Stephen K. White, *Sustaining Affirmation: The Strengths of Weak Ontology in Political Theory*

Review by: Reviewed by Patchen Markell


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This ambitious and important book has two main themes or theses—one concerning the centrality of the good to any correct understanding of morality and politics, the other concerning the nature of the good that plays this central role.

By placing the good at the center of his account of morality and politics, Adams is, of course, bucking the recent trend toward contractualist accounts of these matters, accounts that revolve instead around ideas about what can be rationally or reasonably agreed. Rationality is, for Adams, an excellence in responding to reasons or values (p. 7), not something in terms of which reasons or values are themselves to be understood. But this is not to say that Adams is advocating a sort of consequentialism. The appropriate response to value is not, he thinks, always to seek its maximization. His emphasis is more on loving the good than on doing good (p. 8), and this love, he argues, calls in the first instance for admiration (p. 19), which in turn often calls for one to respect rather than promote good things.

The good itself is identified, quite literally, with God—that’s right, with a concrete individual, indeed a person, or anyway something “importantly like” (p. 14) a person, who is responsible for creating our world and who even now commands us to act in some ways and not others (thereby giving rise to moral obligations, to which I shall return shortly). The picture here is, in many ways, expressly Platonic. This (“infinite” or “transcendent”) being, God, is the good in the sense of being the exemplar of all that is good, other (“finite”) things being (intrinsically) good only if, and only insofar as, they resemble the deity in respect of some property it has, such as beauty, or knowledge, or compassion. As this brief list suggests, Adams does not reduce value to well-being, let alone to pleasure or happiness (though he allows that enjoying pleasures and being happy are ways in which we can resemble God and so are good). He speaks rather of excellences, aspects of the divine nature of which we can have only “fragmentary glimpses” (p. 51) and that we, and other valuable things, can resemble only in the most distant and approximate of ways (p. 17).

Adams’s goal in this book is not to demonstrate that a transcendent being exists but rather to persuade us that we can make significant advances within moral and political philosophy if we suppose one does and we identify the good with it. As he readily acknowledges (p. 5), his sense of the problems plaguing moral and political philosophy, and so his sense of what would constitute an advance, is in many ways shaped by his conviction that such a being does in fact exist. This is evident enough from some of his chapter headings (there are, e.g., chapters entitled “Grace,” “Devotion,” “Idolatry,” and “Vocation”) and might lead some to rush to the judgment that the book will not have very much to say to them. But this would be a mistake. I don’t think many nonbelievers will

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be converted to the faith (I certainly was not); but I do think many will find that the book has much of interest to say about issues they deem important.

One such issue, or set of issues, concerns the objectivity of value. Theists have, of course, often held that we need to suppose a transcendent being exists if we are to regard values as fully objective. Adams is no exception to this rule, though it must be said that the arguments he musters are considerably more sophisticated than the norm. He carefully distinguishes the meaning of ‘good’ from the nature of goodness, arguing that our use of ‘good’ delineates a role and that the nature of goodness depends on what, if anything, actually plays that role. To claim that the good is God is therefore to claim that God turns out to play the role our use of ‘good’ delineates. This conception of metaphysics obviously has much to be said for it, not least of which is the fact that it enables Adams to argue that things are good only because they resemble aspects of God while acknowledging (chap. 12) that this would not have been so if God’s nature had been very different (say, more capricious) than it is.

As Adams well knows, however, this conception of the metaphysics of value has also been exploited by realists of a more naturalistic bent. Thus Richard Boyd (“How to Be a Moral Realist,” in Essays on Moral Realism, ed. G. Sayre-McCord [Ithaca, N.Y.: Cornell University Press, 1988], pp. 181–228), for example, argues that our use of ‘good’ delineates a causal role much as our use of natural-kind terms does. Adams’s relation to this sort of naturalism is interesting and quite complex. On the one hand, he wants to defend it against Gilbert Harman’s charge that the (nonreductive) explanations Boyd seeks are not to be found. On the other hand, he of course doesn’t want the possible availability of Boyd’s fully natural explanations to render his own supernatural account otiose. He hopes to avoid this horn as follows (pp. 77–82). He asks us to imagine that the natural kind appropriately causally related to prevailing talk of goodness turns out to be act consequentialist in nature. If someone sees this, and yet doesn’t herself hold the prevailing views, is she obliged to acknowledge that her misgivings concerning act consequentialism are unfounded? Can she still wonder whether it’s really good to maximize the good?

Adams argues that Boyd’s naturalism does not leave room for such doubts, and what this shows, he thinks, is that it cannot account for one important feature of the role that the good is to play. For surely our use of ‘good’ indicates that we can always ask whether it is really good to act in ways identified as good. How does Adams’s own supernatural account of goodness leave room for this? Appealing to the idea that God can reflect on the divine nature, he argues that there is always room for questions about its worth. Doubtless, God approves of this nature, indicating that we should approve, too, but however inevitable the answer is, there’s still room for the question. This is an ingenious argument that may create real problems for Boyd. What I don’t see, however, is why we should take it as favoring Adams’s supernaturalism over other nonnaturalistic forms of realism about value. Adams’s discussion of value realism would have been much improved if some more serious contenders for this position had also been given a hearing.

The best part of this book, to my mind, is the long and detailed discussion, in part 2, of what is involved in loving, or, as Adams often says, in being for, the good. Here God, though very much still present, recedes a little further into
the background, and many debates are joined that will be of obvious importance to believers and nonbelievers alike. Adams’s main concern here is to establish that loving, or being for, the good is not always, and indeed never in the first instance, a matter of seeking its maximization. Many good things, including but by no means limited to persons, are to be valued not for the contribution they make to some aggregate good but, as the saying goes, for their own sake. Explaining why this should be so, and what exactly is involved in its being so, leads Adams to take up many of the most interesting questions of contemporary value theory. His discussion is too rich and complex to be fruitfully summarized here, so I shall instead simply highlight one strand of it that I found especially innovative and provocative.

Like many people who want to resist straightforwardly consequentialist treatments of value, Adams argues not just that more of a good thing is not always better when considered from an impersonal point of view but also that some good things can have a special value for people who bear a special relation to them. So he’s not just arguing that, for example, the agent-neutral value of the universe would not necessarily be increased if one eminently worthy individual were left to die so that two equally worthy individuals could be brought into existence. (An important truth, though not, I suspect, one for which consequentialism cannot make room.) He’s also arguing that, for example, certain individuals can have an agent-relative value for some people, for example their friends, that they don’t have for others. In fact—and here’s the point I find especially intriguing—Adams argues that particular universals, such as truthfulness, can also have agent-relative value of this kind.

This is not just to say that universals, such as truthfulness, can also be things we should value for their own sake. That is indeed part of what’s being claimed, and Adams gives a nice account of it, arguing (pp. 158–60) that, for example, we should not value an occasion to be truthful simply as an effective way of contributing to the aggregate good. For that would suggest, on the one hand, that we should be seeking out more and more occasions to be truthful and, on the other hand, that we should set truthfulness aside without remorse whenever an occasion to produce even more good presents itself. And this is surely not what’s involved in loving truthfulness, just as analogous behavior is surely not what’s involved in loving people. I think these are important claims, deserving more attention and discussion than they have hitherto received, but what I find especially intriguing is Adams’s further suggestion that a universal, such as truthfulness, can have a special value for some that it lacks for others. Adams develops this suggestion in the context of his (chap. 13) discussion of vocation, where he argues that we are commanded (or perhaps just invited) by God to focus our love for the good on some good things (concrete or universal) more than others.

Whether we are commanded or merely invited will presumably depend on the details of the case. For example, in view of the heavy investment I have put into the study of philosophy, it seems reasonable to suppose that advances in the discipline (whoever actually makes them) are something I have special reason to value. But to suggest that I am under an obligation to give them special value sounds odd. On the other hand, I am arguably under an obligation (though not necessarily one that should be legally enforced) to give special importance
to the flourishing of my friends, so there talk of commands is perhaps more fitting. Obviously, these speculations need to be subjected to closer scrutiny than I can give them here. My intention is really just to commend this part of Adams’s book to the reader as an unusually fine illustration of the extent to which value might be at once fully objective and yet elaborately agent relative.

I found the weakest part of the book to be the discussion, in chapters 10 and 11, of moral obligation. Adams is, of course, one of the leading champions of the divine command theory, according to which it is God’s commands that determine what is morally required and morally forbidden. I do not deny that this is a coherent account of what moral obligations are; my complaint is rather that almost nothing is said about why God commands what God does. Yet surely what’s wanted from a theory of obligation is some understanding of why we have the obligations we do. In the context of a theory that gives loving the good pride of place, we want to know why we are sometimes forbidden to perform actions that exemplify such love. Adams acknowledges (p. 242) that the right can in this way oppose the good; but what explains this fact is, so far as I can see, never made very clear.

Moreover, insofar as Adams does offer an explanation here, it seems to me headed in exactly the wrong direction. He starts out with, and expresses some sympathy for, the Millian idea that our obligations are determined by the rules our society would do well to enforce via (legal or other) sanctions. But surely I could agree that my society would do well, by utilitarian lights, to enforce some rule and still conclude that I would do well, by those lights, to break it. Though Mill strives to give us an analysis of individual obligation, he succeeds only in providing ways to assess social policy. Now of course, on Adams’s account, the rules determining obligations are written by God, not society, and God writes rules exemplifying love for good things, not a consequentialist obsession with maximizing aggregate goodness. But still the structural flaw remains: couldn’t there be cases where God does well by the good to issue a decree and yet I do well by the good to break it?

So this part of Adams’s framework for ethics needs some more work, but that doesn’t keep this from being an excellent book deserving a wide and attentive audience. Rarely has the theistic conception of ethics been developed with such rigor. Still, I think its greater contribution is to our understanding of the riches of value realism.

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This book comprises twenty essays presented at a conference, held in March 1997, to celebrate the sesquicentennial of the American Medical Association’s first Code of Ethics, which was not just the world’s first national code of medical
ethics, but the world’s first national code of professional ethics and thus in some sense the prototype for all the professional codes of ethics that have followed.

The first five essays are devoted to a history of American medical ethics. Topics discussed include the role Benjamin Rush played in the transfer of Scottish moral philosophy to the United States, the 1880s rebellion by doctors against the Code of Ethics, and the questions that arose when the code, which was written with general practitioners in mind, was applied to medical specialists. On a lighter note, Susan E. Lederer’s essay describes the interplay between medical codes and oaths and popular culture: in many novels and movies, the Hippocratic Oath has been invoked to create moral dilemmas for characters.

The next seven essays are concerned with the concept of professionalism. Three of these essays attempt to answer the question, Should physicians determine the scope and nature of medical ethics? Robert M. Veatch answers in the negative, Mark Siegler in the positive, and Alexander Morgan Capron attempts to reconcile these two opposed views. Two other essays consider the changes in the physician/patient relationship that have taken place in recent decades and point to the destructive potential these changes can have with respect to professionalism in medicine.

The next four essays are concerned with current challenges to medical ethics. Of particular interest are Paul Root Wolpe’s essay, which explores the role of the Code of Ethics in medicine’s relationship to “alternative” medical practices, and Christine K. Cassel’s essay, which examines the ethical questions raised in population health, which is concerned not with the good of single patients, but with the good of the greatest number of people.

The final four essays are concerned with future challenges to biomedical ethics, including the role ethics should play in guiding biomedical research and the bioethical problems faced by developing countries. George J. Annas’s essay examines the lessons biomedical ethicists should learn from history and in particular from the role played by physicians in Nazi Germany.

The book also contains as appendixes a number of historically significant documents, including the text of the 1847 Code of Ethics and the AMA Principles of Medical Ethics that followed it. The code gives one wonderful insight into the nature of the healing arts at that time and makes it clear that in some respects, physician/patient relations haven’t changed much in 150 years. The code sets forth duties of physicians to their patients, as one would naturally expect: to obey the calls of the sick and frequently visit them, to “not be forward to make gloomy prognostications, because they savor of empiricism,” to not abandon patients deemed incurable, and so forth. After setting out seven duties of physicians to their patients, the code lays out ten obligations of patients to their physicians, including the duty not to “weary his physician with a tedious detail of events or matters not appertaining to his disease,” the duty to “avoid calling on their medical adviser unnecessarily during the hours devoted to meals,” and the duty to “entertain a just and enduring sense of the value of the services rendered him by his physician.” The services of a physician, the code assures us, “are of such a character, that no mere pecuniary acknowledgment can repay or cancel them.”

This book will be of value to individuals interested in the history of medicine and the role that codes of ethics have played in that history, in the ethical issues
that arise in the promulgation of codes of ethics, and in the way codes of ethics can and can’t help us deal with changes brought about by managed care and by breakthroughs in medical technology.

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There is an intractable dilemma for standard liberal theories of justice in the face of ineliminable and enduring pluralism. Either they admit to offering a conception of justice which is exclusionary, one more fighting creed among many, or they must attempt to find a consensus on commonly accepted values, ideals, and concerns despite the clash of identities and interests which characterize pluralist societies. In a sequel to his *Liberalism and Modern Society: An Historical Argument* (Cambridge: Polity, 1992), Bellamy argues for “democratic liberalism,” a strategy of inclusiveness which strives to achieve a just and stable consensus on a constitutional framework through “negotiated compromise.” *Liberalism and Pluralism* is divided into three parts. Part 1 identifies and rejects three broad approaches for tackling the problems of pluralism within the liberal tradition. The strategies of “trading values” (characterized in the work of Hayek), “trimming values” (best represented by the Rawlsian approach), and “segregating values” (argued for by communitarians, such as Michael Walzer) all promote unjust or unstable (or both) political agreements due to their fundamental theoretical flaws. Part 2 of the book outlines and defends a fourth approach based on a politics of compromise which Bellamy labels “democratic liberalism.” The third part of the book applies the insights reached to illustrate how the severe practical weaknesses of actual examples of reform in British liberal democracy can be traced to their theoretical flaws. The Citizen’s Charter program, the Human Rights Act, and the problems with European Union citizenship represent the failed responses of “traders,” “trimmers,” and “segregators,” respectively.

Given Bellamy’s previously excellent contribution to our understanding of liberal theory and the recent wide interest among political philosophers in liberalism’s response to pluralism, I looked forward to this book with high expectations. However, in both its structure and content, the book is a disappointment. Structurally, it reads like a set of journal articles cobbled together rather than a coherent and carefully constructed manuscript. There is much repetition, especially when examining the problems facing the traders, trimmers, and segregators. These critical points are repeated in all three parts, albeit in slightly different guise. Furthermore, the separation of the theoretical claims and their practical application is artificial and would have been better served had they formed part of the initial critiques of the three standard approaches.

However, it is the content of the book that disappoints the most. First, Bellamy’s characterization of the standard liberal approaches simplifies very complex and subtle theories into misleading characterizations. For example,
Bellamy’s description and critique of John Rawls’s later work in *Political Liberalism* (New York: Columbia University Press, 1993), dismissed for its “method of avoidance,” distorts Rawls’s subtle and careful account of how a political conception of justice could establish an overlapping consensus among reasonable persons with conflicting conceptions of the good. Bellamy insists that the core flaw in Rawls’s account (p. 59) is his failure to realize that his account of “the political,” the bedrock on which his conception is based, is one which is strongly contested. Consequently, Rawls’s attempt to prevent conflict by seeking a consensus on political principles is unworkable since it is this very approach which remains subject to reasonable disagreement in both its definition and application (p. 60). However, this account of Rawls’s political liberalism is unfair. Rawls is well aware of the problems with finding consensus around political values but carefully argues that such values might be derived from a commonly shared, democratic public political culture. Here, a democratic society can find strong, deeply held values, justified by and deeply grounded within each different moral doctrine in its own way, which have arisen due to a long history of conflict. The values of democratic citizenship offer the common framework within which deep disagreements rooted in differing ways of life can be peacefully mediated. Rawls’s method of avoidance seeks constitutional essentials within which the “real politics of negotiation and compromise” can take place within a framework that ensures peace, justice, and stability.

However, whether or not one agrees with Bellamy’s critique of Rawls and the others, of greater concern is the account of democratic liberalism itself. Here we find an approach which seeks to establish a liberal constitution through a “reconceptualisation of democratic mechanisms” (p. 38). This requires the devolution of power to a plurality of social groups and organizations coupled with a “federated institutional structure, . . . to enable the various elements of the social system to regulate their interaction and to resolve their disagreements” (p. 38). This approach is a quasi-Republican, deliberative view of democracy where citizens’ views and preferences are shaped and ranked within the democratic process itself. Crucially, this view has a “moral core” (p. 107) at its heart such that all citizens must hold the values of equal concern and respect for the opinions of others. Democratic liberalism requires that citizens adopt a particular view of civic liberty, one wedded to values of nondomination, mutual acceptance, and accommodation. When negotiating compromises, citizens must practice reciprocity and insist that “settlements which foster mutual understanding and respect have a moral significance in their own right” (p. 105). Consequently, totally self-regarding claims, arguments which rely on evidence that cannot be publicly assessed, or those views which brook no disagreement are automatically excluded as illegitimate and outside the democratic process of negotiation.

Bellamy’s approach is as unlikely to achieve a just and stable consensus as the approaches he rejects. The very basis on which a politics of compromise is possible crucially relies on the prior common acceptance of values which may be absent, differentially interpreted, or placed within a hierarchy such that conflicting values (e.g., religious duty) take precedence. Why think that the moral core is shared within a pluralist society? Consequently, in situations where there are deep disagreements resulting from fundamental differences in values, ideals, or interests, the likelihood of achieving consensus through political ne-
gotiation is very small indeed. Bellamy places too much faith in the process of politics. It seems naïve to expect any agreement on constitutional essentials, or anything else, if intractable problems such as the abortion issue become part of the political negotiations. Second, even if we accept that democratic citizens would hold Bellamy’s requisite set of core values, then it seems that the approaches offered by Rawls and others would be just as viable and in some ways more attractive. Reasonable citizens (for those who adopt the moral core are just that) would have little trouble in endorsing a political conception of justice knowing that the deep disagreements within a pluralist society would then be tackled within a framework that ensures civility within conflict.

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Buchanan, Allen; Brock, Dan; Daniels, Norman; and Wikler, Daniel. *From Chance to Choice: Genetics and Justice*. Cambridge: Cambridge University Press, 2000. Pp. 398. $33.00 (cloth); $23.00 (paper).

Recent genetical advances, especially the Human Genome Project, have stimulated the publication of many articles and books devoted to a wide variety of ethical issues. This book is different and stronger in two very important ways. First, it deals with more fundamental issues than the usual issues, such as genetic discrimination. These fundamental issues arise out of a recognition that the new genetics offers the opportunity to transform people’s natural genetic assets. Are we allowed, or required, as a society to do so because of considerations of justice? Moreover, may, or must, parents use these techniques in creating children because of considerations of parental freedom or obligation? Second, the approach the authors adopt is far more theoretical than usual. Answers to these questions are sought using sophisticated tools, such as recent theories of justice in health care and recent conceptual and moral analyses of the very notion of benefiting and harming the as-yet unborn.

The theoretical approach (pp. 11–14) adopted by the authors is clearly intended to go beyond a public-health-oriented consequentialist framework and a personal-service-oriented autonomy framework to incorporate justice-based concerns about equal opportunity and concerns about harming the unborn. Perhaps most would agree that the consequentialist and autonomy frameworks need supplementation and that concerns about justice and about harming the unborn also should be taken into account in thinking about genetic interventions. But many would argue that there are further moral considerations, considerations of deontological constraints, which need to be considered as well. Examples of constraints that have been mentioned include respect for genetic integrity and respect for the natural procreative process. These types of constraints lie behind the calls to ban cloning human beings, germline interventions, and genetic enhancements. The authors are quick to dismiss such views, calling them “moral firebreak[s]” which show a “lack of a systematic, principled account of why and how the choices of individuals should be limited” (p. 14). This lack
of sympathy to, and quick dismissal of, independent deontological constraints will come as no surprise to readers familiar with the other writings of these authors; the impact of such constraints, if any are acceptable, on the issues discussed by the authors remains to be explored.

Turning to the issue of the possible demand of justice to equalize genetically based inequalities of natural assets, the authors take as their point of departure the role of equality of opportunity in recent theories of justice. Noting that some only demand on grounds of justice the elimination of legal and informal discrimination, they opt instead for a level-playing-field conception of equal opportunity on the grounds that such a conception “has considerable appeal” (p. 66). They then turn to a complex analysis of the theoretical differences between different versions of the level-playing-field conception but conclude in the end that there is nevertheless considerable convergence in the social policy implications of these different views (pp. 82, 101, 148).

What are these different versions of the level-playing-field conception of equality of opportunity and what are the policy implications on which they converge? One is the Rawlsian view that equal opportunity requires counteracting opportunity-limiting effects of unjust social structures (e.g., being born into a discriminated-against group). The other is the view of such authors as Arneson and Sen that equal opportunity requires counteracting opportunity-limiting effects of brute luck (e.g., being born with genetic defects which severely limit one’s cognitive capacities). Initially, it would appear—as the authors themselves recognize (pp. 67–68)—that these positions have profoundly different implications for what justice demands about challenges to equal opportunity in light of genetic inequalities, inequalities which reflect brute luck but not unjust social structures. In a complex argument, extending over chapters 3 and 4, they suggest that the differences are not that great, at least in policy implications. The main theoretical steps in doing this are (a) identifying the Rawlsian position with Daniels’s normal-functioning claim that Rawlsian equal opportunity presupposes that the individuals to be protected against unjust social structures are normally functioning full participants in social cooperation and that individuals whose diseases prevent their normal functioning are therefore entitled to interventions, including genetic interventions, to restore that functioning (p. 74); and (b) limiting the demands of the brute-luck theory for genetic interventions by taking into account such considerations as value pluralism, concerns for liberty and efficiency as well as justice, and individual responsibility for our own preferences (pp. 79–81, 130–41). The policy convergence is to what the authors call “a genetic decent minimum” (p. 81), an emphasis on using genetic interventions to respond to the disabilities which most seriously limit opportunities, leaving open the question as to whether these are all cases of curing diseases as opposed to producing enhancements.

