BOOK REVIEWS

Philosophical-Political Profiles, by Jürgen Habermas trans. by Frederick G. Lawrence. Cambridge, MA: MIT Press, 1983. Pp. 211. Reviewed by David Ingram, University of Northern Iowa.

Thanks to Frederick Lawrence and MIT Press, many of Habermas's hitherto neglected studies of contemporary German philosophy are now available to an English-speaking audience. This translation comprises a selection of essays taken from the revised edition of Philosophisch-Politische Profiles (1981), which contains material originally published under the same title (1971) as well as articles published in Kultur und Kritik: Verstreute Aufsätze (1973) and in other journals. Among the essays contained in the German edition that were not included in the English version are some of Habermas's earliest efforts as a student, the most significant being his review of the 1953 edition of Heidegger's Introduction to Metaphysics (see "Zur Veröffentlichung von Vorlesungen aus dem Jahre 1935" (1953)). The absence of these essays is particularly regrettable since they chronicle Habermas's early involvement with Schelling and Heidegger--at 24 Habermas could still maintain that Sein und Zeit was "the most significant event since Hegel's Phänomenonologie" and that one must "think with Heidegger against Heidegger"--and because they foreshadow the direction of his later thought. Apparently, the editors decided to limit themselves to one essay per literary figure (the revised German edition, for example, contains four essays on Marcuse alone). Despite these shortcomings, the English edition does give the reader an opportunity to savor a representative sampling of Habermas's less theoretical oeuvre spanning two decades.

In the preface to the first German edition Habermas described the earliest among these contributions as a product of a quite bourgeois style of journalism which were written in honor of notable philosophers or in response to significant publications in the field. Many of these essays belong to an era in which German Philosophy was stamped by the dominant personalities of individual thinkers--an era, Habermas believed, that ended in the sixties when changes in political climate

Auslegung, Vol. XI, No. 2
ISSN: 0733-4311

called for interdisciplinary research strategies. Thus, while all of the essays in this collection are marked by a disdain for commentary and an overriding concern with the subject matter as a vehicle of self-clarification--a style of criticism exemplified by Habermas's Literaturberichte on Marx and Marxism (1957) and on the logic of the social sciences (1967)--those written after 1963 display evidence of the sort of interdisciplinary theorizing that has been the hallmark of Habermas's philosophy in recent years.

It would be futile to attempt a summary of this entire volume, let alone a single essay. However, a brief list of the principals discussed--Heidegger, Bloch, Löwith, Adorno, Gehlen, Benjamin, Marcuse, Arendt, Gadamer, and Scholem--amply testifies to the impressive range of Habermas's thought. The list also suggests something of a settling of accounts with the past. The manner in which this enterprise is carried out varies considerably, from the harsh rebuke in "Martin Heidegger: The Great Influence" (1959): "Heidegger's thought . . . understands itself just as little in relationship to social practice as it does in relation to the interpretation of the results of science" (p. 60); to the glowing encomium of "Hans-Georg Gadamer: Urbanizing the Heideggerian Province" (1979); "Can a more stark contrast be imagined than that between [Heidegger's] turn away from any articulate figure of the tradition in the interests of a mysticism of being and Gadamer's quest to renew the humanistic tradition, from Plato to the Renaissance, from Vico through Scottish moral philosophy down to the Geisteswissenschaften of the nineteenth century . . . ?" (p. 194).

In retrospect, these earlier essays may be read as criticisms of the sort of abstract theorizing later pursued in Habermas's mature philosophy since 1970. For instance, Habermas's objection to the formalism of Heidegger's existential analysis in Sein und Zeit could apply mutatis mutandis to his own theory of communicative action. In both cases a critique of ideology rooted in "the history of this situation, to the development of the social life context" (p. 57) is extruded in favor of a kind of theory which is more suited for exposing pathologies--inauthenticity, nihilism, alienation, anomie, "the colonization of the life-world," etc.--of a global nature. This criticism had been levelled against Jaspers in a way that seems prescient in light of Habermas's consensus theory of truth: "The demand of Jaspers--in striving beyond every doctrinal partisanship to fasten upon a unique great partisanship, that of being partisan for reason, humanity, truth, and goodness--blunts its own point when it accepts the injunction to hold fast not only to this partisanship, but to its lack of determinacy" ("Karl Jaspers: The Figures of Truth" (1958), p. 52).

