing technological systems for their own purposes and in fact restructured technology (123-66) and technical systems. The French telephone system initially provided a Minitel telephone/computer apparatus to each customer free of charge that would allow individuals to tap into data bases to get weather and railway information, news bulletins, and other forms of information. It was intended to help enable the French to interact in a high tech environment and thus to aid the process of French modernization.

In practice, however, individuals hacked into bulletin boards which were reconfigured to allow message posting, and eventually split-screen on-line communication and chatlines that enabled diverse forms of social interaction and connection. This expropriation shows how individuals could reconfigure technology to serve their own purposes which may have been at odds with

the purposes of those who designed the technology, as when the French used Minitel to engage in interpersonal discussion, to facilitate sexual adventures, or to promote political projects, rather than just to consume officially-provided information.

Both the AIDS and the Minitel examples show how technological systems that were devised by elites according to technical and functional requirements could be resisted by groups involved in the systems and reconfigured to better serve their own needs. Both appropriation of technical knowledge and tools for purposes opposed to their original design and implementation, and the expropriation and reconstruction of technologies and technical practices to serve countergoals and values, show that technology is more complex, flexible, and subject to contestation and reconstruction than many existing theories and critiques of technology indicate. It suggests the need for more multilayered theories of how technologies are introduced, implements, and developed, and subject to subversion and reconstruction.

In the final chapters, Feenberg delineates some Japanese perspectives on 'alternative modernity' based on a reading of the philosopher Nishida and reflections on the game of Go, which embodies values different than the Western ones of success and competition. Feenberg's point is that alternative social constructions of modernity are possible which construct different sorts and uses of technology, subjected to differing cultural traditions and aesthetic sensibilities. Thus, Nishida envisaged a Japanese modernity which combined Western modernity with Japanese cultural traditions, so that technology would be embedded in cultural and everyday practices and subject to Japanese values and aesthetics. Such a synthesis of art and technology concretizes the call for a merger of these domains by Marcuse in his conception of a new technology. For Feenberg, such conceptions relativize the Western concepts of technology, modernity, and rationality, and show that other alternative conceptions are available. These perspectives point to a diversity of types of technology and social organization, thus breaking with the unitary and universalizing model of Western modernity and modernization theory.

Technology and the Politics of Knowledge is a co-edited book from the same period as *Alternative Modernity*. This useful text provides articles on theories of technology in major theorists such as Heidegger, Marcuse and the Frankfurt School, Arendt, and others, as well as the perspectives of major contemporary theorists of technology such as Winner, Borgmann, Dreyfus, Ihde, Haraway, Longino, Latour and others. In his own paper in it, Feenberg sketches out a conception of 'subversive rationalization' which points to technological design and advances opposed to hegemonic forms of technology in contemporary Western societies.

While Feenberg's valorization of alternative expropriations and reconstructions of technology, of opening technologies and technical systems to debate and contestation, and his theorizing how technology can be used to serve human needs and enhance human life rather than the interests of dominant social powers are all of immense importance, I have some conclud-

ing concerns. Although it is no doubt possible to challenge systems of technological domination, to reconstruct technologies, and to guide how technology will be constructed and implemented, it is also the case that technological organization of the workplace and the capitalist corporation, the state and its bureaucracies, the medical establishment, as well as the University and other institutions, are structured to a large extent by systems of technological rationality that are extremely difficult to transform and reconstruct, and even to contest.

Feenberg's more activist and optimistic perspectives are more productive than gloomier prognoses that only see technology as an instrument of domination. It is both useful and correct to see the social constructedness of technology and modernity and the importance of devising alternatives. Social transformation clearly requires reconstruction of technology and it is Feenberg's merit to demonstrate both that technology is a product of social design and construction and that transforming society to make it more democratic and responsive to human needs requires reconstructing technology.

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Gunter Gebauer and Christof Wulf

Mimesis. Culture – Art – Society.

Trans. Don Reneau.

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US\$50.00 (cloth: ISBN 0-520-08458-6);

US\$18.95 (paper: ISBN 0-520-08459-4).

Peu d'ouvrages ont abordé directement le concept de mimesis. Or, contrairement à ce que son titre pourrait laisser entendre, cette étude de fond ne traite pas de sociologie de l'art ni de sociologie de la culture, mais bien du concept de mimesis dans ses rapports avec la littérature, les arts, la culture et la réalité sociale, de l'Antiquité à nos jours. Les auteurs, qui ont rédigé conjointement ce premier livre, paru initialement en Allemagne en 1992, enseignent au Centre d'anthropologie historique de l'Université libre de Berlin, et ont déjà publié individuellement plusieurs articles (en allemand) sur la critique littéraire et en études culturelles. Il ne semblait pas exister de traductions (anglaise ou française) de leurs travaux avant la publication de ce livre, ce qui peut expliquer que leurs noms ne nous soient peut-être pas familiers.

Comme on l'imagine, il existe plusieurs conceptions de la mimesis, et comme pour compliquer davantage, ce mot ne se retrouve pas dans la plupart des dictionnaires français. Certains voient dans la mimesis une imitation, une ressemblance, une image, une représentation ou plutôt une construction sociale, qui reproduit (et transforme inévitablement) ce que l'on perçoit de la réalité. En fait, la mimesis intéresse le chercheur dans la mesure où les rapports entre la réalité (en soi impossible à définir ni à cerner) et les créations artistiques ne s'expliquent pas aisément. Depuis toujours, les philosophes et les sociologues ont tenté de distinguer et de cerner les rapports et les décalages entre l'oeuvre et son contexte, entre l'art et le modèle, et le concept de mimesis nous permet sans doute d'alimenter ce débat.

Le concept de mimesis a évidemment beaucoup évolué depuis Platon. Les auteurs en retracent méticuleusement les origines et les principaux usages, en se penchant entre autres sur les travaux d'Érasme, Montaigne, Molière, Racine, Rousseau, Diderot, jusqu'aux essais de Benjamin, Adorno et Derrida. Certains de ces auteurs ont abordé directement ce concept ; d'autres ont produit des oeuvres qui, sans y référer nommément, ont néanmoins apporté une contribution non négligeable. L'approche de Gebauer et Wulf devient ici double, à la fois théorique et pratique : ils étudient d'abord la mimesis dans ses diverses manifestations artistiques et surtout littéraires, et se penchent également sur les conceptions qu'en ont eu les nombreux philosophes et théoriciens qui ont étudié ce phénomène, depuis la création du concept jusqu'à aujourd'hui.

Pour bon nombre de chercheurs, les principaux repères dans les études sur la mimesis remontaient aux travaux fondamentaux d'Erich Auerbach (*Mimesis : The Representation of Reality in Western Literature*. Trad. Willard R. Trask. Princeton: Princeton University Press, 1953), parus aux États-Unis au début des années 1950 et traduits en français en 1969 (Gallimard). Ici, les auteurs se servent de cet important point de repère pour ensuite cerner les diverses tendances que l'on remarque depuis trois décennies dans une foule d'articles publiés sur le sujet en Europe et aux États-Unis.

La plupart des 23 chapitres du livre mettent en évidence l'usage de la mimesis dans l'oeuvre d'un écrivain particulier (par exemple Diderot, Rousseau, Balzac). On constate à quel point les analyses sociologiques de la littérature semblent courantes et fertiles en Allemagne, contrairement aux approches pratiquées en France, qui sont beaucoup plus souvent marquées par la sémiologie, la narratologie, et dans une moindre mesure, la réception, la psychanalyse, la mythocritique.

Il faut également souligner la justesse des deux derniers chapitres qui récapitulent efficacement les résultats et présentent méthodiquement les apports de la présente recherche. Les auteurs y font ressortir les positions historiques et les principales dimensions de la mimesis. Leurs conclusions restent à la fois synthétiques et ouvertes, et touchent entre autres la question de l'image vidéo et ses rapports avec la réalité. Comme on peut l'imaginer, les discussions sur la mimesis pourront se poursuivre encore longtemps, compte tenu des récents progrès techniques et des possibilités offertes par

les nouvelles technologies, surtout dans le domaine de la création artistique et de l'image virtuelle, qui semblent pouvoir *outrepasser* la réalité (voir à ce sujet le livre de Époque, Martine (dir.) (1995), *Arts et technologies*, Lyon, Éditions du programme pluriannuel en Sciences Humaines Rhône-Alpes et Centre Jacques-Cartier, collection « Les chemins de la recherche », No. 27, 208 p. ISBN 2 909604-16-0).

On aurait bien sûr pu souhaiter que les auteurs puissent inclure la réflexion à la fois brûlante et sensible de l'écrivain italien Pier Paolo Pasolini (*La Divine mimesis*. Trad. Giovanni Joppolo, Paris: Flammarion, 1980), qui était aussi théoricien de la sémiologie et de la littérature. Mais comment pourrait-on formuler un tel reproche à des auteurs qui combinent déjà un nombre impressionnant de références à une multitude d'analyses d'oeuvres littéraires et académiques en allemand, en français et en anglais?

L'ouvrage *Mimesis. Culture – art – society* offre une réflexion étoffée et étonnamment riche sur le concept de mimesis. Le lecteur s'étonne de constater qu'il existait si peu de livres sur un sujet par ailleurs souvent abordé dans divers articles scientifiques et ce, dans une foule de disciplines (anthropologie, sociologie, philosophie, études littéraires, histoire, études anciennes). Il s'agit d'une référence majeure dans les études littéraires et du plus complet ouvrage sur le concept de mimesis que l'on puisse trouver aujourd'hui. Nous attendons maintenant la traduction française.

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Jennifer Ham and Matthew Senior, eds.

*Animal Acts: Configuring the
Human in Western History.*

New York and London: Routledge 1997.

Pp. xi + 258.

Cdn\$97.95: US\$69.95

(cloth: ISBN 0-415-91609-7);

Cdn\$24.95: US\$17.95

(paper: ISBN 0-415-91610-0).

Barbara Noske

Beyond Boundaries: Humans and Animals.

Montreal, New York, London: Black Rose Books
1997. Pp. xiv + 253.

Cdn\$52.99 (cloth: ISBN 1-55164-079-1);

Cdn\$23.99 (paper: ISBN 1-55164-078-3).

What is common to these two books, different though they are in concept and style, is a focus on the social construction of humans and nonhuman animals in relation to one another and on the difficulty humans have in coming to terms with the otherness of animals and the animal in themselves. Barbara Noske is a Dutch anthropologist/philosopher who critically surveys several areas wherein humans interact with and define animals as well as themselves by dialectical opposition; Jennifer Ham and Matthew Senior as well as almost all of their contributors are North American professors of language and literature who are interested in everything from recondite historical and philosophical interpretations to animal performances, the ornithological watercolours of John James Audubon and Gary Larson's *The Far Side* cartoons. A bizarre spectrum, to be sure; but true to their postmodern orientation, all cultural products are grist for their mills.

Noske shows that a profound ambivalence permeates our relations with nonhuman animals: we want to be and to preserve ourselves as different from animals and to perceive ourselves in this way, but we experience a continual struggle to make this work and to keep the obvious similarities between us and them at bay. We exploit animals in every possible way, bringing all the resources of instrumental rationality to bear. But in doing so we alienate ourselves from nature, that larger community within which we might best discover who we are as humans.

It isn't the whole story to speak of 'we' here, as if the entire human species had a uniform outlook and agenda with respect to animals. The ambivalence referred to above stems from a kind of masculinized wishful thinking that prevails in cultural institutions generally, namely, the desire to justify and preserve structures of male domination, which hinge in turn on a paradigm of human superiority to the nonhuman world and on positing the ultimate otherness of animals. As many feminist and ecofeminist writers in addition to Noske have pointed out, these are structures and ideas in which (many)

men have a great deal invested. They are, therefore, in need of challenge and patient deconstruction if their hold over us is to be loosened and our thinking and behaviour are to be liberated in order to evolve in new, more healthy directions.

Noske's book divides into three parts. The first (Chaps. 1-3) looks at the domestication of animals, with special emphasis on agribusiness and animal research. The second (Chaps. 4-5) centres on the construction of our perspectives on animals and ourselves, seen primarily through the lens of modern science. The third (Chaps. 6-7) tries (to use an expression of my own) to 'take the animal's viewpoint seriously' and to explore in a preliminary way what it might mean to relate to animals as beings of independent value whose differences from ourselves are affirmed and celebrated, rather than as beings to be subjugated, controlled and manipulated as we see fit.

Central to Noske's theoretical project is the attempt to rescue animal subjectivity (or the intentionality and purposiveness of animal consciousness, as well as animal sociality) from the assault directed against it by various Western cultural tendencies, all of which practice denial in relation to it. Factory farming and animal research, taken up by Noske in Chap. 3, are just two obvious choices from among a wide array of examples that could be cited here. Noske makes the interesting substantive claim, seldom encountered in the literature, that 'To adopt a non-exploitative, inter-subjective attitude towards one's fellow human whilst continuing to approach animals as objects, is indefensible. Animal exploitation cannot be tolerated without damaging the principle of inter-subjectivity' (38).

This pretty much sets the theme for the remainder of the book which, as already indicated, analyzes the obstacles to intersubjectivity and nonexploitative interaction between humans and nonhumans with the goal of recovering the elements needed to ground this new form of relationship. In a careful historical survey Western attitudes toward nature are contrasted with non-Western ones (Chap. 4). Noske shows convincingly how the organicism or holism of early modern science was overshadowed by the more mechanistic view ushered in by the rise of 'positivist experimental science' (53) and emerging capitalism. This discussion is full of interesting insights such as the following: 'Darwin's outlook on living nature turns out to be as ambiguous as the old notion of the Great Chain of Being; both are virtually a combination of the principles of continuity and hierarchy' (68). Noske also argues here that Marxism, in spite of its undoubted ecological potential (humans as dependent on nature), reinforces the culture vs. nature split that has so crucially and fatefully shaped the contemporary Western outlook.

In the final part of her book (Chaps. 5 and 6), Noske attacks the postulate of human uniqueness: 'Humans pretend to know *from within* that they themselves possess certain faculties and to know *from without* that animals do not' (78; emphasis in original). Noske demonstrates with considerable subtlety that if humans typically constitute human nature and capacities in opposition to those of animals, then the inevitable result is that the sociality, culturality, thought, and language of animals are 'pre-empted by definition'

(83). This aprioristic approach flourishes because there are 'very few [social scientists] with even a remote interest in animals for their own sake' (82). The same might be said of philosophers. Hence questions of continuity between humans and nonhumans do not get on the agenda of scholarly study to anything like the extent that they should. Noske contends that schools of thought as diverse as sociobiology and some strands of feminist theory reveal a commitment to maintaining 'the object status of animals' (101). And it is this which prevents us from asking the same kinds of questions about animals as we ask about ourselves (e.g. What do they think, feel and want? What are their sources of happiness? Do they have a quality of life they seek to maintain? Do they have a culture of their own? What is it like?). One of the major barriers Noske challenges is the denial that animals have language. While she discusses experimental findings about whale songs, the sign language proficiency of apes, bee dances, and related phenomena with care (Chap. 6), it is unfortunate that she does not take on Donald Davidson's arguments against animal language and thought and the significant controversy it has generated.

At the end of this discussion Noske observes that 'As yet there exists in our thinking little room for the notion of a non-human Subject and what this would imply' (157). She then concludes with a plea for 'meeting the animals on their own ground instead of expecting them to take steps towards us and making them perform according to our standards' (167). While it may be too early to say for sure, this seems to be the direction in which some scientists and philosophers are moving, and Noske may be credited with helping advance this important shift.

In *Animal Acts* the unifying theme is more complex. While our culture traditionally affirms and reaffirms the otherness of animals and excludes them from the moral community, there is an uneasy tension between human and animal that hovers in the background. Animals in Western culture continually return from the margin to centre stage as humans both define themselves in relation to their supposed other, and at the same time purposefully blur the distinctions that support this otherness. Thus humans establish dichotomies that firmly separate themselves from animality, yet in our cultural products (e.g. moral tales featuring animals, cartoons) and practices (e.g. circus-going, dressing up in animal costumes) we regularly revoke these or at any rate allow ourselves to transgress them.

