

# Book Reviews

doi:10.1017/S0953820806212123

**Anna Elisabetta Galeotti**, *Toleration as Recognition* (Cambridge: Cambridge University Press 2002), pp. viii + 242.

This book will be warmly greeted by the many political theorists who celebrate the politics of identity and 'difference'. *Toleration as Recognition* seeks to co-opt the concept of toleration into serving a kind of super-liberalism, while excoriating liberalism itself. Elisabetta Galeotti 'revises' the concept of toleration by drawing on liberal neutrality, only to censure liberals for falling below the moral standards which the revised concept imposes. She thus aims to outflank liberals from the moral high ground, turning liberalism's moralizing aspirations against itself.

This revision poses a puzzle. Galeotti initially formulates it thus: 'how can toleration be good if it involves putting up with what is disliked or disapproved of?' (p. 21). Put this way, the puzzle is familiar, and soluble. For one thing, the disapproval may be baseless, and so no real conundrum arises. Even if the practice in question warrants disapproval, there may be both pragmatic and principled reasons why it should not be forcibly stopped. But later on she comes up with a knottier version of the puzzle. This asks how tolerators can disapprove of a practice, yet also regard and treat it as valuable.

In her response Galeotti cuts through the knot rather than untying it. Her account of toleration runs together political advocacy and philosophical argument. The political advocacy holds that certain groups, such as homosexuals and Muslims, have suffered unjust disadvantages which should be redressed by 'recognition': the public acceptance or affirmation of their worth. By contrast, she argues, the morally evacuated or would-be universal notions of citizenship favoured by liberals turn out in practice to perpetuate dominance and disadvantage, as do standard liberal accounts of toleration.

So far this reiterates the familiar charge that liberal policies which aim to be impartial, e.g. by being 'colour-blind', or gender-neutral, in fact work to the advantage of society's most powerful groups. Galeotti's clearest example of this is the French headscarf affair of 1989, where the state policy of secularism in education was questioned after some Muslim schoolgirls were temporarily excluded from their classes for attending school in the Islamic headscarf. In place of the French Constitutional Court's pragmatic ruling on the affair, Galeotti seeks a political response which goes beyond the grudging acceptance allegedly offered by traditional liberal theories of toleration, and which publicly affirms the identity of Muslims as such. It follows with added force that disapproval of them is consigned to the political margin.

Galeotti seems to think that ultimately these claims follow as a matter of justice. Despite her repeated attempts to distance herself from a 'distributive'

approach to toleration, she assumes that membership of a group suffices to justify distributive claims. Although she regards it as distinctive of toleration as recognition that it 'resists' the 'attempt to reduce questions of toleration to questions of distribution' (p. 9), she does think that disadvantaged groups' claims to 'redress' can be phrased 'in terms of justice' (p. 138). Presumably, however, groups such as the John Birch Society or the National Rifle Association cannot mount justified claims to recognition. It is hard to avoid distributive commitments, since 'recognition' will make unavoidable calls on public resources, but she does not offer any systematic reflections to help decide which groups deserve these resources. Sometimes Galeotti suggests that the mere suffering of disadvantage suffices to justify such claims, but of course there are many groups which suffer without being likely beneficiaries of recognition. She owes us a theory explaining which groups deserve this treatment and which do not, while eschewing the bad features of liberal justice.

In her philosophical argument Galeotti castigates liberals for failing to come up with a concept of toleration equipped to do the job of recognition. In fact the recognition idea is thought to require 'a general revision of the concept of toleration' (p. 9), and Galeotti sets herself the task of modifying the concept of toleration so that recognition, in her sense, can be thought to be required by it. She performs the task by creating a series of oppositions. New-model toleration – that is, toleration as recognition – occupies the public rather than private sphere, demands 'positive' state action and addresses group identities. By contrast, old-model or 'liberal' toleration confined tolerated persons and practices to the private sphere, was a doctrine of non-interference rather than positive intervention, and addressed itself not to identities but individual beliefs.

This is confused, both formally and substantively. Formally, either the concept of toleration can accommodate the first half of each of these oppositions, or it cannot. If it can, no revision to it is necessary; if not, any concept capable of making room for them is something other than toleration. The oppositions are also muddled substantively; for instance, toleration in liberal states often means protecting groups as such, and this frequently demands 'positive' exertions from the state, rather than mere *laissez-faire*. Real-life examples include police protection for the Catholic residents of Drumcree during the Northern Ireland marching season, the public subsidy of Welsh and Gaelic television programmes, public funding of black and Asian dance and theatre groups, and so on. So toleration as 'recognition', which presupposes that the distinctions are sharp and that 'liberal' theory and practice always fall on one side of them, is less distinctive than Galeotti makes it look.

Behind all this lies her pursuit of moral simplification, a slightly incongruous project given toleration's origins in moral complexity. Conceptually she deals with the knotty puzzle mentioned earlier by dropping the idea of disapproval in favour of the sentiments of affirmation or acceptance which mark toleration as recognition. In other words, her 'revision' of toleration simply dispenses with the idea, shared by virtually all previous writers on the subject, that tolerators feel dislike or disapproval. These feelings are mentioned, admittedly,

but only as unjustified responses by the *intolerant* to her favoured groups, homosexuals and Muslims. The mission, accordingly, is to stop objectors from expressing their disapproval of these groups, and publicly sideline disapproval in favour of recognition. The trouble with this is that toleration disappears from the picture. Each party fails to tolerate: bigoted homophobes and anti-Muslims because they feel only disapproval, and the super-liberals – who are assumed to be in a position to push recognition through in the face of the bigots' opposition – because they see nothing to disapprove of apart from the bigots' own disapproval.