There are obvious questions to be raised about both of these crucial moves. The Daniels theory, even if endorsed by Rawls, does seem to go beyond the original intuition of those who wanted to understand equality of opportunity just as rectifying past social discrimination and allowing for no future discrimination. Is the convergence being produced in part by giving up much of the intuitive motivation lying behind this social-structure view of equality of opportunity? Moreover, the implications of the competing considerations for views
such as Sen’s and Arneson’s are more announced rather than established. As always, it is hard to be sure where theories balancing competing factors are likely to draw the balance.

Suppose, however, that our authors are right and that the theoretical divergence between these positions still leads to considerable policy overlap. Is that important for establishing social policy? They seem to think that it is, on the grounds that while all these theories can accept the demands for genetic interventions called for by Daniels’s normal functioning theory, the extra demands of any brute-luck account requires a “comprehensive moral view” that others might reasonably not accept, so it is best to “accommodate themselves to the political conception that includes only the normal functioning view” (p. 148). If, in fact, these were the only competing theories in our society about equality of opportunity, then this point would have considerable significance. But our authors themselves note that at least some liberals (and certainly many or most conservatives) would accept only the demand of eliminating legal and informal inequalities, and still others would be satisfied with also rectifying past injustices (p. 66). Many of these people would see Daniels’s theory, as well as Sen’s and Arneson’s, as presupposing a “comprehensive moral view” that they do not accept. So unless our authors classify all of these other positions as unreasonable (and provide us with support for that classification), they can hardly recommend the normal functioning view’s policy recommendations to our society as one whose demands are supported by all reasonable people without invoking a comprehensive moral view.

In chapters 5 and 6, the authors turn from considerations of social justice to considerations of parental choices and obligations to use the new genetics to produce better children. But the issues of social justice do not disappear from these chapters, since their complex analysis insists that social considerations apply even in the context of parental choices.

Arguing against those who object to parental choices to use genetics to enhance their children, the authors insist that there is in principle no difference between such genetic enhancements and the long-standing use of environmental enhancements to improve children’s abilities and opportunities. The success of this argument depends heavily, of course, on the earlier-noted issue as to whether there are legitimate deontological constraints limiting the use of genetic techniques. They do conclude, however, that there are limitations on the parental use of genetic enhancements, limitations related to uncertainty and risks (pp. 191–96), to the collective self-defeating nature of some enhancements (pp. 182–87), and to issues of fairness (pp. 187–91). Of particular importance is this last set of considerations, especially because of their commitment to a thick notion of equality of opportunity.

Their discussion of this point seems unsatisfactory. They claim that three factors will affect our assessment of the injustice of those who are better off using their greater access to new genetic technologies to enhance the opportunities of their children: the justice of the existing inequalities in society, the inequality in access to these technologies, and the benefits of the genetic enhancements (pp. 188–89). They draw no conclusions, however, about how these factors might affect our assessment of the use of genetic enhancements in our society. I am troubled by their invoking the first of these considerations given
their analysis, discussed above, of equality of opportunity. It seems more relevant to those whose conception of equality of opportunity is a limited conception than to those who adopt one of the variety of more extensive level-playing-field conceptions of equality of opportunity. I am also concerned about their willingness to accept these three factors as limitations on parental use of genetic enhancements without considering the implications of using the same factors to limit parental environmental enhancements. The closest they come to this is in their brief discussion of private and public education (p. 190).

Their discussion of the conditions under which parents might be required to undertake genetic interventions to prevent harmful conditions in their children is helpful but far from definitive. It occurs in the context of an extensive analysis and defense of a very expansive understanding of reproductive freedom. Despite this freedom, principles of not harming still apply, and these may give rise to parental obligations. They understand that the hard case is when there are possible preconception genetic interventions which will prevent conditions which are compatible with a life worth living but at the cost of insuring that a different child is born (pp. 245–46). Ever since Parfit’s discussion of this issue, we have all understood that the child conceived if the interventions are not undertaken is not being harmed, because it would have been deprived of a life worth living if the interventions had been undertaken. The authors conclude that a non-person-affecting principle is required to explain the harm done in such cases and they offer such a principle (p. 249). They recognize that there are problems in placing such principles into larger and fuller moral theories (pp. 253–55) but defer consideration of that task (p. 250).

I have in this review raised many issues about their analysis, and there are many others which could be raised. I hope that the discussion will also have shown the extent to which the authors have raised fundamental issues and advanced the discussion of these issues by the use of sophisticated ethical analyses. The field of bioethics needs more books like this one.

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Rethinking Intuition: The Psychology of Intuition and Its Role in Philosophical Inquiry.
DePaul, Michael, and Ramsey, William, eds. Lanham, Md.: Rowman & Littlefield, 1998. Pp. 335. $68.00 (cloth); $23.95 (paper).

This collection arose out of a conference on intuitions at the University of Notre Dame in April 1996. The papers in it mainly address two related questions: (a) How much evidential weight should be assigned to intuitions? and (b) Are concepts governed by necessary and sufficient conditions, or are they governed by ‘family resemblance’ conditions, as Wittgenstein suggested? The book includes four papers by psychologists relating and analyzing some empirical findings.
concerning intuitions and eleven papers by philosophers endorsing various answers to these questions.

The first section consists of the papers by psychologists. In these papers, the main target is the traditional philosopher who holds, inter alia, that the answer to \( a \) is “quite a lot” and the answer to \( b \) is the former, that there are necessary and sufficient conditions for most philosophically interesting concepts. If you like these answers, then you might spend your time Chisholming away at concepts like ‘justice,’ ‘knowledge,’ and ‘causation’—proposing snappy analyses and testing them against intuitions about possible cases. But if you don’t like these answers, you might prefer to make pointed criticisms of the presuppositions of such a methodology and suggest some more empirically defensible ways of coming to understand concepts. Indeed, this is just what the psychologists writing here do.

The papers by the philosophers are, very roughly, divided up according to their answers to these questions. The second section, titled “Rethinking Intuition and Philosophical Method,” consists of papers disagreeing with traditional philosophy about \( a \) or \( b \). (This section includes papers by Stephen Stich, Robert Cummins, Hilary Kornblith, Tamara Horowitz, William Ramsey, and Alvin Goldman and Joel Pust.) The really radical position, expressed most clearly by Stich, is that traditional philosophy is wrong on both counts. We need to bring much more empirical research to bear on explicating crucial concepts in ethics, epistemology, and so forth, and the explications we will end up with will not be short lists of necessary and sufficient conditions. The third section, titled “Defending the Philosophical Tradition,” contains, mostly, defenses of one of the traditional views. (This section includes papers by George Bealer, Richard Foley, Ernest Sosa, George Graham and Terry Horgan, and Michael DePaul.) The main aim here is to defend the value of intuitions as evidence; there is no explicit defense of the traditional view of concepts. Despite this neat rationale, the editors’ classification breaks down in a few cases. For example, in Kornblith’s paper he indicates substantial agreement with the paper by Graham and Horgan. So it is a little unclear why these papers are in these opposing sections. There is one other philosophical paper: Gary Gutting’s historical introduction is printed in a special “Introduction” section.

Three of the papers have the phrase “Reflective Equilibrium” in their title, so it might be expected that there would be some cutting-edge discussions about how to balance competing desiderata in achieving equilibrium. We don’t get such a discussion, and perhaps with good reason. With a nod in the direction of Goodman, Rawls, and Daniels, the writers mostly agree that if the aim of ethical or epistemological theory is, primarily, to systematize our intuitions, then reflective equilibrium (RE) is the way to do it. The papers here are, quite self-consciously, interested in the more basic question of whether that is what we want ethics or epistemology to do. I’ll conclude by saying a bit more about the papers which most clearly address this question. For the radicals, Cummins argues that “philosophical intuition is epistemologically useless” (p. 125). For the traditionalists, on the other hand, Michael DePaul argues that RE provides “close to a correct answer” to the question, “How should we conduct philosophical inquiry?” (p. 294).

Cummins compares evidence from intuitions to evidence from other
sources, like telescopes. He notes two related features of telescopes which, he 
thinks, makes them more trustworthy sources of evidence than intuitions. First, 
telescopes can be calibrated. We can apply telescopes to cases about which we 
have reliable independent evidence and see whether they deliver appropriate 
answers. For example, we can point a telescope at a distant mountain and see 
whether it looks the same through the telescope as it does up close and personal. 
If so, we can trust what it shows about places we have never before seen, such 
as heavenly bodies. If not, we not only learn that the telescope is untrustworthy 
but also may learn a little about the way in which it fails. Unlike telescopes, 
intuitions cannot be independently checked. They can only be checked against 
other intuitions. Hence, argues Cummins, they are untrustworthy. As Sosa notes, 
the comparison here may be unfair. Even though we can calibrate telescopes, 
we cannot calibrate observation as a whole. We can only calibrate particular 
 kinds of observations against other kinds of observations and particular kinds 
of intuitions against other kinds of intuitions. Intuition, in this respect, is just 
like observation, and since we trust observations, we should trust intuitions.

Cummins’s other critique is that what evidence we do have about intuitions 
suggests that they are artifacts of the process by which they are produced rather 
than reliable guides to their subject matters. The idea is that the presence of a 
certain intuition concerning fairness tells us more about the source of the in-
tuition (usually the person who has the intuition) than about fairness. If this is 
right, then intuitions are obviously not evidential. Cummins’s argument is that 
there are only five possible sources of intuitions, and examination of each sug-
jects that intuitions are artifacts of the process by which they are produced. To 
prove this, Cummins works through each of the five possible sources and argues 
for each that an intuition derived from that source has no evidential value. 
Argument by cases in this way, when there are five possible cases to cover, is 
ever going to be satisfactory. For example, one of the cases Cummins considers 
is that intuitions are evidential because they arise from possession of concepts. 
Something like this view is endorsed in the papers by Bealer and by Goldman 
and Pust. Cummins thinks this does not work because our concepts are just sets 
of beliefs. One’s concept of an elevator is just everything one believes about 
elevators. If anything like this is right, then the fact that we intuit that $p$ just 
means that we believe $p$ and that could not be evidence that $p$. But the theory 
of concepts he has in mind cannot be right. As Fodor has pointed out, it seems 
people can share concepts while having different beliefs involving those con-
cepts. Indeed, something like this must be right if genuine disagreement is 
possible. If possessing a concept just meant having certain beliefs, then it would 
be impossible for people with radically different beliefs about a subject to share 
concepts relating to that subject. Since such sharing is possible, concept pos-
session does not reduce to having certain beliefs. The main point is not that 
there is an insurmountable problem for Cummins here—maybe a more detailed 
discussion could show that his account of concepts is right and Fodor’s is 
wrong—but rather that with such a wide terrain to cover, a short argument is 
not going to win many converts.

Michael DePaul is much more content with intuitions playing a central role 
in philosophy. Indeed, he seems happy to let them do all the work. His paper 
imagines a dialogue between himself and a friendly bartender who wants to be told
all about how philosophy works. At some point in the conversation, DePaul’s character decides to present the new friend with an extended summary of how RE works. The friend is bemused that philosophers seem to only sit around and compare intuitive judgments. It does seem, notes the friend, a trifle self-indulgent. DePaul’s response attempts to defend RE by an argument that any alternative method would be irrational. Any alternative, argues DePaul, would have to (a) abandon reflection, (b) reflect incompletely, by leaving out certain beliefs, principles, or whatever enters into reflection, or (c) not allow results of reflection to influence final theory. As DePaul notes, it would be irrational to accept any of these options. DePaul acknowledges two possible criticisms here, criticisms which he admits he is not sure how to answer. The first is that it is not clear what is wrong with being irrational, at least in the sense DePaul has in mind. The second is that even if we have a reason not to be irrational, it is not clear how strong a reason this is and, hence, whether irrationality might be justifiable on occasion because it fulfills some greater purpose.

There is a third criticism that more closely reflects the problem raised by DePaul’s interlocutor. When someone says that philosophy should be about more than systematizing intuitions, they are not advocating alternatives to RE but, rather, supplements to it. The point of the criticism was that there must be other sources of evidence for moral or conceptual claims, other than just intuition. (This, apparently, is intuitively obvious!) DePaul provides a good response to someone who wants to say that intuitions have no evidential value at all. But he does not answer the critic who denies that intuitions provide the only evidence that might bear on philosophical problems.

This is a very useful collection to have published. A study of the role of intuition should be at the heart of any investigation into philosophical methodology. And such an investigation will have to take into account both the empirical findings about how intuition works and the philosophical considerations about how much importance should be attached to intuitions. The papers here do not look like the last word on any of these questions, but they are a helpful, and perhaps overdue, first word.

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De-Shalit’s new volume is one of the best books on environmental ethics ever published. It has the analytical rigor of Paul Taylor’s *Respect for Nature* (Princeton, N.J.: Princeton University Press, 1986) and the common sense and originality of John Passmore’s *Man’s Respect for Nature* (New York: Scribner’s, 1974). Nevertheless, it surpasses both of these classics in its clarity, practicality, and grasp of the relevant literature.

Beginning his monograph with the question, “Why is it that environmental ethics has had so little impact on environmental policy and politics?” De-Shalit focuses on two issues that dominate each of the two parts of his study. One issue
is answering the question he has just posed. The other is outlining a strategy for making environmental ethics more policy relevant. His two-pronged approach, in brief, is to diagnose current environmental ills and then to offer a two-part antidote: a politics of deliberative democracy and an ethics of Rawlsian “public” reflective equilibrium.

In diagnosing the failure of environmental ethics to be policy relevant, De-Shalit places the blame on four tendencies in environmental-ethics scholarship. In chapter 1, he faults ethicists for moving too rapidly away from anthropocentric environmental ethics and for overemphasizing metaethics, at the expense of political philosophy. His worries about the move from anthropocentric ethics are well founded, and he recognizes that effective political action requires that one connect environmental concerns to public-health issues and not merely to biological preservation or according moral standing to nonhuman beings. Most of the inhabitants of the planet are malnourished and hardly willing to take seriously the blind biocentrism of most environmental ethicists who argue for the biotic equality of plants, invertebrates, starving Africans, and well-fed Westerners. Likewise, effective political action requires that philosophers evaluate the actual institutions most able to promote authentic environmental consciousness and ethics. Instead of these evaluations, De-Shalit bemoans the fact that environmental ethicists have been too ready to engage only in their interminable metaethical debates, for example, over whether nature has inherent worth or merely intrinsic value.

Chapter 2 lays part of the blame at the door of ecofeminists and deep ecologists for thwarting the attempts of environmental ethicists to do policy-relevant research. De-Shalit’s complaint against the deep ecologists is that they practice a “politics of salvation” based on arbitrary intuitions and “spiritual authority” rather than on rational, democratic deliberation (p. 49). His worry about ecofeminism is that it is primarily a politics about gender relations. Although he believes ecofeminism is correct in its concerns, nevertheless De-Shalit complains that ecofeminists make environmental goals merely instrumental to their dominant feminist agenda (p. 50).

To reveal how various institutions might enable environmental ethics to become more policy relevant, in chapter 3 De-Shalit argues that liberalism provides an inadequate political philosophy to ground appropriate environmental ethics and action. Chief among his complaints are that, although liberalism has enabled environmental consciousness to develop, it cannot lead it to assess and to embrace sound environmental actions. The reasons are that classic liberal doctrine cannot distinguish between market preferences and genuine commitments to what is right. Liberalism is crippled by neoclassical economics, says De-Shalit.

Chapter 4 argues that a more viable foundational politics is that of communitarianism, but one not based on localism or geography and instead grounded in collective rational reflection. In chapters 5 and 6, De-Shalit spells out his “public” reflective equilibrium, introduced earlier in chapter 1. De-Shalit offers this Rawlsian extension as the model for the collective rational reflection, deliberative and participatory democracy at the service of environmental evaluation, that he proposes. Chapter 6 also defends a particular variant of demo-
cratic socialism, the planned economy, as an institution that is necessary to
ground effective environmental policy.

As a theoretical development of Rawlsian reflective equilibrium and as an
antidote for the excesses of biocentrism and intuitionism among contemporary
environmental ethicists, *The Environment: Between Theory and Practice* has much to
recommend it. It aims to keep environmental ethicists from the equivalent of
counting angels on pinheads or deck chairs on the *Titanic*. It shrewdly recognizes
(chap. 2) the problems with holistic ethics and with deep ecologists’ preaching
to the converted from the podium of their own subjective intuitions. It offers a
careful version of communitarianism more resistant to the standard objections
(chap. 4), and it answers some important complaints about the compatibility
between the paternalist tendencies of many versions of socialism and the delib-
erative, participatory democracy that De-Shalit proposes (pp. 176–83 ff.). The
volume also includes a wealth of insights about both environmental justice and
environmental risk assessment, and it addresses the main objections that a variety
of environmental ethicists are likely to have to its well-articulated positions.

Despite all these strengths, there are a few questions that De-Shalit does
not address in detail and that leave the reader hoping for more. Why does De-
Shalit so often conduct his analysis in the context of simple “isms”? For example,
he inveighs against capitalism and in favor of socialism, but the precise “isms”
he criticizes and defends are far more nuanced than such misleading labels
suggest. Another important question, arising out of his embrace of a variant of
communitarianism, is how a genuine global community is possible and why his
views are not merely utopian. And what analytic scheme or mechanism does he
propose to take the place of economic methods? Because he has no precise
alternative, one wonders if De-Shalit believes that recognizing problems with
contemporary economic methods is a sufficient condition for rejecting those
methods when, in reality, this recognition is only a necessary condition. Finally,
one wonders why De-Shalit did not discuss the importance of environmental
and political education, given their necessary contribution to his proposed move
from the current capitalistic oligopoly to the socialist, communitarian, delib-
erative, and participatory democracy that he defends.

Not everyone will agree with everything De-Shalit says. I have some reser-
vations about what alternative to neoclassical economics De-Shalit can provide.
But everyone is likely to applaud the Oxford clarity of his language and the
accuracy of his diagnosis of the ailments of contemporary environmental ethics.
Almost everyone is likely to applaud the insight and toughness that De-Shalit
brings to one of the most pressing political problems today. Almost everyone is
likely to welcome the Aristotelian ideal behind his project: that practical science
should guide our action, and not just our knowledge. More than a strategy for
uniting environmental politics and ethics, De-Shalit has given us a glimpse into
genuine ethical and political wisdom. His volume will become the standard
against which others are measured.

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The volume being reviewed collects these essays along with some writings that apply the theory to public policy issues. Taken together, these essays are an impressive achievement. The various essays have attracted some comment and criticism but nothing like the volume of response that would be commensurate with the philosophical interest of Dworkin’s proposals. One hopes that the republication of this material in book form (with an attractive cover that reproduces a painting by Johannes Vermeer) will stimulate a wider critical response.

The policy-oriented essays, some published as recently as 1998, extend the theoretical argument to some extent, but the core theory as presented here has not undergone any significant development since its original embodiment in separate essays. Nor does Dworkin respond here to critics of his published views except in one new and previously unpublished chapter that attempts a rebuttal of the criticisms by Gerald Cohen and Amartya Sen. Theoretically inclined readers who are acquainted with Dworkin’s prior writings on the subject may find the present volume a rehearsal of the familiar rather than a fresh start or a fundamental reconsideration and disappointing in this respect. Such readers will be glad to learn from this book’s introduction that Dworkin has new thoughts on systematic justice, expressed in a lecture on “Justice for Hedgehogs,” that will be elaborated in a forthcoming book. But my own view is that the older material collected here amply repays revisiting and rethinking.

As always, Dworkin’s prose is elegant and graceful, a sheer pleasure for the reader. This is too bad, I’m perversely inclined to think. Dworkin’s glittering prose reflects away difficulties that it would be better to absorb and either accommodate or fight. To switch the image, Dworkin’s gift for phrasing enables him to construct word bridges that generate the illusion of spanning problems and objections that rhetoric alone cannot resolve. Compare his work to that of such philosophers as Roderick Chisholm or Wilfrid Sellars, whose writings have the plain and ugly quality of a cafeteria table top that can hide no defect of argument. Of course, bad prose can be obfuscating and good prose clarifying, and Dworkin’s excellent prose is often profoundly clarifying; however, his excellent rhetoric can also be wonderfully and ultimately aggravatingly evasive. For an example of what I find troublesome, look at the distinctions he develops between critical and volitional interests and between the challenge and impact models of critical value in his discussion of how the theory of the good interacts with the theory of the right in chapter 6.

Dworkin’s forays into controversies concerning public policy address a variety of issues, including health care provision, proposed reforms of welfare state policies, affirmative action, the ethical implications of new genetic technology, campaign finance reform, and the constitutionality of physician-assisted suicide. On all of these topics, Dworkin writes at a high level of intellectual sophistication and with a passionate commitment to a liberal egalitarianism that is remote
from the terms of debate, set by conservatives, in contemporary American political discussions. Dworkin is ready for controversy, and even for verbal brawls, as the first sentences of two of the essays suggest. On welfare reform Dworkin writes, “The 1996 welfare reform act was a plain defeat for social justice” (p. 320). On the need for campaign finance reform, his analysis begins, “Our politics are a disgrace, and money is the root of the problem” (p. 351). Yet his tone never becomes merely querulous. A meticulous level of argument is sustained. Among academic philosophers who aspire to be public intellectuals, Dworkin, in my judgment, has no peer. The topical policy-oriented essays collected in this volume make up a third of its length and are well worth reprinting. Despite the great interest of this section of the book, in this review, I shall limit myself to commentary on the theoretical essays, which represent an even higher caliber of achievement.

Dworkin attacks the broadly utilitarian family of egalitarian views on distributive justice and espouses a position he calls “equality of resources.” This position is notable for its careful fusion of norms of liberty, responsibility, and equality.

The critique of utility-based approaches is prosecuted in the chapter entitled “Equality of Welfare.” His official target is the idea that justice requires bringing it about that people enjoy equality of welfare or utility, but the arguments, if successful, refute a broader and seemingly less controversial idea, that for purposes of distributive justice, the appropriate measure of the aspect of people’s condition that determines what we owe to each other is the welfare or utility they enjoy. The broader idea is a crucial component in a variety of candidate principles of distributive justice, including the views that we should maximize aggregate utility, maximize average utility, equalize utility, equalize utility at the highest possible level, maximin utility, leximin utility, prioritize utility (i.e., maximize a function of utility that gives extra weight to gains for the worse off), and no doubt others.