This volume contains an editors' introduction plus twelve essays by different scholars. Anthologies of original articles are mixed bags, to say the least, and this one is more mixed than most. While some essays are probably of little interest to those who are not specialists in the field represented, others reach out to a larger audience because of either the nature of their subject matter or the embracing manner in which they are presented. Instead of attempting to summarize the contents of *Animal Acts*, I shall focus briefly on an example of this latter type.

The essay in question is 'On Being "The Last Kantian in Nazi Germany": Dwelling with Animals after Levinas', by David Clark, a professor of English

at McMaster University. I don't know Emmanuel Levinas' work, and this illustrates the point: one doesn't have to because Clark brings it to life in a fascinating and accessible way. The discussion centres on 'Bobby', a dog who befriended Levinas and other inmates of a Nazi concentration camp during World War II. Levinas calls him 'the last Kantian' because at least the dog is capable of acknowledging the humanity of the Jewish prisoners and of treating them with respect.

What does this tell us about our humanness? Levinas wonders. And about Bobby's animalness? To convey the dilemma and provide the flavour of Clark's felicitous prose, I quote: 'Bobby's delightful greetings compel Levinas to consider how it is that a "mere" animal could treat him with more dignity than his human captors, captors who could be said to behave like animals and to incarcerate their prisoners like animals — tellingly, fantastically, the "animal" is available as a figure for both master and slave — if it were not for the fact that the question of what constitutes the animal is precisely what Bobby's dutiful behavior raises and complicates' (168-9). Although Levinas wrestles with such issues as how dehumanized human beings facing execution by their fellow humans, who live with, love and are loved by animals like Bobby, can nonetheless justify killing and eating other creatures, Clark shows how Levinas fails, in the end, to resolve the discrepancies that make acts of this sort possible. Furthermore, while Levinas calls Bobby a 'Kantian' he nonetheless denies ethical life to animals and in both language and reflection 'seal[s] Bobby up in the prison of his species ...' (188). Levinas defends this manoeuvre by means of a profound discourse designed to demonstrate that animals like Bobby literally lack a face, which is essential to membership of the moral community. In response Clark dwells on 'the "audible" gap between what Bobby says and what Levinas hears him say' (191). We grasp through Clark's (and ultimately Levinas' own) eyes and ears how strange and dissonant Levinas' judgments are. He and his fellow Jewish prisoners are little more than animals for the Nazis. Bobby, on the other hand, 'is the outsider who accidentally befalls Levinas's world, yet the very fact that he instantly recognizes the men *as men* reminds us that he is a domesticated creature, and thus already a dweller *inside*, with and among humans' (193; emphasis in original). This essay shines with true brilliance and alone is worth the price of the book.

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Stanley Hauerwas and Charles Pinches
*Christians Among the Virtues: Theological
Conversations With Ancient and Modern Ethics.*
Notre Dame, IN: University of Notre Dame
Press 1997. Pp. xvii + 230.
US\$29.95 (cloth: ISBN 0-268-00817-5);
US\$16.95 (paper: ISBN 0-268-00819-1).

The recent revival of virtue ethics is a natural topic for ‘conversations’ between theology and moral philosophy; several prominent advocates of virtue ethics have religious backgrounds, and historically, virtue based ethics has flourished in a religious context. In this book the eminent theologian Stanley Hauerwas, and his former pupil Charles Pinches offer a series of reflections on both ancient and modern virtue ethics.

The book is a collection of linked essays, which fall into three parts. The three essays in Part One discuss aspects of Aristotle’s *Nicomachean Ethics*. They could serve as an excellent introduction to Aristotle’s ethics for any interested reader, though they are specifically aimed at a theologically-minded audience. The three essays concentrate respectively on the idea of *eudaemonia*; on the significance of Aristotle’s often derided ethical ideal, the ‘Magnanimous Man’; and on friendship — the understanding of which is a crucial theme running through this book. Part Two consists of essays considering the contemporary revival of virtue ethics, though the discussion focuses mainly on modern authors’ interpretations of the classical moral tradition. Martha Nussbaum’s *The Fragility of Goodness* and John Carey’s *Pagan Virtue* are examined in separate essays, and there is a more general piece which ends by focusing on Alasdair MacIntyre. Part Three is the most purely theological — although theological and philosophical considerations are closely woven together throughout. The four essays here consider how Hope, Obedience, Courage and Patience can work as specifically Christian virtues. The final Chapter, which links the Christian virtue of patience with modern critiques of the professionalisation of medicine, is of particular interest.

There is much in the book to interest moral philosophers as well as theologians. Hauerwas and Pinches are concerned throughout to take a specifically Christian stance, and argue for the distinctiveness of a Christian approach to ethics. However, they say, ‘we do not believe ... that the differences make a conversation between Christian and ancient pagan or modern liberal accounts of the virtues impossible or irrelevant. Rather, we think the differences make the conversation all the more important as well as interesting’ (x). They stress throughout the importance of context; we should not be tempted to give an abstract account of ‘the’ virtues necessary for ‘the’ good life, as though this were something that could be specified in the abstract, and seen to be valid for all human beings or even for all rational agents. Not only will different practices, different communities, different world-views give different lists of the virtues; they will also have a different under-

standing of what the virtues in general are, and of the role they should play in our lives.

Part of the interest of this book for philosophers is that Hauerwas and Pinches do not just argue in general terms for the thesis that it is impossible to start ethical discussions without presuppositions. Rather, they exhibit what it is to reason ethically from within a set of assumptions — and ones which, as they stress, are not simply laid down abstractly as axioms, but which are practically embodied in the life of a community (in their case, of course, the Christian Church(es)). And they also show that this feature of ethical thought does not have to lead to a breakdown in communication between those with different presuppositions. Instead they demonstrate how one can learn — both positively and negatively — from views that are different from one's own. It is one of the attractions of Aristotle for Hauerwas and Pinches that he, too, clearly sees that ethics has to start from somewhere specific — in his case, from the ordinary views of people at his time as to what constitutes happiness. It is the similarity of overall approach that enables the authors to learn from the deep differences between Aristotle's understanding of human life and their own.

The book is explicitly written in the 'conversational' genre. The authors are not approaching the texts they read with completely open minds in the (somewhat unrealistic) mode presented as an ideal by many liberals; that is, they are not reading them as potential refutations of their own Christian views. But nor are they reading them with polemical intention either. They are looking to these sources in order to help them think more clearly about the views to which they are committed. This type of writing is something of a rarity in contemporary philosophy, which tends to take as its model the adversarial situation of the courtroom. Philosophers are increasingly coming to suspect that the idea of demonstrating the correctness of their views beyond reasonable doubt is a bit unrealistic. A book like this can serve as a useful example of a more conversational style of philosophical debate, which frankly admits prior commitments which will not easily be changed, and which looks to deepen understanding rather than to inflict or suffer refutation.

This is certainly a book that is worth reading by theologians and by moral philosophers with theological interests. But even philosophers without such interests should be able to benefit, both from the clear and accurate discussions of Aristotle and of modern philosophers, and from the methodological lessons that the book not only teaches, but more importantly, embodies. I will conclude by mentioning one reservation I have. Hauerwas and Pinches, for all that they say about the differences between Aristotle and Christianity, take over wholesale the Aristotelian idea of the community as the locus of moral life (hence their explicitly proclaimed anti-liberalism). Where they differ, of course, is that for them the community is the Church, and this is supposed to be a very different sort of community from the Greek *polis*, which was, they argue, *essentially* organised for war and conquest (65-7). But the worry is that, historically, the Church has tended to behave at least as badly

as any Greek *polis* ever did. If one then distinguishes between the Church as it ideally is, and its corrupt actuality, then this seems close to Plato's distinction at the end of the *Republic* between the ideal *polis*, to which we must owe allegiance, although it may never exist on Earth, and the degraded states which actually do exist. But such an ideal cannot function as a community — in the manner of the Aristotelian *polis* — here and now, and this is what Aristotle's, and Hauerwas and Pinches', communitarianism seems to require.

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Dieter Henrich

*The Course of Remembrance and
Other Essays on Hölderlin.*

Ed. and foreword by Eckart Förster. Trans.

Taylor Carman and Abraham Anderson.

Stanford: Stanford University Press 1997.

Pp. 302.

US\$45.00. ISBN 0-8047-2739-2.

The Course of Remembrance contains the bulk of Henrich's work on Hölderlin, apart from his 1992 *Der Grund im Bewußtsein: Untersuchungen zu Hölderlins Denken in Jena (1794/5)*. It consists of six essays on Hölderlin's philosophical thought plus the short 1986 book *Der Gang des Andenkens (The Course of Remembrance)*. The book and three of the essays date from the mid-1980s. One essay, 'Hölderlin in Jena', has been newly written for this volume, and one essay is Henrich's classic 'Hölderlin on Judgment and Being' (1966) that established the depth of Hölderlin's involvement with philosophy.

Fundamental to Hölderlin's project is his attempt to join a pantheist skepticism, inspired by Jacobi, with a commitment, inspired by Kant and Fichte, to the pursuit of freedom as an infinite ideal. Human beings live — as Hölderlin argued in 'Judgment and Being' — in the wake of a primordial separation from unconditioned being, itself effected by an original judgment (*Ur-teil*), or by the mysterious coming into existence of discursive consciousness out of mere natural life. They then cope with this separation by simultaneously seeking both reunion with a lost unconditioned reality, often through seeking merger with an object of love, and autonomy in the perfection and release of their powers of self-legislated judgment and action.

Henrich's readings focus less on conclusions than on the dynamics of formation of a body of thought, on arguments between contemporaries, and on motives that are not transparent to authors (14-16). In the case of Hölderlin himself, this means focusing on how Hölderlin as a student experienced the conflict at the Tübingen Stift between Enlightenment autonomism and traditional religious practices. It must be, as Hölderlin put it in a 1795 letter to Schiller, that 'subject and object [are] united in an absolute that cannot [contra Fichte] be appropriately called an "I"' (83). Yet we are also separated from this primordial unity and set upon the path of autonomy, but set in such a way that, contra Hegel, we can never claim full mastery of the conditions of expression of our subjectivity.

The key problem of Hölderlin's work then becomes how to combine love as abandonment of self and merger into a greater unity with autonomous selfhood. Hölderlin's sense of this problem motivates his famous *Wechseltonlehre* or theory of the continuous alternation of tones in poetry, according to which 'the highest beauty of poetry, at least, is based on an ordered *modulation* of acts in which each of the tendencies of life is momentarily released' (134). 'The tendencies of conscious life are mutually irreconcilable yet equally legitimate and indispensable' (222).

Henrich argues that this way of thinking about subjectivity's life is philosophically alive for us now. Successions of such modulated acts constitute a way of thinking that is *aptly* 'irreducible to any clear and distinct understanding' (146). In such acts, we can see subjects 'engaged in active remembering' (147) of the plights of subjectivity, rather than being thrown on the path of some Heideggerian impersonal destiny.

Once one sees subjectivity as informed by necessarily conflicting tendencies, then one will tend to see — as Henrich notes Hölderlin did come to see — 'poetry alone [as] the locus of genuine transcendental insight' (222). A reader animated by this thought, as Henrich is, will then trace closely a poet's choices of words and swerves of interest and perception, assuming that nothing else so fully expresses subjectivity's tendencies. This is exactly what Henrich does in his reading of Hölderlin's 'Andenken' ('Remembrance'). The title of Henrich's reading, 'The Course of Remembrance' thus invokes both the course of the poem itself in all its details and the course of *any* effort at remembering subjectivity's worldly situation, arguing that these two courses are deeply interrelated: Hölderlin's course in writing enacts the essence of situated subjectivity.

In carrying out this reading Henrich is explicitly taking issue with both Adorno's modernist interest in parataxes and ceasuras of form in Hölderlin and Heidegger's anti-modernist mythologizing of Hölderlin. Against Heidegger, Henrich holds that Hölderlin in 'Remembrance' depicts a movement of vision of the landscape from Bordeaux itself, rather than from Germany. On the basis of detailed archival work on the topography of late 18th century Bordeaux and its surrounding countryside, Henrich argues that 'the presence of the city ... dominates the poem throughout' (186). The kind of awareness that Hölderlin achieves is here intimately bound up with a specific place, just

as in the Wordsworthian notion of a *genius loci*: 'an ultimate insight [is bound to] the place where the insight emerges' (229). In sum, and in contrast with Heidegger's claim that the poet is claiming a future world-colonizing mission for German poetry, in 'Remembrance' the poet gains 'clarity at the place of departure farther out to sea [at the specific confluence of the Garonne and the Dordogne], and in a form of understanding that allows him to comprehend what it means to be a poet in renunciation of the ocean and of love. This — the moral, the theme, and the course of the poem, all in one — ... looks over [particular locations] in faithfulness and gratitude' (204).

Henrich has undoubtedly succeeded first in identifying in Hölderlin's poetry structures of attention to specific places and specific words that are fundamental to the intelligence at work in lyric poetry, and second in demonstrating the philosophical interest of this form of intelligence. After reading Hölderlin's lyrics expressing subjectivity's conflicting tendencies, any other writing can come to seem pale and flat. Henrich shows well how and why this is so. At times, however, Henrich seems to overstate an opposition between form and thought. He claims that 'Hölderlin's ideas ... have more to do with the poem's structure and movement than with what it says' (194). 'Our considerations have centered around an effort to give an account of the structural form of Hölderlin's poem' (242). In the grip of this thought, he does not follow up allusions to Homer and Socrates in 'Remembrance', nor does he unpack the reference to 'Bellarmine /And his companions'. While Henrich is surely right to emphasize the specificities of place in 'Remembrance', it is less clear that his reading is fully rules out the readings of either Heidegger or Adorno. It may well be that the relation between the town of Bordeaux and the Garonne island (the 'place of departure') is metaphorical for a relation between Germany and Bordeaux plus the Garonne Island, as though the poem's protagonist, in imagining departure from Bordeaux via the island were also imagining departure from Germany via Bordeaux, as Heidegger suggests. The unity of the moments of remembering that Henrich emphasizes is not obviously incompatible with the stuttering resistance to doctrinal paraphrase that Adorno suggests is central to Hölderlin's poetry. Henrich seems sometimes to focus so closely on the structure of remembering that he loses sight of the play of moods in the speaker. He notes, correctly, that there is a movement from loneliness and muted anguish to a tragic calm that is unsupported by any sense of deliverance or by any expectation of an end to the darkness of the age (244). But he does not say much about the possible causes of the initial loneliness and anguish, either in Hölderlin personally or, more importantly, in the social structures of modernity.

In the end, however, one will, after reading Hölderlin, often want to resist both any full-blooded social explanation of plights of mind and any imagined mythological solution to those plights. Here Henrich's continuing focus on Hölderlin's expression of situated subjectivity's conflicting tendencies is of the first importance philosophically. The appearance of these essays in English translation ought to have the effect of completely undoing the

simplifications of contemporary scientific philosophy of mind. It will probably not have this effect, since these simplifications are so well-entrenched. But there is no other work that develops a counterphilosophy of mind so powerfully.

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Robert A. Hillman
*The Richness of Contract Law:
An Analysis and Critique of Contemporary
Theories of Contract Law.*
Dordrecht: Kluwer Academic Publishers 1996.
Pp. xiv + 279.
US\$115.00. ISBN 0-7923-4336-0.

In this book on contract theory, Hillman strives both to offer a comparative overview of a variety of theoretical perspectives and issues, and also to defend his own theory of pragmatic common sense, which emphasizes the 'richness and importance of contract law' and questions 'the utility of overly abstract theories' (xiii). His thesis is that the perspectives he describes are overly rigid and narrow and he asserts that it is possible, by selecting the valuable insights of each, to construct a *synthesizing* 'consensus or pluralist thesis' (267) which 'constitutes the most persuasive account of contract law's nature and functions' (267).