It is a real question whether Galeotti understands the *point* of toleration as a concept. It is clear that she sees no problem in forcing others to put up with – and, indeed, through the state, positively celebrate – persons or practices of which these others disapprove. But toleration figures nowhere in this picture: that is why force is called for. One would be reassured that Galeotti did grasp toleration's point if she cited examples of objectionable behaviour which in her view nonetheless merited legal or other protection, but such examples are very hard to find in her book. Although she does ask in Chapter 5 whether we should tolerate racism, her answer to this question, summarily put, is 'No': she notes with regret that 'there is still some freedom for individuals and groups . . . to act in offensive ways' (p. 138), and 'the ban on hate speech is valued for its [i.e. the ban's] symbolic meaning' (p. 111). Here the confusions implicit in attempts to 'revise' the concept of toleration surface. Galeotti believes that '[i]f liberalism is to be preserved, toleration must be restricted' (p. 143) by banning racist language, for instance; but if toleration is recognition, it is unclear why this restricts toleration in any way.

She muddies the waters further in her efforts to justify toleration as recognition. She thinks that neutrality offers the most promising liberal justification for toleration, but is then troubled by the thought that the positive valuation of group identities will breach neutrality. She solves this further puzzle by asserting that '[d]ifferences can be recognized . . . instrumentally, for the value they have for their bearers' (p. 15). But this solution fails for more than one reason. First, Galeotti must think, along with everyone else, that many 'differences' which have instrumental value for their bearers should not be recognized by the state; presumably this is true, for instance, of islamophobia and homophobia. More fundamentally, in this neutralist story citizens have to be recognized abstractly, as 'bearers of difference', rather than as having specific identities. In the end, recognition is owed to these bearers because of their equal moral standing. By the same token, in spite of the book's insistent anti-liberal rhetoric, the reason why toleration itself requires that practices such as racism should not be tolerated is that they 'violate the principle of equal respect and equal treatment' (p. 167). Thus it turns out that toleration as recognition rests, in standard liberal fashion, on equal respect for persons. The language of equality, it seems, is harder to avoid than that of toleration.

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doi:10.1017/S095382080622212X

**Jeremy Bentham**, *Un Fragmento sobre el Gobierno*, preliminary study, translation and notes by Enrique Bocardo Crespo (Madrid: Editorial Tecnos, 2003), pp. lxxxvi + 279.

Bentham's works have not been widely disseminated in the Spanish-speaking world. During the brief politically liberal periods in the Peninsula in the first half of the nineteenth century, and to a certain degree amongst the leaders of Spanish America, Bentham's works (carefully omitting the most disturbing references to Catholic orthodoxy) were well known. However, they then disappeared almost totally until the last quarter of the twentieth century when they were rediscovered, albeit only in certain specialist academic circles, few of which were in the legal area. The translation of his works into Spanish, indispensable for spreading even a minimal knowledge of Bentham amongst a wider academic public or lawyers (academic or not), has not enjoyed much fortune in recent times; few translations have been published and most of them are reprints of early nineteenth-century translations made with very different criteria with respect to the original from those we demand today. Furthermore, apart from some notable exceptions, the translator's literary capacity is usually not worthy of the ideas translated, giving the translations a short shelf life and making them unsuitable for subsequent reproduction. Amongst the few new translations of Bentham's work is the one reviewed here.

It is curious that, in spite of the small number of Bentham's works recently translated into Spanish (six plus an anthology, according to my reckoning), *A Fragment on Government* has been translated twice, first by Julián Larios Ramos, published by Aguilar, Madrid, in 1973. It is hard to understand why this same work has been translated again now, above all because the previous translation by Larios Ramos is excellent and the one commented on now, by Bocardo Crespo, is dreadful. Even more inexplicable is the fact that this second translation has been issued by a publishing house of the prestige of Tecnos in the series 'Clásicos del Pensamiento', a sign of quality.

In his work, on one occasion Bentham expresses his desperation at feeling himself unable to express adequately the number and seriousness of the nonsenses that, in his opinion, Sir William Blackstone had committed. I feel something similar when trying to express my opinion on Bocardo's translation, above all because I do not know if I can express in English the lack of sense of the Spanish text.

To start with, *El Fragmento* is not fully Spanish; on each page there are two or three mistakes in the language; frequent lack of concordance, and incorrect order in many phrases, so that Bentham's not easily accessible style becomes absolutely unintelligible in Spanish. The ineptitude of the translator is evident throughout the book and is mixed with simple carelessness in the use of the Spanish language and in the proofreading of the text. I cannot show all the defects of the book and I shall limit myself to setting out some examples which seem to me sufficiently significant and which endorse what I am saying.

First, there are the errors in legal terms: the translation of 'lawyer' by 'abogado' (equivalent to 'barrister') – e.g. on p. 40 – so omitting all jurists who are not barristers – judges, solicitors, legislators, academic jurists – instead

of by 'jurista'; or the translation of 'offences' by 'ofensas', instead of 'delitos' (p. 39).

Second, there are the errors due to the failure to understand the subject of the book:

- (1) 'Every thing as it should be', Blackstone's phrase turned against its author to criticize his rigid conservatism, made famous by Bentham and usually translated as 'todo como debe ser', becomes in Bocardo's translation 'cualquier cosa que tenga que ser' ('Any thing as it happens to be', p. 14), adding a touch of fatalism so that it loses all its sense. Every reader of Bentham knows this phrase too well to make such a mistake.
- (2) According to Bentham, a society in which the habit of obedience exists can be distinguished from one in which it does not, by the use in the former of names that reflect positions of authority, 'names of office'. Bocardo translates 'the establishment of names of offices' (*A Comment on the Commentaries and A Fragment on Government*, 1977, p. 434) as 'el establecimiento de nombres en un registro' ('the inscription of names in a register', p. 72).