Against the ideal of equality of welfare, Dworkin urges that when we specify any particular conception of welfare, it turns out to be implausible to hold that justice is concerned with welfare on that conception. For one thing, under any given specification, many rational people do not care at all about welfare so construed, but a government does not treat people fairly if it manipulates them into attaining values they have no good reason to embrace and that are in that way alien to them. This is perhaps most obvious if we consider hedonistic theories of welfare. People reasonably orient their lives toward fulfilling goals other than happiness or enjoyment or pleasure or the like, and they are not irrational to eschew these hedonistic goals.

To avoid this result, we might instead embrace the conception of utility as life plan fulfillment, or what Dworkin calls “relative success.” This only creates new difficulties. An individual may develop an unambitious life plan because her circumstances are grim and unpromising, perhaps unfairly so, and might then attain a high level of fulfillment of this stunted life plan. Here, the degree to which one’s life plan is fulfilled is not a good test of whether or not one has received fair treatment at the hands of one’s society. Nor will it do to abstract from life plan fulfillment and identify a person’s utility with the degree to which her life as a whole is a success as she judges it. This is the standard Dworkin
calls “overall success.” The trouble with this conception is that people’s judgments of the degree to which their life is successful or valuable will differ due to differences in their perhaps idiosyncratic, capricious, or just plain wrong beliefs about what makes a life successful or valuable.

We might then shift to consider an objective conception of utility. But close examination of this alternative is not necessary, Dworkin thinks, because he supposes he has a master argument that undercuts all conceptions of welfare at once in one sweep. This argument begins with the thought that we need some baseline for determining what counts as a welfare deficit. After all, I cannot reasonably regret that I will not live for a thousand years—not in a way that generates a claim of distributive justice. But any sensible notion of reasonable regret about the quality of one’s life must appeal to some prior and independent norm of fair treatment by way of fair provision of resources. I cannot reasonably regret having a mortal life span, but I can reasonably regret being denied a fair share of health care and suffering diminished life expectancy as a result. The evident difficulty then is that any conception of utility proposed to serve as a component of a distributive justice standard must incorporate a notion of reasonable regret that already includes a notion of fair distribution of resources that logically preempts the space that the utility conception is intended to occupy.

But suppose the distributive justice measure of someone’s condition is her objective welfare—how well a life goes for the person whose life it is. The standard of interpersonal comparison is not subjective welfare, how well individuals think their life is going, but rather the degree to which each person over the course of her life attains goods that constitute a genuinely valuable life. Objective welfare needs no reasonable-regret baseline that inexorably smuggles in a non-welfarist standard of fairness. If justice requires equality of welfare, then one can reasonably regret not having the same objective quality of life that others on the average get. Dworkin’s master argument fails.

Many readers will have the antecedent conviction that utility or welfare cannot be the measure of what we owe one another according to distributive justice, so let us turn directly to Dworkin’s nonwelfarist equality of resources ideal. According to Dworkin, equality of material resources obtains in a society when all such goods are distributed by an equal auction in which all persons have equal bidding power, people are free to do whatever they choose with their resources so long as they do not impose external costs on others, and inequalities among people that develop over the course of their lives are due to their voluntary choices and option luck rather than brute luck. Dworkin stipulates that ‘option luck’ “is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk that he or she should have anticipated and might have declined.” In contrast, ‘brute luck’ “is a matter of how risks fall out that are not in that sense deliberate gambles” (p. 73).

Dworkin presses the logic of his position further in an egalitarian direction. Among the resources that people have to fulfill whatever ambitions they might adopt are personal talents and traits as well as material resources. A person who is legless has fewer resources than someone else whose situation is just the same except that the second person has two legs in good working order. A person
who is skilled at mathematics has more resources than someone else whose traits and circumstances are identical except that the second person has no native mathematical talent. Dworkin introduces two hypothetical insurance markets as an amendment to the notion of equality of resources as specified by an equal initial auction. In the disability insurance market, individuals who know the general statistical likelihoods that anyone might suffer from any disability (but not their own genetic endowment) and know their own tastes and ambitions can purchase insurance against contracting disability with the same equal money they use in the equal auction. In the talent insurance market, individuals who know their own traits and talents as well as their tastes and ambitions but who do not know the market price that their particular talents might fetch in their actual circumstances can purchase insurance against the contingency that they might turn out to have talents that generate low earning power. This talent insurance is also purchased with the same money used in the equal auction. Dworkin’s idea is that the idea of equality of resources defined by the equal auction and hypothetical insurance markets sets a standard that actual policies of the government are then supposed to implement so far as this is feasible.

From the equality-of-resources perspective, Dworkin regards egalitarian welfarism as defective in its handling of individual responsibility. The egalitarian welfarist society assumes responsibility for making the quality of life its members achieve desirable and equal. Society is deemed to be morally obligated to achieve this result, whatever individuals might choose and do for themselves. This stance deprives the individual of personal responsibility for the course of her own life and liberty in this regard. According to Dworkin, society is responsible for achieving a fair initial arrangement of the circumstances that individuals face. But how individuals choose to act and the goals they choose to follow in response to their circumstances must be their own responsibility. For this reason, one cannot regard one’s own preferences, aims, tastes, values, life goals, and ambitions as circumstances that one just finds or afflictions one suffers and for which one might claim coherently that one should be compensated in the name of justice. Each of us has the responsibility, which we cannot disavow, to make something valuable of our lives given a fair arrangement of circumstances. So argues Dworkin.

Dworkin bolsters this position by urging that we must interpret the value we seek to achieve in our lives on the challenge model. A good life has the quality of a good performance, like a well-executed dive. It is something the individual herself does, not something that can be done for an individual by another. Egalitarian welfarism wrongly supposes that welfare, what makes one’s life go well, is itself something that might be doled out by institutions and which society might be obligated to supply. Even though my judgments about what goals are worthwhile and what values are choiceworthy might be mistaken, my life can attain value only by my living my life according to my conception of how it should go. Other people cannot improve my life by overriding my own choice of goals even if they are right that my choice is defective any more than someone could improve my diving by doing it in my place.

This account is rich, profound, and consonant with liberal ideals of liberty and responsibility. I happen to think it is also profoundly wrong.

One might quibble with this or that detail of the complex equality of re-
sources ideal, but its basic conception is flawed. The responsibility it assigns to individuals is too stark and unforgiving. Suppose that someone starts with an initial equality of resources and voluntarily makes a foolish, self-harming choice. The choice is bad, and one then has bad option luck; the result is that one’s life from then on will be horribly grim absent further aid. In this situation, equality of resources condemns further aid to the individual, which would subtract from the equal shares owed to others. But I submit that in this case, the “punishment” the individual suffers is disproportionate to her “crime,” and distributive justice must be interpreted to require further provision of aid, contrary to the equality of resources ideal.

Notice also that among an individual’s talents and traits are talents at value forming, choice making, and choice executing. If my native talents along these dimensions are poor and this poor endowment leads me to make bad choices and make a mess of my life, it is too harsh to hold me fully responsible for my ambitions and my actions chosen to fulfill them. I must take responsibility to some extent for my ambitions, but I must also acknowledge the possibility that they might be deeply mistaken, whether or not the mistake is my fault. What I should want is to achieve not merely a life that I think good or that satisfies my current conception of the good but a life that is genuinely valuable and choice-worthy. What we owe each other as a matter of distributive justice is a fair opportunity to achieve a genuinely good life. So I say, but Dworkin’s antiwelfarist counterarguments merit the closest consideration, and this short review cannot do them justice.

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Elster’s purpose in *Alchemies of the Mind* is “to say something about the role of the emotions in mental life and in the generation of behavior” (p. ix). In *Strong Feelings*, he proposes to develop “parallel analyses of emotion and addiction, to bring out similarities as well as differences” (p. 6); both emotions and addictions are treated as cases of “strong feelings” (p. xi). Given the overlap in the aim of the two books, I shall treat them together, considering how what Elster says about emotions and addictions holds up in the development of the parallel analyses. The richness of his informational base makes Elster’s discussions interesting; he draws on anthropology, history, literature, philosophy, and psychology. Whether the discussions are sufficiently informed with conceptual coherence to make them instructive is another matter. About emotions in general Elster has this to say: “The emotions can be characterized by a number of features that are immediately observable, prior to any scientific analysis. Although . . .
none of them are necessary features of all states that intuitively or pre-analytically qualify as emotions, each plays an important part in emotional life” (Strong Feelings, p. 25). Among the features which characterize emotions for the most part, Elster takes physiological arousal and hedonic valence to have special importance; it is in virtue of these features that emotions are strong feelings. He explains, “Familiar symptoms of emotional arousal include pounding of the heart, loosening of the bowels, lumps in the throat, nausea, and so on” (p. 36). Hedonic valence, for Elster, is to be understood in terms of “the fact that emotions are experienced as pleasant or painful” (p. 40). By and large, emotions are also triggered by “beliefs” and involve “urges or impulses” to action (pp. 31–35, 38–40). The belief that I have done a wrong to someone, for instance, may trigger guilt; my guilt may move me to make atonement.

In developing a parallel account of addictions, Elster also considers observable features which typically characterize them, especially the involvement of hedonic experience and craving. About the first, he says that “drugs and addictive behaviors have the capacity to induce pleasurable and even euphoric states. . . . Abstinence after a prolonged use may produce discomfort and dysphoria” (p. 60). The related idea of craving is introduced as follows: “All addictive behaviors seem to go together with some form of craving. The idea of craving—the most important explanatory concept in the study of addiction—is complex. If viewed hedonically, it includes the ‘pull’ of euphoria as well as the ‘push’ from dysphoria” (p. 62). Of course, drug use and withdrawal may involve notable physiological change. Elster also observes that “addictive cravings too can be triggered by the belief that a drug is available and be extinguished by the belief that it is unavailable” (p. 2).

So, in terms of the immediately observable features which characterize them, Elster defines the analogy between emotions and addictions: he considers both to be strong feelings in virtue of physiological arousal and hedonic valence. Strong feelings of both kinds may also involve action tendencies and be triggered by belief.

The chief difference between emotions and addictions concerns their relation to belief. Elster explains: “Euphoric or dysphoric states associated with emotion are, by and large, triggered by beliefs. Euphoric and dysphoric states associated with addiction are, by and large, triggered by the injection of a chemical substance and its withdrawal from the body” (p. 195). With this difference, Elster points out, goes another: “Whereas the neural pathway by which the chemical produces its effects is now being elucidated, the chemistry of the belief . . . and the effect of the belief on the reward system in the brain are likely to be vastly more complicated” (p. 5).

Elster’s view, then, is that the similarity of emotions and addictions cannot be made out on the level of common causal history; they are not homologous. Substance addictions, at least, are known to be rooted in determinate brain chemistry, while emotions, with their dependence on beliefs, are not. The analogy is constructed on the basis of observable features which, for the most part, characterize emotions and addictions (see pp. 8–9). This, however, does not mean that emotions and addictions do not have similar effects.

The motivational effects of emotions and addictions are Elster’s primary interest in Strong Feelings. Before turning to the matter of motivation, however,
certain aspects of the emotion-addiction analogy require attention since they substantially affect the motivational force of emotions and addictions.

Simply listing characteristics which intuitively recognized emotions and addictions usually seem to have leaves open what emotions and addictions are and what emotions and addictions there are. Elster recognizes this (p. 12), but nothing is done to analyze the features which characterize emotions and addictions or to regimint the categories in the light of such an analysis. This leaves the analogical foundation of Elster’s claim that emotions and addictions alike are strong feelings insecure.

Beliefs may affect addictive cravings; emotions are at least usually occasioned by beliefs. It is, however, a mistake to suppose, as Elster does, that emotions and addictions are more or less alike in belief dependency (p. 3). There is nothing whatever which must be believed to be addicted to nicotine, for example; the addict just craves the substance. That addictive cravings may be affected by beliefs does not mean that they are belief dependent at all. Emotions which Elster considers, like envy or shame, on the other hand, are belief dependent. If there is not belief that another has something one wants, or that one is in some way open to disapproval, there is no envy or shame.

A drug-induced high may be pleasant and withdrawal unpleasant, and Elster thinks that emotions, too, are generally experienced as pleasant or unpleasant. Emotions, however, have a hedonic character that the drug-related states do not share. Emotions are ways of being pleased or displeased about states of affairs represented by the emotion. If I am glad that I made the flight, I am pleased that I made the flight; if I am sorry that I missed the flight, I am displeased that I missed the flight. On the other hand, however pleasant drug use, or unpleasant withdrawal, it does not amount to being pleased or displeased that anything is the case.

These points about the belief-dependence and hedonic character of emotions and addictions are related. If a man is envious or ashamed that \( p \), he believes that \( p \), and that is what he is displeased about. A man who experiences the unpleasantness of withdrawal need have no belief; there is no state of affairs he is displeased about. As will become clear, this matters for motivation.

In Alchemies of the Mind, Elster’s chief concern is with motivational effects of emotions, which in Strong Feelings he holds to be parallel to those of addictions. “Most studies of the emotions have a static character,” Elster observes, “in the sense that they aim at explaining how emotions arise or affect behavior in a one-shot situation” (Alchemies of the Mind, p. 410). Thus it is often noted that emotions have characteristic action tendencies: the action tendency of shame is to hide; of guilt, to make atonement; and so on (p. 282). What interests Elster is, rather, “emotional dynamics”—“how a given emotional event can set in motion an emotional chain or ‘wildfire’ with consequences far beyond those of the initial episode” (p. 411).

Elster takes the experiential hedonic properties of emotions to account for their motivational effects. “Subjectively,” he says, “emotions matter because we feel them strongly, and because they can be intensely pleasant as well as intensely unpleasant” (p. 403). He continues, “There is an urge to eliminate painful states and maintain pleasurable ones” (p. 407). According to Elster, what seventeenth-century French moralists called \textit{amour propre}, which takes the forms of a desire...
for esteem and a desire for self-esteem, is also a central factor in emotional
dynamics (p. 85).

The kind of case which especially interests Elster is one in which “emotions
may affect emotions, and, through them, emotions and, through them, behavior”
(p. 330). He provides an example: “Envy causes shame which induces a belief
that the situation is one which justifies righteous indignation and subsequent
punishment of the target person” (p. 330; see also pp. 98–99). In this emotional
scenario, motivational force is conceived in terms of the experienced hedonic
valence of emotions determined by considerations of *amour propre*. Envy and
shame are unpleasant emotions involving assaults on our self-esteem and the
esteem of others; righteous indignation casts us in a superior light and is a
pleasant emotion.

As strong feelings, Elster takes emotions and addictions to have parallel
motivational force. Whether emotional motivation is assimilated to that of add-
ictions, or conversely, this central claim breaks down.

In addiction, a man may be motivated to manipulate his own experientially
hedonic states. An alcoholic, for instance, may drink in pursuit of a high or to
get over the jitters of withdrawal. Emotional motivation, Elster thinks, is similar:
“There is an urge [with emotions] to eliminate painful states and maintain
pleasant ones. Painful emotions, in particular, can have strong effects” (p. 407).
Were this the case, however, the “elaborate game of emotional hide-and-seek”
(p. 330) on which Elster focuses in considering the motivational effects of emo-
tions would be otiose: a woman would more naturally be motivated to relieve
the unpleasant experience of envy or shame by taking an analgesic.

In general, Elster does not conceive of addictions or emotions as having
merely medicative motivational effects. Rather, he says, “by virtue of the high
levels of arousal and valence they induce, emotions and cravings are among the
most powerful sources of denial, self-deception, and rationalization in human
life” (*Strong Feelings*, p. 200). Thus, addictive motivation is described as follows:
“More generally, the addict can respond to his predicament in one of three
ways: by escaping from his awareness of it, by denying it, and by trying to quit.
The alcoholic, for instance, may drown his guilt in alcohol, affirm that he is
only a social drinker, or join Alcoholics Anonymous” (pp. 73–74).

The addict’s predicament of which Elster speaks is the predicament of
emotional ambivalence. “Many addicts,” he observes, “have two strong desires:
the desire to consume and the desire to stop consuming” (p. 74). The desire
to consume, of course, is driven by neurochemical dependency; the addict is
unable to simply quit. The desire to quit, on the other hand, arises with the
realization of the devastating effects of drug use and the high level of social
disapproval. It is with ambivalence and attendant addiction-related emotions
that addictive motivation comes to resemble emotional motivation—because in
this way, the addict’s motivation comes to be emotional. His motivation does
not spring from addiction alone. The only motivation the addict has as such is
to use drugs, to manipulate his hedonic experiences, to relieve his pain or to
pursue pleasure. The ambivalent addict who has some self-awareness and ex-
periences guilt or shame is displeased about using drugs and about what he has
become. Because of these emotions, the addict may be motivated to deny or to
change what he is displeased about.
Elster does appear to recognize the importance of guilt and shame in motivating the addict’s denial, rationalization, and development of self-control strategies. Still, he takes these emotions to be only effects, or “secondary features,” of addictions. It is the “primary features” of arousal and experiential valence which he holds to define the analogy between addictions and emotions and to account for their parallel motivational effects (pp. 7–8).

If Elster wanted to say only that addictions in humans tend to generate powerful emotions like guilt and shame, which have diverse motivational effects, this would be obvious and uncontroversial. What he wants to say, rather, is that addictions and emotions are analogous as strong feelings and have parallel motivational effects; and this is simply false.

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We are used to believing that it is always better to have more freedom and more knowledge. In his new book, Jon Elster turns this purported wisdom on its head. He argues that “less is more”: it is sometimes better to have fewer options and less knowledge about them. These constraints are of different kinds. Elster distinguishes between incidental and essential constraints. Essential constraints are chosen for the sake of some expected benefit to the agent. Incidental constraints, on the other hand, provide the agent with benefits but are not chosen for the sake of these benefits. Elster also distinguishes between reasons for precommitment and devices for precommitment. Drawing on a vast amount of historical, sociological, and psychological data, Elster takes great pains to point out which reasons are best served by which devices. Indeed, one could see this as one of the greatest merits of his book.

The first chapter is a discussion about why and how individuals may restrict their own freedom. The focus is on how individuals may use self-binding devices to protect themselves from passion, preference change, and time inconsistency. Elster discusses the possible combinations of reasons and devices for individual precommitment seen as an essential constraint. He mentions the obvious reasons, that is, overcoming passion or addiction, and the well-known ways of acting on them, for example, making it more costly to express passion or to take drugs. This discussion just fills in some of the gaps of his earlier book, Ulysses and the Sirens. In his new book, he moves beyond this all-too-simplified picture. For instance, he acknowledges that passion, not just rationality, has a capacity for self-binding. As a case in point, he mentions that in America during World War II, listeners to radio appeals for funds telephoned immediately in the heat of passion because they wanted to commit themselves before they “cooled down.” Elster also critically examines the idea that passion can be a device for self-binding. It has, for instance, been argued that if you want to make credible threats, it might be a good thing to have a disposition to feel anger when people do not placate you. Elster’s discussion of time inconsistency is also further elab-
orated in his new book. We may deviate from an earlier adopted plan, Elster observes, not only because we discount the future but also because we strategically interact with other people in making promises and threats.

The second chapter extends the discussion to groups and asks whether constitutions can be seen as collective analogues to self-binding. Elster argues that there are several important disanalogies with individual precommitment. First, constitutions are often incidental constraints. Supermajorities may be to the benefit of the group, since they prevent cycling majorities, but they have never been chosen for that purpose. Second, they may bind others than the founders of the constitution. As an example he mentions the French constitution of 1791, according to which the king cannot cause any body of troops to pass within thirty-seven miles of the legislative body. Third, constitutions may not literally bind people, but only make it more difficult to change certain laws. These differences notwithstanding Elster thinks that it is sometimes meaningful to talk about constitutional precommitments, for instance, when a constituent parliament unanimously decides to give up some of its power to another part of government.

Finally, the third chapter deals with the role of constraints in the creation of works of art. Elster’s main claim here is that the value of the creative product may be enhanced if the creative process is constrained in certain ways. These constraints can be imposed either by the artist herself or by external factors. As an example of the first kind, Elster mentions the French author George Perec, who wrote the novel *La disparition* without using the letter ‘e’. But self-imposed constraints need not be this eccentric. Elster argues that in creating a work of art, the artist always has to choose constraints to work within, including material, time, and budget limits. Indeed, Elster claims that when the artist tries to transcend all genres—as he thinks some modern artists are doing—the result is usually disappointing. As a vivid illustration of the usefulness of external constraints, Elster mentions the Hays Code in Hollywood in the thirties and forties, which constrained movie directors to use indirect means in depicting certain controversial topics such as sexual behavior. The positive effect was that many directors used subtle methods to convey controversial content and thereby left a lot to the viewer’s imagination.

Even though Elster has succeeded in presenting a very rich and stimulating discussion on the role of constraints in various contexts, some of the arguments in the book are flawed. I will focus on a few I have spotted in the first and third chapters, and I will end with a more general assessment of Elster’s overall project.

In chapter 1, Elster criticizes Gary Becker and Casey Mulligan, who claim that agents may take steps to overcome their time partiality in response to problems of discounting of the future. Elster argues that this is conceptually incoherent. People cannot take steps to reduce their discount rate, since “*to want to be motivated by a long-term concern ipso facto is to be motivated by that long-term concern*, just as to expect that one will expect something to happen is to expect that it will happen or want to become immoral is to be immoral” (p. 28, italics in original). This is puzzling for a number of reasons. First, Elster seems to conflate first-order and second-order preferences. When I am future oriented my attitude is directed at my future well-being, but when I want to be future oriented my attitude is directed at the state of affairs that I care about my future.
Second, the examples Elster gives as analogies are not convincing. Surely, my expectation that I will expect something cannot be the very same thing as my expectation that something will happen. This would again be to conflate first-order and second-order attitudes. What can be argued is that beings who trust their own rationality expect what they expect they will expect. When it comes to the second example, it is true that some moral theories would say that it is immoral to want to be immoral, but not all do. Utilitarianism, for one, may tell us to desire to be immoral if that is the only way to promote overall goodness. So it is a substantive normative issue, not a conceptual one, whether it is immoral to want to be immoral.