In its survey of theoretical perspectives the book is informative and descriptively insightful. It is written in a lively and engaging fashion, and brings together in an accessible format a wide variety of theoretical issues in contract law. It is an excellent introduction to the student or new comer in this area and offers new and original insights to the more advanced scholar. In its second goal, however, the book is notably less successful. In his closing chapter Hillman acknowledges that his position may be perceived as anti-theoretical and overly defensive of the status quo. If these criticisms continue to have force, as they do, it is because Hillman does not engage in the truly critical analysis of the theoretical positions and issues he describes that is required to sustain either his rejection of those positions or his own purported compromise. The theoretical assumptions of many of these positions are accepted uncritically and the comparative discussion fails to distinguish criticisms or weaknesses that fundamentally undermine a particular view from those that require only modification or qualification of a position. There is, in short, ultimately no delivery on the promise of a synthesizing new

theoretical approach and Hillman's self-proclaimed 'pragmatism' is an unsatisfying substitute for that.

The organization of the book is unusual and interesting. Hillman sets out to discuss two competing theoretical perspectives in each chapter and introduces each with a hypothetical 'problem' which sets up a particular and typically controversial legal issue. This approach allows Hillman to draw interesting comparisons and also to consider some perspectives which would not easily fit into recognized philosophical camps. He succeeds in giving a convincing overall unity and coherence to this approach by showing that each debate tends to mirror a tension and ongoing debate between those who would emphasize the role of contract law to protect individual autonomy and freedom of contract and those who would advocate a more interventionist and regulatory approach in the interest of social justice.

Chapter 1 contrasts the promissory thesis of Charles Fried which 'stresses the primacy of the parties' promises as the basis of contract law' (3), with the non-promissory thesis of Grant Gilmore, which 'posits that fairness principles have "swallowed up" contract law' (3). In a related vein, Chapter 2 discusses whether promise or reliance constitutes the substantive core of promissory estoppel and whether damages should be based on the promisee's lost expectancy or induced detriment. In both cases Hillman argues that the debate in question mirrors the general debate about the nature of contractual obligation between the individualist and the interventionist views.

Probably the most unexpected chapter in this book, Chapter 3 explores the theoretical implications of attempts by legal scholars to utilize contract models to analyze other legal relationships. Taking two examples, marriage and corporations, Hillman again argues that the debates between 'contractarians' and their critics mirror the earlier debate about the competing principles of individualism and autonomy, on the one hand, and fairness and its corollary, regulatory intervention, on the other. In an interesting discussion, Hillman points out that the contractarian paradigms serve quite diverse purposes in the two contexts, 'marriage contractarians' concerned to use the contract paradigm to promote the autonomy and equality of women, 'corporation contractarians' concerned to justify managerial authority and power. In furtherance of his own position, Hillman argues that in both cases the real issues are obscured by the insistence of each side to the debate upon an all determining abstract paradigm and suggests: 'Instead of drawing battle lines over whether the net benefit of contractualism exceeds the net benefit of intervention, contractarians and their critics should focus on the appropriate relationship between freedom of contract and intervention in particular relations' (110).

In Chapter 4 Hillman argues that 'contextualists' (whom he somewhat simplistically associates with feminist theorists) lean toward the use of flexible standards such as good faith and unconscionability in deciding contract cases whereas 'neo-formalists' focus on the importance of certainty and clarity in the contract law and therefore prefer distinct rules over standards. His conclusion seems mundane and theoretically uninteresting:

'Between these positions ... lies the reality that judges continue to attempt to clarify the law even as they apply broad standards and continue to exercise discretion even as they apply narrow rules' (4).

Chapter 5 compares 'mainstream' contract scholars who 'assert that contract law is not too ad hoc and uncertain despite the breadth of contract rules, principles and goals' (4) and Critical Legal Studies scholars who 'assert that contract doctrine has too many dimensions and is unsystematic, thereby allowing judges to decide cases as they choose' (4). While Hillman's sympathies are clearly with the former, he does not offer a critical analysis of the philosophical assumptions of scepticism, and, indeed, seems to assume uncritically that the debate can be resolved empirically: 'The dispute over rule-indeterminacy boils down to a quarrel over the magnitude of indeterminate cases to those readily decided by rules' (209).

Chapter 6 discusses economic analysis of contract law, both as a normative theory, which measures contract doctrine against the goal of economic efficiency, and as a descriptive or explanatory theory, focusing on the doctrine of efficient breach and economic theories of contract gap-filling. Chapter 7 discusses the views of 'empiricists', who claim that contract law is irrelevant to actual business practices and 'relationalists' who argue that contract law is unsuitable in today's world of continuous interaction of parties.

Despite its exclusively American focus, this book will be of value to Canadian scholars of contract law and contract theory for its excellent summaries of theoretical positions, its insights into the implications of the views it canvasses, interesting comparisons and contrasts between different theoretical perspectives, and its helpful review of much of the scholarship in this area.

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**James M. Humber and
Robert F. Almeder eds.**

What Is Disease?

Totowa, NJ: Humana Press 1997. Pp. ix + 361.

US\$49.50. ISBN 0-89603-352-X.

This collection of essays on the concept of disease begins with a lengthy (168 pp.) piece by Christopher Boorse in which he clarifies, modifies and defends his descriptive analysis of disease, originally presented and elaborated in a series of articles 20 years ago. Boorse's analysis, which has come to be called naturalism or neutralism (as opposed to normativism), maintains that dis-

ease is a theoretical concept of scientific medicine and, importantly, value-neutral. His definition of disease, which is meant to include all pathological conditions (more about that below) is: 'a type of internal state which is either an impairment of normal functional ability, i.e., a reduction of one or more functional abilities below typical efficiency, or a limitation on functional ability caused by environmental agents' (7-8). A part or process in an individual is functioning normally when it is making a statistically typical contribution to the individual's survival and reproduction; what is statistically typical is to be determined by comparing individuals of the same species, age group and sex (7). Boorse calls this his 'biostatistical theory,' or BST. It has given rise to a great deal of controversy, and the rest of the volume is devoted to recent articles challenging the BST and/or offering alternative accounts of disease.

There are three questions about the BST that critics have raised most often. The first is whether disease is really a naturalistic, value-neutral scientific concept, and not normative and/or socially-relative. The second is whether the BST defines disease too broadly, blurring distinctions that are necessary, beneficial, or at least useful, such as those between disease and injury, impairment, and anomaly; Boorse says here that he is willing to call his concept 'pathology' instead. The third is whether the BST gives an accurate account of scientific medicine's concept of disease, as Boorse claims it does.

The disease status of masturbation is an example often cited in the naturalist/normativist debates. From approximately 1758 until the 1940s, scientific medicine regarded masturbation as both a disease in itself (requiring treatment — don't ask) and a cause of other, sometimes fatal, diseases. Scientific medicine no longer regards masturbation as a disease or a cause of disease. The normativists claim that this true story from the history of medicine illustrates the importance of socially and historically specific, non-scientific attitudes in determining what medicine counts as disease. Boorse responds that, on the contrary, it demonstrates the importance of a value-free statistically-based concept of disease. He claims that Kinsey's study of sexual behaviour (1948) *proved* that masturbation is not abnormal, and therefore not a disease, by proving that almost every adolescent male does it; presumably the false causal beliefs about it were rejected for the same reason. Good science arrived and triumphed over bad science.

The problem with Boorse's interpretation of the masturbation scandal is that it undermines his claim that his definition of disease is a good account of the concept in medicine. During nearly two hundred years of worrying about the causes and cures of masturbation, medical science took too little interest in its incidence to discover that it isn't a disease. That's no way to treat a central concept of your profession. It would be more plausible for Boorse to claim that the BST is a descriptive analysis of the *ideal* application of the concept of disease in theoretical scientific medicine, and normative in that sense.

Several of the articles here offer theories which are intended to avoid the normativistic/naturalistic dualism. In theirs, Clouser, Culver and Gert use

a naturalistic ethical concept of harm to define the concept of *malady* (they reject the BST's broad definition of 'disease' as a distortion of its ordinary use) and ground it in universal features of human nature. Kaufman uses a similar approach, except that he determines harm by reference to the normal range of human capacities, and CCG determine harm by what people avoid unless they have overriding reasons. Unfortunately, CCG's definition implies that pregnancy, menstruation and menopause are maladies, and they bite the bullet on this. They offer objectors the comfort that having a malady does not justify discrimination or devaluation and should lead to greater empathy. CCG apparently missed the voluminous literature that describes the harmful consequences of regarding women as diseased men (or men with maladies) and medicalizing women's statistically normal bodily processes.

Van Hooft gives an account of disease based on his model of human subjectivity, which integrates elements of Aristotle, existentialism and phenomenology. This model draws attention to aspects of disease, particularly the deep crisis of meaning that having a disease can cause, that other discussions ignore. Van Hooft argues that they are part of the meaning of disease, and that they call for a moral response.

On the question of whether the BST defines disease too broadly, Ruse argues that the BST implies that homosexuality is a disease, because, on average, homosexuality leads to having fewer than the statistically normal number of children. I think this conclusion is based on a misunderstanding: it is the contribution of a part or process of an individual to her/his survival and reproduction that is supposed to be typical in the absence of disease, not an individual's actual reproduction. Otherwise, the BST would have to regard the choice not to have children, or to have fewer than the human average, as a disease in itself.

Both Agich and Banja object to Boorse's approach to language and definition. Agich advocates a pragmatic approach to theorizing about disease, taking account of four general purposes for which disease language is used: care, cure, control and communication. Banja claims that disease resists definition; he favours applying Rorty's antiessentialist approach, which would recognize a 'web' of beliefs and structural commonalities, some of them normative, in our use of disease language.

Woodhouse suggests that the BST might define disease too narrowly. He compares the concept of disease in alternative or complementary medicine to that in biomedicine, arguing that they overlap but differ radically, and that alternative treatments only make sense within the alternative model of disease. He includes a defense against the charge that holistic models 'blame the victim' of disease by shifting responsibility for maintaining health and treating disease from the provider to the patient; I was not convinced, but I was pleased to see the question discussed by a philosopher.

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Kimberly Hutchings

Kant, Critique and Politics.

London: Routledge 1996. Pp. xi + 219.

Cdn\$83.95: US\$59.95

(cloth: ISBN 0-415-10507-2);

Cdn\$23.95: US\$16.95

(paper: ISBN 0-415-10508-0).

In her *Kant, Critique and Politics*, Kimberly Hutchings attempts to illuminate the nature of Kant's critical project and to trace some of the ways that project has become central to the thought of subsequent philosophers, including Habermas, Arendt, Foucault and Lyotard. Her main thesis is that Kant's project was inherently political in nature, and this underlying political theme has been absorbed in different ways by the philosophers that drew inspiration from it. Further, Hutchings holds that critique is, by its very nature, paradoxical and 'impossible', and recognition of this impossibility is vital to understanding both Kant and the subsequent development of philosophy.

The first two chapters of the book represent an attempt to outline Kant's own critical work, and in doing so to illustrate both its impossible nature and its underlying political character. In the first chapter Hutchings advances the position that (Kantian) critique is an attempt to mediate between two polar extremes — absolutist dogmatism and anarchical skepticism. She takes seriously Kant's frequent illustration of his positions with metaphors of the 'legislator' who mediates between opposing positions, taking this act of legislation to be the essential character of critique, an attempt to arrive at a law neither authoritarian nor chaotic. But critique turns out to be inherently impossible, since to engage in it requires one to go beyond the limits of Reason in order to define those limits. One result of this, according to Hutchings, is that the internal tension inherent in the critical project makes Kant's philosophy open to widely varying interpretations. In the second chapter, Hutchings holds that we can see in Kant's legal and political writings this same tension. Transcendent reason and empirical practice clash, and the attempt to reconcile them leads to fluctuation between the absolutist and the anarchical.

The remaining chapters of the book deal with the ways in which the work of later philosophers can be understood as demonstrating this same 'political' tension found in Kant's own critical philosophy. Hutchings deals first with Habermas, arguing that he recognized the inherent tension in the Kantian critical system, and attempted to avoid it by means of concepts such as 'communicative rationality'. But such a project, of course, is doomed to fail, as it is built upon the same basic structure as the Kantian critical project. Habermas shows that the proclamations of reason cannot claim to have absolute legitimacy — and yet he needs such judgements. Philosophy threatens to lapse back into either the dogmatic or the anarchic, and so the philosophical project remains unstable. Next Hutchings turns to Arendt. In stressing the active political life, Arendt tries to move away from the dog-

matic and the authoritarian in politics. Yet, at the same time, she wants an active life which is not merely capricious. To ground such a life requires conditioned judgement, and yet here again the impossibility of critique looms. Both Habermas and Arendt have taken on projects which are essentially Kantian, only to fall victim to the same insoluble dilemma.

Foucault, on the other hand, sees Kant's problems and characterizes his activity as opposition to one of the extremes, the absolutist one. The 'critical ontologist' seeks to undermine the dogmatic position, although this requires him to legitimize his own project — something which can be done only by means of 'rule by example'. In Lyotard, too, we see a thinker who appears to be rejecting the dogmatic 'totalizing' pole in order to escape the Kantian dilemma, causing some to characterize Foucault and Lyotard as defending a kind of 'aesthetic critique' different from the 'legislative critique' of Habermas and Arendt. But Hutchings does not think that this appearance is accurate. While Lyotard acknowledges the impossibility of grounding the authority of critique, at the same time the Lyotardian critic accepts a notion of *progress* which parallels that sought by Habermas and Kant himself. Lyotard, then, is unable to truly overcome the irresolvable tension in the heart of the critical project.

After having tried to show how these four major thinkers can be thought of as following (and usually falling victim to the pitfalls of) the project of the Kantian critic, Hutchings then turns to critical theory as applied in two other areas — international politics and feminist theory. She holds that recent theories of international politics are based on a Kantian division of morality and politics (morality being inherently different from politics, and yet requiring politics to establish itself) and are split between 'Realist' theories (treating international politics as amoral) and 'Idealist' ones (which hold that it is not moral but should be). But the new critical theories of international politics see this framework as misleading and constraining, and seek to penetrate beyond this apparent dichotomy, attempting an essentially Kantian critical project. For example, Andrew Linklater proposes a Habermasian theory which Hutchings discusses at length. In the end, though, the inherent problems of critical theory arise in this realm as well.

The same is true in feminist theory. While most feminist theories can be regarded as essentially 'critical' in nature (split between those which try to design a new way of looking at the world while avoiding dogmatism and those which seek to do so while avoiding skepticism), they cannot escape the internal questioning of the critic's validity which always arise in critical theory. Hutchings' discussion of the work of thinkers like Seyla Benhabib and Susan Hekman shows the struggle within feminism over these issues.

The greatest weakness of this work, clearly, is the thinness of the crucial first two chapters. In each case, Hutchings gives a good sketch of Kant's position, and then tries to illustrate how it fits her general theme. Unfortunately, these chapters (and particularly the constructive parts of them) are too brief to do the necessary work. Hutchings can do no more than produce broad unconvincing outlines of her arguments. She has little time to answer

possible objections, or to delve deeply into the issues she introduces. Since the later chapters rely to a large extent on the assumption of the inherent impossibility and polarity of critique, Hutchings' inadequate defense of those notions in the chapters on Kant undermines the remainder of her project. While the text is interesting, the thesis as presented falls short of being convincing.

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Donald R. Kinder and Lynn M. Sanders

*Divided by Color: Racial Politics
and Democratic Ideals.*

Chicago: University of Chicago Press 1996.

Pp. xi + 391.

US\$27.50. ISBN 0-226-43573-3.

Kinder and Sanders provide many things in *Divided by Color*, including a genealogy of racial prejudice in America, a critical evaluation of the workings of American democracy, an exposé of how far America is from living up to its self-image as egalitarian, and an explanation of the racial divide in America. They also provide an important vantage point from which to consider the claims of critical race theory. *Divided by Color* is essential reading for anyone interested in these issues.