Again, the assertion directed against a utopian thought which "is not as concrete as it pretends to be" ("Ernst Bloch: A Marxist Schelling" (1960), p. 74), namely, that "only to the extent that it becomes sublated into practice, which it has to conceive as the realization of itself, will philosophy be able to look over its own shoulder and will knowledge of the sort that speculation always claimed to be possible" (p. 75) stands in sharp contrast to Habermas's current separation of theory and practice. The earlier view of the relationship between theory and practice, which may well have been partially inspired by Löwith's reading of the Young Hegelian movement in Von Hegel Zu Nietzsche, is not necessarily lacking in mature judgment--Habermas, for example, already mentions the need to ground utopian thought in erkenntnisleitende Interesse. Finally, in taking exception to Löwith's criticism of modern historical consciousness ("Karl Löwith: Stoic Retreat from Historical Consciousness" (1963)) he again touches upon a difficulty that later resurfaced in Knowledge and Human Interests (1968): the relationship between natura naturans and natura naturata, between nature conceived as the ground of evolution and nature understood as a lifeless, reified domain of mechanistic forces.

> The human race, as a component of nature, would have to be thought of as no less contingent than nature itself, and history would have to be conceived as natural history. History would lose its contingency to the extent that a progressive rationalization could be retrived from the aimless growth of technical forces over a reified nature and society--in a self-critical way, through the rational communication of humans about the practical mastery of their fates. (p. 93)

The "resurrection of fallen nature" theme expressed in the above passage is integral to German Idealism--a fact which explains why Habermas, who wrote his dissertation on Schelling, could also be attracted to the Jewish undercurrents of that tradition. This theme crops up in essays on Bloch, Löwith, Adorno, Benjamin, and Scholem--all of them tied together by Habermas's brilliant study, "The German Idealism of the Jewish Philosophers" (1961). The latter explores the mystical and rationalistic antipodes of German Idealism that resonate in the philosophies of such diverse thinkers as Simmel, Buber, Wittgenstein, Rosenzweig, Benjamin, Cohen, Husserl, Bloch, Adorno, Marcuse, and Horkheimer. What holds true for Bloch's philosophy, Habermas concludes, holds equally true for German Jewish thought generally: "Because Bloch recurs to Schelling, and Schelling had brought from the spirit of Romanticism

the heritage of the Kabbalah into the Protestant philosophy of German Idealism, the most Jewish elements of Bloch's philosophy--if such categories have any meaning at all--are, at the same time the authentically German ones" (p. 40).

Habermas, of course, later abandoned his Schellingian proclivities and with them, the idea of "resurrecting nature" as an autonomous domain of purposiveness. This break is most clearly documented in the two essays on Bloch and Löwith, where Habermas already expresses deep reservations about the possibility of returning to a pre-objectifying, aesthetic or cosmological understanding of nature absent any technological violence. The problem of reconciling an aesthetic, or totalizing, intuition of nature with an objectifying knowledge of the same continues to be a source of irritation for Habermas, as is borne out by his recent "Reply" (1981) to his critics.

My favorite essay of the bunch is "Walter Benjamin: Consciousness-Raising or Rescuing Critique" (1972). Habermas does a marvelous job of situating Benjamin's aesthetics within the context of his Jewish mysticism. It is the latter, he believes, which provides the key for understanding the rift between him and Adorno. Benjamin anticipated the overcoming of "autonomous" art in the Dadaist destruction of its cultic aura, or timeless, contemplative presence--a thesis later elaborated in Marcuse's "The Affirmative character of Culture" (1937) under the guise of ideology critique. One of the virtues of Habermas's reading of Benjamin is its awareness of the underlying distinction between this latter form of critique and Benjamin's "rescuing critique." Benjamin's rescuing critique was based upon a mystical philosophy of language which invests meaning solely in the mimetic power of names, conceived as expressions of primal energies and needs. Rescuing critique has as its aim the violent wresting away of these primal meaning contents from the empty continuum of a historicity in which they remain lost, as if caught up in a repetition of the new as the perpetually same. Its modus operandi is not that of reflection--least of all emancipatory--which anticipates the utopian fulfillment of cultural ideals. For Benjamin, history is not the chronicle of cultural progress, but of continuous decay. Subsequently, recuring critique proceeds by way of a conservative, secular illumination of the "collective fantasy images deposited in the expressive qualities of daily life as well as in literature and art" (p. 152). Thus, in opposition to Adorno and Marcuse, Benjamin stressed the positive, aura-shattering effects of cinema, radio, and mass-reproduced culture as media capable of inciting a collective, revolutionary response which was more immediate, i.e., physiological in a lived sense, than rational or discursive.