In his discussion of precommitment as a device to protect cultural practices, Elster complains that Akeel Bilgrami’s notion of fundamental commitment cannot explain the attitudes minority speakers have toward their mother tongue. By a fundamental commitment Bilgrami means a desire we would want to have satisfied even in a case where we did not have that desire. Elster argues that the desire to maintain a minority language usually cannot be seen as a fundamental commitment, because then the speaker would have to prefer a world in which his fellow minority members speak it and he does not, to one in which nobody speaks it. According to Elster, the opposite preference is to be expected because the desire to communicate is usually stronger than the desire to save a linguistic community to which they do not belong. This is based on a confusion, however. If my desire that we speak our minority language is a fundamental commitment in Bilgrami’s sense, I want us to speak this language even in a situation in which I no longer have this want. So, it is not conditional on my wanting to speak the language. But it can still be conditional on my speaking the language.

In the third chapter, Elster launches an attack on art forms that try to avoid aesthetic choice. He is particularly upset by John Cage’s infamous work 4’33”, which consists of periods of silence. Elster accuses Cage of being unserious and that the most charitable interpretation is that his work is a “gigantic and successful put-on” (p. 245). It is therefore “devoid of aesthetic interest” (p. 246). If Elster can’t be more charitable than this, I am not very impressed. For he does not even mention one of the most obvious interpretations, that is, that the work is aimed at getting the audience to listen to the sounds produced by themselves and their surroundings. These, I admit, are quite picky criticisms and they need not threaten the main argument of the book. The problem is, however, that there is no main argument. As Elster puts it in the coda, the book is instead an exploration of some themes that are somewhat arbitrarily grouped together. Nevertheless, Elster thinks that his discussion will provide some conceptual categories that might become the building blocks of a general theory of constraints. I have doubts about this overall project. The problem is that Elster works with such a wide notion of constraints. Constraints need not be intentional, and they can bind both individuals and groups. Furthermore, they need not literally bind actions; they may only delay options, make them more costly, or limit our knowledge about them. Indeed, in section III.4 of the third chapter, Elster extends the notion of constraints so that it even includes artistic conventions such as the Alexandrine verse. I cannot see that anything interesting and systematic can be
said about constraints at this very general level. A general constraint theory seems therefore to be a nonstarter.

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Enthusiastically throwing in his lot with the ever increasing chorus of those who wish to reject the “traditional” reading of Hegel in favor of a more up-to-date, less metaphysically ambitious interpretation of Hegel, Paul Franco gives us a detailed synoptic overview of how to interpret Hegel along less inflated lines in his new book. If the old Hegel was a theorist of how God realized his intentions through a grandiose plan of world history that used some individuals and discarded many others along the path of its realization, the new Hegel is far more likely to worry about more down to earth issues, such as the role that individual choice ought to play in political life.

In particular, Franco wants to show how the new Hegel is deeply concerned with the very modern issue of freedom, which Franco takes to mean “being determined by those desires or impulses that reflect one’s own most authentic or spiritual nature; it means radical self-dependence or . . . autonomy” (p. 3). Thus, far from being a theorist of our subordination to God’s plan for us, Hegel is instead a theorist of autonomy and of the implications of our holding fast to a conception of ourselves as such radically free, self-determining agents. In particular, Hegel is said to offer an intriguing, maybe even decisive, alternative to the standard “liberal” conception of freedom as the satisfaction of unimpeded desire.

The book basically falls into two parts. The first part is a lengthy account of Hegel’s development from seminary student to the author of the *Phenomenology of Spirit,* all traced out in terms of how Hegel developed his conception of freedom in those early works. The second part is a lengthy and quite detailed commentary on Hegel’s basic work in political theory, the *Philosophy of Right.* The two parts are quite independent of each other, with the first part serving mostly to demonstrate to skeptical readers of the second part that Hegel’s concern with freedom was not new with the *Philosophy of Right* but had been there all along since his student days in the Protestant Seminary at Tübingen.

Franco claims that such a close reading of Hegel’s later work is justified because it “represents the most profound and systematic attempt in the modern world to understand the state as the realization of human freedom” (p. 342). What then is that freedom? On Franco’s reading, for Hegel, freedom is most genuinely “rational freedom, the willing of the universal that corresponds to the universality of the human essence” (p. 344). Moreover, “to have the capacity for self-determination is not simply a contingent or historic acquisition; it is what it is to be a human being, what distinguishes human beings from animals. . . . It is not merely a contingent or historic disposition; it is the rational destiny of human beings. . . . The metaphysical status of this argument would seem hard
to deny" (p. 186). The problem for political philosophy is to understand just how this metaphysical "essence" is appropriately or inappropriately "actualized" in determinate modern social and political institutions. Franco thus sharply rejects that line of recent interpretation of Hegel (such as that offered by, among others, Robert Pippin), which sees Hegel's conception of freedom as signaling a historic and social achievement rather than as expressing a timeless metaphysical capacity.

It is part of Franco's project to read Hegel in a way that locates him firmly in the line of thought initiated by Kant and which also puts him squarely at odds with all those modern theorists such as Rawls who at least claim that their theories are "political" and not "metaphysical." What then are the advantages of such a metaphysical approach to politics? Franco mentions a couple: "At no point does it appeal to history" (p. 137) and thus it not "historicist"; it is "philosophical or conceptual analysis" (p. 139) that aims at "detecting and understanding the affirmative aspect that lies beneath the motley surface of existing arrangements" (p. 137), and it expresses "our deepest intuitions about freedom" (p. 348).

Franco thus clearly breaks with those other less metaphysical interpreters of Hegel, such as Allen Wood, since Franco claims that to understand the import of Hegel's political philosophy, one cannot see it (as Wood indeed does) as "separated from his speculative philosophy"—even though, as Franco points out, it cannot be "deducible" from it (p. 140). Accepting Hegel's speculative program, however, also involves accepting that, "against Kant, there can ultimately be no distinction between subject and object, concept and reality" (p. 151), a claim which, Franco tells us, "is less metaphysical than epistemological. ... He is trying to show what a concrete understanding of the objective world must look like, given the purposiveness of the concept and of thinking in general" (p. 192).

What does this mean for freedom? To be really, genuinely free is to have a "rational will," which "has an objective character which cannot be reduced to the subjective consent of the individual" (p. 177). This is reconciled with the notion of self-dependence in that "only the rational will has itself, its freedom and its universality, for its content" (p. 178), which marks an advance on a Kantian conception of autonomy since the latter "fails to come to terms with nature, particularity, and otherness in general" (p. 179). The theory of freedom, therefore, has to do with which institutions and practices best "embody" or "realize" this timeless essence of humanity as it is realized in individual people and their communities.

That, of course, sets the bar quite high. For such a theory to be adequate, it has to give some account of how to determine whether certain institutions are good realizations of freedom and whether others are not. On that mark, Franco's exposition is a bit less satisfying. He does say, for example, that the "central significance of the corporations . . . is that . . . in them, individuals begin to go beyond the individualism and selfishness that characterize civil society and make the universal, the common good, their explicit purpose" (p. 275). (Franco also says the same thing quite roughly about the estates.) However, how do the estates or the corporations do this any better than some other alternative institutions? At some points, Franco even makes Hegel sound posi-
tively like Hume in his views about how desires and social order are to be reconciled: “For Hegel, again, subjective satisfaction is not absolutely opposed to the objective ends of freedom and morality. . . . These two things . . . must ultimately work together” (p. 212). Moreover, where Hegel’s own proposals fall afoul of our current views, Franco discards them. For example, like every other known contemporary commentator, Franco disavows himself from Hegel’s views on women and their place in both the family and in civil society; he is certainly right to do so, but that does not answer the basic question about the basis on which we decide whose views—ours? Hegel’s?—are the best indicators of what counts as the best available realization of the human essence. Like many other commentators, he notes that Hegel’s views on this matter are “outmoded”; but what does being outmoded mean in the context of realizing one’s essence? Is it a matter of discovering new empirical facts? If one eschews appeal to Hegel’s theory of history—of its taking the shape it does because of the very determinate ways in which agents over the long run find that they can no longer live with the norms that have shaped their lives—it is difficult even to see how there could be any answer to such a question without some other, more detailed account of just how we are to discriminate among all the competing claims to better and worse “realizations of freedom.”

When Franco pursues his own fine-grained commentary on the *Philosophy of Right*, it is perhaps not surprising that he does not attend so much to that issue as much as he does to more scholarly and comparative points, but the issue comes up again and again. He is quite good at elucidating whether what Hegel says in one part of his work is consistent with what he says in other parts, and he is also on firm ground in bringing out how what Hegel says cannot be squared with many of the views that are often imputed to him (such as his being a communitarian, as some have maintained), but for the most part, Hegel is simply credited for his having anticipated or been one of the first to have noted a particular problem in modern life. (In particular, Hegel is credited with all kinds of Burkean and especially Tocquevillean points.) The tensions in such an account, though, come out in Franco’s criticisms of those who impute a pre-modern or early modern conception of freedom to Hegel. On the “classical view,” to “bring reason to bear on practical life . . . is to bring the individual into line with the rational order that inheres in nature,” whereas Hegel’s view of rational self-determination is not “linked to a teleological understanding of nature” (p. 184). Franco’s Hegel nonetheless has an essentialist conception of human nature, and the individual is genuinely free only if she brings herself into line (or is brought into line by educational institutions) with that essence, as Franco quite often stresses (see, e.g., p. 255).

Thus, although Franco’s elaborate and detailed readings have the interpretive merit of showing how Hegel’s thought hangs together as a whole, they fall short of showing how Hegel’s thought really is, as Franco says it is, the “most profound” of the modern philosophies of freedom. Indeed, when push comes to shove, Franco is at pains to show how any of Hegel’s own solutions stand up to the test of time. On the family, he is outmoded; likewise, his theory of the corporations and the estates is outdated, and his theory of the state is also too out of date to be of much use to us now. Hegel’s theory is reduced to a set of insights, some of which he was the first to have and some he shared with other
theorists of the same historical rank, and its lasting importance is that his theory of freedom as self-determination in the sense of realizing our rational essence "brings out more clearly than other—especially negative—conceptions just what we understand by freedom and why we find it valuable" (p. 348). There is not much said, though, of how we might take such a theory of the "realization of our essence" in contemporary terms or whether such a theory might even prove promising, given how outdated Hegel’s own specific views are and given the ambiguities remaining in deciding what counts as a "true" realization of metaphysical freedom.

Franco also wants to claim that Hegel does not rely on history or "what is" to justify his claims about what is and is not a genuine realization of freedom, and he uses this to explicate what Hegel means by "ethical life" (Sittlichkeit). The institutions of ethical life (family, civil society, and state) are "brought about through the subject's own activity" (p. 223), which shows how "ethical life bridges the gap between the 'is' and the 'ought,'" although exactly how it bridges that particular gap is not entirely clear. Part of the answer to that worry seems to lie in Franco's assertion that from "the actualization of that universality that represents the destiny and deepest essence of human beings . . . it follows . . . that there is an obligation or duty to belong to it" (p. 285). The problems, of course, lie in determining exactly how it follows from our essence (which "just is") that we have an obligation or duty to belong to those institutions that realize that essence and in determining just which institutions actually do (best) realize it. Indeed, this view of the relation of essence and obligation seems to mirror the argumentative structure of the classical understanding of freedom (if not the specific terms) that Hegel was at pains (as Franco rightly argues) to reject. The issue is a thorny one, and Franco's clarity about the particular metaphysics he imputes to Hegel has the merit of making it quite apparent where Hegel stands on certain contemporary debates; on Franco's reading, both Hegel and the classical understanding are definitely on one side of the divide, and people like Jürgen Habermas, who argue for a "postmetaphysical" ethics and politics, are on the other. Maybe that is where Hegel's thought really belongs; on the other hand, maybe there is still another Hegel out there who is also a participant in those postmetaphysical contemporary debates.

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The focus on natural law in these two volumes is narrow. Neither Grotius nor Pufendorf has an entry in the index of the collection of essays edited by Robert
George. Grotius but not Pufendorf is listed in the index of the collection edited by Edward McLean; however, Grotius is mentioned only once and then only in passing. The essays in both volumes are concerned almost entirely with the versions of natural law currently discussed in Roman Catholic circles and their roots in the thought of Thomas Aquinas.

The essays in George’s collection are the fruits of a conference on the work of Germain Grisez. Along with Joseph Boyle and John Finnis, Grisez has played a major role in developing the so-called New Natural Law Theory that has been the subject of considerable debate in recent years by Catholic theologians and philosophers. The eight essays are grouped topically into sections on ethics, metaphysics, and politics. In the section on ethics, William E. May leads off with an essay that provides an overview of the structure of Grisez’s moral theology. Benedict M. Ashley, O.P., criticizes the use Grisez makes of biblical texts. Writing from the perspective in Catholic moral theology known as proportionalism, Edward C. Vasek, S.J., criticizes Grisez’s attempt to defend the prohibition of contraception endorsed by the ecclesiastical hierarchy of the Roman Catholic Church, most notably in the papal encyclical *Humanae Vitae*. Ralph McInerny concludes the section with a study of practical reason in the works of Aquinas.

In the section on metaphysics, Kevin L. Flannery, S.J., tries to prove Aquinas’s first principle of practical reason, according to which good is to be done and pursued, and evil is to be avoided, using an argument analogous to the one employed by Aristotle in support of the principle of noncontradiction. Arguing chiefly against Cartesian dualism, Patrick Lee tries to show that human persons are essentially biological organisms. In the section on politics, Gerard V. Bradley argues that the practical way to obey the exceptionless norm against intentional killing in any society with a prison system involves abolishing capital punishment, and Finnis argues that Aquinas’s theory of the specifically political common good sets limits on the extent to which the state can use law to make people virtuous. The book ends with a reply to the other contributors by Grisez and Boyle and a journalistic account of Grisez’s life by Russell Shaw that is part interesting biography and part sheer puffery.

I think most of the work in this collection is quite parochial in its range of philosophical and theological engagements. Though human action is, for example, a topic taken up in several of the essays, their authors make almost no contact with the recent philosophical literature in action theory. Even the late Alan Donagan, whose important work in action theory was heavily influenced by Aquinas, is only mentioned once in passing in the book. Similarly, none of the authors tries to enter into dialogue with contemporary philosophical work on practical reason whose sources lie outside his own school of thought. None of them pays any attention to the theories of major figures in Christian ethics of the modern era or on the current scene who do not belong to a narrow ingroup. It therefore seems to me the book has almost nothing to say to anyone outside the small circle of people who already have a stake in the debate about New Natural Law Theory internal to Roman Catholic moral theology.

However, Finnis’s essay deserves to be singled out for praise. It shows an impressive command of Aquinas’s texts and argues persuasively for its interpretation of his views on politics and the common good. Perhaps it will whet the appetites of some readers for the fuller discussion of this and related topics in

The essays in McLean’s collection are the texts of lectures delivered in the Goodrich Lecture Series at Wabash College. Following an introductory essay by McInerny, the other twelve essays are divided by the editor into four groups. McInerny argues that Aquinas’s first principle of practical reason, stated above, is a moral truth everyone knows. Four essays are contained in a group on natural law and history. J. Rufus Fears covers natural law in Greek and Roman antiquity; John Jenkins, C.S.C., discusses Aquinas; Timothy Fuller focuses on John Locke; and Alasdair MacIntyre treats natural law in what he describes as the culture of advanced modernity. The next group covers assorted topics in natural law theory. Virginia Black writes on human dignity, and George reflects on the relation of natural law to positive law. Russell Hittinger presents some interesting ideas about the relative merits of a constitution of enumerated powers and a constitution of rights for a federal government of the sort the United States has. Janet E. Smith mounts an impassioned defense of the ban on contraception favored by some Roman Catholics. The three essays in the third group are about the relation of natural law to various parts of positive law. Contract law is addressed by Edward J. Murphy, tort law by William N. Riley, and criminal law by Ian A. T. McLean. Charles E. Rice, whose essay is the sole member of the fourth group, speculates about the prospects for natural law in the twenty-first century.

Because they are the texts of lectures aimed at an undergraduate audience, these essays do not aspire to make substantial contributions to research in philosophy or theology. They are not meant to advance scholarly discussion, and they do not do so. I do not think philosophers or theologians would profit from studying them; in my opinion, the time it would take to read them would, for scholars, not be time well spent. Yet MacIntyre’s essay does raise an extremely important issue about natural law approaches to ethics. Such approaches are initially attractive to many people because they promise to yield ethical truths that can be known by human reason apart from religious revelation. The natural lawyers of early modernity, such as Grotius and Pufendorf, hoped to come up with ethical and political principles whose basis in common human reason would allow them to serve as a counterweight to the religious conflicts generated by rival claims to possess revealed truth. Perhaps McInerny is right that no one can reasonably reject Aquinas’s first principle of practical reason. But when one descends from the heights of abstraction where this principle resides to more specific moral principles and norms of natural law theories and then to their applications to issues such as contraception, one soon encounters doctrines that many people reject and apparently are reasonable in rejecting. MacIntyre correctly observes that a defensible natural law theory must be able to explain its own rejection by many people in the culture of advanced modernity. He argues that his version of Thomism, unlike the New Natural Law Theory, can provide such an explanation, adequate by internal standards, in terms of its account of human nature. The penultimate paragraph of his essay boasts that “if my arguments are sound and my conclusions are true, then many people will reject them” (McLean, p. 113).

MacIntyre wisely does not claim that his explanation is adequate when judged by standards other than those internal to his Thomism. I think it is not.
By my standards, the best explanation of the widespread and genuinely reason-
able rejection of Thomistic natural law theories in our culture will cite their
entanglement, recognition of which has become hard to avoid under modern
conditions of reasonable religious pluralism, with the theologies of a particular
Christian denomination. This entanglement does no harm as long as it is open
to view, as it is, for instance, in the essay by Rice, which explicitly appeals at
crucial points in its argument to the religious authority of Pope John Paul’s
recent encyclical Veritatis splendor and to comments on it by Cardinal Joseph
Ratzinger. But it becomes pernicious when it is masked, as it often is, by the
now untenable claim that Thomistic natural law theory relies only on common
human reason. In fact, it relies on a form of reason internal to and decisively
shaped by the commitments of a religious tradition that is simply one among
the many reasonable traditions of inquiry in the modern world.

Neither of the books under review makes a significant contribution to moral,
political, or legal philosophy. McLean’s collection is not addressed to an audi-
ence of philosophers. Most of the work in George’s collection is simply too
insular and inward looking in its concerns to be of general philosophical interest.

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Louden, Robert B. Kant’s Impure Ethics: From Rational Beings to Human Beings.

It must surely count as a historical irony that Kant is now viewed as the most
rationalistic and disembodied of moral philosophers, though he lectured on
empirical topics such as human geography and anthropology as often as on
properly philosophical topics. What’s more, he viewed both philosophical and
empirical learning as conducive to what he thought the end of human history
to be, namely, the enlightenment of humankind.

Robert Louden is thus to be thanked for having begun to set the record
straight in this book. In Kant’s Impure Ethics, he canvasses the voluminous Kantian
corpus (some of it only available via his students’ lecture notes) in which Kant
is concerned not with the theoretical task of deriving a supreme moral principle
from a stripped-down conception of practical reason, but rather with the emi-
nently practical task of trying to figure out how to inculcate the attitudes and
dispositions which human beings need if they are to approximate the moral
ideal laid out in his more abstract works of moral philosophy.

There were in Kant’s view a number of institutions and practices which
could be marshaled for the task of moralizing humanity. They include education,
religion, art, and politics. How might we come to know that the efforts expended
in these areas of human endeavor have actually been effective in breeding moral
dispositions, given the fact that, as Kant thought, our fundamental ethical dis-
positions are unknowable? We must look to imperfect outward signs to discover
whether moral progress is actually being made by humans, and in this connection
the human sciences of history and anthropology can be of great help. Kant
devoted much energy to understanding how human institutions might abet
human moral progress, and how the empirical study of humans might provide us with evidence of that progress. We are in Louden’s debt for having presented us with the results of Kant’s often scattered reflections on these topics in a clear and well-organized book, in which the author for the most part lets Kant speak for himself, interjecting his authorial voice only briefly here and there in order to weigh in on various scholarly debates, and at somewhat greater length in a concluding chapter in which he attempts an overall assessment of what he terms Kant’s ‘impure ethics’.

What we discover through Louden’s raising of these texts, many of them half-forgotten, is not always pretty. Lurking just beneath the surface of Kant’s well-known paens to the dignity of human rational nature are all the prejudices and petty bigotries which we might expect from a small-town, eighteenth-century Prussian. Those of us working in practical philosophy within the (broadly understood) Kantian paradigm have always (dimly or not so dimly) known that the progenitor of that paradigm was not himself a shining example of enlightenment and open-mindedness. But it is nonetheless quite unsettling, and the truth be told, dispiriting, to have the full range of Kant’s egregious views about humankind presented in as compendious a manner. Kant was, according to the textual evidence quarried by Louden, a racist, a religious bigot, an anti-Semite, and a misogynist. It is telling that the most that Louden can bring himself to claim in defense of Kant’s attempt at formulating a theory of moral propaedeutic is that, unlike many of those who have criticized Kantian ethics for not being empirical enough, at least he attempted one, even though the particulars of the attempt must be judged a failure. (In fairness, this is not true of the totality of Kant’s impure ethics: there is much that is of value in Kant’s philosophy of law and politics, and in his aesthetics. But these aspects of Kant’s thought have received much critical attention, and so Louden bravely chooses to focus on Kant’s more obscure writings.)