Considered by group, there are vast differences in the opinions of white and black Americans on racial matters: whereas whites believe that America is color-blind, blacks see discrimination as ubiquitous; whereas whites believe that governmental policies to achieve equality for blacks penalize innocent whites, blacks believe that such policies rarely if ever work against whites; and so on. Kinder and Sanders argue that these differences are not attributable to differences in self-interest, class, or philosophical perspective; rather, the opinions of blacks on racial matters are best explained by appeal to social inequality, while those of whites are best explained by a new and subtle form of racial prejudice which was systematically created by political elites. Kinder and Sanders refer to this latest form of racial prejudice as 'racial resentment'.

The creation of racial double-speak has a history in American politics. During the Southern backlashes against abolitionism and desegregation, political elites employed terms from the American Creed like 'outside agitation', 'local democracy', 'law and order', and 'limited government' as signals

to the racially prejudiced that they opposed changes in the status quo. Neither backlash achieved its aim: slavery was abolished and whites grew increasingly appalled at the conditions of segregation. As a means of counteracting the effects of slavery and segregation, the Johnson administration even adopted policies designed to achieve equality for blacks. It appeared as if race relations in America were headed in a new direction. All this changed with the creation of racial resentment after the American race riots of the 1960s.

Kinder and Sanders' analysis of the political events following the race riots is pivotal to their thesis. As they see it, Republican elites employed the notions of 'law and order' and 'economic individualism' to create and legitimize racial resentment, by appealing to the fact that the Johnson initiatives were followed by riots. Racial resentment is the sentiment that blacks are morally deficient, since, despite being given every opportunity, they are unwilling to try, and they take what they have not earned (124). Through the creation of racial resentment, political elites were able to use terms from the American Creed to provide racial prejudice with new and politically correct forms of expression. In this way they could appeal to the racially prejudiced in their election campaigns. National Election Studies indicating that most whites subscribe to racial stereotypes (114, 191) suggest that the language of racial resentment would have widespread appeal. Along these lines, Kinder and Sanders deconstruct contemporary American democracy into the manipulation of racial resentment by political elites.

Perhaps the most impressive chapter in *Divided by Color*, and the one providing the most credibility to the Kinder-Sanders thesis, is Chapter 9 on the 1988 presidential race between Bush and Dukakis. On the Republican side, the Bush campaign was largely about law and order. According to Kinder and Sanders, Bush's campaign managers systematically made Willie Horton, a black criminal, into a fixture of their campaign so as to capture the vote of the racially resentful. That the Horton initiative had its intended effect is evidenced by National Election Studies showing that racial resentment increased after the Horton initiative (246-7). On the Democrat side, the Republican ploy was not criticized as racist for fear of alienating racially resentful white voters. Because both political parties succumbed to what Kinder and Sanders call 'the electoral temptations of race' (196), the black press denounced the presidential race as racist and a significant number of blacks abstained from voting (253).

As Kinder and Sanders see it, the creation of racial resentment is the latest chapter in the American tradition of systematically excluding blacks from full and equal citizenship. Their thesis is a condemnation of both the political elites who further the racial divide and their racially resentful pawns; it also serves as a sobering thought to those who would hope that the spirit of the American Creed is sufficient on its own to resist the all too human temptation to use moral principles in an unprincipled manner.

A serious criticism of such a carefully researched book as *Divided by Color* would require an extended discussion. I can, however, suggest two areas of

concern. First, given that racially sympathetic whites do not differ significantly from blacks in their opinions on racial matters (279), and given the disagreement between racially sympathetic whites and racially resentful whites (124), and given Kinder and Sanders' aim to analyze society into its fundamental structure, it might be more accurate to say that America is essentially divided by sentiment rather than color. Second, given the so-called 'holism of the mental', it is sometimes very difficult to isolate a particular sentiment as the cause of any opinion or action. Although Kinder and Sanders make an impressive effort to keep this problem contained, it is not clear that they disentangle resistance to affirmative policies because of racial prejudice from resistance to affirmative policies because of belief that discrimination is a thing of the past, or from resistance to affirmative policies because of belief that affirmative policies should be color-blind. For example, considered by group, both blacks and whites are more likely to support hiring quotas for a particular company if the latter has a proven history of racial discrimination (194). As well, both blacks and whites favour color-blind affirmative action for all disadvantaged social groups before they favour affirmative action targeting any particular disadvantaged social group (184).

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John Leslie

*The End of the World: The Science
and Ethics of Human Extinction.*

New York: Routledge 1996. Pp. vii + 310.

Cdn\$29.95: US\$23.00. ISBN 0-415-14043-9.

The first part of this stimulating and provocative book describes a variety of empirical reasons for doubting the long-term survival of humankind. The second part defends a purely probabilistic argument that our prospects must be even poorer than the empirical evidence suggests. Leslie is no pessimist in the fashion of Schopenhauer: he maintains that human extinction would be a great evil and we ought to prevent it. But he worries that moral theories which are unable to explain our obligation to future generations may encourage the Schopenhauerian outlook and thereby contribute to the risk of human extinction.

The first two chapters (which, along with the introduction, account for nearly half the book) simply catalogue the existing threats to human survival. Chapter One discusses relatively well-known dangers: nuclear and

biological warfare, ozone depletion, climatic change, soil erosion, loss of biodiversity, and global plagues. Chapter Two is concerned with much more exotic threats, including collisions with asteroids, genetic engineering, breakdown of essential computer networks and renegade nanotechnology. The most intriguing discussions concern 'cosmic' disasters, such as death by supernova or a new Big Bang created in the laboratory. Leslie's knowledge and enthusiasm about cosmology is very evident here. The highlight of Chapter Two is a fascinating account of the risk we face if our universe is a merely 'meta-stable' vacuum, i.e., if there is a lower energy state into which it may collapse. If this should happen, perhaps as the result of a particle accelerator collision, then the energy released will destroy us all in an instant.

Popular tracts dealing with threats to human survival tend to polarize around alarmism and business-as-usual apologetics. In this context, Leslie's clear-headed and balanced summary is highly valuable. Although he clearly takes many of these threats very seriously, credible dissenters from catastrophism are given their due. However, it is impossible to assess the actual risk of the various doomsday scenarios without considerable scientific expertise. So we can only take Leslie's word when he tells us in Chapter Three that genetic engineering and nanotechnology pose the greatest threat and that the cumulative risk of extinction by AD 2500 is 30% or more.

Given that the chance of human extinction is not negligible, are we morally required to prevent it? In Chapter Four, Leslie takes up the famous problem of our obligation to future generations. On (total) utilitarian grounds, he argues that we ought to produce future generations of people whose lives are mostly moderately happy, even allowing the inevitability of a wretched few, since this would make for a better world than extinction. Leslie does not address in any detail the obvious objection that this imposes an obligation to procreate. But he does argue quite forcefully that non-consequentialist moral theories which deny that we can have a duty to merely possible people are unable to explain the wrongness of contributing to human extinction. Average utilitarianism and certain brands of contractarianism also suffer from this defect, he argues. From this Leslie concludes that these theories may actually constitute a kind of philosophical threat to humankind. But this seems a stretch. Skepticism about duties to merely possible people no more increases the risk of human extinction than the problem of other minds encourages mass murder.

The heart of the book is contained in Chapters Five and Six, where Leslie develops the soon-to-be-notorious Doomsday Argument. The argument (attributed by Leslie to the cosmologist Brandon Carter) goes as follows. If humankind continues for very much longer (say beyond 2150), then given the rate of population growth we will have been born among the very earliest of all humans. If we think of our lives as randomly selected from all human lives that ever will be, then it is very unlikely that we should be among the very earliest. Hence, human extinction is probably much closer than we might have supposed. Leslie reports that upon hearing this argument most

people immediately propose a host of refutations. Chapter Five consists largely of his replies. Not all of the objections are really worth bothering with, but Leslie does an admirable job answering even the strongest ones. Many of his answers take us into complex and controversial areas of probability theory, but Leslie avoids formal analyses for the most part and relies instead on imaginative analogies and thought experiments. I found this approach very useful, especially in attempting to answer the central question, which does not seem to have a straightforward formal solution: can we meaningfully treat our lives as randomly selected from the class of all humans that will ever have lived? Lacking a novel objection, I will simply suggest a possible method for turning the Doomsday Argument on its head. A baby will be among the very latest born of all humans if the race goes extinct very shortly after his/her birth. Since being born this late is extremely unlikely, the race will probably not go extinct shortly after the birth of that baby. Hence, extinction is probably not imminent (so long as babies are being born).

In the final chapter, Leslie argues that even though the nuclear superpowers are in a prisoner's dilemma, it may be rational not to strike first. Since we have good reason to believe that we are similar to the other side, we can expect that they will tend to follow the same course of action as us. In this sense, we can 'quasi-cause' them to cooperate by cooperating ourselves. It might be worth noting that this sort of solution appears to require backwards (quasi-)causation, since the prisoner's dilemma does not assume that the two sides act simultaneously. Leslie concludes the book by arguing that it can never be rational or morally acceptable to sincerely threaten a retaliatory nuclear strike.

For a book dealing with human extinction and probability theory, *The End of the World* is remarkably high-spirited and engaging. It would make an excellent supplementary text in an upper-level class in probability theory or philosophy of science and will certainly be of interest to many scholars in these fields. I predict that the Doomsday Argument will soon find a place, near Monty Hall and next to the Shooting Room, in the Hall of Fame of Philosophical Puzzles.

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Jerry L. Mashaw

Greed, Chaos, and Governance:

Using Public Choice to Improve Public Law.

New Haven, CT: Yale University Press 1997.

Pp. ix + 231.

US\$28.00. ISBN 0-300-06677-5.

There is little doubt that public choice theory has had a massive impact on the study of public law in the United States, and in this book Jerry Mashaw examines the advantages and disadvantages of that impact in a creditably even-handed way. 'Public law', for Mashaw's purposes, should be read as that body of law which is concerned both with the judicial review of legislation and with the actions of statutorily-created administrative agencies, particularly the latter's delegated rule-making functions; in keeping with the insights that public choice theory is able to provide, Mashaw's interest in this law is focussed upon the extent to which the various institutional structures created to consider, create, and enforce bodies of regulatory rules produce rules which reflect the public interest, rather than rules which are instead only the results of the quasi-corrupt 'capture' of the legislative, administrative, and judicial branches of government by particular self-interested players in the regulation game.

Beginning with a very helpful summary of the voting theory inspired by the Arrow Impossibility Theorem and of the interest group analysis of legislative and bureaucratic action, Mashaw outlines how these perspectives raise issues of institutional design and political legitimacy which were certainly insufficiently realised by traditional legal and constitutional scholars. Lame notions, for example that the 'will of the majority' is unproblematically reflected in the statutory output of Congress, which have for too long stood unexamined, are given short shrift in light of the complexities of the institutional process that have for the most part been brought to light by public choice theories. On the other hand, Mashaw is equally critical of those unsupported, and generally cynical, broad-brush extensions of public choice theory which on scanty evidence and insufficient analysis treat the entire process of governmental action as a cynical rent-seeking exercise by the different interested parties. Thus the important question — to what extent should the public choice analysis alter our approach to the various problems of public law? — receives the answer: only so much as it genuinely enlightens. Happily Mashaw waves no banners. Respectful of the insights of traditional legal and constitutional theory, he is able to judge the real gain from the public choice analysis, in particular in the way it sharpens our focus on how the enactment of regulatory regimes may interact with the particular institutional structures of government which implement them to produce unintended and perverse incentives for the various interested parties.

Mashaw spends much time, and rightly so, assessing in close detail the claims of public choice theorists for their analyses in particular areas of public law, and he does so very well. To my mind, however, Mashaw makes two claims of especial importance. The first concerns the US Supreme Court's review of economic and social legislation, i.e., legislation concerned with general issues of public welfare.

Since the New Deal, the US Supreme Court has, in its rhetoric at least, declined to assess legislation on the basis of its 'rationality', on the basis, that is, of whether it appears to be a rational means to achieve a legitimate governmental end. Unless a statute invades someone's specified constitutional rights (like the right of free speech), the Court is not going to invalidate a law simply because someone's economic ox appears to be gored by a questionable regulatory initiative. Mashaw argues that our understanding of the political and legislative process, largely informed by insights generated by public choice theory, supports the judicial review of legislative enactments in order to test for what he calls 'legislative failure', the political equivalent of 'market failure' in economics. Thus, upon examination, if a statute requires behaviour which cannot be justified as any kind of rational means for dealing with a supposed problem, but rather can only be understood as the result of some special interest turning the legislative process to its own ends, then, Mashaw argues, the court may legitimately find such a statute unconstitutional. While the issues here are very complex, Mashaw puts a very interesting and compelling case which opponents of 'rationality review' are now obliged to answer.

The second claim concerns the long-standing debate over the legitimacy of the legislature's delegating its rule-making function to administrative agencies. 'Pro-delegationists' tend to emphasise an agency's superior theoretical expertise and on-the-ground experience in comparison to legislators, while 'anti-delegationists' emphasise the undemocratic provenance of rules created by agencies which are distant from the electorate and have often been known to have been 'captured' by the very private interests they are supposed to regulate in the public interest. Public choice analysis has often taken a very anti-delegationist stance. Mashaw argues convincingly that, once naive ideas about democracy are put to rest, it may very well be the particular structure of US government that may be the greatest source of various problems. Given that Congress, through its legislative role, and the President, through his executive oversight of administrative bureaucracies, both have legitimate democratic powers over regulation, and given further that Americans are wedded to the idea that individual private interests may insist upon the judicial review of legislation affecting them, the delegation of rule-making authority, though costly, may approximate the correct 'democratically legitimate' position.

Particularly in regard to Mashaw's treatment of the latter issue, but for his examinations of other issues in public law as well, this book is important reading both for American public lawyers, and for those who dwell under Parliamentary systems of government, in particular those who would advo-

cate the adoption of a more thoroughly institutionalised system of legislative, executive, and judicial checks and balances on the American model.

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Mary Midgley

Utopias, Dolphins and Computers.

New York: Routledge 1996. Pp. x + 182.

US\$22.95. ISBN 0-415-13377-7.

This is a collection of essays concerned with 'problems of philosophical plumbing.' Midgley's plumbing metaphor permeates both her discussion of the difficulties in theorising about the world (she is mostly talking about the moral universe here) and also specific issues where she sees further philosophical attention is needed.

Her rationale for comparing philosophy with plumbing is that both systems tend to function unnoticed until something becomes difficult to repair. Furthermore, the systems evolve rather than being discretely designed. A specific difficulty that she claims for philosophy is that it is often seen as 'splendid but gratuitous.' It is more deeply hidden than plumbing. People accept the need for plumbers, but 'about philosophy, many are often sceptical about whether the underlying system even exists at all.' Midgley asserts 'when the concepts we are living by work badly, they don't usually drip audibly through the ceiling or swamp the kitchen floor. They just quietly distort and obstruct our thinking.' Such intriguing metaphors distinguish her writing from that of other philosophers, who may be profound, but soporific.

She has chosen and revised the essays in order to present a holistic discussion both of general difficulties with philosophising and applying it to practical life, and also some specific contemporary issues. Each of the papers also stands independently and provides a good starting point for philosophical discussion. The main theme underlying her work is that when certain attitudes have become the norm (for historical and cultural reasons), we easily revert to the unexamined life with possibly disastrous consequences. In 'Sustainability and Moral Pluralism' she points out 'people have always farmed contentedly on the slopes of volcanoes' and 'habit ... has extraordinary force, a force greatly exceeding the wish for self-preservation.' This is a disturbing truth; we are often reminded of the banality of evil. Along with

habit goes conformity, and it is all too easy for 'good' people to perform atrocities simply because they are seen as normal and socially acceptable.