Finally, I must deal with errors resulting from ignorance of Spanish:

- (1) The repeated translation of 'ought' by 'deber de' (e.g. 'compacts . . . ought to be kept', *A Fragment*, p. 441) means that the idea of obligation expressed in Spanish by 'deber' is substituted by the idea of probability, 'deber de' (e.g. p. 86).
- (2) Translation of 'instances' by 'instancias', instead of by 'ejemplos' ('examples'); 'unmeaning' ('sin sentido', referring to Blackstone's theory according to Bentham) by 'innombrable' ('unmentionable'); 'ventured' by 'venturado', a non-existing word in Spanish.

At the beginning of the book I thought that Bocardo had used a translating machine, one of those computer programmes which manufactures translations through the expedient of confronting the words of a phrase one by one with those of a dictionary, and which the Japanese use to give us hilarious handbooks with the domestic appliances that they sell us in such huge quantities. It made me angry to think that this means had been used on the *Fragment*. But no, it was the translator himself who was the translating machine, translating word for word; this made me sad, mainly for the readers who would form an opinion of Bentham as an eccentric writer of unintelligible jargon, which he was, but not in the books he published. Here are a couple of examples from the present translation:

- (1) 'The House of Commons was found to contain a small knot of young men' (*A Fragment*, p. 506) is translated as 'La Cámara de los Comunes se encontró que contenía un pequeño lío con unos hombres jóvenes' (p. 201), which to the Spanish reader could suggest love affairs among some young MPs.
- (2) 'Ill deserts' ('deméritos') is translated here by 'malos desiertos', alluding probably to the Sahara for the Spanish reader; 'in point of matter'

(referring to substance, as opposed to form), translated as ‘al punto que concierne’, a word-for-word translation with no clear meaning in Spanish (p. 34).

There is a failure to look for phrases equivalent to phrasal verbs and their transcription word for word, for example ‘when out of humour’ is translated as ‘cuando fuera de humor’ (meaningless in Spanish) instead of ‘cuando los pone de mal humor’ (Larios Ramos’ translation).

But all these are no more than a few examples; the whole text is nonsense. I challenge anyone to find any sense in the final pages of the book; or on page 30, footnote v; or on pages 27–8.

If Bocardo had read Larios Ramos’s elegant and thought-provoking translation, he would at least have understood what Bentham meant and perhaps would have been able to convey it to his hypothetical readers. The relevant question then is why Bocardo did not restrict himself to tracking Larios, as he has done with some of Burns and Hart’s Introduction in his own ‘Estudio Preliminar’.

(A Spanish translation of this review will be published in *Anales de la Catedra Francisco Suarez*.)

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doi:10.1017/S0953820806232126

**Wilhelm Hofmann**, *Politik des aufgeklärten Glücks. Jeremy Bentham's philosophisch-politisches Denken* [Politics of Enlightened Happiness. Jeremy Bentham’s Philosophico-political Thought] (Berlin: Akademie Verlag, 2002), pp. 330.

It is generally assumed that Jeremy Bentham has never really enjoyed an enthusiastic reception in the German-speaking intellectual world. Indeed, in a rare coalition of otherwise sworn enemies, many of Kant’s often self-styled pupils, as well as Nietzsche, Marx, and their followers, united in dismissing ‘Herr Jeremia’.

Hofmann’s attempt to counter this disregard proceeds in four steps and commences with a twofold justification of how extensive his own treatment is: (a) He assumes that Bentham articulated, in the wake of Leibniz’s ‘failed’ project of theodicy, the late Enlightenment idea of innerworldly compensation (p. 17 n. 18). (b) He argues that Bentham, also provides the ‘paradigmatic formulation of the self-understanding of politics in modern societies’ (p. 12), or put more plainly, he argues that Bentham anticipated the current normative view on how law, politics and morality should be connected. This may suggest far more unanimity than there actually is, but at any rate, Hofmann here subscribes to the thesis of universal Benthamism put forward by, for example, Hanna F. Pitkin (cf. p. 18 n. 19).

Hofmann then proceeds to a discussion of (ii) what he calls ‘filters of reception’ (p. 23), i.e. influential readings of Bentham by academic opinion-makers, which

still linger in the mind of the public. He rightly selects Mill's account, famously and quite melodramatically invoked in turn by Macintyre in his claim about the alleged failure of Enlightenment morality as a whole, and he also chooses to include, of course, the German perspective indicated above. As notable exceptions to champions of the general viewpoint, he mentions Friedrich Eduard Benecke, a representative of the nineteenth-century movement of social eudaimonology, and, en passant, a contemporary Tübingen philosopher, Otfried Höffe.

Next follows (iii) an analysis of Bentham's theory of action and of his theory of communication and language. Subsequently, Hofmann examines (iv) the 'systematic location' (p. 157) of the political sphere, by discussing (1) the relationship between politics and morality, on the one hand, and (2) law and politics on the other. Finally, (3) he discusses the institutional arrangement which accords best with the utility principle.

On (ii) he presents a reliable overview of Bentham's theories of meaning and of perception, which he takes to be basically verificationist and realist respectively, and he explains how these accounts, embedded in a theory of natural language, together form the basis of the distinction between real and fictitious entities, as well as the latter's subdivision into fabulous entities (to be dismissed) and entities having merely verbal reality (which are indispensable for communication).