I should like to conclude this brief review on the following note. Benjamin's "semantic materialism" once again poses the question concerning the relationship between nature, or lived experience, and rational emancipation that resides at the heart of Habermas's own theory of communicative action. Could it be that practical reason has its seat in the pre-discursive experience and rhetoric of everyday life rather than in formal strutures of ideal speech? Such a radical reading, however repugnant it may be to Habermas, is nonetheless partially vindicated in this remarkable confession:

> Is it possible that one day an emancipated human race could encounter itself within an expanded space of discursive formation of will and yet be robbed of the light in which it is capable of interpreting life as something good? The revenge of a culture exploited over millenia for the legitimation of domination would then take this form: Right at the moment of overcoming age-old repressions, it would harbor no violence but it would have no content either. Without the influx of those semantic energies with which Benjamin's rescuing criticism was concerned, the structures of practical discourse--finally well established--would necessarily become desolate. (p. 158)

Michel Foucault: Beyond Structuralism and Hermeneutics. By Hubert L. Dreyfus and Paul Rabinow. Chicago: The University of Chicago Press, 1982. Sartre's Marxism. By Mark Poster. Cambridge: Cambridge University Press, 1982. Reviewed by Howard Ross, Eastern New Mexico University.

A generation ago few students (or even professors) of philosophy on either side of the English Channel knew very much about the philosophy that was being produced, studied and debated on the other side. Nor for the most part had they any interest in seeking to find out. Indeed, they felt in general fully justified in their ignorance by a settled conviction of the frivolity, superficiality and lack of any rigorous intellectual value of that of which they were accordingly more than content to remain ignorant.

Now--happily--times seem to be changing. On both sides of the Channel signs are multiplying of a serious desire to learn about what has been and is going on on the other side, and even to participate in it. Our two books by American professors are an indication of this desire.

Auslegung, Vol. XI, No. 2
ISSN: 0733-4311

The first book we will discuss is Michel Foucault: Beyond Structuralism and Hermeneutics. This book was born out of a friendly dispute among three university professors, John Searle, Hubert L. Dreyfus, and Paul Rabinow. In a seminar in which all three were participants, a dispute arose over whether it was correct to characterize Foucault as a typical structuralist. This dispute led to the proposal of a joint article, which, as time went on, expanded into a medium-length book.

Michel Foucault: From Structuralism to Hermeneutics was the first title to be considered for their study. The assumption underlying this title was that Foucault had been something of a structuralist in his early works, The Order of Things and The Archaeology of Knowledge, but had moved to a more hermeneutic position in his later works on prisons and human sexuality. After receiving little, if any, support for this title, the authors moved to consider a second one.

Michel Foucault: Beyond Structuralism and Hermeneutics became the title of their study. The authors received a great deal of support for this title, even from Foucault himself, who assured the authors that even though he once considered structuralism as the most advanced position in the human sciences, he did not consider himself as ever having been a structuralist.

Comparisons made between Foucault's early work and structuralism does not hold for his later work. According to the authors, during the 1970's Foucault's work has been organized around developing a new method of analysis in the human sciences. This new method, which the authors call interpretive analytics, includes the best features of both structuralism and hermeneutics. It takes into account structuralism's claim to be an objective science and hermeneutic's counterclaim that the human sciences can only proceed by subjectively understanding the deepest meanings of the human subject and his tradition.

The authors of this study are two University of California professors, Hubert L. Dreyfus and Paul Rabinow. Dreyfus is a professor of philosophy at the University of California at Berkeley, and is the author of What Computers Can't Do: A Critique of Artificial Reason, while Rabinow, a professor of anthropology at the same university, is the author of Symbolic Domination: Cultural Forms and Historical Change in Morrocco and Reflections of Fieldwork.

The authors say their book is the first to offer a systematic analysis of Foucault's work as a whole. I believe there exists one other book which could equally make the same claim--Alan Sheridan's Michel Foucault: The Will To Truth. I find it hard to understand why the authors did not make some use of the Sheridan book, especially since it deals with some of the same topics.

Nevertheless, the authors issue a stern warning to not consider their book as a biography, a pyscho-history, an intellectual history, or as a digest of Foucault's thought, although they admit, elements of the last two are, of course present. They claim that their book should be considered as a special reading (symptomatic?) of Foucault's work, bearing in mind a certain set of problems (problematic?).

Their purpose in writing this book is to, not only elucidate Foucault's correct relationship to both structuralism and hermeneutics, but to show, as well, how Foucault's methodological approach can be used by us to study human beings, and, more importantly, teach us what to learn from such a study. As far as the authors are concerned, Foucault's approach is on the whole superior to phenomenology, structuralism and hermeneutics, in studying human beings. These three modern approaches have not lived up to their self-proclaimed expectations.

In so far as the structure of Michel Foucault: Beyond Structuralism and Hermeneutics is concerned, the authors divide it into two large sections, with each section corresponding to Foucault's early and later periods: Part I: The Illusion of Autonomous Discourse, and Part II: The Genealogy of The Modern Individual: The Interpretive Analytics of Power, Truth, and The Body.