Midgley repeatedly reverts to emphasising how much our philosophical thought systems are taken for granted and do not necessarily adapt to changing circumstances. 'Dogmatic empiricists who simply don't believe that powerful thought-systems are there at all really are in a situation much like sceptics who don't believe in the drains and the water supply. The alternative to getting a proper philosophy is not avoiding philosophy altogether, which cannot be done, but continuing to use a bad one.'

Midgley's style is refreshingly different from that of mainstream philosophers, though it should not seduce you into thinking it is not 'real' philosophy. She uses arresting phrases such as 'Lego is not like life,' 'my arguments are bigger than yours,' 'knife-grinders to the intelligentsia.' On the down side, she frequently makes (mostly historical and political) assertions and generalisations fundamental to her arguments, and the digressions mean her thread is sometimes tenuous or lost. She does compensate with useful sub-headings and summaries to rouse you from reveries caused by such colourful images as, for instance, 'neither dolphins nor gorillas write doctoral theses.'

Her papers entitled 'Is a Dolphin a Person?' and 'Freedom, Feminism and War' are examples of applied philosophical thinking, and therefore probably of more interest to the browser. Indeed, while agreeing with a lot of what she says about a generally greater need for philosophy to be applied to contemporary problems, I wonder who she is addressing? Will her book mostly be read by academics or philosophy students, in which case it is probably a matter of preaching to the converted? The general reader is likely to skip the more abstract essays about philosophical theorising and instead turn straight to the issues of feminism, animal rights and artificial intelligence.

In 'Freedom, Feminism and War', she points to some conceptual difficulties within feminism, and the problems engendered by two main ideas dominating Western feminism, namely competition versus co-operation — this latter often being regarded as exclusively feminine. She says 'If co-operative ideals really were the exclusive property of women — if they were simply alien to men — there would be no reason why men should accept them, any more than why we should accept some incomprehensible set of ideals handed out by missionaries from another planet.' She also discusses the questions of priority — where feminism fits in with anti-militarism, poverty and environmental concerns.

'Is a Dolphin a Person' focuses on a legal case in which two people (in 1977) illegally released two dolphins from the University of Hawaii. The defence argued that their captivity was threatening the dolphins' lives, and therefore claimed a 'lesser of two evils' defence. The judge rejected this because a dolphin was effectively legally defined as property, rather than a person. Midgley discusses what it means to be a person (she cites historical and legal precedents to show it is not synonymous with being human), in the sense that it should be accorded moral consideration. This is a complex problem

and the essay only begins to touch on it. However, Midgley has written more fully about this subject elsewhere (in her book 'Animals and Why They Matter'), so, as with her other papers in 'Utopias, Dolphins and Computers', it is more a hint of the sort of problems a philosophical plumber might examine.

The book is a good read and shows us some antiquated bits of philosophical plumbing we have been getting by with, hands us a tool box and tells us to get on with it. My only reservation is that she sometimes makes the alarmingly optimistic assumption that we are rational creatures. In 'Sustainability and Moral Pluralism' she writes approvingly of Arne Naess' findings that 'in spite of what one would guess from the way they vote' there is a big gap between public principles (moral feelings) and official (government) policy. Therefore the government should attend more to value judgements. This seems naive, given that what we say we believe often contradicts our actions. It ignores our human capacity for self-deception and hypocrisy. So although I feel slightly pessimistic about the effects of philosophy on 'real life', I agree with Midgley that it certainly does permeate (albeit invisibly), and ought to have its value and influence recognised.

Anne Philbrow

Barry Miller

A Most Unlikely God:

A Philosophical Enquiry into the Nature of God.

Notre Dame: University of Notre Dame Press

1996. Pp. viii + 175.

US\$27.00. ISBN 0-268-01422-1.

Philosophical accounts of the nature of God tend to collapse into one of two poles. At one extreme, philosophers describe God in human terms, granting him knowledge, power and moral goodness, though stipulating that God has these properties to the maximum degree possible. At the other extreme, philosophers say that God's nature cannot be described at all, at least not in literal terms. In *A Most Unlikely God*, Barry Miller objects that the first view would make God into a sort of super-being differing from us only in degree and not in kind, while the second would make the whole subject of theology a complete and utter blank. Miller argues that he can avoid both of these extremes by defending the Thomistic doctrine of divine simplicity, according to which 'God is identical with his existence, his nature and his real properties' (11).

The phrase 'God is identical with his existence' is, or should be, quite baffling. If, as we've all been taught, existence is not a property, then we can't coherently speak of God's existence as if it were a thing with which God could be identical. Miller defends (unconvincingly, to my mind) the claim that existence is a real property; but even if we grant him this, what would it mean to say that an individual is identical to one of its properties? Miller's answer to this question — and his whole account of the nature of God — turns crucially on his notion of a *limit case*.

The notion of a limit case is perhaps best understood through one of Miller's examples. Imagine a series of regular polygons (i.e., polygons with all sides equal in length) where the first has three sides, the second four sides, and so on. As the number of sides increases, the polygons will more and more closely resemble a circle. Thus a circle is the limit of the series. Of course a circle, having no sides, is not a regular polygon at all and hence is not itself a member of the series. For this reason, Miller refers to it as the *limit case* (rather than the *limit simpliciter*) of the series, where this term implies that the limit case is not a member of the series.

Miller claims that different instances of existence can be ordered in terms of ever increasing 'ontological richness'. He says that each individual *bounds* its existence (33); the more restrictively bound, the less 'rich' the existence. A stronger person is capable of more things than a weak person and thus is, in that respect, less restrictively bound than the weak person. God is then identified with the limit case of this series of less and less restrictively bound instances of existence (73). Miller claims that God is also identical to the limit case instance of power and knowledge, thereby arriving at the Thomistic view that: God = God's existence = God's knowledge = God's power (Chapter 5).

If this picture works, then Miller might have succeeded in finding a middle ground between the two extremes mentioned above. There is, on the one hand, some similarity between ordinary individuals and God, conceived as the limit case of the series of individuals, just as there is some similarity between a circle and a regular polygon. On the other hand, God is absolutely different from individuals, for as the limit case, God is different in kind from each element of the series.

However, there are at least two major problems. First, to speak of instances of existence being ordered in a series, one must accept the rather strange idea that existence comes in degrees. I may have many abilities not shared by the kitchen table upon which I am writing, but do I *exist* more than the table does? This is a bizarre claim; Miller has nothing to say in favor of it, beyond making some clearly question-begging grammatical assertions about the term 'exists' (see 40-1).

Putting the first objection aside, suppose that instances of existence do form an ordered series, corresponding to their degree of 'ontological richness'. Why think that this series has a limit at all? Not all ordered series have a limit; for example, the series {1,2,3,...} is simply unbounded and has no limit case. In fact, one would think that this numerical series would be perfectly

analogous to the hypothetical series of increasingly rich instances of existence, and that the latter would likewise simply have no limit case at all.

Perhaps aware of this apparent difficulty, Miller does not usually explicitly speak of his series of instances of existence in terms of *increasing* degrees of richness. Rather, he orders instances of existence in terms of *decreasing* degrees of boundedness, such that the instances are less restrictively bound as the series progresses. The bounds then get closer and closer to no bound at all, and hence it appears that 'zero-bounded existence' is the limit case.

But, at least as far as the mathematical analogy goes (and I have no other grip on his whole idea of a limit case), this move does not help. Consider the following series:

$$\frac{1}{1/1}, \quad \frac{1}{1/2}, \quad \frac{1}{1/3}, \dots$$

This seems to capture what Miller attempts to accomplish by using the notion of a bound, for the denominators in the series do approach zero as a limit case, and the series of numbers does get larger. But note that although the series of denominators (analogous to bounds) does have a limit, the series as a whole (analogous to instances of existence) does not have a limit, for it is simply the series of integers again, which increases without limit. Thus, even granting Miller the implausible claims that existence is a property and that instances of existence form an ordered series, the further notion of the limit case of existence makes no clear sense.

Miller brings an interesting array of formal and mathematical tools to the task of explaining and defending the claim that God is his own existence. In the end, the explanation and defense both seem unsatisfactory, and Miller's God remains not only most unlikely but most baffling as well.

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Richard M. Miller

Casuistry and Modern Ethics:

A Poetics of Practical Reasoning.

Chicago: University of Chicago Press 1996.

Pp. xiii + 308.

US\$48.00 (cloth: ISBN 0-226-52636-4);

US\$18.95 (paper: ISBN 0-226-52637-2).

Richard Miller has created an intriguing synthesis of the tradition of moral casuistry, stemming from the middle ages and before, and post-modern forms of social interpretation. Although each of these has a theoretical background, their avowed focus is on particularities and differences affecting human praxis.

Notwithstanding its title, surprisingly little of this book is devoted to the casuistical treatment of moral issues (only two are treated at length). Much more, this is an exercise in meta-ethics and cultural interpretation. The book elucidates and extends an understanding of casuistry as 'a poetics of practical reasoning,' not only for particular actions but also for evaluative judgments of social ideologies, forces and phenomena. Miller considers political liberalism (defended), Catholic sexual ethics (criticized for strong patriarchal tendencies), violent pornography (a nihilistic outlook beyond the pale of moral discourse), and academic politics in Religious Studies (pluralism and eclecticism should prevail over methodological orthodoxy).

The ethical employment of casuistry is prominent in chapters 1-3 and 6 in particular, which outline the nature and occasions of casuistry, with applications to the Gulf War and fetal tissue transplants. Casuistical reflection assists the perception of moral saliency in our experience and proceeds by attention to cases that are morally problematic rather than disputation about principles. It is more akin to the problem-solving of Kuhn's 'normal science' than to revolutionary theory. Traditional ethical casuistry reasons analogically from paradigm cases, identifies relevant moral presumptions, comments on circumstances of the case that might affect judgment, reviews relevant opinions of authorities, and synthesizes these factors to render a verdict. We need casuistical reasoning to specify the scope of our principles and identify exceptions, and to evaluate cumulative socio-moral effects of a policy as well as consequences peculiar to a particular action. Casuistry handles moral ambiguity (in which our obligations are unclear) and conflict (in which duties are clear but incompatible) by classifying the circumstances at hand in terms of morally relevant principles and ordering our obligations on the basis of defeasible moral presumptions and burden of proof. Another task of casuistry is to determine moral liability and degrees of blameworthiness, for which intentions are significant.

Beginning with the traditional application of casuistry to morally problematic circumstances, Miller expands its scope and linkages as he proceeds. His defense of liberalism follows Rawls. Liberalism provides the most stable public political doctrine to allow the self-determination not only of individu-

als but of groups. Moreover, adds Miller, it is the doctrine most congruent with the fact that each of us participates in multiple spheres of social relationships and groupings. The liberal self values them all and is not committed to either an atomic individualism or the domination of one set of social relations over all others. But liberalism also provides a critical stance against more conservative forms of casuistry, such as the pluralistic romantic and religious interpretations of Michael Walzer. Because it uses historical precedent so prominently, casuistry should cultivate a 'hermeneutics of suspicion' with respect to its sources, which were formed in part by various forms of oppression. When one applies the hermeneutics of suspicion to Pope Paul VI's *Humanae vitae* encyclical on parenthood, sexuality and the regulation of birth, it is plain that what poses as eternal natural law is historically rooted in an oppressive patriarchy that views women as passive vehicles of natural forces, reserving cultural agency to men. We can see that now because feminist gender critiques have changed our common sense enough to recognize the mistaken assumptions of *Humanae vitae* and its defenders.

The ethics of transplanting human fetal tissue is problematic from its linkage with doctrinal debates over abortion. Once we sever that linkage, the operative moral considerations are those of the use of cadavers in general, in which a *prima facie* obligation to respect the dead is matched by our obligations to the living. Researchers and medical practitioners who use cadaverous or fetal tissue should not be those who conduct abortions or pronounce death.

The distance that Miller travels from such instances of moral problem-solving, however, is evident in his treatment of violent pornography. Graphic summaries of brutal plots are followed by extended reflections in abstracted language on aesthetic and hermeneutical ambiguities, social and ethical ambiguities and nihilism, reaching conclusions like '... violent pornography is an iconic augmentation of nothingness, a celebration of the surd of death and destruction' (191). Miller tells us there cannot be a 'just violent pornography doctrine' (194), but he doesn't give a clue what to do about it.

A final chapter on 'Casuistry, Poetics, and Rhetoric' summarizes Miller's conclusions about casuistry in Aristotelian terms and distinguishes his account of practical reasoning from applied ethics and narrative ethics. Epistemologically, casuistry is *poetic*, i.e. an active creative employment of moral imagination working with the contingencies and particularities. We are responsible for how things appear to us. Casuistry is also akin to rhetoric, because it proceeds dialectically from contingent circumstances using the existing cultural vocabulary rather than demonstratively from first principles. Like rhetoric, though, it seeks not just mental assent but to move people to action. The dialectical approach is a *via media* between applied ethics, with its division of labour between moral theory construction and application, and narrative ethics, which provides 'strong readings' of experience but generally fails to provide moral judgments and address conflicts.

Miller's account is compelling and illuminating in its characterization of practical reason. By his practice more than his theory, however, he shows

how dependent casuistical thinking is on theoretical and systematic approaches, like those of Aristotle and Rawls, not to mention the more obscure jargon of some of the post-moderns from whom he borrows. His lesson, though, is that if we would be engaged in morally directed social analysis, we should be prepared to be broadly eclectic, perceptive, imaginative and possibly wrong. That is a counsel which we, as philosopher-citizens, would do well to heed.

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Elijah Millgram

Practical Induction.

Cambridge, MA: Harvard 1997. Pp. vi + 182.

US\$29.95. ISBN 0-674-69597-6.

Millgram takes as his stalking horse a doctrine of practical reasoning that he labels 'instrumentalism'. This is a view commonly associated with Hume, as a result of his having said that 'Reason is, and ought only to be, the slave of the passions.' (Millgram notes (2) that elsewhere he has argued that Hume is not an instrumentalist in his sense.) As set out by Millgram, instrumentalism is the thesis that 'all practical reasoning is means-end reasoning' (2). This is taken to entail that we cannot use practical reasoning to deliberate about what we want — about ends. 'Instrumentalists think that practical reasoning proceeds from desires that are not themselves revisable by reasoning' (2).

To his credit, Millgram observes right away that '... instrumentalism might not sound like a very convincing theory: after all, most of us seem to do a certain amount of thinking about what to want ... and actually doing it should be good evidence that we *can*' (2). Recognizing this will seem to some of us as an adequate disproof of instrumentalism as Millgram defines it, and we might be inclined to take the view that the author need not have gone beyond page two! However, he immediately supplies a justification for the book by arguing that there are big philosophical stakes involved, because the widespread acceptance of the doctrine presents logical difficulties for philosophers who espouse it and advocate theories about areas in which conduct needs to be justified and explained. The greatest difficulty might be for ethicists. After noting that instrumentalists must regard desires as arbitrary, he notes: 'Consequently, instrumentalists working in ethics are likely to encounter the following problem. On the one hand, morality ought to be

rationally motivating; but, on the other hand, all rational motivation proceeds from arbitrary desires. How can an instrumentalist moral theorist show that it is rational to be moral, given that people might have amoral, immoral or perverse desires?" (2) An important additional motive for reading the book is the interesting things that the author has to say about the origins and justifications of our desires.

Instrumentalists take Aristotle's practical syllogism to be the paradigm of practical reasoning, with its conclusion having the form 'I ought to do A'. Millgram does not deny the legitimacy of this inference pattern. His concern is to set out an inference pattern that he calls practical induction, which leads to conclusions of the form 'A is worth doing'. The premisses can be logically diverse (after all, we are talking about an inductive process). They can be observations that particular cases of doing A were worthwhile, or generalizations. He does not make it very clear how practical induction ties into the practical syllogism, but I think the story goes roughly like this.