As to Bentham's theory of action, and the doctrine of states of interest which constitutes its centrepiece, Hofmann understands Bentham as seeing action as essentially guided from the outside via memory and the expectation of pain and pleasure. For Hofmann, therefore, the crucial idea which unites Bentham's thought in matters of language and action on the one hand, and his political and legal theory on the other, is what he calls 'externalism', i.e. the 'switch', as he describes it on many occasions (e.g., p. 14 n. 9, p. 60, p. 99), from the mind's internal to the mind's external sphere. In Hofmann's opinion, this externalism also forms the basis of Bentham's theory of communication as well as accounting for his moral minimalism.

On (iii) Hofmann is particularly strong in elucidating the role of publicity and public opinion within the process of adjusting the factual to the normative. First, publicity together with natural sympathy is the basis of the utility principle itself. Second, public opinion is both the vehicle and the sphere of what Hofmann calls 'enlightenment' (e.g. p. 135). 'Enlightenment' is not primarily a historical term in this context, but denotes a procedure: as Hofmann says, it is concerned with perfectibility, and what is perfectible is not the mechanics of willing, but knowledge about the means for realizing one's interests, as well as, albeit to a very limited extent, natural sympathy.

Particularly worthy of mention is the emphasis Hofmann puts on showing that and showing how equality enters into the interpretation of the utility principle, dismissing the idea of allowing sacrifices of individual interests for the sake of the greatest number (arguing against Hart, as he himself stresses at p. 212 n. 1). He also elucidates how compensation and the avoidance of the disappointment of expectations work as guiding principles in the political sphere (arguing against Rawls, it may be added). Moreover, the theoretical foundations of Bentham's reformist approach are made plain in this context.

Thus emerges a picture of Bentham as a political theorist for whom respect for the individual is crucial, but who holds that this conviction cannot and should not be turned into political capital through the language of natural rights.

On (iii) Hofmann has something interesting to say about how Bentham's legal positivism fits into his overall political theory (pp. 213–22). According to Hofmann, the imperative theory of law flows from Bentham's definition of 'political rule' as a relation of order and obedience. Moreover, according to Hofmann, Bentham thinks it is politically generated law within the constitutional framework of representative democracy which secures the implementation of laws in agreement with the utility principle. Sadly, Hofmann does not elaborate on this point. It would have been particularly important to enquire whether this, *ipso facto*, rather *motivates* or *impedes* the subscription to the much-discussed separation thesis in legal theory.

On (iv), for Hofmann, the paradigmatic example of how Bentham thinks the gap between *is* and *ought* can be bridged by rearranging the external circumstances, is his theory of office which is founded on the 'juncture principle of duty and interest' (p. 266). Here, Hofmann detects a certain asymmetry in Bentham: while he is drawing on a worst-case scenario for potential government officials with regard to the possible misuse of power, he hopes for the emergence of intellectuals equipped with public spirit who work as champions of public opinion and as driving forces for adjusting the way things are to the way they should be.

In all, Hofmann's book is an important and most welcome achievement, a book which succeeds in meticulously depicting Bentham's answers to the questions of why people act as they act, why they should act as they should, and how they will act as they should. There are a few omissions here and there, such as the problem of the 'cosmopolitan' scope of the utility principle, and sometimes crucial claims are hidden in footnotes. A helpful addition to the earlier parts of the book, in particular for a non-British audience, would have been a short outline of Bentham's life against the background of the major political events of his time. The lack of a subject index, compensated for, to some extent, by a very detailed table of contents, nevertheless impedes the book's usability.

The book's strength lies in the elucidation of the political dimension of Bentham's thinking, and, for those who read it, it will surely, if belatedly, contribute to a significant and deserved burgeoning of interest in Bentham.

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doi:10.1017/S0953820806242122

**Jo Ellen Jacobs**, *The Complete Works of Harriet Taylor Mill* (Bloomington: Indiana University Press, 1998), pp. xxxv + 587.

**Jo Ellen Jacobs**, *The Voice of Harriet Taylor Mill* (Bloomington: Indiana University Press, 2002), pp. xxi + 270.

Jo Ellen Jacobs's edition of *The Complete Works of Harriet Taylor Mill* is a valuable and long overdue collection of the complete writings of a woman who was both an influence on the ideas of John Stuart Mill and an original thinker in her own right. The writings in this collection range from fully realized works on topics of great philosophical interest, to sketchy notes on her travels. The volume is divided into three large sections. The first concerns writings on women. The second is called 'Writings on Other Issues' and includes work on ethics, religion and the arts. The third is a collection of her letters. In what follows, I will follow Jacobs's practice and refer to Taylor as HTM and Mill as JSM.

### Women

The selections on education include seven short pieces written in the late 1820s and early 1830s. Here HTM argues that women deserve an education comparable to that of men, not just to enable them to be better mothers, but to enable them to develop 'individuality of character' and to achieve happiness in their own right. Here we see an application to the issue of women of the themes that figure so prominently in *On Liberty* and *Utilitarianism*.

Her essays on marriage and divorce are striking in their strong criticism of marriage. She writes 'no one would marry' (p. 22) under the laws of marriage of her day if they were truly educated. She equates the state of marriage with prostitution and writes that only if women could support themselves and their children could marriage be a truly voluntary state. She argues for marriage based on affection and in favor of no-fault divorce. In spite of her criticisms of marriage and the squeamishness she reveals towards bodily pleasures, she suggests that marriage could be just if it 'be made a *real contract* between equals – that the two persons sh[ould] each possess their own pecuniary means or earnings free from any power of the other – & that it sh[ould] be dissoluble upon either of the parties desiring it during a sufficiently long period' (p. 25). HTM's views are clearly more radical than the views JSM expressed in *The Subjection of Women*, which was written after HTM's death.