Part I is concerned with Foucault's early efforts towards developing an archaeological method to prove that knowledge and language obey the same underlying structural laws. The authors discuss both Foucault's efforts at systematically outlining archaeological analysis in his Archaeology of Knowledge and the methodological failures of archaeological analysis, which had the effect of leading Foucault into a self-imposed silence that is finally broken by the publication of two books in which he tries to deal with some of the failures of archaeological analysis.

One way in which Foucault deals with the failures of his early archaeological analysis is by developing a new method, one the authors call "interpretive analytics." Interpretive understanding of human society can only be obtained by someone who shares the actor's involvement, but distances himself from it, not totally like archaeology. This person must undertake the hard work of diagnosing and analyzing the history and organization of current cultural practices. The resulting interpretation is a pragmatically guided reading of the coherence of the practices of society. According to the authors, Foucault is not trying to construct a new theory of society, or construct a general theory of production. Rather, he is offering us an interpretive analytic of our current situation. It is, they say, Foucault's unique combination of genealogy and archaeology that enables him to go beyond theory and herme-

neutics and yet to take problems seriously. Unlike archaeology, the practitioner of interpretive analytics realizes that he himself is produced by what he is studying; consequently he can never stand outside it.

All things considered, I found this to be an excellent book. It offers a logically clear discussion, free of unnecessary jargon, of Foucault's work. This book has another added advantage in that it was written in close consultation with Foucault himself. This is by far the best book on Foucault's very difficult, but highly original thought.

The second book, Sartre's Marxism, by another University of California professor, Mark Poster, again explores the work of a French social theorist, this time the late Jean-Paul Sartre. Sartre is described by Poster as perhaps the leading western intellectual of his time, a description, I'm sure, most will not dispute. Sartre's genius is attested to by the fact that he has written highly influential works in an awesomely diverse variety of subject areas: philosophy, literature, biography, autobiography, history, and marxism. Poster's book deals with Sartre's contributions to the latter two subject areas.

Sartre's Marxism is a short, but concisely written book, which tries to clarify the theoretical problems of Sartre's marxism, and thereby provide the conceptual basis for a more comprehensive and more self-conscious understanding of history. Poster is not new to this subject, a few years ago, he published Existential Marxism in Post-War France, followed by The Critical Theory of The Family.

According to Poster, some scepticism might be voiced concerning Sartre as a marxist. The French thinker remains in some quarters a petty-bourgeois intellectual and in others a respected philosopher of pessimism, despair, and anxiety, anything but a prophet of revolution. Poster says that these decidely unmarxist images have pursued Sartre long after he aligned himself theoretically with marxism in 1960, eschewing his early position in Being and Nothingness.

From Poster's vantage point, Sartre's politics have been anything but a linear rush towards Marx and Communism, but since the resistance, however, Sartre has been a man of the Left, and even within the Left, Poster adds, Sartre has constantly shifted his position in relation to both the thought of Marx and to the politics of the French Communist Party.

It is Poster's belief that Sartre has always been a radical, if not a leftist or marxist. His early existentialist writings, The Transcendence of The Ego (1936), Nausea (1938) and Being and Nothingness (1943), all challenged official liberal culture. His philosophical works, Poster goes on to say, undermined the dominant, bourgeois theories of knowledge based on rationalism, while his literary, modernist writings op-

posed the basic assumptions of the classical bourgeois novel. Until the Second World War Sartre's thought remained "apolitical" and did not confront marxism.

Poster discusses how the experience of the French Resistance changed Sartre's political orientation, that being confined in a German prisoner of war camp and living in a Nazi-occupied Paris compelled Sartre to take sides and he chose the left. From the end of the Second World War until the Soviet invasion of Hungary, Sartre adapted various positions with respect to marxism both in his writings and in his politics.

From 1945 to 1957 Sartre wrote numerous essays on politics, literature, and marxism, in which he attempted to come to terms with the theory and practice of marxism. Poster points out that Sartre's path to marxism was blocked by several obstacles: (1) The U.S.S.R. (2) The French Communist Party and (3) the official marxism of Stalin.

After the war Sartre, along with his life-long companion Simone de Beauvoir and Merleau-Ponty, who exerted a strong influence on Sartre's marxism, established the radical journal, Les temps Modernes, as a way of providing the base for a viable marxism.

It was during the late 50s, Poster says, that Sartre seriously began the business of developing the theoretical concepts needed to reconcile the concept of radical freedom in Being and Nothingness with the marxist doctrine of historical materialism. In 1957, for example, he wrote Search For A Method, followed in 1960 by volume one of The Critique of Dialectical Reason.

It is these two books, according to Poster, that presents a thorough re-thinking of marxist social theory, and they also represent a rigorously systematic effort, on the part of Sartre, to integrate the valuable parts of existentialism into marxism, which he defines as the philosophy of our era.