In a context in which he wants a cup of coffee and must decide how to satisfy this want, he makes this practical induction: attempting to satisfy my desire to drink coffee on occasions 1, 2, 3, etc., by drinking Peet's coffee was worth doing, so attempting to satisfy my desire to drink coffee by drinking Peet's coffee is worth doing. This conclusion, a value generalization, supports the inference in the practical syllogism, which on this occasion is 'I presently desire to drink a cup of coffee, so I ought to drink a cup of Peet's coffee'. I am not totally confident that Millgram would think that this is an accurate interpretation, but, as I said, he is not very clear about this.

This process is commonly relied on. We often find out what is good, what is worth doing and having, from experience. Millgram sees a parallel with perceptual observation in its role in theoretical induction, in that in practical induction we 'observe' that an activity is worthwhile in finding it pleasurable. Now, what kind of justification can be given for engaging in practical induction? Millgram argues that we have no alternative given the way we are and the novelty we encounter in the world. His case involves examining the most plausible alternative, a book he calls the 'Super Talmud', which provides adequate details to provide guidance in all situations, except it is not based in any way on facts that we might glean from our environment. It is a set of instructions given by God. One conclusion Millgram draws from this example is that we would not be able to sustain our unity as agents, since we would frequently be unable to execute plans made using the document as a guide. He concludes that unity of agency requires use of practical induction.

One interesting point argued for is that the instrumentalists are mistaken in thinking that our ultimate goal in engaging in pleasurable activities is the pleasure itself. According to him, if we respond to the question 'Why do you do A?' by saying 'It's pleasurable', we are giving a terminal explanation as the instrumentalists think, but it is mistaken to infer from this that we do A because of the pleasure. 'On the observationalist account ... "It's pleasant" more or less amounts to "In experiencing it, I find it desirable". One is not adducing a further goal, but affirming that the goal one has just mentioned

[I want to do A] is desirable' (120). Elsewhere, he says '... pleasure is, or is an aspect of, a judgement of desirability ...' (124-5). Is he saying that 'pleasurable' and 'desirable' are synonyms? I am unable to decide. More needs to be said to clarify his theory.

In the last main chapter, Chapter Seven, he tries to show that 'an account of practical testimony provides the elements of a philosophical account of ... friendship' (151). As such it represents a cashing-in of the findings of the earlier chapters. Interesting, but not integral to the main project.

This book will mainly be of interest to students of practical reasoning, and, indeed, if they subscribe to instrumentalism, it qualifies as a 'must read' for them.

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Carlos Santiago Nino

The Constitution of Deliberative Democracy.

New Haven, CT: Yale University Press 1996.

Pp. ix + 251.

US\$30.00. ISBN 0-300-06748-8.

The death of Carlos Nino has deprived political thought of a remarkable voice. The posthumous publication of *The Constitution of Deliberative Democracy* makes this loss all the more poignant.

Nino's book is a well reasoned attempt to develop a synthesis of Locke and Rousseau, a conception of democracy which emphasizes public participation and deliberation but recognizes that government should be limited not only by individual rights but also by the collective practices expressed in the constitution.

The novelty of Nino's approach is his focus on what he calls the 'epistemic value of democracy' (14). His approach is based on two fundamental tenets. Nino's fundamental ontological tenet states: 'moral truth is constituted by the satisfaction of formal or procedural presuppositions of a discursive practice directed at attaining cooperation and avoiding conflicts' (112-13). His fundamental epistemological tenet contends: 'Intersubjective discussion and decision is the most reliable procedure for having access to moral truth' (113).

To spell out his ontological tenet, Nino draws on his argument in *The Ethics of Human Rights* (1991) and asserts three principles presupposed by liberal democratic practice: personal autonomy, inviolability and dignity.

What the ontological tenet implies is that: 'These principles — autonomy, inviolability and dignity — constitute a broad basis for deriving an ample set of individual rights' (47). Further: 'Those presuppositions of moral discussion define the validity of the principles used in the evaluative framework' (47).

Nino bases his epistemological tenet on his argument that deliberative democracy allows surer knowledge of other's interests (121); aids in the detection of factual and logical mistakes (124) and; takes advantage of the benefits of bargaining (127). Thus following Locke, Nino emphasizes rights which protect the individual from the encroachment of majorities, while following Rousseau, he stresses participation in political activities. According to Nino, Rousseau recognizes that the importance of participation lies in its capacity to transform the individual's self-interests into impartial interests (144). He develops the Rousseauian conception by clarifying how it is that individual interests are transformed, that is, by the discovery of moral truth through collective deliberation (95). But Nino never subordinates the interests of the individual to the collective will, rather he consistently argues that individual rights provide a counterweight to the majoritarian tendencies of democracy (97).

Nino's approach is potentially quite fruitful in the context of contemporary debate between liberals and republicans in the U.S. For example, he recommends that issues like abortion and criminal codes, etc. be 'transferred down to the level of small political units where all those concerned could actually meet and discuss the issues' (152). Yet, he recognizes that this dispersal of sovereignty is problematic particularly for the epistemic value of democracy. He states: 'There is no guarantee that the results of this cumbersome mix of different decisional centers reflect the present majoritarian conclusions of all the people concerned following a free and open debate' (166). One difficulty which faces this republican emphasis on the dispersal of power and deliberation is that it weakens the federal government in the face of strong corporate and sectional interests. However, Nino confronts this difficulty head on and his conception of representation as 'a delegation to continue collective deliberation' points to institutional structures which could overcome this perennial republican problem (167, 171).

Nino's book is at its best when fleshing out the practical institutional applications of his theory. He is particularly successful in drawing out the implications of his view in terms of three aspects of the institutional structure of liberal democracy: specific 'historical constitutions' (which he defends against superfluity) (29); a mixed system of government (which avoids difficulties of presidential and parliamentary systems) (181) and; judicial review (which is permitted only in where it supports the integrity of the presuppositions of democracy) (199-205).

Further his consideration of U.S. Supreme Court decisions in *Griswold v. Connecticut*, *Roe v. Wade*, and *Brown v. Board of Education* shows an acute sensitivity to the significant liberal and republican aspects of these cases. For example, though he accepts the decision in *Roe v. Wade* and accounts for its justness on ostensibly liberal, anti-perfectionist grounds, he nevertheless

brings an important republican insight to his discussion of the Court's opinion written by Justice Blackmun. Nino states: 'Contrary to Justice Blackmun's opinion it does not seem possible to avoid a position about the value of the fetus when dealing with the abortion issue. Justice Blackmun implicitly adopted a view about the fetus' (212). On Nino's view the real question is 'not whether to decide the value of the fetus but who must reach it with binding power over others' (212). Nino's conception of the epistemic value of deliberative democracy thus suggests the possibility of a theoretical and practical synthesis of liberalism and republicanism.

However, as developed in *The Constitution of Deliberative Democracy*, Nino's synthesis, though illuminated by his consideration of practical issues, is still quite sketchy. First Nino does not adequately engage those standpoints against which he defines his own view. For example he criticizes MacIntyre as: 'inconsistent in both emphasizing the importance of convention to moral reasoning and opposing those that constitute the foundations of the social practice of moral discourse' (57). But this is merely a caricature of the communitarian standpoint, which does not valorize convention as such, but conventions which promote a sense of community and citizenship, the possibility of public deliberation on the good life. The communitarian critique of liberalism, therefore, is not inconsistent, it simply suggests that the social practices of liberalism cannot accomplish these ends; for example, that the supposed neutrality of liberal politics is in fact destructive of some reasonable pursuits of the good life. So far as the contrasts by which Nino defines his view are not persuasively drawn, the importance of his own contribution is obscured.

Another significant difficulty with Nino's book is that it pays no attention to the question of group-differentiated rights. In a theory which insists on the dispersal of sovereignty and the transformation of individual interests it would seem important to attend to issues of minority groups as one's interests are in part formed by belonging to such cultural groups. Further, consideration of minority groups can indicate the boundaries of those localities to which Nino indicates sovereignty should be dispersed. In this context, Nino's concept of citizenship thus appears excessively individualistic.

Nevertheless, Nino's work deserves a careful reading. His references to South American political culture are a welcomed expansion of the terms of reference in North American political debate and his determined articulation of the practical consequences of his view illuminate both theory and practice. *The Constitution of Deliberative Democracy* is a sketchy but significant account of the common ground between Locke and Rousseau.

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Peter Novak

*Mental Symbols: A Defence of
the Classical Theory of Mind.*

Dordrecht: Kluwer Academic Publishers 1997.

Pp. xxii + 266.

US\$114.00. ISBN 0-7923-4370-0.

Peter Novak's *Mental Symbols: A Defence of the Classical Theory of Mind* is the nineteenth release in the *Studies in Cognitive Systems* series. Novak covers, and presupposes a prior acquaintance with, a wide range of topics — including semantics, logic and neurophysiology — with the first of these commanding much of his discussion. Many issues directly related to contemporary philosophy of mind — such as consciousness, qualitative experience, mental causation, and their derivatives — are not given priority. Rather, Novak aims to revive what he calls the 'Classical Theory of Mind' (CTM), which builds upon an ontology of simple semantic terms of a universal mental code. In the proposed construction, simple terms combine, by means of special generative mechanisms, to produce complex terms, which in turn combine to form sentences. Novak posits finitely many psychological operations on sentences, yielding cognitive and emotive intentional states.

In the polemical phase of the book, Novak launches a fierce attack on modern analytic philosophy. He disputes Fodor's conservative mentalism, Quine's behavioural holism, and Putnam's 'inverted idealism' (25). Of the three positions, Novak judges Fodor's to be most similar to CTM, since both admit a language of thought. A significant difference, however, is that Fodor 'accepts the highly implausible view that the mind, as implemented in the brain or some other physical system, has a certain cognitive architecture: viz., the *classical computational architecture* of the serial von Neumann machine, based on a central processor in which symbols are displayed (or tokened) and operated on ... ' (4). Novak rejects this model and later constructs a genetic counterpart, which, among other alleged virtues, has the advantage of satisfying the connectionist insight that most mental processes run in parallel and are distributed over several functional areas in the brain.

Novak's attack on Quine starts with a rejection of sentence-based semantics — variously expressed by Frege, Russell and Carnap — and an embrace of the term-based semantics reminiscent of old-style mentalism. The move to dissociate meaning from single terms was, in Novak's estimation, one of the biggest mistakes attributable to the analytic legacy. No less destructive was the principle of extension-meaning supervenience. 'This wrong principle', insists Novak, 'is a piece of misguided common sense, tangled in use-mention fallacies, and produced by a confused intuition that the meaning of a symbol either *is* the symbol's extension, or *determines* its extension. Classical term-based semantic mentalism — of Locke, Descartes, and many others — did not rely on this principle' (44). On Novak's view, words *mean* what they do because ideas in the mind of a speaker *denote* certain *nominal* properties; words *refer* to their *extensions*, insofar as certain particulars can

be said to partake of the properties denoted. Importantly, it is not referring, but denoting, which fixes the identity of meaning. This makes meaning fundamentally a personal matter, for Novak — an opinion which diverges widely from Quine's.

Nor does Novak find Putnam's alternative — i.e., that the meaning of a word is an ordered pair comprising the *extension* of the word and the *stereotype* associated with it — less implausible. Underlying Putnam's theory is the idea of a *division in semantic labour*, where laity depend on experts to identify the extensions of technically-laced terms. Novak argues that the failure of the principle of extension-meaning supervenience renders Putnam's bifactorial theory untenable. This leaves term-based semantics as the only viable option, if we understand that 'the meaning of a term consists in its representing a *nominal universal*, not [a] *real* or mind-independent universal ...' (66).

The latter phase of the book outlines the semantic, syntactic and epistemological features of the Classical Theory of Mind, and introduces a CTM-based logic that is at once elaborate and innovative. Novak's distinction between *a priori* and *a posteriori* ideas serves as a basis for identifying the semantic principles upon which CTM is founded. This same distinction is also at the root of determining the modal properties of propositions and the validity of arguments. The reader will find Novak's examples of '*a priori* analysis' and '*a priori* synthesis' (processes which he does not regard as mutually exclusive) most helpful in delineating the rules of inference and deduction of his CTM-based logic.

The problem of the *material implementation* of the mind as a system of mental symbols has historically been a difficult one for CTM. Novak does not recoil from the challenge, but takes it up directly. He conjectures that mental symbols are implemented in the brain at a genetic level, where 'a semantically simple term of the mental code could be construed as a certain pattern of expression of representations of the genetic code; in effect, a sequence of the [nucleotide] units A, T, G, and C. A complex term could be construed as a complex of such sequences, generated by a mechanism itself implemented — perhaps as a system of regulatory genes — in the genetic code' (181). Novak does not believe that this hypothesis commits him to materialism, since it does not address the issue of what makes a simple mental symbol unite with a specific type of experience. But it is precisely here that we may identify a notable omission from Novak's project: an attempt to explain how the simple terms of the mental vocabulary manifest their unique forms of consciousness.

Novak is aware of the speculative character of his implementation-thesis. While the evidence he presents in its support falls short of being convincing (a natural consequence of the limited knowledge we presently have of the neuronal structure of the brain), its empirical verifiability demands the courtesy of patient consideration. But Novak's thesis, though of great interest to theorists of mind and language, lies outside the purview of philosophy proper, insofar as it is not the job of philosophers but of neurobiologists to

ascertain its truth or falsity. Faced with the current uncertainty, we may choose the prudent, albeit subdued response: 'Perhaps! Time will tell!'

It is certain that Novak's book will be most appealing to those already inclined toward his point of view. This is not a criticism, for the same can be said of any work which adopts a strong stance on a topic of controversy. It is also certain that *Mental Symbols* is not for a novice or philosophically squeamish audience. Novak does an excellent job in providing expository information wherever needed, and he presents his arguments in a thoughtful and clear manner. Nevertheless, the benefits which the book may yield are likely to be proportional to the extent of background knowledge the reader has in the relevant areas.

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Robert Pasnau

Theories of cognition in the later Middle Ages.

New York: Cambridge University Press 1997.

Pp. 330.

US\$54.95. ISBN 0-521-58368-3.

The book under review is a lively contribution to a philosophical way of discussing thinkers in the Later Middle Ages. By 'a philosophical way' I mean taking up the dialogue with Aquinas or Ockham in the same way as philosophical scholars discuss Aristotle or Descartes. The book is sensitive to distinctions available in the analytical tradition. Further, the book introduces us to two thinkers who — the book nicely persuades us — should be better known than they are: Peter John Olivi and William Crathorn. They are discussed in relation to two famous thinkers from the Middle Ages: Thomas Aquinas and William of Ockham. Other medieval thinkers make a more or less brief, but pointed, appearance.

There are two central issues pursued in the book: causal mediation posited by ancient and medieval theories and perceptual mediation. In the second case the mediator is perceived in perceiving external, physical objects; in the first case a causal intermediary between an external object and the perceiver is not perceived in perceiving the external object.

There is bound to be trouble if a thinker doesn't distinguish a causal intermediary from a perceptual mediator. The question is accordingly pressed upon us whether a sensible species is thought to perform both functions. In the Introduction Pasnau identifies the chief interpretative

puzzle: whether to give Aquinas a sophisticated or a naive theory of species (16). According to the naive account species are themselves the objects of cognition and the mediators bearing a likeness of external objects; according to the sophisticated account species are only causal intermediaries; this account implies direct realism.

Pasnau attributes to Aquinas a 'seminative' view (197) according to which species are not only causal intermediaries but also perceptual mediators. This position is philosophically unstable, drawing the fire of Ockham and Olivi, among others. It is unstable because, in part, it leads to a kind of representationalism which becomes an obvious target for the skeptic (as we know from modern versions of the theory, one of which is available in the work of Locke). How this sliding into representationalism comes about can be made clear very briefly.