One of the pieces in the section on women's rights, *The Enfranchisement of Women*, was published under John Stuart Mill's name, though she argues it was largely written by HTM. *The Enfranchisement of Women* is noteworthy not just for its defence of women's suffrage, but for its analysis of the oppression of women and its persuasive descriptions of the psychology of oppression.

The writings in the section on domestic violence, published under both HTM's and JSM's names in the years between 1849 and 1853, are particularly interesting for their insightful analysis and suggestions for reform. There they offered analyses of the causes of battering and suggestions for solutions that are both valuable in their own right and strikingly contemporary.

### Writing on Other Issues

The first part of this section is entitled 'Ethics' and is a collection of notes written in 1831 and 1832. Here she gives a strong defence of individual liberty and a spirited critique of conformity. 'Whether it be religious conformity, Political conformity, moral conformity or Social conformity . . . the spirit is the

same...hostility to individual character' (pp. 139). She describes the true person of principle as one who conducts oneself 'in accordance...with the individual's self-formed opinion. Grant this to be the definition of principle, then eccentricity should be prima facie evidence for the existence of principle' (p. 139). Jacobs points out that these ideas and even their expression find their way to *On Liberty*. Through this section we see a defence of contextualism that is an element of much contemporary feminist theorizing. Another interesting note is a critique of Bentham in which she expresses a concern that women might be disadvantaged by utilitarianism since they are socialized to take the interests of others seriously while men are socialized to be 'silent hypocrites or silent egotists' (p. 153).

There are five pieces on religion that are notable for her trenchant critique of religion. She writes, 'None but a very bad man ever manifested in his conduct such disregard not only of sufferings of sentient creatures, but of the commonest principles of justice in the treatment of them, as is manifested by the Creator of the World if we suppose him to be omnipotent' (p. 159).

The section on Art is likely to be of less interest to philosophers than to students of Victoriana, consisting, as it does, of a few essays on the arts, published reviews of books long forgotten, and poetry. Still, it does give the reader an idea of the range of HTM's interests, and since much of her published work consisted in book reviews, it provides good examples of her polished writing style.

The section called 'Miscellaneous' includes a biography of William Caxton, who brought printing to England. This was published in 1833, but drafts from 1826 are written in both Harriet and John Taylor's hand, which indicates that HTM was no stranger to collaboration. Another piece is 'On the Probable Futurity of the Labouring Classes' from *Principles of Political Economy*. While HTM's name did not appear in the final published work, JSM did write in his autobiography that this chapter was 'entirely due to her', and there is mention of the collaboration in HTM's letters to JSM and John Taylor. Still, I think Jacobs was remiss in not letting the reader know that HTM's authorship is still in doubt.

### *The Letters*

This section includes over 260 pages of letters to JSM, to her family, and to various friends and acquaintances. I found two things to be particularly striking here. The first is the evidence of JSM and HTM's collaboration. The second is her description of caring for her husband, John Taylor, during his fatal illness.

Many of her letters refer to manuscripts JSM gave her to read or that she and JSM were both working on. In these letters she includes substantive comments that give clear evidence to their ongoing collaboration. One essay is particularly intriguing. It was written in response to a letter from JSM in 1854 in which he says that he is puzzled about what his next writing project should be.

About the Essays dear[,] would not Religion, the Utility of Religion[,] be one of the subjects you would have most to say on. There is to account for the existence nearly universal of some religion (superstition) by the instincts of

fear hope & mystery &c and throwing over all doctrines & theories, called religions, as devices for power, to show how religion & poetry fill the same want, the craving after higher objects, the consolation of suffering, the hope of heaven for the selfish, love of God for the tender and grateful – how all this must be superseded by morality deriving its power from sympathies & benevolence & its rewards from the approbation of those we respect. (p. 374)

Readers of *Three Essays on Religion* (1874) will no doubt find these arguments familiar.

Many of the letters to JSM were written while she was nursing her then husband, John Taylor, through his final fatal illness. These letters are fascinating for their descriptions of medicine and nursing in Victorian families, but they also reveal the depth of HTM's concern for her husband and her views about the obligation to care, in a personal and selfless way, for one's family.

In *The Voice of Harriet Taylor*, Jacobs sets about to write both a biography of HTM and an overall analysis of her work. The first chapter is a fictionalized account of HTM's life till 1848. I'm not convinced that this is the best way to begin this book because at this stage of HTM scholarship the reader is likely to want, not fiction, but an authoritative biography and a scholarly interpretation of her work. This chapter fails on both accounts. Since it is fictionalized and one of few sources on her life and work, one cannot simply set it aside and look up the real thing. As an interpretation of her work it is frustratingly facile. Her work on proverbs, for example, is summed up in a short paragraph in her fictionalized diary, but making sense of the proverbs will and ought to be the work of much careful exegesis. Fortunately, later chapters follow a more standard format of biography and analysis.

The 'Interlude' focuses on the relationships between HTM and JSM. Throughout the work Jacobs offers a very charitable interpretation of the life and work of this couple, but sometimes she errs on the side of being too charitable. In her account of JSM's break with his family, for example, I think she is a bit too willing to excuse JSM for his part in this unfortunate affair. Chapter 2 focuses on HTM's relationship with her family. It includes an interesting and provocative explanation of why John Taylor was supportive of HTM's alliance with JSM. Jacobs argues that Taylor gave HTM syphilis and that this made him feel so guilty that he continued to be both financially and emotionally supportive to HTM till the end of his life. He even left her his entire estate upon his death. The syphilis explanation is first introduced in *The Complete Works of Harriet Taylor Mill* and here she makes a fuller, and in my opinion, a rather plausible, case citing HTM's medical symptoms, her medication, various references in letters, and Taylor's behavior toward Harriet. This chapter also includes a description of HTM's reaction to the battering of her sister Caroline by Caroline's husband. Finally, it includes a nice discussion of HTM's relationship with her daughter, Helen. Jacobs argues, contrary to some commentators who describe HTM as a narcissistic mother, that the relationship was very intimate, reciprocal, and that HTM was a good mother to Helen.