Sartre's Critique of Dialectical Reason presents a challenge and an opening for new lines of development of marxist theory. The bulk of Poster's book is concerned solely with Sartre's Critique. Poster systematically explores the extent to which marxist theory can benefit from it.

It is imperative, Poster says, that we use Sartre's Critique to reconstitute marxist theory, for the traditional categories cannot account for changes from classical to advanced capitalist society, and for certain features of pre-capitalist modes of production. Poster strongly feels that Sartre's Critique helps overcome some of the theoretical deficiencies within the works of Marx and Engels concerning the adequacy of these positions for a critical social theory, deficiencies, he feels, which bear directly on the ability of marxism to account for historical development in the 20th century. Therefore, we should consider Sartre's position

not as a rejection of either Marx or marxism, but as a further development and enhancement of the latter.

These two books are a very encouraging sign. Written by English speaking scholars about contemporary French thinkers, these two books demonstrate that there exists a number of English speaking scholars who are keenly interested in continental philosophy.

Rights and Persons. By A. I. Melden. Berkeley, University of California Press, 1977. Paperback, 1980. Pp. 263, with index. $5.95. By William Sweet, University of Ottawa.

The reprinting in paper covers of A. I. Melden's Rights and Persons comes three years after its original publication and nearly a decade after the renewal of interest in rights following John Rawls's A Theory of Justice. Whereas Rawls, however, discusses rights in light of a theory of justice, Melden instead focuses on rights themselves. His aim is to show that "rights are of central interest in morals," and that they may "be enjoyed justifiably, not against, but only with humanity." Yet Melden does not argue for a rights-based moral theory where the rights of persons act as fundamental and absolute constraints on action. Rather, as in his earlier (1959) essay Rights and Right Conduct, and in his more recent article "The Play of Rights" (Monist, 1972), Melden's approach is Wittgensteinian, though now it is more sympathetic to the work in that tradition by Peter Winch and D. Z. Phillips.

Melden starts with an investigation into the source of the obligation of promises, and then examines more closely the concepts of "right" and "person," for it is on this basis that promises allegedly have moral weight. As a result, Rights and Persons addresses, besides the obvious issues, a substantial amount of recent work in moral philosophy on duty, obligation, and promising. Yet this book is not restricted to such matters of moral theory for it draws out some of the implications of rights on social issues such as women's, children's, and animal rights, abortion, euthanasia, and punishment (including capital punishment). A brief survey of the book's seven chapters will reveal Melden's strategy in his approach to rights and their role in morality.

I

In the introductory chapter, Melden rejects the assumption involved in what he claims is the traditional definition of a right, that is, a reference to what it

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ISSN: 0733-4311

is right or obligatory to do. Melden believes that this assumption predisposes one to a specific conception of rights. Instead, he raises the question presupposed in such a definition--"What makes an obligatory act obligatory?"--and examines work by Bradley, Kant, Ross, Prichard, Rawls, and Davidson, focussing on what he takes to be a central case of moral obligation, i.e., the moral obligation involved in promising. Melden argues that their respective solutions to this question are inadequate, and holds that in promising one confers a right on another. Consequently, rather than rights being based simply on what it is right or obligatory to do, moral obligation depends on rights. To explain how rights give rise to such obligation, instead of being concerned with right acts and what one ought to do, which focus on the promiser, we ought to focus instead on the moral background to such cases--namely, on the moral relations between the parties (22). It is because of these relations, and not just something done by the promiser, that promises bind.

In "The Obligation of Promises," Melden continues the account of the first chapter by arguing that the procedure involved in promising is not analogous to following the rules of a game, for it does not take full account of the relationships on which promising depends, and fails to capture the internal "moral" element (34). He also rejects both Hume's and Austin's accounts of promising, and discusses the issues involved in some "peripheral" cases of promising (e.g., death-bed promises).

Chapter III, "Rights, Personal Relations, and the Family," finally completes Melden's account of how promises bind. Promises are instances of special rights and the authority of these rights is based on the fact that they play an essential role in the life of an agent. Melden then lists some limits on the existence and exercise of rights that follow from this view (56-57). He also, though briefly, notes the importance of the concept of "person" and rejects what he argues is Hume's conception of the person as a commonwealth or republic (64-66). A more detailed discussion of this topic is postponed.

A portion of this chapter is devoted to a discussion of two issues: how the family is a locus for a series of special rights, and how such special rights cannot be explained on a Rawlsian view that the family is a social institution (70). This criticism is pursued in "Justice, Institutions, and Persons" where Melden also addresses Rawls's account of promising. Melden purports to show that Rawls's view of rights is both misleading, since it is allegedly one of legal and political but not moral rights (108), and inadequate, since Rawls cannot explain the moral obligation of promising on his account of promising as an institution following constitutive rules. Melden also draws some

parallels between Rawls's account of rights and those of Bradley and Kant (104-108).