Suppose that there is a series of species propagated through a medium from an external object to a sense organ. Consider the first species in the series between an external object and the perceiver: in its role as a causal intermediary, it is received by a sense organ where it actualizes the sensitive power so that there is, for example, actual seeing. If there is actual seeing, something is seen; but what? Not the first species; for it has provided the power for activating the sense. But then not the second species either; for it is needed to keep the sense active so that actual seeing has duration. It must be then that if the seeing is an internalized resemblance of the external object, there is awareness of the seeing — awareness of an image or a likeness. But since awareness is not actual perceiving, awareness perceives nothing; awareness is awareness of a perceiving which yet is not the perceiving of anything. It must be then that the awareness is the basis of building up a cognition and a science of external objects none of which is ever actually perceived.

So it is evidently not enough to posit merely causal intermediaries; for a causal intermediary cannot serve as a perceptual mediator. What else then is available? According to Aristotle's *de Anima* there are proper objects of perception: color of sight; sound of hearing; etc. These objects are public and external to the perceiver and are perceived through themselves; further, they have the capacity both to be themselves perceptible and to make something else perceptible — as Plato characterizes light in the *Republic*. (See Pasnau, p. 215 on illuminating light and Aquinas's mention of it.) Why won't this do? Two vital conditions can be met: first, in seeing the tree one sees the light which illuminates the tree; second, in seeing the light one does not necessarily attend to or notice it. Agents can therefore initiate inquiry about trees without first attending to the light in which trees are illuminated. The first and immediate thing seen is not the first thing cognized, given that cognition goes beyond mere perceiving.

Some such position seems to be the only theory which can make peace with powerful arguments for positing both causal intermediaries and perceptual mediators. Extreme departure from this position is made by Ockham who writes that the external sensible object immediately moves sense (165).

Further, Olivi's move to deny both causal intermediaries and perceptual mediators and to posit a sort of will-supported spiritual attention (168) seems fanciful; for any attention coupled to perception presupposes it and does not create it. Cognition can hardly make good the deficiencies in perception, as there would be if there were neither causal intermediaries nor perceptual mediators.

Even if the arguments presented and discussed in Pasnau's book do not show that perception does not need either causal intermediaries or perceptual mediators or both together, there are arguments and discussion sufficient for showing that sensible species, as understood in the Aristotelian medieval tradition, cannot play the role of perceptual mediator. It may well have seemed that direct realism was a viable philosophical position; this option, of course, remained and remains controversial. This book nicely shows the rationale of the history of Western philosophy continuing as it has.

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J.E. Penner

The Idea of Property in Law.

Don Mills, ON and New York: Oxford

University Press 1997. Pp. viii + 240.

Cdn\$108.00:

US\$59.95. ISBN 0-19-826029-6.

In *The Idea of Property in Law*, J.E. Penner offers an extended exposition and defense of a particular view of property. This is a conceptual investigation and analysis, and therefore separated from the many moral and political questions that surround property law, e.g., how to justify unequal holdings within a community (81, 106, 187) or whether people should be allowed to 'sell' their organs or body parts (120-22) (though, and this is a separate point, Penner would conclude that body parts are not properly classifiable as 'property').

Penner's basic purpose is the exposition and defense of an understanding of property as a limited but foundational juridical concept. On one hand, Penner wants to defend the concept (or 'practice' (105, 202)) of property from those who would view it — as some legal theorists do, particularly those more economically inclined — as a derivative of contract (51-2, 59), but also from those (again, often economically-minded theorists) who see property expansively, as including such items as body organs, one's own labor, or personal

security. As to this last point, Penner's argument is that '[o]nly those "things" ... which are contingently associated with any particular owner may be objects of property' (111).

Penner unsurprisingly emphasizes rights of exclusion and rights to use as concepts essential to property, the former, according to Penner, more central than the latter (68-71). Somewhat more controversially, he argues that the concept of property is closely connected with gifts, but *not* with bargains. The argument goes roughly as follows: through a gift, we continue to express our interest in property, for we see it as furthering our interests that someone close to us now has the means to do things she did not have before; also, though the donee has the legal right to use the gift as she wishes, there is some moral claim that the gift be used in the way desired by the donor (88-91). By contrast, in a sale, we no longer have any interest in the use of the property, and our (former) property served our interest only by what we were able to get in exchange for it (90-91).

According to Penner, the nature of the concept of property, and in particular both the rights and duties *in rem*, are strongly influenced by the fact that there are a large number of owners, and we go through life knowing that most things about us are owned, but often unaware of who the owners are for most of the objects. One should not, Penner emphasizes, attempt to reduce *in rem* rights and duties to *in personam* ones or to equate the two types (as Hohfeld famously did (25-31)), for the impersonal nature of property norms are central to the role property plays within society. 'Norms *in rem* ... allow strangers to interact with each other in a rule-governed way, though their dealings are not personal in any significant respect' (30).

Later chapters in the book analyze critically discussions of property by Hegel (169-86) and Locke (187-201). Hegel comes off somewhat better than Locke, though both are criticized for improperly conflating contract and property in their analyses (174-5, 187-8).

Considering the book on a general level, there are basic questions to be asked about projects of this kind: what are the benefits and purposes of conceptual analyses, and by what criteria can/should they be judged? At one level, conceptual analysis succeeds or fails to the extent that it helps us understand better the matter in question: an amorphous standard at the best of times. Against that standard, Penner's analysis generally seems to come out well, though there are a few reservations. On the positive side, the analysis based on general duties *in rem* is interesting as an alternative to currently fashionable views of economic analysis or 'bundles of sticks' (property not as a distinct right, but equivalent to or reducible to a bundle of distinct rights of some other, more basic kind). The reservation is that there is some resistance to the attempt to disengage property from contract: to say that it is of the essence of property that it can be given away, but not that it can be exchanged in a bargain. Perhaps it is the influence of modern market thinking or the pervasive infiltration of economic analysis into private law theory, but it is hard to think of having an object one can abandon or give as

a gift, but cannot sell, as a — indeed ‘the’ — paradigm case of property ownership.

At another level, Penner hints at another more worldly purpose for conceptual analysis. Conceptual categories, like ‘property’, ‘contract’, and the like, should explain the way that certain groupings of legal norms serve our interests (and by doing so, create a situation in which legal norms give us reasons for action) (11-13). If those who interpret and apply the law do not understand the connections between, say, property, and certain of our interests — in the case of property, the right to determine the use of things (49, 71) — the rules of property might be misinterpreted in a way which will be unjust, or at least unwise (12-13).

The book is based on Penner’s doctoral work under the supervision of Joseph Raz, and Raz’s influence is regularly in evidence. The analysis uses Raz’s practical reasoning analysis in terms of reasons for action (e.g., 7-16) — e.g., seeing rules as offering second-order exclusionary reasons, that is, reasons *not* to take into consideration in one’s decision-making certain other types of reasons for action. Less helpfully, Penner also makes use of Raz’s long-ago-discarded analysis of the ‘individuation’ of laws (32-67), in a way which does not seem necessary or entirely persuasive.

In summary, for those who wish to think — or re-think — deeply about the nature of property and its place within law and within our lives, *The Idea of Property in Law* is a very good place to start.

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Howard B. Radest

Humanism With A Human Face:

Intimacy and the Enlightenment.

Westport, CT: Praeger Publishers 1996.

Pp. xii + 212.

US\$29.95. ISBN 0-275-94969-9.

Humanism is often charged with being overly rationalistic and too far removed from the everyday lives of individuals. Howard B. Radest develops a rebuttal to this charge by exploring the roots of Humanism in the Enlightenment and in transcendentalism. He maintains that a Humanism capable of adequately addressing the malaise afflicting contemporary society requires a return to the full-bodied notions of rationality and sociability (understood as true connectedness and intimacy between individuals) that characterized the Enlightenment during its heyday.

The Enlightenment advanced a number of ideals, among them universality, individuality, and rationality. However, the robustness of these ideals has diminished and we are now left with what Radest terms the 'shadow enlightenment'. With the loss of these ideals, people lost their connectedness and intimacy with one another. Humanism, an offspring and continuation of the Enlightenment project, has lost its ability to meaningfully respond to the fullness of the world we actually experience.

Radest's reply to this loss of Enlightenment ideals is to search for the greatest integration of rationality and sociability (connectedness and intimacy). Transcendentalism, the other root of Humanism, tempers the Enlightenment project by grounding it in the particular details of individual's lives. Transcendentalism provides a corrective for the rationalism, universalism and individualism of the shadow enlightenment.

As Radest asserts, '[t]he sociable individual, then, is the transcendentalist's contribution to the reconstruction of [the Enlightenment project]. The person, in virtue of the fact that he or she is a person, is already a community' (113). In practice, this means that the Humanist must pursue a politics of sociability; an inclusive, participatory, and personal activity. The Humanist must recognize that her actions always have an impact on other persons. It is through reason that we guide our actions, and because reason is embedded in persons, histories, events and purposes, the life of reason is a shared adventure. Rationality is thus inextricably linked with intimacy; it encompasses a sociability that cannot be denied. A return to reason will recapture the richness of Humanism, and return the grand ideals of the Enlightenment project to their full potential.

Radest tackles an ambitious and timely project. Most everyone laments the contemporary lack of connectedness between people, the lack of community, the breakdown of social relationships of all kinds. Radest practices what he preaches — his goal is to return intimacy and connectedness to a world plagued by a one-dimensional understanding of rationality and Enlightenment ideals, and his text is filled with personal stories and metaphorical musings. However, this very richness makes for exceedingly difficult reading, and one must truly connect with the text to have a hope of comprehending it. And so Radest succeeds in his goal. Finally, though Radest's description of Humanism's problem is insightful and accurate, his solution is inadequate. In spite of his emphasis on particularity, his solution — a reconnection of rationality with intimacy through a politics of sociability — is surprisingly schematic, abstract and theoretical. Though his discussion is theoretically adequate and insightful, it does not offer much practical wisdom about how to reach that ideal — and this abstract treatment of the subject contrasts sharply with his overall project. Overall, though this is a resourceful defense and rehabilitation of Humanism, one must have a strong interest in Humanism to work through this book.

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H.P. Rickman

Philosophy in Literature.

Cranbury, NJ: Fairleigh Dickinson University
Press 1996. Pp. 197.

US\$36.50. ISBN 0-8386-3652-7.

Philosophy in Literature is a bad book but in a very decent sort of way. These are the random thoughts of a sane and literate person about two favorite kinds of reading, sometimes vaguely in relation to each other, sometimes not. After eighteen wandering chapters the book concludes with some remarks on poems by Yeats and Rilke that use the Leda myth, and the point is to show that 'these myths have not lost their appeal through two thousand years of Christianity' (174). There is not a word here about philosophy, and in the middle section, which consists of attacks on the silliness of what is now called literary theory, there is not a word about literature. One is perplexed in the extreme.

The summings up (for there is little argument and thus no conclusions) are disarmingly commonplace — and indeed that is true of the entire book. Thus Chapter 1, which purports to bring some system to thinking about the (never clear) topic, ends modestly with the idea that 'some literary works ... can be fruitfully illuminated and more fully appreciated by cross-references to philosophy' (22).

The oddity of the whole business is typified by a chapter entitled 'Philosophic Presuppositions of the Detective Story', where it is not until the last page that a stab is made at naming a presupposition, and there turn out to be two: first, 'behind the mindless violence, the blind passions, the confusions and accidents of the world lies a fixed, rationally ordered reality,' and, second, 'our reason, if properly used, can penetrate to this rational order' (162). These thoughts are preceded by an eight-page account of the conventions of detective fiction — and nothing about presuppositions. The writer evidences absolutely no awareness of the oddity of this procedure, and this deep innocence in regard to the conventions of writing pervades the entire work. Writers are, of course, free to pursue their fancy, but the publishers should have known better.

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Theodore R. Schatzki

Social Practices: A Wittgensteinian Approach to Human Activity and the Social.

New York: Cambridge University Press 1996.

Pp. 224.

US\$49.95. ISBN 0-521-56022-5.

The dust jacket blurb for this book suggests that it 'will be of particular interest to social and continental philosophers, philosophers of the social sciences, a wide range of social theorists in sociology and political science, as well as some literary theorists.' I suggest at least chapters two through four should also be mandatory reading for philosophers of mind and language. If they can wade through some of the unfamiliar vocabulary at the beginning of the book, they will find a very rich and fruitful investigation, in much more familiar terms, of Wittgenstein's psychology. This might be unexpected from a book about social theory. But, unlike most social theorists, who tend to be rather cavalier about such presuppositions, Schatzki is very sensitive to the fact that accounts of sociality must use concepts of individual intentions, motivations, habits, etc. So he gives a very significant portion of the book over to this matter.

Schatzki can proudly take a place among the emerging group of philosophers who swim comfortably in both continental and analytic philosophy. The sensibility he brings from continental philosophy, particularly his reading of Heidegger, leads him to see clearly some crucial features of Wittgenstein's thought which too often are underplayed and/or ignored by analytic philosophers. Yet Schatzki is not so bound to the milieu of origin of that sensibility that he needs to filter his reading of Wittgenstein through that language. He is just as at home in the language of analytic philosophy as he is in that of continental philosophy. And this makes his work particularly appropriate for practitioners of both sides to read. We can all only benefit from a deeper understanding of Wittgenstein.

Some of the difficulty any reader of this book will find with a few key terms stems from the fact that Schatzki is struggling to express and use some of the features of Wittgenstein I just mentioned. This is a fairly characteristic formula: 'By virtue of the understandings and intelligibilities they carry, practices are where the realms of sociality and individual mentality/activity are at once organized and linked. Both social order and individuality, in other words, result from practices,' (13). It should be clear from this that Schatzki is trying to undercut, by means of an analysis of practices, the old dichotomous debate over theories which explain individuals in terms of social structures and those which explain social structures in terms of individuals, a very commendable aim in my view. Schatzki is quite explicit about this aim in his first chapter. However, what are 'understandings' and 'intelligibilities'? The terms appear at the beginning of the book, and elsewhere, largely unexplained. And they only really gain some flesh after and through his extensive and detailed exegesis of Wittgenstein.

This could be irritating for those expecting potted definitions. But there is a good reason for it. What underlies the terms is Schatzki's attempt to come to grips with and give proper place to Wittgenstein's insistence on the unavoidable complexity of individual and social embodiment, and particularly, the way this complexity outstrips language. The core of Schatzki's criticism of approaches to mind and sociality of both the analytic variety (e.g., Fodor and Chihara, 78-80) and the continental (e.g., Lyotard, 134-6) is this insight, that what it means for an individual to understand, e.g., a practice, cannot be assimilated

to what is and can be said in language. To resist the assimilation, one must resign oneself to asserting no more than that there is something to understanding other than these formulations, or that understanding is not completely formulable, or that understanding is also expressed in what people do. Such statements do not attempt to say what is unformulable in words, but instead suggest abandoning the attempt and that the best one can do to "familiarize" oneself with this understanding is to scrutinize, learn, and participate in practices in order to acquire it. (128)

To his great credit, Schatzki is largely successful in resisting such assimilation. However, to my eye, there is some tension between this resistance and his strong desire for a systematic understanding of mind and sociality. Those who enjoy complex and thorough theoretical schema will find Schatzki's attempt quite stimulating. Unlike many readers of Wittgenstein, he is both respectful of the text, showing great care and circumspection in teasing out what it says, and up front about what he goes on to do with this conceptual material and the extent to which Wittgenstein would likely not approve of such systematizing. But, at least partly, I suggest, Wittgenstein resisted systematizing precisely because he was so sensitive to the extent to which the complexity of understandings and doings outstrips language. Is it possible to build this sensitivity into a theory, as Schatzki tries? He is not oblivious to this problem, by any means. But despite fairly regular caveats that his structures are meant to be descriptive of our current world, the desire for a prescriptive/explanatory theory is unmistakable.