The final chapter focuses on the collaboration between HTM and JSM. She offers the following evidence of their collaboration. Ideas that HTM wrote about appeared in JSM's writings one to twenty-five years after HTM wrote

them. Their letters to each other both include active discussions of ideas and references to collaboration. Their letters to others refer to such collaboration. JSM cites their collaboration in his autobiography, and in the dedication to *On Liberty*. Editions of some texts provide evidence of collaboration.

Readers of *The Complete Works* will have an opportunity to evaluate much of this evidence, and I find much of it compelling. Occasionally, though, Jacobs overplays her hand, as in her interpretation of a letter from John Taylor to HTM. He writes:

All dedications are in bad taste, & that under our circumstances the proposed one would evince on both author's parts, as well as the lady to whom the book is to be dedicated, a want of taste & tact which I could not have believed possible. (p. 155)

Jacobs offers the following interpretation of this letter. 'Note that Taylor calls Harriet and John "both author's". He did not dispute her co-authorship, only that any acknowledgment of it should become public' (p. 155). It seems to me that a more plausible reading of this letter is that bad taste was being evinced on both the author's part and the lady's part.

On the whole, this is an interesting and important work which is a welcome complement to the earlier *Complete Works*. Harriet Taylor Mill is a woman who deserves a careful look and Jacobs's work is a crucial first step for readers who are interested.

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doi:10.1017/S0953820806252129

**Joseph Raz**, *Engaging Reason: On the Theory of Value and Action* (Oxford: Oxford University Press, 1999), pp. 336.

**Joseph Raz**, *The Practice of Value*, ed. R. Jay Wallace (Oxford: Clarendon Press, 2003), pp. vii + 161.

These two volumes contain some of Joseph Raz's most recent work on the nature of practical reasoning and value. As Raz has established himself as one of the most articulate and incisive philosophers writing on these topics in the realms of moral, legal and political philosophy, readers familiar with his previous work will not be surprised by the rigour of argumentation and clarity of expression found in these volumes. *Engaging Reason* consists of a collection of thirteen essays by Raz, all but three of them previously published, on a number of interconnected issues concerning practical rationality, value, the will, and action. *The Practice of Value* includes Raz's Tanner Lectures delivered at the University of California, Berkeley in 2001 and commentaries on Raz's lectures by Christine Korsgaard, Robert Pippin, and Bernard Williams, along with a response by Raz. The lectures pick up on themes raised in the essays in *Engaging Reason*, and thus *The Practice of Value* is most profitably read in conjunction with the earlier work.

Though *Engaging Reason* consists of a compilation of distinct essays, the themes with which Raz engages in the volume are much more integrated than one might expect from a collected work. As I cannot attempt to do justice to the full depth and breadth of Raz's arguments in these essays in a short review, I will concentrate my remarks upon a few of the strands of argument found within them that I think are of particular noteworthiness for readers of *Utilitas*. Raz nicely summarizes the overarching view that he argues for in this work in claiming that 'the central type of human action is intentional action; that intentional action is action for a reason; and that reasons are facts in virtue of which those actions are good in some respect and to some degree' (p. 23). Thus, for Raz, practical reasoning is inherently normative as values are, at least in part, what constitute a person's reasons for action. More bluntly put, on this view a person has reason to do something to the extent that she believes doing so will realize some good or value. And, a person will be rational to the extent that she is responsive to reasons.

Raz calls this basic view the classical view, aligning it with the tradition of Plato and Aristotle, and elaborates upon it by contrasting it with the rationalist, or modern view, of practical reason. There are two differences between the classical and the rationalist view that Raz discusses that are of particular importance. First, unlike the rationalist view, the classical view does not regard reasons as requiring action. According to the classical approach that Raz defends reasons are seen as 'rendering options eligible', but not as uniquely determining them. This follows from Raz's view, expressed at a number of points in these essays, that many values are incommensurable. Since values may come in different types, and there is no common measure by which to gauge them, it follows that reason will often be unable to determine a single option as the most preferable. In such situations, Raz argues, reason merely makes certain options available to us, but we are free to choose which option to perform. A second difference between the classical and rationalist approach is that on the rationalist picture of practical reason our desires are themselves seen as providing reasons for action. The modern view, as it were, sees desires as the source of reasons and values. Raz forcefully challenges this view at a number of points, arguing that far from representing reasons for action, desires themselves must be explained in terms of reasons, and thus values. We cannot, Raz argues, desire something unless we already see it as being of value.

There are two other general points about value that are accentuated throughout the essays in *Engaging Reason*. First, Raz argues for the social dependence of many values, claiming that these values only come into existence in relation to specific social practices. This, however, raises questions about the alleged universality of these values, a theme Raz takes up more fully in *The Practice of Value*. Second, Raz makes no distinction between moral values and other sorts of values. This is not incidental, as on Raz's view there is no such strong distinction to be made. This general view of values sets the stage for Raz's reply to the amoralist, the person who would claim that she does not see the validity of moral reasons. More particularly, Raz characterizes the amoralist as the person who denies that 'persons are valuable in themselves' (p. 274), and thus that there is any reason to take their interests into account in her deliberation. While traditional responses to the amoralist depend upon