My principal qualm about Louden’s book is that, having laid out the textual evidence at great length, he tells us frustratingly little about how a reading of Kant’s impure ethics ought to alter our understanding of his moral philosophy as a whole. I want briefly to raise two lines of inquiry which Louden’s book suggested to me. First, Louden rightly stresses at various points (e.g., pp. 43, 173) that the moral education of human beings poses a particular problem for a Kantian ethics given the fact that, according to Kant, human agents are systematically barred from knowing their own “maxims,” the subjective principles on the basis of which they act. This poses a significant problem for Kant’s moral theory, since it enjoins us above all other things to will universalizable maxims. But if I can’t know what my maxims are, how can I figure out whether or not they are universalizable? Louden is right to claim that we must proceed by indirection. The realistic goal of moral education must be not to raise infallible appliers of the Categorical Imperative, but rather to inculcate virtues of character that will make it as likely as possible that human agents will refrain from acting according to proscribed maxims. But does this mean that (to borrow a term which has traditionally been used to criticize utilitarian ethics) the Categorical Imperative is, from the point of view of actual human agents, self-effacing? Is Kant, despite all appearances and more than two centuries of critical consensus, really a virtue ethicist? (Readers intrigued to pursue this line of thought can
begin to do so by consulting Nancy Sherman’s excellent *Making a Necessity of Virtue: Aristotle and Kant on the Virtues* (Cambridge: Cambridge University Press, 1997)."

A second question which one wishes Louden had taken up more forthrightly: should the awfulness of Kant’s views about women, non-Christians, non-whites, and so forth, have an impact on the way in which we understand the “pure” part of his moral philosophy? Commentators such as Charles Mills and Emmanuel Eze have urged that it should, and reading the quotes assembled by Louden in this book, one can’t help but think that perhaps they are right. This is especially the case given the teleological bent of Kant’s system. Kant in his “pure” moral philosophy provides us with a picture of the kind of moral agency which, in his more “empirical” works, constitutes the end toward which human history tends. Should it not give us pause that Kant also happened to think that white European males just happened to be closest to that end?

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It is appropriate, in fact obligatory, to begin by acknowledging that this review represents the latest round of a long-standing dialogue between Stephen Macedo and myself concerning the moral and practical requirements of a liberal public order. (Readers of this journal may consult his “Liberal Civic Education and Religious Fundamentalism” and my “Two Concepts of Liberalism,” *Ethics* 105 [1995]: 468–96, 516–34.) The heart of our disagreement may be formulated as follows: Macedo believes that I am too solicitous of individual and group diversity at the expense of the shared civic morality without which no liberal state can be secure, while I believe that Macedo gives insufficient weight to the moral good of individuals and communities living their lives in accordance with their varying conceptions of what gives meaning and purpose to life. To understand the significance of this disagreement, we must start farther back and go deeper.

Macedo presents himself as a liberal, indeed, as a classical liberal: “Our central aims are the protection of individual freedom and preservation of stable, limited, and orderly government” (p. 275). He points out, in my view rightly, that these aims require an ensemble of means the existence of which we cannot blithely presuppose. In particular, liberal public institutions capable of securing individual liberty over time require citizens with the requisite beliefs and dispositions. Because liberal democratic beliefs and dispositions are not innate, and because we cannot count on a civic invisible hand to engender them, we must consciously attend to (as Macedo puts it, “plan for”) their cultivation, both through formal public institutions and through less formal, more voluntary civil associations. In the process, tensions will inevitably emerge between the content of shared citizenship and the particular beliefs of families, local communities, and religious groups. A “tough-minded” civic liberalism—a liberalism with
“spine”—will not back down in the face of these conflicts but rather will insist that the minimal commonalities of civic life trump the claims of diverse particularisms.

In the abstract, it is hard to disagree. The artful arrangement of public institutions—divided powers, checks and balances, federalism, judicially protected rights—is necessary but not sufficient to secure liberty. Like every other form of political regime, liberal democracy rests on certain moral propositions and on a citizenry that espouses them. Not all ways of life will be equally conducive to liberal democracy, and some pose such grave challenges to core liberal values that they must be directly confronted. An extreme but revealing example: given the core liberal commitment to the preservation of human life, even religious free-exercise claims cannot legitimate practices of human sacrifice within the liberal state.

From his standpoint as a liberal, Macedo is debarred from making the kinds of claims characteristic of civic republicanism. For example, he cannot and does not argue that active political engagement is a necessary component of human flourishing. While some liberal citizens may find political activity intrinsically valuable, liberal theorists must regard it as instrumental to realizing an ensemble of liberal purposes. Nonetheless, Macedo advances a robust conception of active liberal democratic citizenship (involving, inter alia, critical thinking and autonomy, thoughtful involvement rather than the politics of passion or self-interest, engaged deliberation rather than bare toleration, affirmative cooperation rather than mere modus vivendi) and a remarkably far-reaching program for fostering citizenship, so understood.

Within the liberal perspective, in which citizenship is understood as an instrumental rather than intrinsic good, the success of Macedo’s overall argument rests on establishing three propositions: first, that his expansive conception of citizenship is instrumentally necessary for the achievement of core liberal aims; second, that his wide agenda of pro-civic state action is necessary for the cultivation of liberal citizenship as he understands it; and third, that his account of state authority is consistent with bedrock liberal commitments to limited government, the existence of a private sphere, and the protection of individual rights. In my reading, the arguments and evidence Macedo offers, though well reasoned and consistently thought provoking, do not suffice to establish the probable truth of any one of these propositions.

Throughout this book, Macedo stresses the “positive ambitions” of liberal constitutionalism and the “transformative project” required to realize them. Liberals, he insists, must hold fast to the “full measure of our civic ambitions” (pp. 229–30). The practical implications of these ambitions may startle some readers. For example, Macedo tells us that liberalism’s transformative project requires liberal policy to “shape or constitute all forms of diversity so that people are satisfied leading lives of bounded freedom [and to] mold people in a manner that ensures that liberal freedom is what they want” (p. 15; Macedo’s italics). The health of our regime, he believes, depends on “its ability to turn people’s deepest convictions—including their religious beliefs—in directions that are congruent with the ways of a liberal republic” (p. 43).

Macedo’s repeated use of the term “regime” is instructive. In the Greek conception of the regime, to which he tacitly appeals, politics is architectonic,
and other aspects of human existence—economic, social, aesthetic—are subordinate. Even religion is understood as civic rather than autonomous, let alone as a source of claims against the state. This is more than a question of authority or power. For a regime to be healthy, runs the argument, its political principles must ramify through the rest of its citizens’ lives. All matters are potentially public matters.

The issue is whether contemporary liberal democracy represents an extension of, or rather a break with, the classical understanding of the regime. The standard history of liberalism gives some support to the latter view. The rise of revealed religion created a diremption of spheres and challenged the comprehensive primacy of politics. The early modern wars of religion evoked new understandings of the relationship between religion and politics, between the claims of individual conscience and the demands of public order, between unity and diversity. As politics came to be understood as limited rather than total, the possibility emerged that the principles constituting individual lives and civil association might not be congruent with the principles constituting public institutions. The point of liberal constitutionalism, and of liberal statesmanship, was not to abolish these differences but rather, so far as possible, to help them serve the cause of ordered liberty.

Macedo questions both the theoretical and practical adequacy of this account. While acknowledging that the lives of liberal citizens are “in a [formal] sense” properly divided between public and private, he insists that this division is “superficial” because liberal institutions and practices legitimately shape all of our deepest commitments so as to make them supportive of liberalism (p. 164). Faith-based commitments are not exempt; Macedo unflinchingly asserts that “we have . . . a shared account of basic civic values that impose limits on what can be true in the religious sphere” (p. 37).

Macedo is aware of the fact that this approach may seem “deeply illiberal” (p. 137). Accordingly, he is at pains to distinguish his civic liberalism from John Dewey’s “civic totalism,” which he rejects. The problem with Dewey’s account of democracy is that it employs a comprehensive account of truth and morality rather than the narrower political or civic considerations that Macedo, drawing on Rawls’s account of public reason, views as the only legitimate justifications of public authority. But Rawls’s account of liberalism is “political” in two senses; not only are public reasons political rather than comprehensive but they are also addressed to the basic structure of society rather than to social life as a whole. Broadly speaking, Rawls operates within the traditional liberal distinction between public and private that Macedo questions. In this sense—regarding the scope rather than the basis of legitimate public reasons—Macedo is a totalist while Rawls is not.

Consider the following claim: liberal citizens should be “alert to the possibility that religious imperatives, or even inherited notions of what it means to be a good parent, spouse, or lover, might in fact run afoul of guarantees of equal freedom.” Confronted with such conflicts, liberal citizens should be “committed to honoring the public demands of liberal justice in all departments of their lives” (p. 239). Always? For theological reasons, many traditional U.S. Catholics believe that women should (continue to) be excluded from the priesthood. Does it follow that because norms of liberal public justice forbid gender dis-
These traditional Catholics stand under a binding civic obligation to alter their theological views? I think not. (Nor is it the case as a matter of empirical sociology that traditional Catholics will necessarily oppose female suffrage or equal treatment for women in the workplace. They are perfectly capable of living divided lives in which the principles governing one sphere of activity need not and should not spill over into others.)

Macedo asserts the primacy of legitimate public reasons: “A liberal democratic polity [rests] on shared political commitments weighty enough to override competing values” (p. 134). The theoretical basis of this position is not entirely clear. Consider the following statements: “The political good is not the whole of the human good” (p. 138). “Much of value is outside the shared grounds of a liberal public morality” (p. 190). On this basis—the diversity of basic human values—Macedo rightly concludes that we “cannot regard religion as simply an adjunct to our political lives. . . . we should [therefore] be prepared to live with a certain fragmentation of authority and purpose” (p. 144). Yet later on he contends that “nothing about reasonable pluralism should shake our confidence in the overriding weight of shared public principles” (p. 197). The opposite would seem closer to the truth: the more seriously one takes value-pluralism at the theoretical level, the more reason one has to doubt the overridingness of any single value or set of values.

I turn now from Macedo’s theoretical critique of the public/private distinction to his empirical critique. Liberal constitutionalism, he insists, cannot be regarded as a suicide pact. Rather, it must contain, and legitimate, the conditions of its own perpetuation. And those conditions are far more demanding than the complacent partisans of pluralism and diversity are willing to acknowledge. Every form of government requires “moral convergence” (p. 2), indeed, “widespread convergence” (p. 10), and liberal democracy is no exception. It is for that reason that the “success of individual freedom, the rule of law, and constitutionally limited government depend on profound transformations in systems of belief and culture” (p. 275), which in turn require public programs of civic education, the public shaping of voluntary associations, and public limitations on religious expression.

This argument is broadly empirical rather than theoretical. Macedo’s point is that as a matter of social fact, individual liberties must be curtailed (or, as he puts it, “channeled”) in the manner he specifies to safeguard the liberal regime, the overall system of liberty that creates the secure arena for the exercise of individual liberty. In my judgment, Macedo does not discharge the empirical burden of proof that his argument establishes. He offers a history of American “civic anxieties” and summary judgments of varying responses to them. He is well aware of the risk that excessive public fear of disorder may unnecessarily limit freedom; some policies go too far and become excesses or abuses, while others are reasonable or at least “not unreasonable” (p. 275). Regrettably, he does not offer the evidence needed to make these judgments compelling in specific cases. Indeed, at various junctures he evinces some impatience with the demands for such evidence. Concerning the actual effects of school reading programs, for example, he states that “empirical questions in this area are intrinsically hard to settle” but that controversies over religious accommodation should not be held hostage to these uncertainties (p. 201).
In effect, Macedo tries to downplay controversies over the empirical relation between civic ends and civic means by shifting the burden of proof to the objectors: if public institutions can argue that there is a rational relationship between a permissible civic purpose and a specific public policy, then the burden is on aggrieved citizens to show that the policy is not needed to attain the purpose. From a liberal standpoint, the problem with this strategy is that it creates a bias in favor of state action and against the limited government that Macedo at least nominally favors. (I don’t think many readers of this book will come away with the impression that the government Macedo advocates is in fact very limited.) I had always thought that liberalism embodies a presumption in favor of individual liberty; Macedo seeks to sidestep that presumption, if not reverse it outright.

The fundamental problem with Macedo’s civic presumption is that it gives inadequate weight to a core human value that helps justify liberalism as I understand it—namely, the ability to live one’s life in a manner that freely expresses one’s deepest convictions about the sources of value and meaning, so long as those convictions provide reciprocal space for others to live in their own manner. When Macedo discusses imposing restrictions on religious fundamentalists and others whose private convictions and conduct he regards as illiberal, he dwells on the assumed civic benefits while hardly mentioning the human costs. This procedure is one-sided at best. Worse, while the civic benefits are usually undetermined by the evidence, the burden on individuals whose expressive liberties have been curtailed is palpable and hard to deny.

As we have moved (descended?) from the vagaries of empirical social science to the obscurities of legal burdens and presumptions, some readers have surely been moved to impatience: we are talking about a liberal democracy, after all, they may be thinking. When it comes to disputes about civic ends and civic means, why not let the people judge? The problem with this democratic strategy, as Macedo shows, is that the people can get it (and have gotten it) wrong, with serious consequences. In the nineteenth century, a majority of U.S. citizens believed that nonsectarian Protestantism furnished the necessary foundation for democratic moral and civic education, a belief which, translated into educational policy, helped exacerbate the alienation of many Catholics from the public schools. Today, Macedo says, “one can see” that it would have been better to focus on the “specifically civic issues” while leaving aside the “religious dimension of these matters” (p. 86). In the wake of World War I, aroused popular majorities tried to mandate English as the sole language of instruction (Nebraska) and to force all parents to send their children to public schools (Oregon). But for the Supreme Court’s intervention, these illiberal majorities would have prevailed.

At one point Macedo suggests that under suitable empirical conditions, “a law making public school attendance mandatory would not be inconsistent with basic liberal values” (p. 146; Macedo’s italics). In _Pierce v. Society of Sisters_, the U.S. Supreme Court declined to endorse Macedo’s proposition, precisely on the grounds of basic liberal values: “The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only.” I see no compelling reason for liberal theorists or liberal citizens to dissent from this judgment.
In the end, then, there is no way of evading the need for an independent assessment of civically oriented liberal policies, guided by both a theoretical understanding of liberal democracy and the best available empirical account of the relation between civic ends and civic means. At one point Macedo remarks that the liberal civic project, “however formulated,” is bound to have profound implications for people’s deepest normative commitments (p. 88). While this is in a sense true, the specifics of the formulation make a big difference. By defining liberalism’s civic aims so ambitiously, Macedo unnecessarily increases the reach of government and expands the zone of conflict between public purposes and private commitments. And by asserting the primacy of the political as vigorously as he does, he unduly diminishes the scope for the legitimate free exercise of deep differences. The public accommodation of these differences is not always a matter of liberal forbearance or “magnanimity” (p. 193); it is sometimes the right and necessary thing to do. Public deliberation about civic policy should be guided by a sober examination of the facts, free from the exaggerated fears of disintegration that have often disfigured American social policy. Above all, our deliberation should avoid any comprehensive presumptions in favor of the exercise of public power. As we weigh the evidence in a liberal society, the burden of proof should rest on those advocating the use of that power in ways that significantly impede the ability of mature and competent citizens to live their lives in accordance with their own conceptions of what gives their lives purpose and value.

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Miller aims to provide a method for theorizing about justice that is both different from and superior to others currently on offer. Using this method, moreover, he claims to provide a more plausible and practical set of principles of justice. Philosophers such as John Rawls, he argues, advocate the wrong principles because they arrive at them the wrong way, moving “directly from intuitive beliefs to highly abstract principles” (p. 24). Such principles can’t give us the practical guidance we need because they lead us to “abandon much of our intuitive sense of what justice requires of us in particular cases” (p. 22). To avoid such abstraction, we should instead attempt to discover the plurality of “practical principles” that guide our intuitive beliefs in different contexts. These beliefs, in turn, can be identified through analysis of recent empirical research.

Miller identifies Michael Walzer as a fellow practical pluralist. But unlike Walzer, Miller proceeds by focusing upon the “modes of human relationship” that we have with each other (p. 25). He identifies three basic modes of human relationship: solidaristic community, instrumental association, and citizenship. Moreover, he purports to identify, for each of these three basic modes, an underlying principle of social justice that “spring[s] directly from” it (p. 26). Spe-
specifically, a principle of desert springs from instrumental association, a principle of equality from citizenship, and a principle of need from solidarity.

The empirical research that Miller cites does suggest that people commonly recognize both desert and need as grounding claims of justice and that these grounds sometimes conflict. But there is little support in this research for his claims to identify three basic relationships and their corresponding principles. Indeed, some of the data cited appears to tell against this alleged one-to-one correspondence between relationships and principles. One study, for example, suggests that people recognize both need and desert as relevant in instrumental association. Another suggests that solidarity brings with it a shift toward equality, not necessarily toward need (p. 64). Moreover, Miller allows that desert claims extend to noninstrumental associations. Such results seem to suggest that multiple criteria are relevant to each relationship, not that each relationship is governed by its own principle. Still, if carving our interactions up into basic relationships each structured by a different principle yields a compelling account, the case for such an approach might be persuasive.

But there are difficulties both with his claim that the three relationships are basic and with his claim that each is governed by the principle he identifies. Consider the claim that citizenship and community (solidarity) are two of the three basic relationships from which different principles of justice spring: a principle of equality from citizenship, a principle of need from community. Citizenship, on Miller’s view, is the relationship that we have to one another as members of our “society” or “political community.” He emphasizes the formal aspects of this relationship, but many other community relationships have such aspects, including religious and even familial relationships. If citizenship is one kind of community relationship, a relationship of political (as opposed to familial, religious, etc.) community, then it is not a basic relationship at all. Moreover, it should be governed by the principle that underlies the basic relationship of community, the principle of need. If the principle of equality does govern citizenship, and citizenship is a kind of community relationship, it is hard to see how Miller can maintain the one-principle-per-relationship claims that structure his theory.

In light of these collapsing relationships and principles, it is perhaps useful to question why Miller takes a principle of need to underlie solidaristic community. Isn’t solidarity often cited as justification for ignoring needy individuals for the betterment of the community as a whole? I suspect Miller’s point is that such insensitivity to needy members, although characteristic of many communities, is not characteristic of just communities. Presumably, this is because in a just community responsibilities run from each member to each member, not to the group as a whole, and members of such a community show equal concern for each other member. But now Miller’s just community becomes hard to distinguish from the “true community” of one of his nonpluralist opponents (Ronald Dworkin, Law’s Empire [Cambridge, Mass.: Harvard University Press, 1986], pp. 199–215), and ‘need’ appears to encompass aspects of principles (such as equality) from which it is purportedly being distinguished.

At times Miller appears to suggest that although political communities are the basic units for social justice, citizenship is not a basic relationship at all, but a somewhat stunted form of community. This relegates equality to a mechanical
and stunted manifestation of the principle of need: “Equality may be appropriate to groups that display enough solidarity to make their members forego claims based on differential contribution, but not so much that they are willing to go beyond mechanical equality to take account of individual circumstances” (p. 73). Those groups that display more solidarity go beyond mere equality to the consideration of individual circumstances, that is, to the sorts of considerations relevant for a principle of need. Equality here seems to be reduced to anemic need, the best that can be expected of anemic communities.

Now consider Miller’s claim that the evidence he cites supports an account of justice that is pluralist and contextualist. His evidence certainly establishes that people are concerned with desert, need, and equality. But these appear to be the concerns that every theory of justice takes up, not just pluralistic and contextualist ones. He cites a study in which subjects ignorant of their own likely place in the reward schedule are asked to choose among four alternative principles for distributing income (p. 77), including maximin and maximizing the average subject to a floor constraint. Miller points out that the most popular choice was the latter and cites with approval the claim by the authors of the study that this result supports pluralism. Yet Ronald Dworkin’s equality of resources principle, a paradigmatic example for Miller of a nonpluralistic approach, will yield a distribution that is similar in the relevant respects—allowing variations due to effort while incorporating a floor constraint. Moreover, his claim that the results of such a study pose serious challenges for Rawls’s nonpluralist theory of justice also seems to miss the mark. Rawls argues that people placed in an initial situation that models reasonableness and rationality will find the reasoning behind the two principles of justice persuasive. The people in the study are not placed in such a situation, are not presented with the reasoning for various principles, and are asked to adopt a principle for distributing income independently of principles for distributing rights and opportunities. That such people will not choose the difference principle is certainly a compelling reason for Rawls to mount his argument, but it is hardly a criticism of that argument.

Indeed, it becomes less clear as the book unfolds in what sense Miller takes his approach to be pluralist and contextualist. At times he suggests that his theory is contextualist because, unlike others, it appeals to no vantage point from which his principles can all be viewed (p. 25). But at other points Miller makes it quite clear that a theory of justice should show how its principles “can be held in consistent balance with each other” (p. 41) such that they “form a cohesive whole” (p. 245). It is hard to see the fundamental difference between this project and that of the noncontextualists he criticizes. Similar problems arise with Miller’s claim that his theory is, and others are not, pluralistic. If a pluralistic theory simply has more than one principle, or recommends different procedures for different contexts (p. 71), this is a feature of many of the theories he criticizes. If it is a theory that seeks to accommodate a plurality of considered judgments about desert, need, and equality, then again everyone seems to be a pluralist.

These issues simply do not seem to be at the core of Miller’s rejection of other approaches. Rather, his central argument is that the accounts of justice on offer, whether liberal or communitarian, pluralist or not, fail because they cannot be reconciled to three practical principles that together make sense of
many of our particular judgments about social justice. Reflection reveals that we make particular judgments that one is owed something because she needs it, because she deserves it, and because, as an equal, she is entitled to it. Behind each of these three groups of judgments, Miller argues, lies a corresponding principle of justice that makes sense of the relevant judgments. An acceptable theory of social justice will incorporate these principles that make sense of our judgments in practice, or at least provide compelling reasons for not doing so. This core argument, in turn, relies upon his arguments that each of these groups of judgments is governed by a distinct principle and that the particular principles he articulates make the most sense of these judgments. These arguments need not (and often do not) rely upon Miller’s appeals to basic relationships.

Consider first the argument for his principle of desert. It makes more sense, he argues, to understand the relevant judgments as invoking a “natural” rather than an “institutional” concept of desert. Employed as an institutional concept, ‘desert’ merely indicates legitimate entitlements in accordance with just principles. But it makes more sense to understand these judgments as invoking a natural concept that provides a ground for recognizing as just those distributions that reflect differences due to effort and choice. Unlike many others who are sympathetic to such claims regarding effort, however, Miller maintains that it makes sense of our desert judgments to hold that differences due to natural talent are also deserved. The inclusion of talent as a basis for desert leads Miller to the view that a qualified form of merit-based hiring and promotion makes the most sense of our judgments of desert concerning employment and compensation.