To be more specific, I think Schatzki's desire for such a thoroughgoing theoretical explanation of both individuality and sociality in terms of practices leads him to glide over some potential problems. Here is an example. He rightly emphasizes that the way Wittgenstein avoids the Scylla of reductive behaviourism and the Charybdis of mind/body dualism (roughly speaking) is to suggest that the relation between 'inner' and 'outer' is one of expression rather than causation: outer behaviour expresses the inner but is not caused by 'it'. Schatzki gives a rich and attentive explication of this. But I think he is too quick to accept a Strawsonian 'solution' to the resultant version of the problem what 'it' is. Granted, for Wittgenstein there is no 'thing' behind the appearances, the expressions. 'It is not a *something*, but not a *nothing* either!' (*PI*, I. 304, slightly out of context.) However, the failure of

causality as a 'bridge' between the unreduced 'inner' and outer is more significant, I suggest, than merely saying 'two sorts of predication of persons is permissible' can accommodate. The temptation is too great to rely exclusively on the usual ground of 'outer' predication, i.e. causality. And Schatzki's systematizing/explaining tendencies lead him to embrace causal explanations in the realm of practices too easily, in my opinion. Such resort comes too close to reducing the unreduced for my taste.

All in all, though, I heartily recommend this book to a much wider audience than might appear appropriate on the surface.

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Friedrich Schleiermacher

Dialectic, or the Art of Philosophy:

A Study Edition of the 1811 Notes.

Trans. with intro. by Terrence N. Tice.

Atlanta: Scholars Press 1996. Pp. xxvi + 92.

US\$14.95. (paper: ISBN 0-7885-0293-X).

While his main publications were primarily theological, Schleiermacher's philosophical thought and his insights into the state of philosophy in his times appear in his lectures, such as we find in this more or less complete set of notes from a course that ran between April and August of 1811, at the newly-founded University of Berlin. The originator of modern hermeneutics and of the famed 'hermeneutic circle', Schleiermacher appears here as a kind of critical realist, influenced by Kant to give an important role to transcendental functions, but emphasizing the contingent, historical development of knowledge. The 1811 course intended to lay out the structure of thought, captured in the notion of 'dialectic', such as it could form the basis of all further enquiry.

Dialectic is the most encompassing mode of thought for Schleiermacher, that is, one which comprehends the fundamental identity of being and our knowledge of being. The lectures strive to make clear the nature of this relation, and break it down into two main parts. The 'transcendental' part examines the general conditions of possibility for knowledge, and the 'formal' part concerns the rules for the formation of methods to be used in particular sciences. As such, dialectic plays a dual role of a metaphysics of the nature of being and knowledge and how they might be connected on the one hand,

and on the other, of an architectonic that should come before the methodology of any of the sciences.

However, the transcendental and formal aspects of dialectic are understood to be one and the same, so far as they contain a relation to the real. The fruitfulness of both speculation and actual science can be ensured only if they may be united. This relation between the two is expressed in the formula 'all knowing depends on an original knowing that gives the laws of construction of knowing'. The original moment of knowing is best captured in speculative philosophy but is not to be seen as essentially different from any particular instance of knowing. Rather, latent speculative knowing resides in every actual judgement and can be brought to consciousness through proper analysis. Hence the task of the 1811 lectures is to give an analysis of the idea of knowing overall, starting from that which is recognized as knowing and extracting the principle inherent within. Perhaps in this presentation of the dialectic one can also see the connection to Schleiermacher's hermeneutics and the origin of the hermeneutic circle.

As mentioned, this set of preparatory notes is more or less complete, supplemented partly by summaries of missing lectures made by an astute student of Schleiermacher. However, they remain rather abstract and lacking in detail, and as such make for rather obscure reading. The translator Tice has fortunately inserted notes and elaborations into the text, comprising roughly a third of the material in the book, which make up for much. Despite the difficulty, this first translation of Schleiermacher's foundational enquiries into the nature of thought should be welcomed by scholars of post-Kantian German philosophy.

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Calvin O. Schrag

The Self after Postmodernity.

New Haven: Yale University Press 1997.

Pp. xiv + 155.

US\$22.50. ISBN 0-300-06842-5.

There is in *The Self after Postmodernity* a very Jamesian will to believe that conditions are never so bleak as to draw the curtain on any future reflection; that in human affairs curiosity, when aligned with imagination, is often as necessary as judgment. Refreshing as it is ambitious, Schrag's retrenching of selfhood shows none of the ominous prophecy that attends postmodern analyses of selfhood. In doing so he advances a discussion that has started to wear thin its key concepts. Through a series of four 'self portraits' he gives

us a robust and palpable grammar of human subjectivity after postmodernity. Schrag displays a judicious understanding of the opponents' positions. Appreciative of their strengths yet critical of their shortcomings, he shows a dialectical finesse while charting a middle path between the two sides, achieving, ultimately, a restoration of vitality to the exploration of selfhood.

In the 'Self in Discourse' Schrag first turns to the obstacle that has stymied reconsiderations of human subjectivity, Descartes' substance-laden theory of selfhood. The mind/body dualism located final indubitability in the *res cogitans* — the thinking substance. Schrag believes that a new grammar, one that highlights the 'who' of discourse rather than the 'what' of substance, can lay the groundwork for a post-Cartesian epistemology. To do so Schrag draws up a post-linguistic turn inventory of discourse and narrative as they function in self-formation. Discourse comprises the twin effects of self-constitution and self-implication in the linguistic act; narrative contextualizes discourse, thus supplying a horizon of meaning and sense. Discourse and narrative must exist in relation (what Schrag calls 'entwinement'), otherwise the existential significance and reference for the 'who' is entirely missed.

Complicating matters for the who of discourse is the postmodern insistence on the radical plurality of the self. Figuring prominently in these developments is Jean-François Lyotard's Wittgensteinian influenced proposal for the heterogeneity of the self. Schrag's critique is to the point: 'the postmodern counteractant of celebrating plurality, incompleteness, and difference may well be an overreaction that leaves us with a subject too thin to bear the responsibilities of its narrativial involvements' (27). Schrag's crucial move is to a heightened awareness of the mixed discourses we use, encompassing the different functions and genres of language. Recall that the author who gave us Alice's adventures also wrote treatises on logic. The portrait gains a necessary dimension with Paul Ricoeur's analysis of the temporal implications of self-identity. Ricoeur's notion of *ipse*-identity, emphasizing the integrity of the self as an unfolding story, gets to the heart of Schrag's belief in narrative achievement over epistemological fiat.

The portrait of the 'Self in Action' problematizes the classical and modern notions of action by introducing the phenomenological concept of embodiment — the body as lived. Instead of a prejudice for our *animal rationale* (classical) or an exclusive self-consciousness (modern), we need to focus on how the body, as lived, is an index of 'who I am' (54). Drawing from Merleau-Ponty's work on the phenomenology of the body, Schrag finds in the common activities of our lives a more intimate connection between the mind and the body than previously granted. His emphasis on how we metaphorize our bodies as a clue to rethinking action is an oft-neglected point.

Schrag ends with a Kierkegaardian analysis of the existential dimension of choice in one's actions. In the example of the aesthete, refusing to commit to the ideal of conjugal love, we see the problems that confront a self unable to draw a coherent picture out of past events. Analogously, by neglecting the gestalt of commitments that inform each decision the prophets of modernity have fragmented the culture-spheres. Just as the stages of existence, for

Kierkegaard, are not milestones to be achieved in a serial order, neither are the culture-spheres separable into unadulterated fields of discourse.

The 'Self in Community' continues the critique of the Cartesian ego-cogito, raising the existential pitch. In opposition to the postmodern penchant for divisive alterity Schrag focuses on the Heideggerian concept of 'being-with-others.' Coupled with this is a Husserlian analysis of intersubjectivity as it effects self-constitution. Postmodern philosophy is indebted to Husserl for clarifying the meaning of the otherness of the other self *as other* (83). Schrag extends the scope of his argument to include the difference between a life-affirming and life-negating mode of being-with-others, and its implications for the ethical dimension of the other. A probing examination of the ethical dimension of selfhood in the writings of Charles Taylor and Jürgen Habermas is meant to support the distinction. However, the distinction itself, resting as it does on a facile opposition of creative versus destructive energies, is neither clear nor helpful.

The capstone to the chapter is the role of conscience in the construction of an ethic of the fitting response. With conscience comes action and with action comes knowing how to respond in an appropriate manner, or in this case a 'fitting' manner. A 'fitting response' does not imply simple accommodation to current practices and traditions — is this not the supreme lesson of the 20th century? It may in fact require, pace Nietzsche and Heidegger, a revision of tradition if life-negating modes of being-with-others are produced. He ends on the possibilities for an 'ethic of the fitting response'. Perhaps the most thought-provoking premise of the book, Schrag thinks that we have been sold the argument that reflection on ethical issues ultimately succumbs to critiques of absolutism or relativism. While not a panacea, a shift from ethics as theory to ethics as praxis can, Schrag argues, be corrective. The criteria for ethical decisions need to be treated as contemporaneous with the dilemma itself, conditioned yet not determined by antecedent contexts.

Schrag claims the final portrait 'The Self in Transcendence' undergirds the three previous portraits of the self. His plan is '... to refigure the semantics of transcendence in its strong sense, dismantling its metaphysical underbelly while reconstructing the intent of its metaphysical ruminations' (117). First, the weak and strong senses of transcendence are clarified. Husserlian phenomenology embodies the former: the confines of immanence make inescapable the experiential world in which the perceptual act takes place. Attempts to surpass the merely immanent have traditionally relied on a strong sense of transcendence: unconditioned and nondependent existence. In both its metaphysical and existential guises strong transcendence rests in an untouchable, ultimate limit to meaning and comprehension (116).

Neither the strictly metaphysical nor the existential senses of transcendence are adequate. Rather, a reconfigured strong sense of transcendence will, following Kierkegaard's suggestive analyses of religion as an existence sphere, redeem both the existential and metaphysical dimensions in the furnace of human travail. Schrag hopes that by thus rethinking transcendence the religious dimension of selfhood can be added alongside the other

culture-spheres. The real problem for modernity, he believes, was not the separation of the culture-spheres but the profound absence of religion as a condition of selfhood.

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Michael Walzer

On Toleration.

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Michael Walzer's *On Toleration* is a communitarian testament to the virtue of tolerance. A communitarian sense of toleration differs from a liberal individualist sense in the following way. Whereas liberal individualist toleration begins from the normative claim that only deep *individual* differences between psychologically distinct human beings ought to be robustly recognized, communitarianism argues that only deep *group* differences between communities of human beings ought to be similarly tolerated. While both cases, given their common aim of peaceful yet vibrant political society, dictate systematic tolerance of difference, in the liberal individualist case, there are 'upper' but no clear 'lower' theoretical constraints on how finely such differences can be drawn. Whereas in the communitarian case, the situation is reversed. In order to be tolerated, a difference must characterize individuals as group members who regard themselves as engaged in a historically continuous common life. Walzer's book appears to have two objectives. One is to enhance the view that political entities ought to accommodate as much sub-political (cultural, ethnic, religious, etc.) difference as is possible given the aim of preserving them and I will be looking at that aim in what follows. The second is to show that unless one puts the 'group' constraint on recognized sub-political differences, the aim of preserving political entities will be defeated by toleration rather than upheld by it. I leave this more controversial issue aside.

The first part of the book offers an analysis of what Walzer constructs as 'the five regimes of toleration'. The discussion is fascinating, insightful and provides an excellent backdrop against which a number of issues in the area of political philosophy might be brought into striking relief; especially for the beginner. The five models display features of what Walzer sees as five historically extant ways in which peace (though not necessarily vibrancy)

between or among different 'peoples' has been achieved. In each case, Walzer uses historical data creatively and to his advantage and he develops the five model scheme as a whole according to a form of historical narrative. But while his analysis of the five regimes of toleration presents us with a highly useful tool for discussion of the topic, one needs to take care, perhaps more care than Walzer himself considers necessary, not to be carried away by its epic tone.

In the second part of the book Walzer first considers a number of what he calls 'complex cases' and topical issues. The former are cases of currently existing political states or experiments in peaceful co-existence which do not plainly mirror any of the models set out in the first part of the book. Walzer attempts to show how the models are useful nonetheless in coming to an understanding of such cases. But here the cracks in his project begin to show. I will comment on his discussion of Canada as a complex case here.

'Canada,' Walzer argues, 'is an immigrant society with several national minorities — the Aboriginal peoples and the French — that are also conquered nations ... what these minorities want ... is an identity that is collectively negotiated' (44). According to his initial analysis, Canada is a complex case because at the same time it deals with the stresses of being an immigrant society (one of the five regimes), it must also deal with those created by its history as an outpost of the British multinational empire (another of the five regimes). Aboriginal peoples and Quebecois were both forced into peaceful co-existence with and by their British enemies. Problems of peaceful co-existence which arise under the former conditions of mutuality ought to be dealt with differently than the latter ones which arise under or follow from conditions of abjection. For reasons I won't go into here, I think Walzer is right on this point. But when it comes to his conclusions on the Canadian case, something goes awry.

Walzer concludes that the Quebecois question is theoretically unproblematic based on his modeling of the *politics* of toleration. Since the Quebecois share the political understandings of the rest of Canada — that is they adhere to the principles of liberal individualism — a collectively negotiated 'special' identity for them must be regarded as possible within the limits (say, individual rights to speech, association and movement) set by those principles. And as such, a political union with sub-political differences between Quebec and the rest of Canada is well within reach. On the other hand, Walzer argues, the situation with Aboriginals is 'harder' (46). The Aboriginal way of life which Aboriginals seek to establish via collective negotiation, is neither currently nor historically liberal. From Walzer's point of view, the hope of preserving political unity between Aboriginals and the rest of Canada is unreasonable if the preservation of Aboriginal identity requires that the rest of Canada tolerate the existence of 'autonomous communities with coercive authority over their members' (46).

The problem with Walzer's views on the Canadian case is that application of his 'five regimes' concept of toleration seems to give the wrong result. According to that result, it should be unlikely that First Nations will succeed in their political aims viz., the rest of Canada, and likely that the Quebecois

will. But on the evidence, this seems to get things the wrong way around. While serious problems during negotiations with First Nations have not been uncommon, progress has been achieved and I see no significant signs that anyone has given up on the process. On the other hand, negotiations between Quebecois and the rest of Canada in fact deteriorated to the point of no return. Granted, the process stopped short — almost logically short — of crossing the line, this time. But that things even came to that point strongly suggests to me that Walzer is mistaken to think that the fact that things have not yet been worked out is due to merely 'practical difficulties' (46). What all this points to is a general failure in Walzer's initial analysis of the five regimes of toleration.

According to that analysis, if and only if there is agreement or sameness on political principles and disagreement or difference on sub-political agendas, there is a good possibility of peaceful, vibrant co-existence. The almost liberal individualist implication that political convictions and sub-political commitments can be and ought to be tidily separated is, of course, in keeping with Walzer's 'spheres of justice' communitarian political thesis. But it seems wrong for Canada where, whatever the personal may or may not be, the 'cultural is political'.

The Aborigines are doing reasonably well in their negotiations for 'self-government' and so 'special status' with the rest of Canada because each party to the negotiations regards the cultural landscape of the other as somehow essentially integrated into its own. The Quebecois have not done well on this score just because neither the Quebecois nor the rest of Canada in general regard their distinct cultural worlds as even connected. Here, cultural 'consociation' (Walzer's term for yet another regime) is a precondition of political consociation rather than the side issue Walzer seems to think it is. Where does the virtue of toleration come in? In Canada, it seems that provided the intensity of expressions of political difference is equivalent to the intensity of mutual cultural interest, the former may be tolerated. And so one of the challenges for Canadian politics whose aim is peaceful co-existence under the conditions of difference, has been to interest non-Aboriginal Canadians in Aboriginal culture and English Canadians in Quebecois culture. I suspect that it is due to the language barrier that we have been less successful in the latter than in the former case — clearly no mere 'practical difficulty'.

It may be that achieving the aim of peaceful and vibrant co-existence under the condition of difference may preclude the separation of culture and state as much as it precludes their identity. On the one hand, sub-political differences are not always smoothed over by political agreement. On the other, political differences may be mitigated by a certain amount of cultural integration or mutuality. In the end, Canada as a complex case may simply be too complex for Walzer's communitarian thesis to handle.

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