trying to show that the amoralist has reason to take up the moral point of view, Raz's argument against the amoralist is based upon his rejection of the view that there is a distinct moral realm of values. Raz argues, in effect, that there is no more difficulty in convincing the alleged amoralist of the value of other persons than there is of persuading her of the value of many other things which she could take an interest in, such as, Raz remarks, 'a good wine'. Since a wide array of activities and goods are dependent upon social relationships, Raz argues that much of what makes our lives rewarding is dependent upon valuing those relationships. The question then raised is: Could the amoralist value those relationships, but in such a way that they did not value the persons within them qua persons? Raz argues that, in general, the amoralist cannot. To have a friendship, and thus the various goods that come from friendship, one must 'show concern for the friend as a person, and not merely concern for his ability to act toward one as one's friend' (p. 287). In other words, in order truly to value someone as a friend, we must take it that the friend has value independent of us. While such an argument, as Raz admits, does not show that a person could live a life without valuing persons at all, it does show that any person who wishes to live an enriched life will also be led to the acceptance of moral considerations.

Similarly, Raz argues in the last essay in *Engaging Reason* that the apparent conflict between self-interest and morality is less troubling than it would seem. Raz maintains that moral considerations are not different in kind from other sorts of considerations that we appeal to in our decisions and contribute to our well-being in the same way. As such, while moral considerations may at times conflict with non-moral considerations in our deliberation, there is nothing unique about this conflict. Indeed, on his view this conflict is the same as the conflict we often face between various non-moral considerations. As Raz puts it, 'sacrifices for morality's sake are like all sacrifices, like sacrifices where no moral considerations are involved, a matter of giving up something one cares a lot about for the sake of something else one cares about' (p. 318).

As previously noted, the lectures contained in *The Practice of Value* take up the thesis concerning the social dependence of values in a more sustained fashion. Raz's aim is to develop an account of value that recognizes the social dependence of many values, while avoiding the spectre of social relativism. In doing so, Raz first argues for the social dependence thesis, which asserts that, with some exceptions such as bare sensual pleasures, intrinsic values are dependent upon sustaining social practices for their existence. For example, the value that I find in a good science fiction novel could not exist were it not for a certain configuration of social practices (technological, aesthetic, cultural, etc.) that served as the 'background' which made this literature possible. Indeed, following this literary example, Raz makes use of the notion of genre-dependence to refer to values of this sort. The standards that determine genre-dependent values are inherent to the kind of object or activity in which the values are exhibited. Thus, what makes a good science fiction novel good can only be determined in relation to the standards of the genre of science fiction, and the values constitutive of that genre.

Raz uses the notion of genre-dependent evaluation to argue for the claim that we can have social dependence without social relativism. There are two

parts to the argument that are crucial. First, Raz argues that though social practices are necessary for the emergence of a value, they are not necessary for the continued existence or application of that value. The standards of, say, Baroque architecture, could not have existed were it not for the sustaining cultural practices that brought this genre into existence, but once these values are established, we can objectively appeal to them in judgements that are unrestricted in scope. As Raz puts it, 'once a value comes into being, it bears on everything, without restriction' (p. 22). I can, as it were, perfectly well say of any building whether it exhibits the values of Baroque architecture. Second, this notion allows Raz to argue for value pluralism without value relativism. Since there are distinct ways of being good (i.e. diverse genre-dependent goods), this view allows for a diversity of values. And, since it may be impossible to instantiate all of these values within a particular activity, life or society, the view allows for divergent judgements as to which arrangement of values is most desirable. Rival views of which combination of values ought to be realized can exist on this account, even when the competing accounts each appeal to objective, though genre-dependent, values. As Raz puts it, our decisions about which values ought to be realized can be governed by objective standards, but nonetheless underdetermine our judgments about value.

In their responses, Korsgaard, Pippin and Williams each take on aspects of Raz's attempt to argue for social dependence and moral pluralism on the one side while avoiding social relativism on the other. Korsgaard challenges the view that the source of value is to be found in social practices. While admitting with Raz that many values would not be realized in the absence of social practices, Korsgaard argues, in good Kantian fashion, that it is ultimately the nature of the valuers themselves that is the source of those values. On Korsgaard's view, 'the value of values comes from valuers, and not the reverse' (p. 85), and she believes that this fact provides more stringent grounds for determining what we can appropriately value. Pippin, like Korsgaard, wonders about the implications of Raz's view for the grounding of value judgements. However, Pippin's concern is not with providing a more universal ground for evaluative judgements, but with suggesting that the implications of Raz's claims regarding the social dependence of values may be more conducive to the social relativist's position than Raz himself acknowledges. In this respect, Pippin argues that the social and historical contingencies involved may cut rather more deeply into our evaluative practices. Indeed, Pippin suggests that Raz's attempt to distinguish between the social contingency of values and our first-order reflection upon the application of these evaluative concepts falters once we fully account for the ways in which our cultural and historical locatedness influences our evaluative judgements. In a similar vein, Bernard Williams challenges Raz's notion that once a value comes into existence it bears on everything, without restriction. What, Williams queries, are we to make of the claim that ancient societies failed to value human rights? If the social conditions were not present for the existence of this value in those societies, to what extent does it make sense to say that this value, now realized, can be applied to them? In raising these questions, Williams seeks to drive a wedge between Raz's claims that values are both socially dependent and that the scope of their application is non-relative.