His argument that desert provides a ground for just distribution is an important contribution to the debate. By contrast, the arguments that it makes sense to view differences due to talent as deserved do not fully engage with arguments against attempts to bundle talent with choice and effort. Miller’s defense of meritocracy raises a host of questions. Hiring, he argues, should be based upon expected actual performance. But what of those cases in which performance will be undermined by the discriminatory attitudes of others? Miller provides an answer, but it is an answer that appears to require that desert be framed within the context of a robust principle of equality—the sort that he takes to underlie the noninstrumental relationship of citizenship. It is not actual performance that provides the basis for just decisions, he argues, but performance corrected for any illegitimate (e.g., discriminatory) attitudes that might affect such performances. It is the performance we could expect in an otherwise just society that should be the basis for a hiring decision. What the practical implications of this counterfactual meritocracy are for actual policy is far from clear.

In the case of judgments of need Miller first provides an interesting strategy for distinguishing needs from mere preferences, then rebuts arguments that claims of need are best understood as appeals to a humanitarian principle rather than a principle of justice. He allows that there is a humanitarian principle of need but argues that we can only make sense of our judgments by understanding need as giving rise to distinct claims of justice. Nor does it make sense, he argues, to maintain that these claims of need are parasitic upon “claims of entitlement or desert” (p. 225). Here Miller’s argument is less persuasive. Although he offers
compelling arguments against incorporating need into natural desert, parallel arguments that it does not make sense to understand need within the broader context of entitlement are hard to find. Yet the obvious alternative here is entitlement, the view that those in need are entitled to assistance from their fellow citizens much as they are entitled to fair employment opportunity or an equal say in the political process. Miller does suggest earlier that he finds accounts such as Thomas Nagel’s, which generate all such entitlements from a single standpoint, to be “mysterious” (p. 224). But more by way of support for this reaction would strengthen the case for his principle considerably.

The most serious difficulties with Miller’s approach emerge with his efforts to make sense of our judgments concerning equality—the point at which the theories he criticizes are particularly strong. He argues at great length that the centrality of the role that other political philosophers give to equality in their accounts of justice does not make sense of our judgments. His own efforts to articulate an alternative principle of equality, however, hardly fill the vacuum. His principle does mandate equality rights and liberties. But the only sense that he attempts to make of such commitments is that we modern selves “find it positively valuable that equality should be affirmed in this area” (p. 239). It is hard to see a principle at work here at all, much less one that makes sense of our judgments. Which rights are to be equal? Does equality extend beyond rights? Miller recognizes the legitimacy of such questions but offers little help in answering them. Nor is it clear in what sense he holds that “justice positively requires equality only as an adjunct of membership of certain social groups” (p. 250), since equality mandates protection of basic rights, and these rights extend beyond such social boundaries (pp. 19–20). The result is not a practical principle that makes sense of our judgments; indeed, it amounts to little more than an acknowledgment that we make such judgments.

What of Miller’s general methodological claim that a method which moves from particular judgments to practical principles, and from such principles to a “cohesive whole,” is superior to the alternatives? He says little about how the move from a multitude of principles to a cohesive whole should take place. To be sure, he tells the reader how he believes his principles ought to be balanced in practice. For example, in cases such as medical needs, in which needs will outstrip resources, “justice requires that need and need alone becomes the criterion for distributing the resources in question” (p. 247). But why? Even someone who accepts Miller’s three principles but gives more weight to desert (or less to need) will reject his claims concerning what justice requires in the area of health care. Without compelling arguments concerning how principles of justice ought to be balanced against each other the account provides only limited guidance for resolving many of the momentous issues that we face in practice. The need for answers to these pressing practical problems leads one to crave, by the end of this thought-provoking book, the sort of integrative standpoint that Miller eschews at the outset in the name of practicality.

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In this nicely written and soundly argued book Robert Myers pursues the Nagelian project of recognizing and balancing both impersonal and personal concerns. He defends the objectivity of both agent-neutral and agent-relative values and then defends conceptions of morality and reason according to which each is sensitive, although in different ways, to both kinds of values. The book draws on three articles published since 1994.

Myers appeals to the Davidsonian idea that interpretation requires the initial assumption that people in general have the desires (and beliefs) that they should have. On the basis of this, he argues—against instrumentalism about reasons—that all reasons are objective. He denies, however, that all reasons are agent-neutral. There are both objective agent-neutral and objective agent-relative reasons. Accordingly, Myers criticizes consequentialism on the grounds that it fails to be adequately sensitive to agent-relative values, and he criticizes various forms of contractualism on the grounds that they don’t adequately recognize agent-neutral value.

Morality, on Myers’s conception, is based on the ideal of cooperation, which is understood as the fair promotion of the impersonal good (or agent-neutral value). Fairness here is not to be understood as some kind of rational mutual advantage. Instead, it consists of giving adequate recognition to the personal values of each agent. Fairness grounds prerogatives (options) to perform actions that are not maximally impersonally good as well as restrictions (constraints) against performing certain kinds of action even if they do maximally promote the impersonal good.

Myers argues that prerogatives are such that a person is never morally required to sacrifice her life when this is extremely valuable for her—no matter how great the impersonal benefit. He justifies this claim by arguing that the extra weight that an agent is permitted to give to her own agent-relative value is to be assigned to the benefits and costs from her own agent-relative perspective—and not from the agent-neutral perspective. At first I didn’t understand how this was supposed to work. Suppose, for example, that the agent-neutral value of a state of affairs is simply the sum of the agent-neutral value of the lives involved, and that all lives have an agent-neutral value of ten. Suppose further that agents are permitted to perform actions that do not maximize agent-neutral value when the gain to them in agent-relative value is at least twice the loss in agent-neutral value. The standard Schefflerian view in this case would be that an agent is required to sacrifice her life when she can save more than three people. Myers, however, takes a different position. For he holds that the (objective) agent-relative value of a person’s life may be radically greater than the agent-neutral value of that life. Suppose, for example, that from the perspective of each agent, her life is 1 million times as valuable as it is from the agent-neutral perspective. In this case, an agent is not required to sacrifice her life (which produces a 10 million unit loss from her perspective, and which has a weight of two), if fewer than 2,000,001 lives (worth ten each) can be saved (assuming that no other sources of value are involved). So I can see how holding that the agent-relative value of one’s life can be significantly higher than its
agent-neutral value will limit the major sacrifices required of agents. But unless Myers is willing to allow that an agent’s life may be infinitely more valuable from her agent-relative perspective as compared with its agent-neutral value, then it seems that he must drop his claim that agents are never required to sacrifice their lives when this is extremely valuable to them. For no matter how great the agent-relative value of a person’s life is, if it is finite, at least sometimes, the gains in agent-neutral value will outweigh the weighted losses in agent-relative value for the agent.

The account of restrictions given by Myers interestingly rests on the existence of prerogatives. For he argues that fair cooperation (adequate sensitivity to agent-relative values) requires (roughly) restrictions against forcing a person to perform actions that are optional (not required) and against inflicting harms on a person that she is not required to inflict upon herself. Where, however, an action or the self-infliction of harm is morally required for a given agent, then, Myers argues, there is no restriction against forcing her to perform the action or inflicting the harm directly (although often the use of such force may be counterproductive and thus impermissible on agent-neutral consequentialist grounds).

While morality is based on the ideal of cooperation, reason, on Myers’s account, is based on the ideal of self-governance. The integrity of self-governance requires, he argues, that people take agent-neutral value into consideration (along with their agent-relative value). Reason requires that agents maximize their agent-relative value subject to constraint that not “too much” damage is done to agent-neutral value. Self-governance, that is, requires that we act in ways that fully and accurately reflect our own values and commitments. Given that they include commitments to agent-neutral value, reason is sensitive to the impact thereon.

Morality and reason, then, are both sensitive to agent-relative value and agent-neutral value, but they respond in different ways because they are concerned with different things. And sometimes the two perspectives conflict. Reason may forbid, for example, certain morally supererogatory actions that are extremely costly to the agent. And reason may require actions that are morally forbidden. On this account, morality’s demands are inescapable but not always overriding.

This is an impressive work, and I am in broad agreement with the moral framework that recognizes both restrictions and options. Some of the areas where I disagree with Myers’s approach are the following. I’m not convinced (although many are) of the legitimacy of the Davidsonian move from the correct interpretational/epistemic point to the metaphysical point (e.g., objectivity of values). I’m inclined to reject any appeal to a duty to promote impersonal good and would appeal instead to a duty to impartially promote the agent-relative goods of others. Instead of grounding prerogatives in the Schefflerian extra-weight-for-agent model, I would ground them in independent and absolute limits of how much we are required to sacrifice for others (e.g., a kind of satisficing account). Finally, I would ground constraints in self-ownership or personal integrity. Obviously, each of these points requires an elaborate defense, and I mention them here merely to signal items of debate.

The book is a state-of-the-art contribution to the debate about agent-neutral
and agent-relative value and the related issues of moral prerogatives and restrictions. It should be read by anyone with interests in these areas.

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The capabilities approach to human development is sometimes applauded for what seem to me the least of its achievements: its recognition that goods matter because of what they allow us to do and that what is enough to enable one person to function can be totally inadequate for somebody else. A commonly cited example is the person in a wheelchair who needs more resources—the wheelchair, for a start, and more ambitiously, the conversion of buildings for wheelchair access—to achieve levels of mobility others have taken for granted. Less frequently cited (perhaps because it is felt to weaken the case for global redistribution) is the person living in a rich country who may need a higher income than her counterpart elsewhere before she can participate “without shame” in the life of her own community. Both observations strike me as pretty convincing, but neither is novel or dependent on a full-flown theory of capabilities. Both were anticipated, for example, in Marx’s discussion of the historical component in the value of labor-power and his critique of equality as failing to register differential need. (With his usual unself-consciousness about gender relations, Marx illustrated the latter with the example of the worker with dependent wife and children who needed higher wages than a single man.)

The deeper claim of the capabilities approach is that in focusing attention on what people are enabled to do and be, it highlights the social, political, and cultural constraints that can be as devastating in their effects on people’s lives as the level of resources at their command. As Martha Nussbaum argues in Women and Human Development, many women in developing countries suffer from acute capability failure, and this failure cannot be understood simply through general indices of poverty. It is the combination of poverty with gender inequality that has such severe consequences for what women are able to do and be: the patterns of internal distribution within the family that leave women less well nourished than men, less likely to be literate, more exposed to domestic violence; and the broader political and social circumstances that may deny them the right to hold property, secure employment outside the household, or participate freely in political affairs. As teased out in Nussbaum’s analysis, the capabilities approach directs us away from the mystifications of aggregate statistics to focus on “a principle of each person’s capability, based on a principle of each person as end” (p. 5). Problems of poverty and development cannot be identified or addressed at the level of per capita gross national product (this is something on which there is now widespread agreement); but neither can they be addressed by taking the family as the basic unit of measurement. Nussbaum argues for an understanding of the central human capabilities that takes the promotion of each person’s capabilities as its ultimate political goal.
The list she generates remains, as she puts it, “open-ended and humble” (p. 77). This acknowledges space for future expansion and revision, as well as for local variation in interpretation and implementation, but Nussbaum still insists on the capabilities as elements in a “truly human” functioning that should be understood as universal. One difference between her approach and that associated with Amartya Sen is that Nussbaum introduces the notion of a threshold level of capabilities; she does this because she wants the list of capabilities to become a basis for citizen demands. Deferring to a later date the question of what we should do when all citizens are above that threshold—and indeed deferring to another discussion whether full equality of capabilities is a meaningful goal—she offers her list as a basis for political action. The central human capabilities—which range across being able to live to the end of a human life of normal length, having one’s bodily boundaries treated as sovereign, being able to participate effectively in political choices governing one’s life, to include capabilities for love, laughter, and play—generate demands all citizens should be able to make of their governments and principles that should be incorporated as constitutional guarantees.

This raises a large set of questions about promoting universal values across a variety of cultures, and the first part of the book is devoted to defending universal norms. Here Nussbaum makes a good case against the charges of paternalism or Western imposition, arguing that accusations of “Westernization” often rely on stereotyped oppositions between Western and non-Western societies that falsely represent the former as dynamic and modern and the latter as mired in age-old traditions. She acknowledges the dangers of paternalism but notes that if we dislike paternalism, it is “because there is something else we like, namely each person’s liberty of choice in fundamental matters” (p. 53). The charge of paternalism then points us toward something that looks very much like a universal value, namely, the importance of being able to form one’s own conception of the good and engage in critical reflection about the planning of one’s life. Not surprisingly, this figures as one of the central capabilities. This is a neat turning of the tables, but it works primarily as a riposte to those who see paternalism as the key problem. It may be less convincing to those whose main worry about universalism is that it illicitly smuggles the preoccupations of one culture, tradition, or social group into its proclamations about universal norms. On this point, Nussbaum makes her stand on a Rawlsian distinction between political and comprehensive liberalism, arguing that the capabilities do not depend on any specific metaphysical grounding but “can be the object of an overlapping consensus among people who otherwise have very different conceptions of the good” (p. 5). Elsewhere in the literature, the notion of an overlapping consensus has met with considerable skepticism (as either wishful thinking or too thin to justify substantive norms). I’m inclined to see Nussbaum’s own illustrations as reinforcing rather than removing such doubts. She argues, for example, that a consensus on gender equality can coexist with profoundly different metaphysical conceptions: thus that some people might sign up to the notion of men and women as equal citizens precisely because they see the two sexes as sharing a single metaphysical nature, while others sign up to it despite their belief that women are essentially different from, even inferior to, men. The problem with this is that most people in the world today
do indeed sign up to the notion of women as equal citizens—or they do if we go by what is enshrined in their constitutions. Yet as Nussbaum’s own discussion of the eminently “woman-friendly” Indian Constitution demonstrates, antidiscrimination legislation can coexist with deep inequalities in the treatment of women and men, and fine-sounding political and civil rights are either ignored or not consistently implemented. When an “overlapping consensus” papers over profound differences in belief, its effects can be pretty feeble, leading in this instance to a rather hollowed-out conception of “political” equality that becomes detached from social and economic relations. This hardly seems an adequate basis for the very radical changes Nussbaum wants to promote.

Martha Nussbaum, of course, knows this as well as anyone, and much of the force of this book derives from its richly textured discussion of women’s lives in India: the rigid gender demarcations that prevent women seeking employment outside the home or confine them to the most arduous and poorly paid of occupations; the denial of human dignity to wives and daughters who are treated as mere adjuncts to the needs of others; and the extraordinary obstacles many women have overcome to claim their right to participate in the decisions affecting their lives. The book is a powerful challenge to the parochialism that always threatens to engulf “first-world” feminism, but an even more powerful challenge to those who regard issues of sexuality and gender injustice as “luxury” preoccupations in the Indian context. Even if it leaves unsettled some of those worries about universalism and cultural difference, it clearly establishes the claim of the capabilities approach in addressing the struggles of women around the world.

Though the book is in some ways a restatement of arguments explored elsewhere in Nussbaum’s work, it contains a number of important developments. The first of these is the extended discussion of preference formation. Nussbaum’s self-declared aim is to position herself between two extremes: a subjective welfarism that takes people’s declared preferences as the basis for identifying what ought to be done; and a Platonism that dismisses actual desire and choice as no guide to what is just and good. The first “makes it impossible to conduct a radical critique of unjust institutions” (p. 117). It ignores the role of habit in accustoming us to unjust practices, the effects of inequality in suppressing our imagination about alternative ways of living, and the tendency to justify what seems to be inevitable and make the best of a bad job. Most people find it hard to live in a state of permanent opposition: we more commonly adjust our expectations downward to “want” what we see as likely to occur. This makes preference a poor guide to what is right and just, but Nussbaum does not counsel us to sweep away the evidence of what individuals desire and choose as if this were entirely irrelevant. The Platonic alternative “seems too disdainful of the wisdom embodied in people’s actual experience” (p. 118). If we think of politics as coming from people, then “the fact that human beings desire something does count” (p. 146).

Here Nussbaum poses what, in my view, one of the central dilemmas for radical or feminist politics. Feminists have circled repeatedly around the notion that gender is a social construct that powerfully constrains what women are able to do and to be and a troubled perception that this view of the world presents women as passive victims, bearers of “false consciousness,” constrained not only
in their actions but their very capacity to see things as they are. Much recent work has addressed this by stressing the ingenuity with which women subvert the most oppressive norms of femininity, but while this restores a sense of women as active agents, it can also take the edge off the social critique, obscuring relations of injustice that nonetheless remain. I don’t have an answer to this dilemma—but I’m not convinced Nussbaum does either. She builds her case for the capabilities account very much on the weaknesses in the opposition, stressing the problems that plague the preference-based approach and the unsuccessful maneuverings of those who recognize a problem in taking all preferences as equally legitimate or authentic and then fall back on what (from their point of view) ought to be an unacceptably substantive norm. Better by far, she suggests, to go straight to the good and the right, not to smuggle in the central capabilities by the back door, but take “an unambiguously clear stand on the need for these items, as an enabling core of whatever else human beings choose” (p. 149).

This is a powerful enough argument against the preference-based opposition, but it works at the expense of her own declared commitment to take seriously what individuals say they desire or choose. We end up with the notion that we should trust desire “a little bit,” but only after first establishing those central capabilities—which of course many individuals may not currently “choose.” In the structure of Nussbaum’s argument, the capacity for engaging in critical reflection about the planning of one’s own life matters immensely, but since the key point is “critical reflection,” this enables her to look askance at many of the actual choices individuals have made. Human dignity is said to be best expressed in the freedom to shape one’s own life in cooperation and reciprocity with others. Precisely because of this, however, we are entitled to discount as “habituated preference” the desire not to have any of the capabilities that feature on the list. Actual choice is then set aside in the name of the high value attached to choice.

It is possible to finesse this seeming contradiction (to say that choice is not “really” choice if made under conditions of constraint, or reflection not “critical” reflection if individuals have been denied the chance to develop their capacity for reason), but there is an uneasiness in Nussbaum’s resolution that comes out when she turns from normative principles to policy recommendations. The residual respect for actual choices makes her wary of international interventions that seek to bypass the deliberations of democratically elected parliaments (so the capabilities approach provides a philosophical grounding for constitutional principles, but implementation must remain a matter for the internal politics of each nation state). It also leads to otherwise unexpected accommodations when Nussbaum addresses tensions between the claims of sex equality and the claims of family or religion.

Her discussion of these tensions is the second important development in the book. Nussbaum argues that the capabilities approach provides a compelling way of dealing with what she views as real dilemmas: clashes between the free exercise of religion and equality of the sexes; between the legitimate interest parents have in educating their children in the precepts of their religion and the possibility that this could increase discrimination against girls; or between the freedoms of association that suggest a right to determine the internal pat-
terns of one’s own family life and the power relations in the family that make it the major site of women’s oppression. One of the strengths of Nussbaum’s argument is that she insists on these as genuine dilemmas. Public policy should be guided by what best promotes the capabilities of each individual; no deference is therefore due to religion or family when their practices harm people in the exercise of their major capabilities. But the exercise of religion is itself an exercise of the capability to choose one’s own way of life, and the family (at its best) is a place where we develop our capabilities for love and care. In what may be many cases of conflict, judgment is inescapable. There is no neat procedure that will deliver us a list of inalienable rights; and as Nussbaum’s telling discussion of Rawls illuminates, no easy fallback to a public/private divide. We have to make careful judgments about what best protects and fosters the multifaceted capabilities, and the guiding principle is that all such judgments should take the individual as their central concern.

The claims of religion fare rather better in this than the claims of the family. Nussbaum presents the family as thoroughly shaped and defined by state regulation, and since there is no way the state can avoid constructing families according to some norms, it might as well do so in ways that explicitly promote the capabilities of family members. Religion, by contrast, is regarded as a more genuinely voluntary form of association, and one, moreover, that represents a way of searching for the ultimate meaning of life. (This has already been listed as a central capability.) So while Nussbaum’s judgment usually comes down in favor of women’s equality against oppressive practices, she allows some startling exceptions. She describes polygamy, for example, as not intrinsically oppressive to women “especially if the practice is available to both sexes” (p. 229). Why “especially”? I should have said it was always oppressive if not available to both; and since in the vast majority of cases polygamy does mean polygyny, the qualification seems overindulgent.

She also defends (though with some important modifications) the Indian system of religious law, which classifies children at birth according to one of the main religious groups, and then requires them to remain within that group for personal and inheritance law. Since one of the key contrasts between religious authorities is that they will offer women very different opportunities for developing their capabilities, this system of religious law might seem an obvious candidate for change. At this point, however, Nussbaum diverges from her own requirements to stress the dangers of Hindu fundamentalism, the distrust and hostility between Hindu and Muslim communities, and the way that arguments for a uniform system of civil law have become associated with attacks on the Muslim minority. I think she is absolutely right to bring this into the picture: it would be a serious abdication of political responsibility to ignore the way initiatives to promote gender equality can become loaded with antagonism toward minority groups or refuse to see the oppressive side of “uniform legislation” in a context of religious or ethnic divides. Such cases may well throw up the necessity for a more politically nuanced accommodation. The danger in Nussbaum’s approach is that she dignifies the accommodation with an argument about balancing capabilities, and this gives her proposed resolutions an unwarranted moral force.

The issues she engages in this book are of central importance in the con-
temporary world, and the book convincingly demonstrates the richness of the capabilities approach in identifying unjust constraints on women’s lives. In its strongest formulations, this generates a substantive list of requirements for the good life that all citizens should demand of their governments. But in the end, Nussbaum is too canny to dismiss the evidence of actual “choices” or the limitations imposed by local conditions. The policy recommendations she generates then remain rather close to existing practice: so full disestablishment of religion in the United States, but religions still maintaining their own systems of civil law in India; a balancing of the legitimate parental interest in the religious education of their children against the compelling state interest in ensuring that both girls and boys develop their capabilities for equal citizenship; a balancing of the freedoms of religion against the equality of the sexes. I have no quarrel with the subtlety with which Nussbaum addresses what she rightly perceives as real dilemmas. But at certain points in the argument it looked as if the capabilities approach would cut much deeper. When it fails to do so, one is left wondering what exactly it achieves.