The fifth chapter, "Rights and Goods," reviews the arguments of Prichard and, he suggests, Hart, that the good and the right are independent. Melden's position is that rights depend on benevolence, a concern for the well being of others. (This is used by Melden as the basis from which he generates children's rights (147-157).) Hence there is an essential relation between the rights of a person and the needs that persons have for assistance. What rights do persons have, then? In Chapter VI, "Human Rights," Melden argues that, aside from special rights (such as the receipt of promises) that one may acquire, humans have a basic inalienable right to pursue their interests (167), which presupposes the right to life and the right to a moral education (so that one may become a moral agent) (184). Melden provides a brief catalogue of rights often claimed (177-181), relates them to this basis, and then turns to the crucial question of what it is about the person that accounts for the ascription of rights.

It is not, Melden suggests, rationality, autonomy, intrinsic worth, or any feature each has as an individual that can provide such a foundation (186-192). Rather it is that each is "as fully qualified as others to employ the language of morals." As he has said in Chapter V, "it is a matter, rather, that involves a mastery of a body of discourse by those able to employ it in the relevant practical affairs in which they are involved with each other" (132). Why is this ground sufficient? Here Melden argues simply that "all explanations must come to an end" (200). Rather what one must do here is point out that the moral form of life entails the existence of human rights. Melden then draws out the consequences of this account for our moral relations to animals, psychopaths, coma victims, and infants, and alludes to implications for abortion and euthanasia.

The final chapter on "Changing Conceptions of Human Rights" contains the argument that Locke, unlike Kant, makes a significant and praiseworthy break with the moral law tradition on the nature and source of rights (231). Melden adds, however, that in recent years there has been a similar development of our concept of human rights beyond the Lockean model, so that we see every person's moral interest is that the interests of all are protected (237ff.). On this ground, Melden argues that one must support affirmative action programmes.

II

One of the problems with this book is the difficulty in determining its intended audience. One must presume Melden directs it to specialists in moral and

political theory. The first part of his work is primarily critical, and Melden attempts a close analysis of a number of texts. So, as a specialist volume, one can forgive (though not forget) his lengthy sentences and the philosophical forays into side issues or other skirmishes that pervade the text. The discussions of what Locke really meant (13ff.) or the invectives against natural law (68), for example, contribute little to the development of Melden's position, but may be interesting historical notes.

Yet when it comes to the central chapters of his book, on "Human Rights" and "Changing Conceptions of Human Rights," the argument is much looser and more sweeping, not to mention emotive and, occasionally, question begging. This confusion in manner and style is, however, one that Melden could have easily avoided. His 1972 paper in the Monist, "The Play of Rights," is much more readable than the first chapter of Rights and Persons which draws almost entirely on this paper.

A second difficulty with Rights and Persons is that some important work on rights is ignored or misrepresented. First, since the book was originally published in 1977, and includes a reference to the October 1976 Journal of Philosophy, one wonders why there is no reference to Robert Nozick's Anarchy, State, and Utopia which had appeared in 1974. Clearly Nozick says much relevant to the issues Melden raises, for example, the source and limits of rights and the plausibility of the views of Locke, and is sympathetic to the kind of investigation that Melden pursues. Still, Nozick's work challenges many of the inferences that Melden draws from his theory--especially those that assure us that "rights can be enjoyed only with humanity" or that rights can be limited by moral considerations that do not involve the rights of others.

Moreover, all of the chapters, save two, of Ronald Dworkin's Taking Rights Seriously had appeared in print before 1977--including an especially significant one, "Justice and Rights," in which it is claimed that Rawls (contra Melden) allows for fundamental rights as checks on institutions. Again, one wonders why Melden omits mention of this work.

Third, Melden refers to idealist ethics and social philosophy only a few times, and pays little attention to its attempt to provide a substantial alternative to the predominant liberal democratic theory. In particular, his cited source on idealism is only the famous note to Essay V of Bradley's Ethical Studies, "Rights and Duties." It is not obvious that Bradley's brief account is the best exposition of the idealist position on rights, and it is certainly not the only one. One wonders why Melden did not choose to refer to the more extensive analyses of rights given in D. G. Ritchie's Natural Rights, T. H. Green's Lectures on the Principles of Political Obligation, or Bernard Bosanquet's

The Philosophical Theory of the State. At least then one could be certain whether all idealists believe that the rights of persons can be "collapsed into their duties" (3).