In his response, Raz clarifies and defends his general position on value in light of his commentators' remarks. To touch upon just one part of his response, Raz expands upon his claim that once a value comes into being it bears upon everything. Raz argues that formally once a value emerges it can be applied to everything, without temporal restriction. However, since values are genre-dependent, Raz also argues that they can only be properly applied to things within the genres to which those values belong. To determine whether something is good or not on this view, we must know both the genre to which it belongs and whether it is a good of its kind. Thus, Raz argues, we can have value pluralism without value relativism. Though intriguing, I am not sure whether Raz's response here fully alleviates the relativistic concerns raised by his commentators. Briefly, I would note that Raz admits that many activities and objects can be viewed as instances of diverse genres. Disagreements about value thus will often reflect disagreements on which genre something properly belongs to. However, there would not seem to be any objective way to arbitrate such disagreements on this view, since there would not seem to be any non-relativistic reasons that determine genre membership in such cases. That is, it would seem that judgements about genre membership themselves must appeal to some value or other in determining why something is more appropriately viewed as an instance of one genre rather than another. Indeed, I suspect that in many cases the dependence between values and genres that Raz points to often runs in a rather different direction than he suggests, since our judgements about genre membership are themselves inherently evaluative in nature. Such a consideration at least suggests that Raz will need to elaborate further upon the nature of genre-dependent judgements and the implications of this view for understanding the nature of evaluative disagreements in the future. That being said, I would reiterate that Raz's treatment of issues surrounding practical reason and value in both of these volumes is wide-ranging and his argumentation dense. I have only touched upon some of the many important and elucidating discussions of these topics that readers will find in these works. And, I have no doubt that his discussion of these interrelated topics will play a central role in shaping the debate surrounding these philosophically prickly subjects for years to come.

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doi:10.1017/S0953820806262125

**Jeremy Waldron**, *God, Locke, and Equality: Christian Foundations in Locke's Political Thought* (Cambridge: Cambridge University Press, 2002), pp. xii + 263.

This book contains Waldron's 1999 Carlyle Lectures at the University of Oxford. In it Waldron attempts to wed Locke's defence of the moral equality of human beings to his background theological commitments. On the way to doing so, Waldron explores a number of themes more or less related to his central thesis: the foundation of claims of equality in political theory; Locke's

(somewhat shaky) commitment to the equality of women and to the immorality of virtually any form of modern slavery; the right and obligation of charity; and ultimately, religious toleration.

He concludes by attributing to Locke the view that without a commitment to a divine author of our being, one cannot fully understand and endorse the fundamental equality of human beings. If Locke is correct, then a secular political philosophy cannot be committed to equality in a fundamental way, contrary to what Rawls and other defenders of political liberalism argue. One could, for instance, advance practical consequentialist defences of equality, but the idea that all persons are moral equals, deserving of equal concern and respect, must remain unfounded for the unbelieving.

In order to make this claim, Waldron admits that he has relatively little text to go on. Devotees of the writings of Locke know as well that what text there is often conflicts with itself. Waldron admits, for example, that while Locke endorses fundamental equality for all human beings in the *Second Treatise*, Locke also mentions that it is 'natural' for a wife to defer to the will or judgement of her husband. C. B. Macpherson and others have attributed to Locke the idea that the 'lower orders' are less rational, and therefore less equal, than the bourgeoisie. So Locke's commitment to equality itself has always been in question, as many feminist philosophers and social egalitarians have pointed out.

These lectures succeed in showing that, despite what one might have thought from the vast recent literature on Locke, there is indeed more to be said – both about the interpretation of Locke and about the implications of those views for contemporary political philosophy. Waldron points to tensions, for example, between what Locke apparently argues in the *Essay* about natural kinds (there aren't any) and what he says in the *Second Treatise* (that humans are obviously, naturally, and deeply set apart from other species subordinate to us, and that this is fundamental to our equal political status). He also points usefully to Locke's precursor of the idea of an overlapping consensus: the idea that even Hobbists (atheistic rational egoists) can have reasons to comply with the law, just as do others, although the reasons might not be the same.

Nevertheless, those who find Locke's philosophy still interesting and even useful may not be persuaded of Waldron's central claim, and might even find it disturbing. Waldron is not the first to argue, as John Dunn and others have, that religion is not an extraneous feature of Locke's thinking. However, given that Locke nowhere explicitly defends the relationship between monotheistic belief and equality, much of the support for this link comes from the idea that fundamental equality can be defended no other way. Here, especially in chapter 8, "Tolerating Atheists?", the views of Waldron and those attributed to Locke become entangled. Waldron worries that Locke has given us reason to doubt that we should, as Rawls and others have argued, exclude particular religious and moral beliefs from our public deliberations. But the high degree of interpolation here means that to question Locke's reasoning is to question Waldron's. Yes, Locke does claim (as Waldron persuasively argues) that atheism is a menace; but is Locke really saying that it is a menace because atheists can have no basis for believing in the equality of all men (p. 240)? While it is true that atheists cannot accept the idea that we are all creations of God and

therefore his property and subject to his will, surely an atheist can accept Locke's argument in the *Second Treatise* that no purported inequality in our natural features (such as gender or particular talents and abilities) could justify a natural authority over others. Similarly, one could extend this argument to the claim that no natural feature confers upon us any intrinsic moral value that would make us superior to others. This 'show me' argument, whereby Locke rejects any of Filmer's alleged criteria for natural authority and then considers that there are no other contenders, seems available to the believer and non-believer alike. Moreover, as Waldron himself argues, persons can be motivated to treat others as if they were moral equals even if the motivation is self-interest. What, then, makes the atheist so dangerous? And aren't there many cases of believers who find themselves insufficiently motivated by the threat of damnation?

While I confess I am not persuaded by Waldron's argumentation here, I see promise in trying to connect these issues in the interpretation of Locke to the contemporary issue of liberal neutrality and religious commitment.

Waldron is surely right to press liberal theorists for a more explicit justification of basic moral equality. One can only hope that the audience of this engaging volume extends beyond that of Locke scholars, who will surely find it essential reading.

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