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A helpful way to capture the appeal of Robert Pippin’s recent book, Henry James and Modern Moral Life, is to underline the impossibility of doing so in terms of its contribution to a single academic discipline. The book’s central accomplishment is a refreshingly subtle and intricate account of the moral landscape of James’s fiction. But its interest extends beyond what it teaches us about James and literary studies. It also contributes to moral philosophy. The view of moral thought it traces out within James’s novels and stories is one that resists incorporation, not only within the space of moral possibilities to which most discussions of James are limited, but also within the space of moral possibilities to which most conversations in ethics are limited. Its interest is in this respect tied to its tendency to unsettle established philosophical presuppositions about what moral thought is like.

Pippin devotes his opening two chapters to an overview of James’s moral concerns and then turns to readings of particular novels and stories. His main thesis is that the view of moral thought animating James’s fiction needs to be understood as an expression of engagement with the problem of “Western modernization” (pp. 5, 31), and some aspects of the account he gives of James’s “modern” moral concerns are already well received within conversations about James. Thus, for example, he reminds us that, within James’s writings, ‘America’ is the name for the place where the process of modernization is most advanced (p. 5); and he stresses that, although the confrontations James repeatedly arranges between American characters and their more old-world European counterparts often reveal American social life as regimented and cold, no careful
reader could endorse an account of this “International Theme” as simply calling, in the name of morality, for a return to older ways of life (pp. 31–34).

This brings us to the exegetically less orthodox aspects of Pippin’s portrait of James. Pippin argues both that it is wrong to read James as endorsing the view that moral requirements are determined by conventional social roles and, in addition, that it is also wrong to read him as endorsing the view that such requirements are determined by something else (say, features of external reality or facts about our intellectual capacities) if talk about requirements’ being so determined is taken to imply the possibility of recognizing what is required from a strictly impartial point of view (pp. 10, 12–13). There is, Pippin claims, no such thing as accommodating the historical dimension of James’s treatment of modernity apart from representing him as repudiating the idea that the standpoint distinctive of morality is impartial. As Pippin reads him, James holds that the cultural changes that come with modernization lead to changes in moral requirements. That is, James holds both that certain cultural perspectives (or partialities) are necessary prerequisites for understanding what morality demands and also that the answers to questions about what it demands are historically sensitive and residually indeterminate—in the sense that they partly depend on our (culturally and historically inflected) understanding of our interlocutors’ understanding of what is demanded of them, which in turn depends on our (culturally and historically inflected) understanding of our understanding of what is demanded of us (e.g., pp. 11–14, 29–30, 55–56).

There is, in itself, nothing heretical about Pippin’s suggestion that James conceives moral reflection as a partial activity with a conversational logic on which outcomes are the product of negotiations among interdependent recognitions. Many readers have made similar suggestions. But most of these assume that doing so commits them to depicting James as a skeptic or nihilist of some kind. This assumption is what underwrites a familiar understanding of James as maintaining that the only alternative we have to puritanical, impartialist views are intrinsically skeptical, partialist (or aestheticist) views. What is striking about Pippin’s account of James, within this larger interpretative context, is that it does not restrict James to this set of moral alternatives. Pippin’s account takes at face value both James’s modern conception of moral reflection as composed of partial modes of thought concerned with interdependent recognitions and also the strands of his thought that speak against moral skepticism (pp. 13–14, 23–24).

Consider Pippin’s reading of The Ambassadors (chap. 6). (His book also contains close readings of The Golden Bowl [chap. 3]; The Portrait of a Lady [chap. 5]; and four stories, “The Beast in the Jungle,” “The Jolly Corner,” “The Aspern Papers,” and “The Turn of the Screw” [chap. 4].) Pippin focuses on Strether’s response to his discovery that his initial, moralistic interpretation of Chad Newsome’s relationship with Mme. de Vionnet (namely, “in the clutches of an adventuress” [pp. 151, 155–56]) cannot be sustained. He reminds us that Strether’s next few interpretations of the relationship (“virtuous tutorial” and “adulterous and deceptive but still true love and morally transformative for Chad” [pp. 156–57]) also prove defective. He also highlights indications that Strether’s criticisms of his successive interpretations are driven by his sympathetic engagement with the Parisian social world (pp. 154–55)—or, in other words, by
his triumph, once in Paris, over what Maria Gostrey calls his “failure to enjoy” (p. 155). And he highlights indications that the interpretative task confronting Strether calls for coming to terms not only with the significance that the two parties attach to the relationship but also with the significance that they think they think they do (pp. 162–64, 167). The novel’s suggestion that it is through such involvements and recognitional dependencies that Strether arrives at a moral outlook might, Pippin acknowledges, be taken as implying that moral assessment is at bottom no more than a projection of psychological need (p. 157). But such a skeptical reading would, he tells us, simply neglect the fact that James represents Strether—and also various other characters—as managing by this route to see matters aright, to get himself “squared” (pp. 162–64).

Pippin is not unaware that moral philosophers generally assume that endorsing the sort of partialist, conversational view of moral reflection he finds in the *Ambassadors* and elsewhere in James is tantamount to undermining the authority of morality. But he thinks that careful reading reveals that this assumption is foreign to James’s fiction. At various junctures, he expresses this thought by characterizing James (in a manner that implicitly refers to Pippin’s own writings on German idealism) as an idealist (pp. 9, 14, 92). An outlook that qualifies as idealist in the relevant sense treats subjectivity and objectivity as bound together in such a way that perspectives afforded by subjective propensities can be essential preconditions for understanding the layout of objective reality. Within the framework of such an outlook the suggestion that moral reflection takes partial and mutually dependent recognitions as its subject matter need not threaten its claim to objectivity. So the introduction of idealist categories implies the possibility of reconciling James’s distinctive partialism with his respect for morality’s authority (pp. 7, 10, 24–25).

Thus far I have focused on Pippin’s main thesis (namely, that James’s moral outlook is a modern one in the sense described). One of his subsidiary theses also deserves mention. Pippin at one point claims that James’s modern moral concerns, in addition to informing his descriptive vocabulary and narrative themes, also shape his narrative strategies (pp. 18–19, including nn. 15, 16). He underscores the fact that (to put it in Pippin’s Jamesian terms) James’s novels and stories communicate “felt life”—for example, by getting us to enter into the perspectives of their characters and to imaginatively share their responses—and he claims that they teach us something about the moral life in virtue of doing so. Pippin never explicitly defends this claim. (Instead he refers us to the work of philosophers, such as Jay Bernstein, Stanley Cavell, Cora Diamond, Richard Eldridge, Martha Nussbaum, Bernard Williams, and Richard Wollheim, who argue for similar claims about James and other literary authors.) And I am inclined to think that he could have enriched his overall treatment of James by defending it in connection with particular works. But there is a respect in which Pippin’s very receptivity to this claim is noteworthy. The claim derives its appearance of plausibility from the kind of philosophically heterodox view of moral thought Pippin ascribes to James. It is only given a view of moral thought on which particular historical and cultural perspectives can be intellectually obligatory that it makes sense to suppose that literary works (such as James’s) can teach us something as moral philosophers by getting us to occupy such perspectives.
The interest of Pippin’s book transcends what it teaches us about James’s moral concerns. In attributing to James a view of moral thought that is largely unavailable within recent conversations in ethics, it not only illustrates the value of turning to literature in moral philosophy but also provokes us as moral philosophers to rethink our relation to our literary traditions. It is a book that one might justly recommend to anyone, without regard to academic affiliation, who has a serious concern with understanding morality and the challenges of moral reflection.

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The third of the lectures that compose *The Just* indicates the cultural distance that separates Paul Ricoeur’s reflections on justice from Anglo-American normative theory. Ricoeur asks, “How do I justify choosing John Rawls’s book for an inquiry into the theory of justice?” (p. 36). A more relevant question for Anglo-American philosophers would be, How do I justify not choosing *A Theory of Justice* for the inquiry? Indeed, Ricoeur’s preface to his lectures begins by regretting what he regards as a neglect of questions of justice, legitimacy, the “juridical arena,” and the constitutional state in favor of a focus on “the drama of war” (p. viii) and “a philosophy of history haunted in turn by the pitiless torment arising from and sustained by the aporia of political evil” (p. ix). While Anglo-American theorists have been interested in multicultural societies and political conflict, they have usually discussed such issues precisely in the context of the issues Ricoeur thinks are ignored. Yet this distance between French and Anglo-American approaches gives Ricoeur’s lectures their interest. In essays on Rawls, Michael Walzer, and Ronald Dworkin, among American philosophers, and Hannah Arendt and Luc Boltanski among European theorists, Ricoeur sketches a distinctive position on questions of justice that straddles the liberal/communitarian divide common in the Anglo-American world.

The organization of lectures in *The Just* follows Ricoeur’s earlier book, *Oneself as Another* (trans. Kathleen Blamey [Chicago: University of Chicago Press, 1992]) and reflects the dimensions of what he calls the moral constitution of action. He understands this constitution in terms of a horizontal and vertical axis. The horizontal axis embeds the individual in both face-to-face interactions with others and more distanced interactions mediated by institutions. The vertical axis involves different levels of analysis that indicate the place, for Ricoeur, of both teleological and deontological theories of justice as well as of references to practical reason. Moral action has a teleological dimension, he thinks, insofar as it is rooted in the human desire for personal fulfillment and friendship within just institutions. His lectures suggest that it is this dimension that grounds the bonds of political community. But moral action possesses a deontological dimension as well because the impartiality necessary to just institutions requires a procedural account of justice. Finally, moral action involves an element of
practical reason in the moment at which the subject must judge and act in one way or another.

Suppose we begin with the subject who seeks personal fulfillment and meaningful human associations within just institutions. For Ricoeur, this subject is defined by its capacities for language, action, narrative identity, and for ethical and moral evaluation. As a subject I am that who speaks, acts, narrates my life, and evaluates objects and actions as good in ethical evaluation or obligatory in moral evaluation. These capacities all possess a triadic structure: I can designate myself as an “I” or the subject who is speaking only within a structure that includes a “you” to whom I speak and a he/she/it about whom or which we speak. Ricoeur claims that this last relationship represents the institution of language “inasmuch as it encompasses all the speakers of one natural language who know themselves and who are bound together by the recognition of the common rules that distinguish one language from another” (p. 6). Consequently, Ricoeur criticizes social contract liberalism because it presupposes a subject who possesses natural rights prior to the contractual relation. For Ricoeur, the subject of rights emerges only through the political mediation that provides the institutional conditions under which mere capacities can be actualized as accomplishments.

Emphasis on institutional mediations provides for Ricoeur’s perspective on the issue of moral responsibility. He takes Hegel’s account of Sittlichkeit to have sufficiently answered the question that plagues Anglo-American theorists of whether imputations of responsibility are compatible with universal determinism. What interest him are imputations of responsibility that dispense with agency and fault in part because of the solidarity Sittlichkeit involves. There are risks that individuals take for which business enterprises or the political entity to which they belong takes responsibility and attributions of fault that refer to interconnections of consequences for which no one in particular is responsible. How do we balance, then, ideas of individual risk and responsibility against the virtues of solidarity? When are we responsible as individuals and when can we assume the solidarity of others in accepting a collective responsibility?

While Ricoeur suggests that recourse to solidarity can go too far in answering these questions, an appeal to the conditions of solidarity provides the basis for his criticism of Rawls. As his account of the subject of rights would suggest, and agreeing with many in the Anglo-American world, Ricoeur denies that a procedural theory of justice can substitute for the bonds of an ethical community or replace a collective conception of the good. At the same time, he sees Rawls’s analysis as a brilliant articulation of the deontological level of the structure of moral action. For Ricoeur, Rawls’s revisions of his theory of justice in his later work mark his own recognition of the connection between the deontological and teleological levels of moral action since he now explicitly grounds the theory of justice in a particular sort of political community.

Ricoeur turns to Walzer’s work, then, not to move from a Rawlsian liberalism to communitarianism but to look at another question: that of the divisibility of principles of justice within a particular state. Again Ricoeur emphasizes the importance of political community. He thinks Walzer errs in viewing the question of politics solely as a question of the just distribution of political power since, in doing so, he fails to examine the status of the political community within which distributions proceed. Ricoeur acknowledges the attention Walzer pays
to questions of membership in a political community. Still, he thinks that what Walzer’s work illuminates is “the uncomfortable situation of an entity called upon to behave at the same time as the whole and as the part, as the container and the contained, as inclusive agency and an included region” (p. 93). Rather than moving to a more communitarian view, then, Ricoeur accepts a modified version of Rawlsian liberalism: Rawls successfully constructs a single set of principles of justice, and we need only recognize that the grounds for this selection lie in our preexisting conception of the good rooted in our aspirations for meaningful lives and friendships within just institutions.

What about the last dimension of the constitution of moral action, the dimension of practical reason? Ricoeur agrees with Hans-Georg Gadamer that judgment and interpretation cannot be removed from the application of laws and principles to particular cases. Hence, he also accepts Ronald Dworkin’s argument against legal positivism. Because legal positivism identifies the meaning of a law with its original intent, it is left no recourse in hard cases that seem to be outside the purview of this intent except to appeal to the discretionary power of the judge. In contrast, Ricoeur emphasizes a criterion of validity that looks to the narrative coherence of a legal judgment in view of the history of the legal enterprise. Yet, Ricoeur thinks that Dworkin misses the opportunity to coordinate his “narrativist notion of fit” (p. 114) with a theory of argumentation borrowed from Habermas and the Erlangen School. Just as Rawls’s theory of justice lends formalism to the selection of principles of justice within a community of shared understandings and aspirations, Habermas’s discourse theory lends formalism to Dworkin’s interpretive judgments insofar as interpreters must argue for their interpretations under a set of discourse rules. Indeed, Ricoeur sees the ideal endpoint of a trial as a kind of ideal speech situation in which both winner and loser recognize each other as subjects of rights whose causes should have been heard, who made plausible arguments, and whose arguments were heard (p. 131).

The necessity of both solidarity and proceduralism thus holds for both distributive and criminal justice. In the end, Ricoeur remains committed to notions that ground the just polity in community and mutual sharing without thinking that these notions require us to dispense with the formalism of procedures of justice. While the latter are not sufficient on their own to create or sustain a just society, while, indeed, formal procedures always presuppose some conception of the good, procedural conceptions allow us to recognize each other as subjects of rights. Although it is not always clear that Ricoeur succeeds in reconciling Rawls and Walzer or Habermas and Gadamer, he does provide a fresh perspective on current debates within his own interesting account of the structure of moral action.

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Of the numerous books on Hannah Arendt which have been published in recent years, this is certainly among the most fluent and persuasive. One of the alluring features of Arendt’s writing for academic commentators is the fact that while her animating spirit remains constant, the specific message is often obscure (or is apparently contradicted in other pieces). Dana Villa disclaims any intention to provide a comprehensive account of Arendt’s work, or to reveal what she “really meant.” Yet he certainly discusses most of the key themes, and he presents his own interpretation with enviable self-confidence.

Among the subjects addressed in Villa’s nine essays are the use of terror by totalitarian regimes; the nature of evil; the relationship between thinking and judging; Arendt’s use of theatrical metaphors in describing the public realm; and her engagements with Socrates, Nietzsche, and Heidegger. In a particularly forceful chapter, Villa follows up his earlier book on the subject by arguing that, far from “whitewashing” Heidegger (her former tutor and lover), Arendt was a consistent and effective critic of his “idiotic” political activities. The other striking feature of the book is the author’s stout defense of Arendt’s report of Adolf Eichmann’s trial. As Villa shows, Arendt was in no sense trying to lessen Eichmann’s culpability by writing of the “banality of evil.” By focusing on this particular individual, Arendt was revealing the unsettling truth that faceless bureaucrats could perpetrate evil deeds; she was not trying to produce a generalized model or to subvert the more obvious association of evil with ideological fanaticism. Although (as Villa shows) Arendt was inconsistent in her treatment of Socrates, the presentation of her approach in this book is similar to the familiar image of the Athenian thinker as a gadfly: her aim was to provoke her fellow citizens into deeper reflection on their condition.

While his general purpose is to vindicate Arendt against her interpreters (whether hostile or friendly), Villa is by no means an uncritical advocate. Even so, it is surprising that in his closing paragraph he writes that “whether political action is even remotely capable of providing what [Arendt] claims is, of course, an open question” (p. 218). One could restate this point. Is conformity with Arendt’s demanding model of political action remotely possible? It may be the case that technological advances could open up new opportunities for participation by active citizens. Equally, they might help to close up existing ones. Whatever the available public spaces, today’s headlong rate of change, the distortions by media and spin doctors, and the sheer volume of information bearing on every important decision make the proper exercise of political judgment unlikely even for the most public-spirited citizen. Of course, this is no reason to dismiss Arendt as an impractical peddler of nostalgic visions. Certainly she deserves her high ranking among twentieth-century political thinkers. But, as Villa remarks, there has been a tendency for commentators “to find reflections of their own most cherished ideas, commitments, or prejudices in her work”—as if having Arendt on one’s side might be considered sufficient proof that one possesses the right answers to the political problems of today.

Arendt wrote that “when everybody is swept away unthinkingly by what everybody else does and believes in, those who think are drawn out of hiding because
their refusal to join is conspicuous and thereby becomes a kind of action” (p. 165). Events in Germany and the Soviet Union during her lifetime made it impossible for Arendt to consider hiding in a life of abstract philosophical speculation, but for her, the crimes committed by the regimes of Hitler and Stalin were only the most fearful manifestations of a more general malaise. As Villa points out, the experience of totalitarian terror still infects world leaders; “it has permanently altered the range of possibilities states everywhere are willing to contemplate” (p. 38). True to Arendt’s spirit, Villa alludes to recent events in Bosnia, Rwanda, and Algeria to demonstrate that the writings on the nature of terror are still relevant, despite the collapse of communism. Quite properly, he refuses to ask what Arendt herself might have said about our contemporary atrocities. But the reader is tempted to wonder whether the debate on Arendt’s work is not itself developing into a form of hiding on the part of academics. More contemporary reports in the vein of Eichmann in Jerusalem (1963) are urgently required; apart from the exposure and analysis of individual examples of evil, we also need perceptive commentaries on our general environment of truly banal commercialism, which provides an ideal seedbed for future projects based on the evil notion that human beings are superfluous. The best tribute to the legacy of Hannah Arendt would be a greater contribution to these crucial endeavors on the part of those academic writers who claim to understand her best.

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Waldron, Jeremy. Law and Disagreement.
Oxford: Oxford University Press, 1999. Pp. 332. $75.00 (cloth); $18.95 (paper).

Waldron, Jeremy. The Dignity of Legislation.
Cambridge: Cambridge University Press, 1999. Pp. 242. $54.95 (cloth); $18.95 (paper).

John Rawls maintained that in pluralist societies people disagree deeply about their conception of the good. It is the challenge of a theory of justice, he thought, to work out a fair scheme of cooperation in society that could be seen as right and just by everyone, despite the deep disagreements about the good. Jeremy Waldron believes that people are similarly in disagreement about their conception of right and justice, and it is therefore the point of law to enable us to manage our societies in the face of such disagreement. Law is capable of achieving this noble role, Waldron argues, due to the respectability of democratic procedures and, particularly, of legislation in democratic legislative assemblies. Instead of the priority of the right over the good suggested by Rawls, Waldron argues for the priority of procedure over the right (and the good).

Both books under review are rich in content and diverse in scope. Law and Disagreement comprises two main parts. (There is a third, middle part, which is somewhat of a digression.) In the first part of the book (chaps. 1–6) Waldron strives to defend a fairly complex and original argument which purports to establish a normative connection between the authority of law and legislation...
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by democratic assemblies. Law deserves our respect, Waldron argues, because it is a remarkable achievement. Legislation achieves the concerted action we need in our social lives in spite of the disagreement we have over what is just and good. The fact that legislative assemblies typically comprise hundreds of people representing different worldviews, different conceptions of what is right and just, is a key factor in determining the authority of law. Acts of legislation deserve our respect precisely because they result from a delicate compromise of radically differing views about justice. This same fact also entails, Waldron contends, that it is only the final result of such a compromise, namely, the canonical text of legislation, that we should treat as the law of the land and respect as such.

The second main part of the book (chaps. 10–13) is devoted to a much needed and serious reconsideration of judicial review. Most democratic countries around the world have adopted the American-style judicial review of legislation by a constitutional or a supreme court, and even the United Kingdom, the last bastion of faith in the supremacy of parliament, is recently considering some form of judicial review. In face of this almost universal consensus about the desirability of judicial review, the skepticism Waldron expresses in this part of the book is courageous and refreshing. It is more than that. I believe that Waldron’s arguments against judicial review are cogent, if not always complete, and they should at least make us seriously reconsider what we have long taken for granted, namely, that the courts and not the democratically elected legislature are best suited to protect our constitutional rights.

The Dignity of Legislation is a much shorter book, mostly based on the Seely lectures presented by Waldron at the University of Cambridge in 1996. The book is, indeed, an attempt to restore the dignity of legislation by assemblies by invoking, and sometimes reinterpreting, the political writings of Kant, Hobbes, Locke, and Aristotle. The choice of these particular political thinkers and their recruitment in favor of the dignity of legislation is intriguing and certainly not obvious. With the exception of Locke, perhaps, they are not the most natural defenders of democracy. Interestingly, however, it is precisely part of Waldron’s argument that the dignity of legislation does not necessarily derive from a theory of representative democracy. (In fact, as Waldron admits, he does not have a theory of representative democracy in any of these books.) The dignity of legislation derives mainly from the procedures of lawmaking in representative assemblies, namely, structured argument and majority voting. But why is majority voting so respectable? After all, as Waldron himself nicely puts it, “Bills do not reason themselves into legal authority; they are thrust into authority with nothing more credible than numbers on their side” (Dignity of Legislation, p. 127). What is the justification of majority decision? And how can majority decision cast dignity on legislation when it seems to be so arbitrary and devoid of substantive reason?