Finally, it is a common trait of Melden's analyses to exaggerate or distort positions he examines. One especially significant instance of misrepresentation is Melden's account of Rawls's views on rights in Chapter IV. Here, Melden explains, Rawls's account of rights is misleading and fails because an institutional account of rights can give no proper explanation of the obligation of promising (69). Whether Rawls's account of promising is adequate is one thing. However it is by no means clear that in Rawls's theory rights are purely institutional. Melden makes no reference whatsoever to Rawls's extensive account of natural rights in Section 77, "The Basis of Equality," of A Theory of Justice, nor does he acknowledge the view held by some that in Rawls there must be certain pre-institutional rights in order for any selection of principles of justice to be made.

III

Aside from these matters, there are also serious problems in Melden's treatment of the central topics. Given the title Rights and Persons, one imagines that the issues of central interest to Melden would be those of what a right is, what a person is, and how it is that persons have rights. Yet it is not until the sixth chapter that Melden's views on human rights begin to be discussed systematically. Instead, in three of the early chapters, and frequently throughout the text, Melden focuses on promising. It is true that Melden considers promising to involve rights in a central way, but one proceeds slowly through the text wondering whether he will ever get to a substantive case of what a right is.

In fact, even when one examines the sixth chapter, Melden never gives a definition of what a right is. It is true that he says something of what it is to have a right (15; 79); he makes mention of a distinction between legal or institutional and moral rights; he lists some characteristics of rights (e.g., that they include positive rights and are more than Hohfeldian liberties; that some (human) rights are inalienable and do not disappear when infringed or refused, but leave a residue; that they are not grounded in moral principles or a moral law); and he gives instances, though by no means uncontroversial ones, of moral rights. But Melden never says specifically what rights are, nor specifically how (even by means of example) they can count against other moral considerations or how such considerations could count against them. One is doubly hampered here because Melden also neglects to provide

the reader with a clear sense of what he means by 'moral' as distinct from, for example, 'conventional'. One has the impression that Melden presumes that we already know what 'the moral', moral rights, and moral considerations are, and that he is just showing some implications of views with which we are all very much familiar. This is one of several instances of the looseness of his argument, and we need to know more than this to adopt his view.

Melden acknowledges as well that there may be no widespread agreement about the right thing to do (26; 159), and argues that there are no priorizing rules, that is, rules by which one can rank in advance the demands of one moral action against another (17; 159). One may sympathize with Melden's reluctance here and his wish to avoid viewing morality too abstractly. (Melden seems to believe that "reason" could provide such decisions of what the right thing to do is (19), but does not explain how.) But an essential element in making such a determination is, he claims, the existence of rights.

Is it really required that Melden introduce reference to rights? He allows that there are other moral considerations besides rights and that talk about rights can be irrelevant or inappropriate to some questions of what one ought to do. The only clear case given for the necessity of rights talk is that of the alleged special right involved in promising (i.e., when one promises, one gives another a right to a certain performance by oneself on which the promisee may base his actions), and much of the plausibility of his view of rights draws on this specific example for support. But what is the relation between the promiser and promisee? Melden explains that the promisee has joined his life to the promiser in accepting the promise. In other words, they have entered a special moral relationship above and beyond those that people naturally engage in so far as they are members of the same moral community.

But then the necessity of reference to rights disappears. All one need admit is the fact that there exists a moral relationship which is called not a right but, in this case, a promise. This still preserves whatever focus on the individual Melden might find in the notion of right. Moreover, interestingly, it is just this--"the moral relations of persons"--and not rights which Melden acknowledges to be his subject matter (29).

Melden also gives only a vague account of what it is to be a person. He notes that the normative status of what it is to be a person is essential (28), though he declines to address the metaphysical question of personhood. Still Melden does hold that a person is more than a thing with certain physical or psychological attributes and ultimately he can be seen to have

three distinct characterizations of persons: (i) that they have interests, agency, and have joined their lives with others (seen especially in the case of family relations, 146ff.); (ii) they are able to join their lives with others and/or have the lives of others joined with their own; and (iii) that they are beings who, as part of their nature, have a past and future, which refers not simply to memory, but also (moral) feelings, emotions, and attitudes (216-217).

Melden introduces the latter two characterizations when discussing "hard cases"--cases where we have obvious biological humans, but where some or all of the elements of the first characterization are absent. The effect of this, and perhaps it is Melden's strategy, is that the term 'person' becomes coextensive, if not synonymous, with 'human'. Indeed, he uses the expressions 'human rights', 'natural rights', and 'rights of the person' interchangeably.

Such a broad notion of "person," however, is not only unnecessary for Melden's explicit purposes, but it also is questionable and, I think, leads him to deny what might otherwise be plausible candidates to whom rights could be ascribed.