There are two main arguments, or lines of thought, which Waldron espouses as an answer to this pressing question in both of these books: one is the Aristotelian argument about the wisdom of the multitude, and the other is an egalitarian conception of majority-decision procedures. Whether these two arguments are easily reconcilable is a difficult question I will address shortly. In both books Waldron discusses at some length a passage from book 3 of Politics (chap. 11), where Aristotle argues that sometimes the collective decision of a group of people...
may turn out to be better than the decision of individuals, even if those individuals are better or wiser than the rest. In this potential wisdom of the multitude Waldron sees the great advantage of legislation by assemblies. “What lies behind this is the idea that a number of individuals may bring a diversity of perspectives to bear on the complex issues under consideration, and that they are capable of pooling these perspectives to come up with better decisions than any one of them could make on his own” (Law and Disagreement, p. 137).

Waldron realizes that this is not an argument for democracy since it is agnostic about suffrage. Any legislative assembly, whether democratically elected or not, would meet Aristotle’s requirement of the “multitude,” as long as the assembly is diverse and not too monolithic. Waldron is actually quite happy with this result, since he does not believe that the preference of large legislative assemblies necessarily (or historically) derives from democracy. What makes legislation in assemblies dignified and worthy of our respect is basically the multiplicity and diversity of participants, not necessarily their democratic credentials. And this, of course, is nicely explained by the Aristotelian argument about the wisdom of the multitude. Recall that legislation is authoritative and worthy of our respect because it is an achievement; it achieves concerted action in face of disagreement. At least as far as the Aristotelian argument is concerned, such an achievement has nothing to do with the representative nature of the assembly or its democratic formation. Now perhaps some readers might find this aspect of Waldron’s argument somewhat disappointing. But I think that Waldron is right to assume that there is no necessary connection between the authority of law and democracy. Of course, we may have good reasons to prefer democratically elected legislatures, but those reasons do not have a direct bearing on the authority of law.

Waldron has another argument for the respectability of majority decision which is more straightforwardly democratic. The assumption is that political power is a “primary good” and should be subject to something like Rawls’s first principle of justice, namely, that each citizen should have the greatest political power compatible with an equal power for all. The question is whether the justification of majority decision can be derived from this principle of the equal distribution of political power, and as Waldron admits, it is not an easy question to answer. After all, a decision procedure by tossing a coin may also instantiate equal distribution of power: it would give all parties concerned an equal chance of success. Waldron suggests that voting is more respectable because it respects the individuals concerned; it acknowledges the realities of their differences of opinion. But it seems that any neutral procedure, like any fair lottery-type of decision making, would be equally respectful of the participants’ views and differences of opinion. Perhaps a better answer is that an equal share of political power does not necessarily entail something like equal chances of influencing the political outcome. However, such distinctions have to be worked out in detail, and it is regrettable that Waldron says so little on this important subject.

Be this as it may, a certain tension exists between this egalitarian argument and the Aristotelian argument we have mentioned earlier. The Aristotelian model is closely associated with models of deliberative democracy, whereby at the end of the process of deliberation we seek consensus and not voting. We expect a synthesis to emerge from the different opinions and perspectives. It is
difficult to see how such a synthesis is likely to emerge in a context of voting and majority decision procedures. Voting and majority decision are typically needed when consensus turns out to be unattainable. Is it possible that Waldron is suggesting here a two-stage model of legislation? First the legislators try their ways with the Aristotelian model, hoping to reach a synthesis of their differing views resulting in a consensus, and only if this process breaks down is voting resorted to and majority decision followed. Waldron is not quite clear about this, but there is ample indication in these texts that he is not a great supporter of the currently fashionable models of deliberative democracy. Waldron believes that deep disagreements over justice and the good pervade the legislature, just as in the society it represents, and that it is hopeless to expect that an ideal type of deliberation and rationality would yield consensus. We should acknowledge the fact that rational persons may reasonably disagree about justice and the good. Voting and majority-decision procedures, Waldron repeatedly emphasizes, are precisely the modes of collective decision making which manifest respect for such reasonable disagreements. But if disagreements are so deep and unavoidable, how can we seriously hope that Aristotle’s “wisdom of the multitude” would be applicable to legislative assemblies? How can a synthesis emerge from such an unavoidably divided legislature?

One plausible answer is that Waldron has initially exaggerated the background of disagreement in politics. Sure, we disagree about justice and rights as we disagree about the good. And I am inclined to believe that Waldron is right to maintain that even under ideal modes of deliberation rational people may still end up with reasonable disagreements about justice. His mistake lies, however, in the assumption that most of the functions of law in our society concern such deeply disputed matters of principle. In fact they do not. A great many functions of law in a modern society, perhaps most, concern such issues as the solution of coordination problems, resolution of collective action problems like Prisoners’ Dilemma situations, and what Thomas Aquinas famously called ‘determinatio’, that is, the concretization of abstract principles which need to be applied to specific situations. Law is often required to achieve all this, and much more, despite the fact that there is no disagreement of principle lurking in the background of such collective action problems.

Waldron is right to maintain, however, that in one particular area there actually is more disagreement than is usually thought, namely, in the area of civil and human rights. Traditional supporters of judicial review tend to obscure this fact. They believe that precisely because there is widespread consensus over the rights we should have, it is advisable to entrust the protection of these rights and the determination of their scope to the courts and thus remove this aspect of our politics from the arena of democratic procedures. I think that Waldron is correct to be very doubtful about this rosy picture of rights discourse. We disagree about rights, and certainly about their appropriate scope and ramifications, just as we disagree about the conceptions of the good. By entrusting the determination of individual rights to a supreme court, as in American-style judicial review, we in effect embrace an aristocratic form of governance, strikingly at odds with the egalitarian conception of democracy and self-government. And Waldron is right to claim that the aristocratic nature of judicial review is “not diminished by the mere fact that the aristocrats are exercising judgement rather
than will... politics is always a matter of judgement, even at the most abstract level” (Law and Disagreement, p. 264). Determining the rights we have is not any less political than any other issue we expect the democratic legislature to resolve.

Are there any reasons to believe that from an instrumental perspective, courts would do a better job in protecting our rights than the democratic legislative assembly? Most supporters of judicial review think that there are plenty of such reasons. Waldron is somewhat too quick to dismiss their claim. Rights instrumentalism, he claims, faces the difficulty of taking for granted that we know what rights we should have, and then it is only an instrumental issue whether the courts, or the legislature, would do a better job in protecting them. But this is wrong, Waldron claims, because it assumes that we already possess the truth about rights, whereas the whole point of the objection to judicial review was that rights are just as controversial as any other political issue. Supporters of judicial review, however, need not make this obvious mistake. They can easily maintain that whatever our rights ought to be, they are of such a nature that legislatures are bound to get them wrong; or at least, judges are more likely to get them right. Even in the absence of knowledge or consensus about rights, there may be reasons to assume that some institutions are more likely to go right (or wrong) about such issues than others. Perhaps legislative assemblies do not have the appropriate incentive to even try to establish our rights, or they may be systematically biased about such issues, and so forth. Waldron’s reply to this, more plausible, version of rights instrumentalism is that the assumptions it relies upon are just as controversial as the moral issues underlying rights discourse. But this is not a convincing reply. After all, how can we design political institutions, including legislative assemblies, unless we possess considerable knowledge about institutional constraints and the likely consequences of various institutional structures. Waldron should have confronted the institutional issue more directly, and perhaps he could show that rights instrumentalism may actually fail on its own terms. Neither the long history of judicial review in America, nor the institutional character of the courts, necessarily lend credence to the supporters of judicial review. Courts are essentially conservative institutions, typically lagging behind progressive movements in society, severely circumscribed by adversary procedures, and most important, perhaps, constrained by the lack of any real political power which tends to limit severely their power to make innovations. Perhaps legislative assemblies are not so diverse and progressive as Waldron depicts in these books, but he is certainly right to question whether courts are necessarily better suited to protect our rights.

There are many more interesting issues discussed in these two books. All of them are thoughtfully and meticulously analyzed, and both books are pleasantly readable. The crucial importance of legislation has been long neglected by legal and political philosophers alike. Waldron’s original and thought-provoking Law and Disagreement is a major contribution to both these fields of scholarship in an area which has certainly needed such refreshing and penetrating insight.

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Stephen K. White’s *Sustaining Affirmation* studies the emergent practice of weak ontology in the work of four contemporary political theorists and philosophers. ‘Weak ontology’ is White’s name for a distinctive way of grounding affirmative political and ethical commitments in the wake of the critique of metaphysics. A weak ontology is an ontology because it involves some account of the fundamental character of human being; indeed, for White, any “felicitous” weak ontology should engage the existential themes of language, finitude, natality, and (borrowing from Charles Taylor) “sources of the self” (p. 9). A weak ontology is weak both because it acknowledges the contestability of its own account of human being and because its account of human being informs but does not determine one’s affirmations. For White, weak ontology constitutes an important alternative—or at least a supplement—to both certain versions of “poststructuralism and postmodernism” and to “political liberalism,” whose “skeptic[ism] about sustained ontological reflection” unnecessarily impoverishes their conceptions of justice (p. 151).

This is an excellent and refreshing book whose brevity and modest tone belie its substantial achievement. By focusing on how the thinkers he studies actually proceed with the business of affirmation, White moves well beyond second-order debates about the possibility or necessity of providing foundations for ethics and politics, which too often end by merely gesturing at the importance of having foundations and (somehow) criticizing them too. White’s cast of characters is also admirably eclectic: he devotes whole chapters to the work of George Kateb, Charles Taylor, Judith Butler, and William Connolly, persuasively establishing a family resemblance among these “unusual suspects” (p. 151). His mode of critical engagement with these thinkers is exemplary, eschewing caricature in favor of nuanced, sympathetic readings whose generosity does not weaken but strengthens White’s critiques. Finally, the book is very clearly written, though dense and sometimes too terse; White covers lots of ground in only 150 pages, which sometimes leaves one wishing for longer treatments of interesting issues.

White’s method is mainly inductive and interpretive. He does not present an elaborate account of weak ontology in the abstract but lets the account emerge out of his readings of Kateb, Taylor, Butler, and Connolly. Thus, the most extensively developed parts of the book are these interpretations themselves, each of which is rich in insights and criticisms. The book can profitably be read by anyone interested in, inter alia: Kateb’s Emersonian conception of the self; its relationship to his uses of Nietzsche and Heidegger; its tense relationship to his secularism; and its connections to the politics of equal recognition and democratic justice; the philosophical status of Taylor’s “theism”; the relationship between Taylor’s *Sources of the Self* (Cambridge, Mass.: Harvard University Press, 1989) and his work on the politics of recognition; the problem of agency in Butler’s philosophy; the connections between her ontological reflections and her feminism; the significance of her recent work on melancholia; the onto-
logical basis of Connolly’s “ethos of critical responsiveness”; the relationship
between critical responsiveness and liberal practices such as toleration and re-
spect; the affective and motivational bases of political liberalism; and the question
of whether contemporary political theories indebted to Nietzsche carry some
inherent propensity to glorify violence. White’s treatments of these issues are
thoughtful and responsible; while no reader will come away persuaded on every
point, dissenters will have their hands full.

What about White’s larger aims? He successfully extracts a coherent and
compelling picture of weak ontology from the work of these four thinkers. Especi-
ally useful is White’s treatment of one of the aspects of the weakness of
weak ontology—the fact that weak ontology informs or, as White says, “prefig-
ures” ethical and political commitments but does not determine them. Accord-
ing to White, weak ontologies offer us “broad cognitive and affective orientation”
within ethical and political life (p. 11); that is, they focus our attention and
direct our motivations in certain ways, helping us see and feel the point of
certain values, practices, institutions, or possibilities for action (p. 30). To pre-
figure an ethical or political commitment thus involves creating a presumption
in its favor, but this does not yet entail any specific course of action (p. 30).
Though I occasionally disagree with White’s judgments about the effectiveness
of his four authors’ prefigurations, this is nevertheless an inspiring account of
one way among others that political theory and philosophy can be brought to
bear on practice: not by telling us what is to be done but by providing rich,
lucid, and sometimes powerfully transfigurative interpretations of the stakes and
possibilities of politics.

White’s inductive method does sometimes leave his general picture of weak
ontology underdeveloped; one wishes he had discussed some apparent differ-
ences among his four exemplars of weak ontology at greater length. One ex-
ample involves White’s vivid use of the metaphor of a “fold” to capture another
aspect of the weakness of weak ontology. Because ontologies involve “our most
basic sense of human being,” they will “always carry a propensity toward nat-
uralization, reification, and unity” (p. 8). An ontology is “folded” if it somehow
turns “back upon itself” in order to “reflect this propensity” (p. 8). Yet, White
actually describes at least two importantly different kinds of fold without ex-
licitly distinguishing them. One way of folding an ontology back on itself is to
admit its “contestability” (p. 8). This is the sort of fold White finds in Taylor,
for whom ontological argument is inseparable from the ongoing activity of in-
terpreting our lifeworld and therefore cannot be placed “beyond contestation”
(p. 52). By contrast, Kateb’s ontology is folded not because he confesses its
contestability but because the ontology itself contains multiple and potentially
conflicting elements (both wonder at the fact of being as such and an appreci-
ation of the beauty of particulars, both an acknowledgment of the connect-
edness of the self to others qua infinite potentiality and respect for the sepa-
rateness of the self qua unique actuality).

This raises questions about the propensity weak ontologists are supposed
to resist. Do these two kinds of fold represent alternative strategies for dealing
with one propensity—the propensity toward “naturalization, reification, and
unity”? If so, what are the strengths and weaknesses of each strategy? Or is the
issue of unity actually distinct from the issue of naturalization or reification? If
so, must weak ontologists effect both kinds of fold? (There is at least one reason
to think that Kateb’s sort of fold might be crucial to White’s conception of weak
ontology. The notion of a folded ontology as one with multiple and potentially
conflicting elements lets us see an internal connection between foldedness and
prefiguration: such a folded ontology could not entail specific courses of action
precisely because it would lead us to see the point of several values that sometimes
conflict.) These questions have important implications for White’s reading of
Taylor. Much of chapter 3 is devoted to demonstrating that Taylor is a weak
ontologist, which White does by showing that, for Taylor, theism is a position to
be defended within the ongoing activity of collective self-interpretation rather
than by deploying a “strong ontological trump card” (p. 62). This fold deals
with the propensity toward naturalization. But what about the propensity toward
unity? Despite the sincere tentativeness of Taylor’s theism in Sources of the Self,
that theism does seem to represent the possibility of an ultimate reconciliation
of the multiple goods Taylor says we are drawn to acknowledge in modernity,
one that would deliver us from the dilemmas we face, or appear to face, when
these multiple goods conflict.

A final word about the encounter White stages between weak ontology and
political liberalism (represented here by Donald Moon and Charles Larmore).
The most interesting part of this encounter is White’s creative argument that
Connolly’s ethos of critical responsiveness, and similar sensibilities, cannot be
assimilated to liberal respect. Drawing on the writings of political liberals as well
as on the aesthetics of Burke and Kant, White claims that the affective and
motivational sources on which liberal respect draws cannot sustain, and may
even close us off to, the openness, generosity, and willingness to put one’s self-
conception at risk that Connolly, Kateb, Taylor, and Butler, each in his or her
own way, all urge. White stresses that he does not for this reason reject the idea
of liberal respect; indeed, in the end, he casts weak ontology more as a supple-
ment to political liberalism than as a wholesale alternative to it, though I think
his argument implies a greater potential for conflict between the two than he
acknowledges. This part of the book moves very quickly and would have ben-
efited from being expanded into a chapter of its own, both in order to lay out
the implications of this critique of political liberalism in more detail and to
develop the distinctive understanding of the sublime and its relationship to
finitude on which White relies—recurring subtexts throughout the book (as well
as in some of White’s earlier work) and well worth making more prominent.

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Martin Wilkinson, a New Zealand political theorist, argues that a substantial
egalitarianism can permit freedom of occupational choice and still be efficient
in the relevant sense. Equality and efficiency are second-order concepts that
require a specification of what is to be equalized or efficiently promoted. Wil-
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kinson rightly assumes that it is some conception of individual advantage, but he leaves its exact nature open, since neither the general problem, nor his solution, depends on the specifics. Efficiency is understood in the (Pareto-optimal) sense of it not being possible to increase the advantage of one or more persons without decreasing that of at least one other person.

Although justice is concerned with freedom generally, Wilkinson focuses on freedom of occupational choice since it is the freedom most relevant for the issue of efficiency. He discusses different conceptions of this freedom (negative, positive, etc.) and different arguments for it (self-realization, self-ownership, and autonomy). He concludes that the absence of coercive interference is at the core of the relevant notion.

Equality and efficiency can of course conflict even in the absence of freedom. Where the choice is between perfect equality (e.g., \(1,1\)) and inequality in which everyone is better off (e.g., \(2,4\)), only one of the demands can be met. Wilkinson is not, however, concerned with the mere conceptual possibility of a conflict. He is concerned to show that there need be no conflict if all comply with their moral obligations.

A standard egalitarian view (e.g., that of Rawls) is that justice requires that individuals support and comply with just coercive institutions but that individuals have no further duty of justice to promote equality. Thus, individuals have a duty to vote for just institutions and pay whatever taxes just institutions require, but they have no duty to choose any particular job (e.g., to increase the tax base) or do anything else that might promote equality.

One approach along these lines is to tax incomes at up to 100 percent and then distribute the funds to promote equality. Wilkinson argues that this approach will be inefficient if freedom of occupational choice is guaranteed and the tax rate is set at an equality-maximizing rate because there will be situations in which agents will choose not to perform certain socially desirable tasks because the after-tax return is not sufficiently high.

Because income taxes are avoidable, they modify the incentive structure in ways that can generate efficiency problems. The main alternative is to have a personal endowment (asset) tax which is based on one’s capacity to do things (e.g., earn income) rather than the doing of those things. A personal endowment tax does not face efficiency problems, but it does face fairness problems. For it can (e.g., if the tax funds are distributed equally to all) lead to situations in which a highly talented person has to work in her most productive capacity in order to earn enough to pay her endowment taxes, while less talented individuals (whose endowment taxes are lower) need to work much less or perhaps not at all. This situation is especially objectionable if the talented person is much less happy than the others because she hates (through no fault of her own) working in her most productive capacity. This problem, however, can be overcome by recognizing that the endowment tax should be based on the capacity to have a good life and not merely on one’s earnings capacity. A person with low productive talents but with a happy disposition may have to pay a higher tax than does a person with high productive talents but a depressive disposition. As Wilkinson points out, as long as the tax and benefits are sensitive to the right metric, the highly productive talented will not be disadvantaged relative to others.

Wilkinson holds that an appropriate endowment tax can in principle com-
bine freedom, equality, and efficiency, but he is skeptical that in practice it provides a workable solution because estimating the value of personal endowment (e.g., earnings potential) is informationally extremely demanding and unworkable in practice. He therefore turns to a different approach.

The above approaches assume that individuals are morally free to make occupational choices based on self-interest. Wilkinson argues that there are sound efficiency reasons for holding that individuals have a moral duty to make equality-promoting decisions about what jobs to take and how much to work. The task is to see whether there is a plausible specification of this duty that will achieve equality and efficiency.

What moral duties, then, does one have with respect to occupation choice? One possibility (discussed and then modified by Joseph Carens) is the view that one has a moral duty to maximize one’s pretax income, even if all of it is taxed away. Wilkinson criticizes this view on the grounds that it is inefficient because it completely ignores the nonfinancial costs and benefits to the agent of any job. Instead, Wilkinson defends the view that one has a moral duty to perform the work one would (or might) perform if there were no income tax. Given that almost no one chooses jobs solely on the basis of the income (independently of prestige, job satisfaction, etc.), this requirement is less demanding in a plausible way. Wilkinson argues that the informational demands (figuring out one’s counterfactual zero-income-tax job choice) are manageable.

Wilkinson then argues that 100 percent income taxation with redistribution to promote equality will, if all fulfill their moral duties, satisfy the demands of equality and be efficient even with freedom from coercive job assignments. He also argues that neither the income tax nor the moral duty to perform certain jobs involves a significant loss of occupational freedom and that the moral duty involved is not excessively demanding (although it’s clearly fairly demanding).

In defending the efficiency of this approach, Wilkinson draws an important distinction between the efficiency of a set of rules and the efficiency of particular outcomes (or particular choices). Efficiency is always (at least implicitly) a comparative notion: one thing is more efficient than another, or one thing is efficient relative to a set of alternatives. The efficiency of a set of rules is determined by comparing its expected outcomes with those of alternative sets of rules, whereas the efficiency of outcomes is determined by direct comparison with alternative outcomes. A set of rules may thus be efficient relative to all feasible alternatives even though in some situations it permits outcomes that are not efficient. The distinction here parallels that between rule and act consequentialism. Wilkinson allows that 100 percent income taxation combined with the moral duty to work as if there were no taxation may sometimes permit job choices that are not efficient relative to other job choices that might be made in a given situation. He argues, however, that no alternative set of rules is more efficient.

There are many issues that I would pursue given greater space. One is that accounts of equality, freedom, and efficiency need to ensure that in all possible situations the three are jointly compatible and not merely that they are compatible under certain conditions. For the mere possibility of a conflict shows that we can’t consistently endorse all three as deep principles. I would argue that occupational and specified other freedoms must be respected, that efficiency of advantage is required relative to what is feasible given those freedoms,
and that equality of advantage should be promoted as much as possible compatibly with this efficiency. On this view certain freedoms are lexically prior to efficiency, which is lexically prior to equality.

A second issue I would pursue concerns the focus on rules rather than acts for the question of efficiency. I would argue that it is the efficiency of the consequence of acts of individual agents, rather than that of rules, that matters.

A third issue concerns why Wilkinson envisages only income taxes as sources of revenue. It would seem that rules that include other kinds of taxes as well (e.g., natural resource taxes) may be no less efficient than his income-tax-only rules and may better promote equality because they raise more money (which can be spent on getting closer to perfect equality).

Finally, there is the question of whether the kind of counterfactual full-compliance efficiency that Wilkinson considers (efficiency on the assumption that all fulfill their moral duties) is the relevant notion. Rules that are efficient in this counterfactual sense may be grossly inefficient in actual application (and vice versa). Although establishing full compliance efficiency is an interesting result, egalitarians should want their rules to be efficient in actual—and not merely counterfactual—operation.

The book is well written and argued, is economically well informed, deals with an important problem, and offers an interesting solution. It should be read by anyone with interests in freedom, equality, and efficiency.

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