First, Melden's apparent justification for these latter two characterizations of "moral personhood" is that, were this notion not so broad, we could treat such "hard cases" in any way we choose. In the first place, it does not follow that we can treat a being in any way we choose simply because that being is not a moral person. Apart from this, then, there seems no strong reason why we need consider these hard cases "moral persons." Second, while it is plausible, though admittedly not uncontroversial, to claim that those with interests, agency, and interpersonal relations have rights, to claim that all those without these characteristics but who either might have them or had them but no longer do, is at least much less plausible. Indeed, if one adopts this broadened characterization of personhood, why even bother with making a distinction between 'human' and 'person'? What makes these "hard cases" so hard, it seems, is simply Melden's broad extension of the term 'person'.

Third, it is this apparent interchangeability of the concept of person with the concept of human that leads to some puzzles in his view. First, Melden says it is "queer to say that animals have rights" (17) unless we anthropomorphize them. Regardless of whether animals have rights, it is obvious that the issue does not hinge on whether we identify animals and humans because it is obvious that not all animals are humans. The question that even Melden can address is, rather, are animals persons at least to the extent that "hard cases" are? Of course an animal rights advocate would press Melden even further on this point.

Moreover, the concept of moral person that Melden discusses is one that seems implicitly to be an individual, animate, being. But surely it is plausible to say that institutions have moral rights (e.g., the right of the established government to preserve itself), since an institution or government has interests, can "join its life" with its members, and its members can join their lives with it, and so on. Melden makes no reference one way or another to the possibility of such rights. Given Melden's view of the person, it is not clear whether he would argue that possession of these characteristics could constitute a right, but the only obvious ground on which he could deny it is the one that institutions are not humans. Yet all this would do is simply conflate 'person' with 'human', and obviously the question here is whether such a move would be legitimate.

How is it that persons have rights? It is central to Melden's view that persons are beings with rights. Perhaps this is to be obvious to the reader, yet there is still a gap between being, for example, a person with interests and having the right to pursue these interests. Melden does not provide this bridge. For the fact that one can or does join one's life with another does not mean that one ought or that others should accord this any status in the ascription of rights.

Melden does, however, give more of an explanation than this. At times, "human" rights (as distinct from special rights) apparently exist in view of something about what it is to be a person. We have seen that it is not rationality, or autonomy, or any similar single characteristic, but something involving agency, having interests, or being able to use moral language. Yet this defers the need for explanation by putting the demand off only for a moment for this does not explain how such a foundation is appropriate or adequate. One might presume, therefore, that there are underlying moral principles, such as moral laws, that justify the ascription of rights to such beings. Indeed, the existence of such principles seems necessary to bridge the traditional "is-ought" gap--a gap of which Melden is fully aware (185). But though he does talk about a moral background for rights (101), it seems as if this applies only to special rights and that, in the instance of human rights, he rejects such a possibility.

The only remaining option seems to be that rights are ascribed to persons in view of the place they have in the moral community. But Melden rejects this view of rights as well, though he does grant that the notion of right is significant only so far as it serves to restrict or direct the actions of others, and without others there is no sense to having a right.

What remains? In fact it is the first view that Melden adopts--that rights are based on "those general

and familiar features of the lives of persons which are accessible to all of us" (199). But why is this connexion appropriate? Melden simply notes that rights rest on "this enormously complicated and moral form of human life itself" and that "(i)t is here that all explanations come to an end" (200). Melden's view seems to be ultimately that rights can have no additional justification for their ascription, because having rights is just part of what morality is about--"the conception of the right of a human being . . . (can) be understood only in terms of its place in the scheme of related concepts in which it has its place" (79). But short of saying that 'persons have rights' is analytic, this claim has no explanatory value.

Moreover, this frequent Wittensteinian appeal to leave things as they are and to allow that there are no absolute explanations, even if in principle legitimate, seems to acquire an increasing burden throughout Melden's text. In fact, many of Melden's central tenets seem to be either an appeal to convention or to some deus ex machina. Even though Melden distinguishes the moral question of whether human beings have rights from the philosophical question of the basis of such rights (189), he ultimately ignores this distinction.

One of the criticisms of appeals to "forms of life" as the foundation for religious or moral views is that they culminate in an ethical relativism of ghetto morality. Given that moral relations do vary or have varied from society to society, then if rights arise in view of or constitute these relations, not merely legal, but moral, rights vary. Moreover, if rights are based on the recognition of others as persons--as sharing interests with us, or being capable of joining their lives with us--when one believes that there are many relevant dissimilarities between oneself and some other being, or when one sees no possibility for sharing a life with such an other, it would appear that discrimination or abuse is not only justifiable but a necessary consequence. Regrettably, Melden addresses neither of these issues.

IV

Rights and Persons, then, while attempting to address some questions of analytic political theory in a distinctive way, does not significantly extend prior work on rights, for it neither explains clearly what "rights" or "persons" are, nor establishes its stated aim of showing that rights are of central importance in morals.

I found typographical errors on pages 11, 54, 71, 80, 91, and 146.